

Copyright Policy

I. Preamble.

As both a producer and consumer of protected works, Liberty University (the University) is committed to creating an educational environment that promotes excellence in the teaching, research, and publication efforts of University faculty, staff, and students, while also respecting the intellectual property rights of others.

II. Scope and Application.

This Policy is binding on the University and all University faculty, staff, and students. Compliance with this Policy, as amended from time to time, is a condition of faculty, staff, and student employment, their use of University resources and facilities, and their participation in any research and educational programs. Compliance is also a condition of enrollment for students.

III. Administration of Policy

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1. Duty to Disclose Copyrightable Works.

University faculty, staff, and student creators must promptly disclose to the University all copyrightable works in which the University may have a claim under this Policy. Such disclosure should include a description of the circumstances surrounding the creation of the work, a list the University resources that were used in creating the work, and the names of any persons who might claim an interest in the work. Such disclosure by faculty and staff in academic areas should be made to the Provost while such disclosure by other University employees should be made to the Executive Director of Technical Operations. If a faculty, staff, or student creator is not sure whether the University has an ownership claim under this Policy, the creator should disclose the work.

2. Transfer of Rights to Creators.

It is understood that Liberty University reserves the right to waive any claim it otherwise might have in the publications of a faculty or staff member. The copyright claim will not be considered to have been waived unless such waiver occurs in writing and is signed by both the faculty or staff member creator and a designated representative of the Provost.

Faculty, staff, or student creators can request that the University transfer its ownership rights in University-owned works by submitting a written request to the Provost or Online Provost, who will determine, in his sole discretion, whether to transfer the ownership rights to the faculty, staff, or student creator.

3. Responsible Parties.

- Provost or Online Provost. The Provost or Online Provost is responsible for administering this policy and, in consultation with the Office of Legal Affairs, for interpreting this Policy as it applies to questions of legal use, potential copyright infringement, and copyright ownership.
- Office of Legal Affairs. The Office of Legal Affairs is responsible for consulting with and advising the Provost or Online Provost regarding legal issues and actions related to this Policy. The Office of Legal Affairs is responsible for the periodic review and revision of this policy.
- Information Technology. System administrators and technology engineers are responsible for consulting with and assisting the Office of Legal Affairs on technology issues when an individual allegedly has used University equipment for the unauthorized download or sharing of copyrighted works. The Chief Information Officer is also responsible for registering with the Library of Congress as the university agent authorized to receive notification of claimed infringements of copyright.
- Jerry Falwell Library (JFL). The JFL is responsible for advising faculty and academic staff on classroom use, academic papers, course reserves, and obtaining permission. The JFL is also responsible for consulting with the Office of Legal Affairs on copyright issues arising in the context of such advice concerning fair use, copying and the like.
- Technical Operations and the School of Music. Technical Operations and the School of Music are responsible for advising on broadcasting musical performances, licensing and recordings. The School of Music is responsible for advising on performance of music, playing of recorded media and classroom use. Technical Operations and the School of Music are also responsible for consulting with the Office of Legal Affairs on such copyright issues.

- Copyright Dispute Resolution Committee. Disputes concerning the application of this Policy must be brought to the Provost or Online Provost, who will refer the matter to the Copyright Dispute Resolution Committee, which shall then report its recommended decision for resolution of the dispute to the Provost or Online Provost, to the academic dean or administrative vice president concerned, and the General Counsel. The Office of Legal Affairs may advise the Committee and the Provost or Online Provost but may not have any of its attorneys serve as a member of the Committee. The decision of the Provost or Online Provost will be final. The Provost or Online Provost shall render a determination within ninety days of receiving written notice of the dispute. If the Provost or Online Provost fails to render a decision within ninety days, the University will be deemed to have relinquished any rights to the disputed copyright.

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4. Licensing and Revenue Sharing

The University may be willing to reward faculty, staff, and students who create Institutional Works. As the University has recognized in the case of patents, it may be appropriate for faculty, staff or students to share in the revenues from the intellectual property they have a hand in creating. The share may vary from case to case, depending on the contribution of the faculty member as well as the costs incurred by the university and others. Whether or not the University will enter into agreements for licensing and revenue sharing will be at the sole discretion of the Provost or Online Provost and any such agreements must be in writing signed by the President.

5. Other Intellectual Property

- Trade and Service Marks. Liberty University devotes substantial resources to developing and protecting the Liberty University brand, which includes many federally-registered trade and service marks. Rights in all marks related to Liberty University are owned by the University.
- Patents. Ownership of works that are both copyrightable and patentable will be governed by Liberty University's Inventions and Patent Policy.
- Proprietary Information and Trade Secrets. A trade secret is information that is not generally known, that may or may not be copyrightable or patentable, and that provides competitive advantages to the owner. The processes and modes of operation of Liberty University are examples of such trade secrets. They are considered confidential and proprietary information, and are owned by the University.

IV. Use of Copyrighted Works

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1. Compliance with Copyright Law.

The University is dedicated to ensuring that all faculty, staff, and students comply with copyright law codified at 17 U.S.C. 101 et seq. and all related law governing and protecting intellectual property. Except as permitted by law, faculty, staff, and students shall not reproduce, distribute, display publicly, perform, digitally transmit (in the case of sound recordings), or prepare derivative works based upon a copyrighted work without permission of the copyright owner.

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2. Fair Use and Other Exemptions.

In recognition of its mission to further teaching, learning, and research, the University is committed to fostering an environment that provides for the fair use of copyrighted works to achieve these goals while remaining in compliance with applicable laws. University users of copyrighted works are accorded the rights and privileges pursuant to 17 U.S.C. 107 (fair use), 108 (reproduction by libraries and archives), 109 (first sale doctrine and transfers), 110 (teaching exception), and other statutory exemptions and limitations to the exclusive rights granted to the owner of a copyright protected work. This Copyright Policy is not to restrict the use of works otherwise permitted under law.

3. Publication of Procedures and Guidelines.

It is the policy of the University to inform and educate faculty, students, and staff regarding federal copyright law, the rights of copyright owners, the legal obligation of the University to comply with applicable law, and the rights of the University community to use copyrighted works. Procedures and guidelines regarding the use of copyrighted works are published and maintained by the University unit responsible for the provision of the service in question in consultation with the Office of Legal Affairs.

4. University Liability for Infringement.

The Provost does not review faculty, staff, or student publications for possible copyright infringement. Therefore, any copyright infringement or other legal actions resulting from faculty, staff, or student publications are solely the responsibility of the faculty member, staff member, or student. Liberty University will assume responsibility for copyright infringement complaints only where the University has a copyright claim upon the publication as defined and explained in this Policy and has not disclaimed such interest, or has otherwise expressly sponsored the publication.

V. Copyright Ownership

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1. Individual Works.

- **Individual Works, Defined.** Individual Works are scholarly, pedagogical, and artistic works created by University faculty, staff, or students such as textbooks, books, novels, dissertations, articles, poems, musical compositions, visual works of art, and other creative works that are able to be copyrighted.
- **General Rule.** The University recognizes the longstanding tradition that copyrights of Individual Works belong to the faculty, staff, or student creators. Therefore, the University makes no copyright claim to Individual Works, except as outlined in this Policy.
- **Exceptions.** The University will hold a copyright in Institutional Works, defined below, including works that are:

i. commissioned by the University;

ii. specifically assigned by the Provost;

iii. created with significant use of University resources; or

iv. otherwise governed by contract or another provision of this Policy.

- **Shop Rights.** In the event a faculty or staff member retains copyright ownership of Individual Works created within the course and scope of his or her employment, the University will have a "shop right," or the non-exclusive, non-transferable, royalty-free, and perpetual right to use the Individual Work for teaching, research, and public service. Alternatively, if the University retains copyright ownership of Institutional Works created by faculty or staff publications under one of the exceptions listed above, then the faculty or staff creators will have a "shop right," or the non-exclusive, non-transferable, royalty-free, and perpetual right to use the original work for the creator's own teaching, research, and public service.
- **Significant Use of University Resources.** Significant use of University resources does not include use of the office space, computers and network equipment, secretarial staff, graduate assistants, and office supplies, libraries, and research database subscriptions. Use of the University's name, other than for purposes of identifying the creator, is considered a significant use of University resources.

2. Institutional Works.

- **Institutional Works, Defined.** Institutional Works are works that are created by University employees, including student employees, acting within the scope of their employment that are commissioned by the University, specifically assigned by the Provost, created with significant use of University resources, or otherwise governed by contract or another provision of this Policy. Institutional Works also include works that are created by multiple faculty, staff, or student contributions in the course and scope of their University work over a long period of time, such that each creator's contribution is not readily ascertainable.
- **General rule.** Institutional works are "works for hire," and belongs to the University.
- **Examples.** Examples of Institutional Works include, but are not limited to, video recordings of lectures that are produced at University expense, courseware, on-line course content, collaboratively developed course content, graphics created by Marketing employees, and software code created by Information Technology employees.

3. Works Created by Independent Contractors and Consultants.

Under the Copyright Act, works created by independent contractors or consultants will generally be owned by the creators, unless the works are created pursuant to a contract that specifically allocates different ownership rights. Therefore, those hiring independent contractors or consultants should have a written agreement that (i) includes an assignment of copyright to the University and (ii) requires the independent contractor or consultant to disclose to the University the creation of a copyrightable work. Any University employees, while working outside the scope of their University employment, are considered independent contractors for purposes of this Policy.

4. Use of the University's Name.

Faculty, staff, and students should be aware that use of the University's name affects the reputation of the University. Therefore, University faculty, staff, and students may not use the University's name in works in such a way that could create the impression that the University sponsored such work, when it has not, without the Provost's or Online Provost's prior written approval.

5. Copyright Notices on University-owned Works.

Faculty members, staff, and students who produce works that will be owned by the University should place the following notice on such works in order to protect the copyright: ?Copyright ? [Year] Liberty University, Inc.? All Rights Reserved.?? The year in the notice should be the year in which the work was first published.