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## 1 PURPOSE

- 1.1 The purpose of this policy is to outline responsibilities and procedures regarding the reproduction and communication of third party copyright material:
- to reduce the risk associated with copyright infringement; and
  - to assist staff to make full legal use of the materials at their disposal

## 2 SCOPE

- 2.1 CQUniversity is both a producer and a consumer of copyright materials.
- 2.2 This policy relates to all users of copyright material within the University, including academic and administrative staff, as well as students. In particular, it outlines the responsibilities of the University for centrally managing copyright compliance, and for staff in the reproduction and communication of copyright material as teaching and learning materials.
- 2.3 Policy matters regarding the production of copyright material by CQUniversity and its staff are covered in the University's [Intellectual Property and Moral Rights Policy](#).

## 3 POLICY STATEMENT

- 3.1 In Australia, copyright law is contained in the [Copyright Act 1968 Cth](#) as amended by the [Copyright Amendment \(Moral Rights\) Act 2000](#).

- 3.2 Copyright law is designed to provide a balance between rewarding creators for their works, thus encouraging further creativity, and ensuring reasonable access by users to those works. The *Copyright Act* protects both the economic and moral rights of creators. Economic rights are transferrable, while moral rights are not. The *Copyright Act* includes sections setting out the exclusive rights of copyright owners and the moral rights of creators, as well as sections which specify the rights of users of copyright material.
- 3.3 CQUniversity is a signatory to three licence agreements between Universities Australia and various copyright collecting agencies who act on behalf of owners of copyright works and other subject matter.

| Licence Agreement  | Collecting Agency                                  | Authority  |
|--|--|--|
| Print and Graphic Copying and Electronic Communications Sampling Agreement | Copyright Agency Limited (CAL)                     | Statutory Licence Agreement under Part VB of the <i>Copyright Act 1968</i> |
| Audio-Visual Copying and Communication Sampling Agreement                  | Audio-Visual Copyright Society Ltd (Screen rights) | Statutory Licence Agreement under Part VA of the <i>Copyright Act 1968</i> |
| Music and Sound Recordings (Covers limited use, recording and performance) | AMCOS, APRA, PCCA and ARIA                         | Non-exclusive commercial licence agreement                                 |

- 3.4 Under these agreements, the University pays an annual fee so that staff can make prescribed use of copyright materials for the purposes of providing course materials for students, without the need to ask for permission from the copyright owner. Copies of the agreements, and guidelines for their use, are made available to all staff on the [Copyright website](#).

These collecting agencies require the University to regularly report on its usage of copyright material.

## 4 RESPONSIBILITIES

### Compliance, Monitoring and Review

#### Senior Deputy Vice Chancellor (International and Services)

- 4.1 The Senior Deputy Vice Chancellor (International and Services) is the Senior Management representative responsible for copyright compliance at CQUniversity and provides advice to the Vice-Chancellor on any agreements to be signed as a member of Universities Australia and copyright compliance within CQUniversity.

#### Copyright Officer

- 4.2 The Copyright Officer undertakes duties required by the University to meet its copyright obligations under the legislation and coordinates the maintenance of a centralized management approach to the access, interchange and delivery of information across the whole University. This includes being the central point of contact for all audits and surveys conducted for or by the various collecting societies. The Copyright Officer coordinates the provision of copyright advice to staff and students.

The Copyright Officer is the "designated representative" for the purposes of receiving Takedown Notices regarding suspected copyright infringement on the CQUniversity website and the downloading or transmitting of online media using the University's ICT facilities or devices.

The Copyright Officer reports to the Deputy Director Learning Environments and Libraries.

#### CQUniversity Library Services

- 4.3 The Deputy Director Learning Environments and Libraries is responsible for ensuring that CQUniversity Library complies with all aspects of the *Copyright Act 1968*, in particular the sections regarding "Copying of works in libraries or archives". This includes putting procedures in place to ensure that any requests for

photocopying or electronic document delivery done on behalf of staff or students is carried out within the limits of the legislation, and include the relevant Copyright Declaration Forms and Notices.

CQUniversity Library is responsible for the University's Course Resources Online (CRO) service. Course Resources Online is a collection of digitised resources where there are insufficient hard copy/print versions available to meet the anticipated demand by on-campus or off-campus students. It also manages authenticated access to online media files via the University's streaming server, where permission has been received from copyright owners. Access to all online reading and audio-visual resources must be arranged through the Library's Course Resources Online (CRO) service, and must not be located on the University's Learning Management System (LMS) or individual unit websites created within Schools, without express permission from the copyright owner. Permissions received must be lodged with the CRO service for recordkeeping and reporting purposes.

The Library, on behalf of the University, enters into a number of commercial arrangements for access to third party copyright material contained in electronic databases subject to certain conditions. Most of these contracts allow staff and students to download or print the full text of an article or book chapter for their own personal research or study.

The **Deputy Director Learning Environments and Libraries** is responsible for online database license agreements and the centralized management and recording of the online communication of resources by staff of the University. Infringement of licence conditions is monitored by database vendors and reported to laTD who is required to investigate all notified.

### **Information and Technology Directorate (laTD)**

- 4.4 The Chief Information Officer, Information and Technology Directorate is responsible for the overall compliance of the CQUniversity internet web presence.

However relevant staff of various operational units are responsible for ensuring the copyright compliance of content uploaded onto CQUniversity web pages.

The Chief Information Officer, laTD is responsible for the provision of the University's designated Learning Management Systems (LMS) which enables academics to create web-based units.

However responsibility for the content rests with the Unit Coordinator or individual academics responsible for uploading content. As specified below, Unit Coordinators must ensure that all material used on the CQUniversity's web pages for which they are responsible (including on the designated Learning Management Systems) is copyright compliant.

In consultation with appropriate members of the Senior Executive or other stakeholders, the Chief Information Office, laTD may impose conditions on access to the university network, systems and databases, in order to comply with the provisions of the *Copyright Act 1968* and/or the terms and conditions of its contractual arrangements with information providers and software distributors. laTD may be called upon to monitor and /or provide details of individual students or staff whose computer usage indicates infringing activity.

### **Deputy Director, Student Governance Centre**

- 4.5 The Deputy Director, Student Governance Centre is responsible for administering the process related to releasing past examination papers on the CQUniversity website as a study resource.

Student Governance Centre will only release a paper when approval has been given by the Library's CRO staff who have verified that the materials fall within the limits specified under Part VB of the *Copyright Act* (1968).

### **Unit Coordinators**

- 4.6 Unit Coordinators are responsible for:
- checking and confirming the copyright compliance of resources used within their course materials in each term of offering and

- identifying third-party material in any exam paper before it is released to the past examinations website.

If the Unit Coordinator is not the original developer of the unit, or is assigned the role without involvement in the pre-term materials preparation or revision, it is their responsibility to check with the unit developer, Head of Course or Dean of School for assurance that copyright compliance has been addressed.

Unit Coordinators must liaise with the Library's CRO staff to check if the materials fall within the limits specified under Part VB of the *Copyright Act* (1968).

## Staff

- 4.7 All employees of CQUniversity who reproduce and /or communicate copyright material have an obligation to develop their knowledge and understanding of the relevant requirements of the *Copyright Act 1968*.

Staff are also bound by the terms and conditions of any licence agreements which the University has entered into with collecting agencies or information providers.

All employees are responsible for ensuring that any content downloaded from the internet or uploaded to personal websites which are hosted on any CQUniversity servers does not infringe copyright - see also the [Acceptable Use of Information and Communications Technology Facilities and Devices Policy and Procedure](#).

All employees should ensure that they do not instruct, authorise or condone any infringement of the Act by students, other staff or visitors to the University.

Staff should not make multiple copies or resources for distribution to students from online databases subscribed to by the Library without first consulting with the library to determine the terms and conditions of individual licence agreements. Staff should consider directing students to access any required readings themselves through the Library's online resources.

Occasionally, academic staff may seek permission to use third-party copyright material beyond the limits of the University's licence agreements directly from the copyright owner. This permission should be sought in writing, specifying the terms and conditions of use, and lodged with the Library's CRO staff for central recordkeeping. Permission form templates are available from the University's Copyright website: [www.cqu.edu.au/copyright](http://www.cqu.edu.au/copyright)

## Students

- 4.8 Students can make a copy of a "reasonable portion" of copyright material under the Fair Dealing provisions in the Copyright Act, for the purposes of research or study. Students should consult the guidelines on the Copyright website to gain a better understanding of the amounts and uses considered to be "fair".

Students should note that the University does not in any way condone the use of University equipment or systems for any type of copyright infringement. In particular, computers or dial-up internet accounts should not be used to download infringing copies of music, videos, games or unlicensed software, see the [Acceptable Use of Information and Communications Technology Facilities and Devices Policy and Procedure](#).

Information and guidelines for the use of Third-Party copyright materials are provided on the Copyright Website.

## Reporting

- 4.9 No additional reporting is required.

## Records Management

- 4.10 Staff must maintain all records relevant to administering this policy in a recognised University recordkeeping system.

## 5 DEFINITIONS

5.1 Terms not defined in this document, may be in the University's [glossary](#).

### Terms and Definitions

**Unit Coordinator:** the member of academic staff who is assigned responsibility for the preparation and delivery of an individual unit at CQUniversity. The role is defined in the Multi-Campus / Teaching Site Academic Roles and Responsibilities Policy (commonly known as the Roles and Responsibilities Document).

**Unit materials:** those works generated or used by staff for teaching and learning purposes. These shall include, but are not restricted to:

- lectures, lecture notes, study guides, resource materials, unit profiles, websites, online learning systems, in any format, including print, electronic and audio-visual;
- computer programs or software provided for the teaching of a unit of study; and
- literary, dramatic, musical or artistic works incorporated as part of a learning experience.

**Takedown Notice:** any communication received notifying that material posted on the university website or network is alleged to be a copyright infringement. (Section 3A of the Copyright Regulations 1969).

**Third-party copyright material:** all material for which the copyright is not owned by CQUniversity.

## 6 RELATED LEGISLATION AND DOCUMENTS

[Copyright Act 1968 Cth](#)

[Intellectual Property and Moral Rights Policy](#)

[Acceptable Use of Information and Communications Technology Facilities and Devices Policy and Procedure](#)

[Internet Website and Web Content Management Model Policy](#)

## 7 FEEDBACK

University staff and students may provide feedback about this document by emailing the policy office at [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 8 APPROVAL AND REVIEW DETAILS

| Approval and Review                      | Details                              |
|--|--------------------------------------|
| Approval Authority                       | Vice-Chancellor and President        |
| Advisory Committee to Approval Authority | Vice-Chancellor's Advisory Committee |
| Administrator                            | Chief Information Officer            |
| Next Review Date                         | 7/09/2019                            |

| Approval and Amendment History       | Details   |
|--------------------------------------|---|
| Original Approval Authority and Date | Vice-Chancellor and President 31/07/2001  |
| Amendment Authority and Date         | Vice-Chancellor and President 7/12/005; Copyright Advisory Committee 3/08/2006; Vice-Chancellor and President 24/04/2008; Updated on 14/09/2009 to include CQUniversity's new logo, title and CRICOS code; Vice-Chancellor and President 11/06/2013; Vice-Chancellor and President 7/09/2016. |
| Notes                                |   |