



**Regionally Focused – Globally Engaged**

# **Copyright Policy**

**October 2021**

## History of Changes

Version	Description of Change	Authored by	Date
1.0	New Policy created to reflect the College not holding CLA license.	CMT	09/05/17
1.1	Change of dates. Page 6 change Learning Resources team to Library Manager and ISLT	Jamie McIntyre	June 2018
1.2	Review and update	Jayne Gracie	6/10/21

# Policy Statement

## 1.0 Introduction

- 1.1 This policy defines the framework within which all staff must operate in order to conform to the legal requirements of the Copyright Designs and Patents Act 1988 (as amended) and the College's copyright licences.
- 1.2 As the College no longer holds a Copyright Licensing Agency (CLA) licence, it is essential that all staff understand their own obligations under the Act.

## 2.0 Scope

- 2.1 The policy applies to all materials, as defined by the Copyright Designs and Patents Act 1988 (as amended), which may be used for learning, teaching, instruction, administration or management whether in analogue or digital form and whether intended for use within the College or as part of work on behalf of external agencies.

## 3.0 Key Principles

### 3.1 The College

- is aware that copyright is a legal, as well as a moral, right and that copyright holders are entitled to fair protection and compensation for the work that they produce;
- is also aware of the value of its own copyright material and will take necessary action to protect the intellectual property rights invested in it, or in its members, staff and students;
- states that the responsibility for adhering to the requirements of the copyright licences and legislation rests wholly with individual members of staff;
- will ensure that all members of staff are made aware of their responsibilities regarding copyright, the neglect of which may result in disciplinary action;
- will make provision for such advice, training and support as is necessary to ensure that all staff can operate effectively within the scope of the copyright licences and legislation;
- will ensure that any changes to copyright legislation or to the terms and conditions of the various educational copyright licences are communicated to staff and training provided if required

### 3.2 The individual (Borders College staff members)

- has agreed to comply with this policy and any subsequent amendments that reflect changes in the legislation;
- understands that infringement of copyright may expose the individual member of staff to legal action and claims for substantial damages;
- understands that infringement of copyright may have a negative impact on the reputation of Borders College;
- understands that no staff member may reproduce copyright works other than to the extent permitted by law or by the appropriate licences held by the College or by written permission from the copyright owner and that failure to comply may result in disciplinary action;
- understands that the individual member of staff is responsible for ensuring that the correct permissions have been obtained before reproducing any copyrighted work.

### 3.3 College Licences

The Copyright Designs and Patents Act 1988 (as amended) allows rights holders to come together to establish licencing bodies that issue licences on a collective and blanket basis.

For more information on the terms and conditions of these licences, please contact the Library Manager.

### 3.4 Support & Training

Due to the complex and ever-changing nature of copyright legislation and the licenses that the College subscribe to, staff should always seek advice and or clarification before using any protected copyright works.

The Library Manager is the primary contact for all copyright legislation and licensing enquires at Borders College. If the Library Manager is not available then staff should contact the Assistant Principal Quality and Development.

The Library Manager can also provide general guidance and support on a wide range of copyright issues. In addition, they can signpost various copyright materials that can be used in the creation of learning and teaching resources.

Information on using and creating Open Educational Resources under Creative Commons Licenses can also be provided by the Library Manager and Information Services and Learning Technologies team.

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Staff who wish to learn more about copyright can apply to attend a range of CPD events provided by the sector throughout the year.

Mandatory staff training may be required after changes to the law or College licenses.

### 3.5 Intellectual Property Rights (IPR)

Borders College retains the Intellectual Property Rights (IPR) for all materials produced by staff whilst under the employment of the College. This means that any materials produced by staff members whilst employed by the College legally belong to the College, therefore can be used and or adapted by your colleagues for use within the College.

Staff members who would like to request that they retain the copyright, should contact Library Manager for further information and guidance.

## 4.0 Responsibilities

- 4.1 The College Senior Leadership Team is responsible for setting the Policy and ensuring all staff are made aware of the Policy.
- 4.2 All staff members are responsible for ensuring their own understanding and compliance with the Policy.

## 5.0 Related Documents and References

Copyright Designs and Patents Act 1988 (as amended)  
Copyright Licensing Agency  
Educational Recording Agency (ERA)  
Intellectual Property Office

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