

# Copyright Compliance Procedures

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## 1. Governing Policy

[Legislative Compliance Framework](#)

## 2. Purpose

Copyright are legal rights granted to copyright owners that protect how material can be used. Flinders University staff and students frequently use copyright material owned by third parties. These procedures:

- a. support the responsible use of copyright material for teaching, research and other University business
- b. ensure staff and students respect the legal rights of copyright holders and comply with copyright laws, and
- c. enable the University to meet its legal reporting and monitoring obligations.

## 3. Scope

- a. These procedures apply to all [staff](#) and students in respect of copyright held by third parties, regardless of whether the copyright material is in digital or non-digital format.
- b. These procedures must be read and applied in conjunction with the [Digital Security Policy](#) and related procedures.
- c. The management of University-owned copyright is governed by the University's [Intellectual Property Policy](#) and related procedures.

## 4. Definitions

<b>Copyright</b>	The right to reproduce, publish, perform, communicate and adapt material, as granted by the <a href="#">Copyright Act 1968 (Cth)</a> and international copyright laws in respect of literary works (including computer programs), dramatic, musical or artistic works, sound recordings, cinematograph films, published editions or broadcasts.
<b>Staff</b>	For the purposes of this policy, staff includes: <ul style="list-style-type: none"><li>• employees</li></ul>

	<ul style="list-style-type: none"> <li>• exchange staff and visiting academics</li> <li>• employees of controlled entities and affiliated clubs and associations who are under the direction or control of the University</li> <li>• other individuals who perform paid or unpaid work on behalf of the University (e.g. contractors, consultant, persons with academic status, volunteers)</li> <li>• members of Council and its sub-committees.</li> </ul>
<b>Statutory licence</b>	Means a licence obtained by Flinders under Part IVA of the Copyright Act 1968 which permits Flinders as an educational institution upon payment of an annual licence fee to copy or communicate certain copyright works and broadcasts for educational purposes.

## 5. Procedures for staff

### 5.1. Compliance

- All [staff](#) must comply with the provisions and exceptions contained in the Copyright Act 1968 (Cth) and any licences (whether [statutory](#) or contractual) or other legal agreements applying to the University in respect of use of copyright material.
- In addition, staff undertaking offshore activities must comply with the copyright laws of the location where the activity is taking place.
- Any use of copyright material must be in accordance with the requirements specified on the University's [Copyright website](#).
- If there is any doubt that the proposed use of copyright material is permitted, staff must consult with the Senior Librarian (Copyright & Communications) before using the material.

### 5.2. Teaching materials

- Staff must use the Library's Readings list system to collate and provide access to all textual third-party copyright material, including (but not limited to):
  - books and book chapters
  - articles and conference papers
  - both published and unpublished material
  - reports and legislation
  - plays, poems and lyrics

Use of the Readings list system for all textual third-party copyright material is required in order for the University to meet its legal reporting obligations to the Copyright Agency under statutory licence.

- The Library will ensure that all copyright material in the Readings list system is compliant and will decide the best way to provide access to students to support compliance. Links to appropriately licensed material will be prioritised over statutory licensed copies.
- Staff members must NOT upload textual third-party copyright material directly to a Learning Management System (FLO) topic site or provide access through any other means outside of the University's Readings list system.
- Staff must only use audio-visual third-party copyright material in accordance with the requirements on the [Copyright website](#). This includes (but is not limited to):
  - images (including artworks and photographs)
  - video (online videos, films etc.)
  - broadcast recordings (TV and radio)
  - music and song recordings

### 5.3. Non-teaching uses

- a. Copyright material is used in a broad range of non-teaching activities undertaken at the University, including (but not limited to):
  - i. research
  - ii. online presence, e.g. social media, website
  - iii. campus life, e.g. Plaza performances
  - iv. outreach activities, e.g. public lectures, gallery exhibitions.
- b. It is the responsibility of the staff member using the copyright material to ensure that the use is compliant. In many instances this will require an appropriate licence to be in place, noting that the statutory licence and many other copyright exceptions cannot be relied on for non-teaching uses.

### 5.4. Breaches

- a. If University IT systems are used by staff to breach copyright laws, or if the breach relates to computer programs (including software), the staff member may be subject to consequential action in accordance with the [Digital Security Policy](#) and related procedures.
- b. If the breach of copyright requirements occurs in the conduct of research, the staff member may be subject to consequential action in accordance with the [Research Integrity Policy](#) and [Breach of Research Integrity Procedures](#).
- c. A serious breach by staff of these procedures may be regarded as misconduct, and dealt with under the relevant University processes. A proven breach may result in disciplinary action, including termination of employment or contract.
- d. A breach may also result in legal action by the copyright owner against the University itself, or the individual staff member.

## 6. Procedures for students

### 6.1. Compliance

All students are expected to comply with copyright laws, and refer to the information on common copyright issues applying to students published on the University's [Copyright website](#).

### 6.2. Breaches

- a. Where a student has breached copyright owned by the University, the matter may be referred for action under [Statute 6.4 – Student Conduct](#).
- b. In the case of student assessment tasks and/or research projects, a breach of copyright laws by a student may be regarded as a failure to meet the requirements of academic integrity or responsible conduct of research, and be dealt with under the [Student Academic Integrity Policy](#) and related procedures, or the [Research Integrity Policy](#) and related procedures.
- c. If University IT systems are used by a student to breach copyright laws, or if the breach relates to computer programs (including software), the student may be subject to consequential action in accordance with the [Digital Security Policy](#) and related procedures.
- d. Other breaches of copyright law may result in legal action by the copyright owner against the student.

## 7. Investigations

- a. All reports of allegations that the University is breaching copyright must be referred promptly to the Senior Librarian (Copyright & Communication) via email at [copyright-complaints@flinders.edu.au](mailto:copyright-complaints@flinders.edu.au) or phone 8201 7593, who may carry out an investigation in any manner authorised by the Director of Library Services, in conjunction with other relevant University staff. Material may be taken down while an investigation is carried out.
- b. Staff and students must cooperate with the Senior Librarian (Copyright & Communication) on:
  - i. any request for information about copyright compliance, and
  - ii. any investigation into a copyright breach.
- c. A staff member must undertake any action requested by the Senior Librarian (Copyright & Communication), Director of Library Services, or a staff member's supervisor to remedy a breach, where a breach is found.
- d. If a prima facie case of misconduct or breach of another University policy becomes apparent at any stage of an investigation into a breach of copyright, the matter will be referred for action in accordance with the relevant policy and related procedures.

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\* Unless otherwise indicated, this policy or procedures still apply beyond the review date.

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