

## **ANA G. MÉNDEZ UNIVERSITY STUDENT CONSUMER INFORMATION COPYRIGHT POLICY**

### **Scope**

AGMU is an educational institution that seeks to foster the education and advancement of its students, staff, and faculty. During the course of their time as a member of the AGMU Community, individuals may contribute to new discoveries, creations, and other works in various forms of media.

The purpose of this policy is to establish the principles, and associated rights and responsibilities regarding copyright ownership for members of the AGMU Community. This policy applies to all members of the AGMU Community, including employees, students, alumni, and any other person who has access to information technology resources at AGMU.

### **Procedure**

In accordance with [United States Copyright Law, Title 17, U.S. Code, 1976](#), the [Fair Use of Guidelines of 1997](#), the [TEACH Act of 2002](#), the [Digital Millennium Copyright Act](#) , and the [DMCA exemptions of 2006](#), AGMU has established the Copyright Policy outlined in this document.

#### **A. Overview of Federal Copyright Law**

Under federal copyright law, copyright protection exists for "original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device." The copyright exists from the moment the work is fixed in a tangible medium of expression.

Copyright infringement is the act of using copywritten materials without the express permission of the copyright holder under sections 106 through 122 of the Copyright Act (Title 17, Section 501 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority may constitute an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to

\$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense for first-time offenders.

For more information on United States Copyright law, please reference:

<https://www.copyright.gov/>

<https://www.copyright.gov/title37/>

<https://www.copyright.gov/fair-use/>

<https://www.copyright.gov/title17/92chap5.html#506>

<https://www.copyright.gov/help/faq>

## **B. AGMU Copyright Policy**

All members of the AGMU community must comply with federal copyright law. This means members of the AGMU community may not make unauthorized copies or distribute, display, or perform without permission, any work that is covered by copyright, unless the use meets the test of Fair Use, described in detail [here](#), or another exception to copyright law. A work is covered by copyright if the legal requirements for copyright have been met, no exception applies, and the copyright term has not expired.

In accordance with federal copyright law, AGMU holds the copyright (as "works made for hire") in works authored by its employees who are acting within the scope of their employment.

Students typically will own the copyright to works created as a requirement of their coursework, degree, or certificate program. AGMU, however, retains the right to use student works for pedagogical, scholarly, and administrative purposes.

### **1. Independent Academic Works**

"Independent Academic Works" are works created by faculty in the scope of their employment independently for an academic purpose. Such works may include, but are not limited to, journal articles, books, poems, musical compositions, or artistic creations.

AGMU hereby transfers any copyright it has in Independent Academic Works to the employee who authored those works subject to following conditions and exceptions:

1. AGMU reserves the right to use Independent Academic Works for educational, administrative or research purposes consistent with its educational mission and academic norms and host Traditional Academic Works in institutional repositories.

2. AGMU does not transfer its copyright in Independent Academic Works when:
- a. the employee was assigned, directed, or specifically funded by AGMU to develop the work;
  - b. the work was funded as part of an externally sponsored research program under an agreement which allocates rights to the funding entity;
  - c. the work was created using substantial resources of AGMU (as determined by AGMU in its discretion); or
  - d. the work was transferred to AGMU or assigned as a condition of employment.

## 2. Joint Works

When people collaborate to author a copyrighted work, it often results in a "joint work" in which all the rights holders jointly have nonexclusive rights to use the work. Employees or students who collaborate with each other or with non-university third-parties are encouraged to describe or determine, in writing, the disposition of copyright prior to authoring the work.

## 3. Substantial Use of AGMU Resources

AGMU will hold the copyright for works created with use of AGMU resources that is equal to or exceeds the ordinary reasonable use of AGMU resources.

### **C. Notification of Copyright**

The Dean of Academic Affairs will be responsible for the enforcement of this policy and will oversee all matters related to copyright in coordination with AGMU Legal Counsel.

The Dean of Academic Affairs must, when necessary, consult legal support, or other forms of assistance, including the creation of special committees composed of members of the AGMU Community and Administration, to perform these duties.

It is the responsibility of the entire AGMU Community to be cognizant of the provisions outlined in this policy. Acknowledgement of this policy does not exclude members of the Community from being subject to any other established policies at AGMU.

### **D. Copyright Warning**

AGMU will utilize the following copyright warning on works that belong to the University, as appropriate:

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### **Disciplinary Measures**

Any member of the AGMU Community who is deemed to be in violation of the stipulations contained in this policy will be subject to disciplinary actions in alignment with the severity of the offense. Matters regarding students will be adjudicated in accordance with the AGMU Student Code of Conduct. Potential issues or violations will be referred to the Dean of Academic Affairs, who will evaluate the situation, and provide a resolution or confer with legal counsel and Human Resources in order to determine the appropriate response.