



## Higher Education Programmes Copyright Policy

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## 1. General Principles

### 1.1 Definition

Copyright is an intellectual property right that protects the creator or author of a work against the unauthorised use and exploitation of the work. Including but is not limited to text, images, databases, drawings, graphic designs, logos, sound recordings, films, broadcasts, computer programs (software), and electronic material stored on local and remote drives and on internet sites.

### 1.2 Licensing

The College purchases a Licence from the Copyright Licensing Agency (CLA). This licence covers all photocopying facilities at the institution. Full guidance is available through the CLA website <https://www.cla.co.uk/>.

In addition to this licence, the institution complies with the licensing terms and conditions for the Enhanced Higher Education Supply Service (EHES), which permits the reproduction of born digital copies or scanned to digital copies of materials for course use within the virtual learning environment (VLE).

The Company Secretary is the Copyright Officer for the institution.

Library Services will ensure that Copyright Notices (explaining the principles of copyright legislation, and terms of the various licences) are made available at all photocopying facilities.

Ownership and copyright of materials produced by the Institution or its employees and students is excluded from this policy.

## 2. Implementation

It is the responsibility of the Heads of Department to ensure the implementation of this policy and any associated guidelines.

It is the responsibility of all individual students, staff, and visitors to the institution to ensure the reuse of third-party materials is carried out in full compliance with copyright law. This includes ensuring that permission has been granted for the reuse, and that the economic and moral rights of the authors or creators are protected.

Before re-using other people's work the individual must either ensure that there is licensed permission to use the work or that a copyright exception permits the use. If in doubt, it should be assumed that the works are protected by copyright and that permission is required. It is possible to check this on the Copyright Licensing Agency website <https://www.cla.co.uk/education>

If the reuse is not licensed and does not fall within an exception, permission must be sought and granted by the rights holder, **prior** to the work being completed.

Evidence of the permission to re-use the work must be kept with the related work until it is discarded. Where the work is kept as part of an archive or permanent record, evidence of the granted permissions must also be retained with the work.

Guidance and support on the licences that the institution has in place for teaching and learning and the copyright exceptions that apply to teaching and learning can be provided by the Company Secretary.

### **3. Digitised content for course packs in the Virtual Learning Environment (VLE)**

Book chapters and journal articles may be reproduced for dissemination to students as part of the support materials for teaching and learning within the permitted amount.

The materials disseminated are subject to copyright legislation and clearance, and must be recorded centrally, by Library Services, for annual reporting to the CLA.

Reproduced materials should be shared digitally via a secure institutional network, the VLE and must include a copyright declaration coversheet added by Library Services prior to sharing.

Materials may only be accessed by a named cohort of students on a named module of a named validated course, for a defined period of time. At the end of that period, access must be withdrawn. This time period will be indicated on the copyright declaration coversheet.

The CLA maintains the right to audit institutional compliance with this aspect of the legislation, and to make relevant changes to this policy at any time. Further guidance is available on the [CLA site](#).

The Library Service is responsible for the delivery of services to support delivery and compliance and will perform internal audits of validated course areas within the VLE to monitor compliance with this section of copyright legislation.

Where breaches of compliance are found, contact will be made with the Course Director, in the first instance, to recommend solutions to ensure compliance. The Library Service will work with the course team to address issues of compliance.

Where action is not taken by the course team to rectify the sharing of non-compliant materials, the breach will be raised with the Head of Department. At this point non-compliant materials will be withdrawn from the VLE.

Ongoing non-compliance may be viewed as a disciplinary offence.

### **4. Provision of accessible texts, and copyright exemption**

There are two exceptions to copyright law for the benefit of disabled people. In June 2014, the Copyright, Designs and Patents Act 1988 was updated to include all forms of disability rather than just visual impairment.

These exceptions relate to the production of copies from items which are not already available in an accessible format. This includes those which are commercially available, but not yet owned. For the purposes of clarity we define accessible as any text in an electronic format, e.g. eBook or eJournal, which may be digitally manipulated for personal use.

Where a request is made for an accessible copy of a text which is commercially available in an accessible format, but is not currently part of the institutional library collection, the Library will, as far as is possible, and subject to operational restrictions, obtain a copy of the item in electronic format and make this available through standard collection.

Under legislation, where a suitable accessible copy is available commercially on reasonable terms but cannot be purchased by the individual or the institution, no accessible copy can be made by the student, recognised helper or institution.

The Learning Support team and the Library Service will support access to electronic texts, by making a number of assistive technologies available for issue to students with no access to personal assistive technologies, as recommended through individual reasonable adjustments.

The exceptions permit the student, or the student's recognised helper, to make an accessible copy in whole or in part if the student lawfully owns or has the right to use a copy of the work. For clarity, this means that the student must own a personal copy of the text or have borrowed a copy of the text from the library for the duration of use of the accessible copies.

The exceptions also permit the institution to make accessible copies where the institution has lawful possession of 'the master copy' and where a suitable accessible copy is not commercially available (Copyright, Designs and Patents Act 1988, Section 31A).

Where the institution is asked to make accessible copies, it is recommended that all requests for accessible copies are made to the Library, who will hold the 'master copy'. Wherever appropriate, these should be made through the reasonable adjustment process conducted by the Disability Advisor.

Any copies produced by the library must be accompanied by a statement to say that it has been made under the terms of the Copyright, Designs and Patents Act 1988 (section 31B), and must also show significant acknowledgement of its source (e.g. title, author and edition), and make clear that the copy should only be used for educational purposes.

The exception does not permit any changes to the work which are not necessary to overcome the problems suffered by the disabled persons for whom the accessible copy is intended.

The CLA licence does permit type size enlargement / reduction, alternative fonts, colour adjustment (background or font) left/right justification (and other techniques to make content accessible by those visually or otherwise disabled).

Where reasonable adjustments are not requested, but there is still proof of need and impairment, requests can be made directly to the library.

## **5. Handling infringement claims**

If members of staff are accused of any infringement of copyright legislation in the course of their employment with the institution, they should contact the Company Secretary in the first instance. The Company Secretary will provide support and guidance through the process of investigation. It should be noted that a claim of ignorance of the law is not a defence under copyright law.

Where students are accused of any infringement of copyright legislation, related to their course of academic study, they should contact their tutor or course leader in the first instance. The Company Secretary will provide advice and guidance if required.