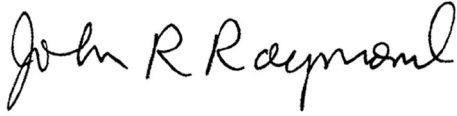
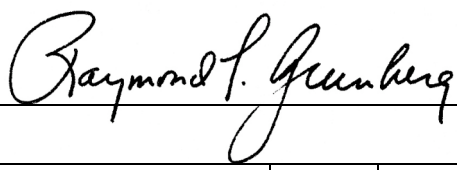


**MEDICAL UNIVERSITY OF SOUTH CAROLINA
OFFICE OF ACADEMIC AFFAIRS AND PROVOST
POLICY MEMORANDUM**

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|---------------------|---|--|----------------------|
| | | MEMORANDUM ID: | AA-2008-02-EDUCATION |
| TITLE: | MUSC COPYRIGHT POLICY | | |
| ORIGINATOR: | UNIVERSITY EDUCATION INFRASTRUCTURE COMMITTEE | DATE: | 9/14/2007 |
| REVIEWED/APPROVED: | DATE: | SIGNATURES: | |
| DEANS' COUNCIL | JANUARY 21, 2008 |  | |
| PRESIDENT'S COUNCIL | JANUARY 30, 2008 |  | |
| IMPLEMENTATION: | IMMEDIATELY UPON APPROVAL | DATE: | JANUARY 30, 2008 |
| DISTRIBUTION: | MUSC FACULTY AND STUDENT HANDBOOKS | | |

I. Rationale

The use of intellectual property, such as materials protected by copyright, is affected by the ownership rights in those materials. In our educational environment and as members of the MUSC community, we recognize the value of those rights and restrictions on the use of copyrighted material as expressed in the copyright laws of the United States. Because of advances in technology and the ease of copying, transmitting, distributing, adapting, displaying, or performing copyrighted works, individuals should be aware of the copyright implications of using a wide range of materials. Copyright violations related to printed materials, materials in digital format, audio and video recordings, music, Internet transmissions, computer programs and databases, or any other types of materials create potential legal liability for the University and individual users.

II. Policy/Principles

All members of the MUSC community—faculty, staff, students, volunteers, and patrons—are expected to make a good faith effort to respect the rights of copyright owners. To support MUSC's mission to create, discover, and disseminate knowledge and to further MUSC's primary purposes of teaching and research, MUSC supports the responsible, good faith exercise of the following principles:

1. Most materials (regardless of form, format, or copyright notice) are protected by copyright. The user should assume a work is copyrighted regardless of whether the work has a copyright notice unless it is determined that the particular work is not protected.
2. A good faith attempt to secure permission from the copyright owner is required before copying, transmitting, distributing, adapting, displaying, or performing copyrighted works.

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3. Permission from the copyright owner might not be needed if the use falls within certain exceptions. For example:

- Some uses may be permitted under the “fair use” doctrine (codified in 17 U.S.C. §107) in certain circumstances and for specific purposes if the weighing of several factors favors a reasoned conclusion for fair use. These factors include:
 - (i) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
 - (ii) the nature of the copyrighted work;
 - (iii) the amount and substantiality of the portion taken in relation to the copyrighted material as a whole; and
 - (iv) the effect of the use upon the potential market for or value of the copyrighted material.
- Educators and students may perform or display (not copy) a copyrighted work in the course of face-to-face and distance-education teaching at a nonprofit educational institution in a classroom or other place normally devoted to instruction (codified in 17 U.S.C. §110).
- Certain library reproduction rights (codified in 17 U.S.C. §108).

Members of the MUSC community who disregard this Copyright Policy may violate state statute and University policies as stated in the Medical University Faculty Handbook, which is made a part hereof by reference.

III. Copyright Resources

For assistance with copyright matters, faculty and students are encouraged to consult with the MUSC Library staff or the University General Counsel. Questions regarding general intellectual property ownership may be referred to the MUSC Foundation for Research Development.

IV. Access

The Copyright Policy will be available from the Office of the Provost and Vice President for Academic Affairs and Provost. It will be distributed digitally and by hardcopy to all units reporting to the Provost, and be maintained on the Provost website www.musc.edu/academic. The policy will also appear in the Medical University Bulletin (on the Medical University website) and the MUSC Faculty and Student Handbooks. The Vice President for Academic Affairs and Provost will be responsible for monitoring and maintaining the policy. The policy will be reviewed for revision as needed. This memorandum is a public document and has no restriction for distribution.

Medical University of South Carolina

Coursepack Copyright Compliance Guidance

1. Use the Coursepack Analysis flowchart to determine if your coursepack/syllabus is compliant with copyright law. A coursepack is considered to be a compilation of materials that are handed out to students as part of a mediated class.
2. This flowchart only covers the topic of copyright compliance. You still must comply, if applicable, with other pertinent policies and regulations, including HIPAA. If you are using actual patient information, data, photographs, or other patient information, you must complete a HIPAA compliance certification available from the MUSC HIPAA officer.
3. The Fair Use exemption for handouts to students favors a spontaneous desire on the part of the faculty member to use the work of another for timely course related information to the students. Repeated use of the same material (i.e. from semester to semester) is disfavored.
4. Compliance with Fair Use in a coursepack scenario generally requires that copied materials be provided at cost and not for a profit.
5. The MUSC Faculty member who creates the coursepack is responsible for complying with these guidelines by following the Coursepack Analysis flowchart and completing the required documentation. If you contribute the work of another to a coursepack, you are responsible for providing to the coursepack organizer assurance that use of the work comports with this guidance.
6. For additional information or assistance contact the University General Counsel.

MUSC Course Pack Analysis Flowchart

