

COPYRIGHT POLICY AND PROCEDURE

Policy Code	OPS18
Policy Lead	Director of Learning and Innovation
Approving Authority	Board of Directors
Approval date	28 June 2024
Commencement date	01 July 2024
Next Review Date	March 2027
Version	2024.2
Relevant legislation or external requirements	<p>Higher Education Standards Framework (Threshold Standards) 2021 (HESFs: 3.3.1, 4.1 .1, 5.2.2, 7.3.3.b)</p> <p>Copyright Act 1968 (Cth)</p> <p>Copyright Amendment (Online Infringement) Act 2018</p> <p>Copyright Amendment (Disability Access and Other Measures) Act 2017</p> <p>Copyright Amendment (Moral Rights) Act 2000</p> <p>Copyright Regulations 2017 (Cth)</p> <p>Cybercrime Act 2001</p> <p>Disability Discrimination Act 1992 (Cth)</p> <p>Disability Standards for Education 2005</p> <p>Statutory Education Licence</p>
Related ASA Documents	<p>Academic Integrity Policy</p> <p>Academic Misconduct Procedure</p> <p>Intellectual Property Policy</p> <p>Learning Resources Policy and Procedure</p> <p>Records and Information Management Policy and Procedure</p> <p>Staff Code of Conduct</p> <p>Student Code of Conduct</p>

1. Purpose

This Policy and Procedure ascertains commitment for ASA Institute of Higher Education (**ASA**) to the compliance and awareness of the copyright laws related to the Copyright Act 1968 (Cth) and the Copyright Regulations 2017. It outlines the responsibilities and guidelines for identifying and managing licencing obligations and prevention of copyright breaches.

2. Scope

This policy and procedure apply to all ASA students and staff involved in the use of copyright materials.

ASA will investigate all allegations of copyright infringement performed by staff and students and disciplinary proceedings may be initiated against those responsible in accordance with the *Staff Code of Conduct, Student Code of Conduct, Academic Integrity Policy, Academic Misconduct Procedure, Intellectual Property, Records and Information Management Policy and Procedure, and Learning Resources Policy and Procedure*.

3. Principles

The key principles informing this Policy and Procedure are:

- All staff and students of ASA have the responsibility of ensuring all actions pertaining to copyright are guided by the principles of fairness and integrity and must comply with the *Australian Copyright Act 1968*.
- ASA acknowledged the importance of taking preventative measures against copyright

infringement and addressing incidents promptly.

- ASA encourages academic staff to incorporate a variety of resources into their teaching practice. It is imperative that staff, students and all other members of the ASA community follow this policy and procedure closely in order to ensure that copyright materials are utilised correctly.

4. Definitions

Term	Definition
ASA community	ASA community refers to all students and staff members of ASA.
copyright	Copyright is a broad term that encompasses certain exclusive rights of the copyright owner which can include the right to reproduce, publish, communicate, perform, adapt, copy or broadcast the material.
copyright material	Copyright material relates to anything in which copyright subsists.
educational purposes	Educational purposes refer to the reproduction (copying) and communication (sharing) of copyright protected materials for the intent of teaching students as part of a course, retaining a copy within a library, and assisting in the administration of students and courses.
moral rights	Moral rights are rights of integrity, rights of attribution and other rights of an analogous nature which may now exist, or which may exist in the future under the Act or under a law of a country other than Australia which is given effect in Australia.
open source	Open source is a copyright licence (granted by the copyright holder), enabling users to freely use, communicate, share or modify. The licence is on the content itself.
Statutory Education Licence	Statutory Education Licence allows all ASA staff to copy and share copyright materials from all over the world for educational purposes without seeking permission.
takedown notice	Takedown notice is a notice issued by a copyright owner or nominated agent acting on the behalf of the copyright owner, outlining alleged unlawful activity in ASA's networks or online environments.
third-party copyright material	Third-party copyright material is anything in which copyright subsists and where a third-party, being an individual/s or entity, owns some or all of the rights in the copyright material.

5. Policy Statement

As a creator and user of copyright materials, ASA is committed to upholding copyright law under the provisions of the *Copyright Act 1968 (Cth)*. All staff and students should be familiar with the provisions of the *Copyright Act 1968 (Cth)* and must comply with copyright laws and this policy and procedure.

This policy and procedure outlines obligations regarding the copyright laws and establishes the framework to ensure compliance with copyright legislation. ASA supports the legitimate use of copyright material and recognises that risks associated with improper use must be mitigated.

6. Policy Details

6.1 What is Copyright?

Copyright is a system that legally protects the creation of published and unpublished intellectual and creative works.

How individuals can use copyright protected materials depends upon who owns the copyright: if the material is subject of an agreement, the type of material used, how the material is used, how much of the material is used, and for what purpose the material will be used. ASA has a

responsibility to provide information and guidelines to staff and students concerning copyright.

Information and guidelines include:

- Address copyright rights and responsibilities;
- Develop, implement and support systems and processes that facilitate copyright compliance;
- Ensure there are financial, structural and administrative procedures in place to meet its obligations under the copyright legislation, and review and revise these as required;
- Monitor external developments in relation to copyright, especially copyright legislation, to revise and update policies, procedures and signage to reflect changes, and to raise awareness of any developments as appropriate;
- Ensure ASA's use of copyright materials comply with the Copyright legislation; and
- Respond appropriately to any alleged breaches of the *Copyright Act 1968 (Cth)* and *Copyright Regulations 2017 (Cth)* brought to the attention of ASA.

6.2 Responsibilities

All staff and students have a responsibility to:

- Be aware of their rights and obligations in relation to the copyright legislation;
- Adhere to the requirements of the *Copyright Act 1968 (Cth)*, *Copyright Regulations 2017 (Cth)* and ASA's policies and procedures when using copyright materials;
- Consult with the Copyright laws when developing learning and teaching materials to ensure compliance; and
- Report any alleged breaches of copyright to ASA.

6.3 Use of Copyright Materials

Educational institutions are allowed through the *Copyright Act 1968 (Cth)* to use text and images from books, research papers, newspaper and journal articles, websites and blogs, and recorded works for educational purposes as part of a Statutory Education Licence.

The Statutory Education Licence allows all staff to copy and share text, recordings and images from anywhere in the world, for educational purposes without having to seek permission.

The Statutory Education Licence allows the use of text, recordings and images from any source or format e.g. hardcopy or digital; online or offline; published or unpublished; Australian or international content.

7. Procedures and Guidelines

7.1 Compliance

ASA must comply with copyright legislation and regulations in all activities. Failure to comply is unacceptable and exposes ASA to unnecessary risk.

Any use of third-party copyright material in ASA's teaching materials or students' study purposes that are not covered by a statutory licence or exception in the *Copyright Act 1968 (Cth)* should only occur with the written permission or licence from the copyright holder.

Use of third-party copyright material for other activities, including, but not limited to, promotional or marketing, administration, projects, publications or public information sessions requires written permission or licence from the copyright holder.

All staff and students are responsible for ensuring that necessary permissions or licences are obtained. Copyright records must be managed in line with the Records and Information Management Policy and associated procedure.

7.2 What material is protected by copyright?

Copyright applies to any written or recorded work or image as soon as it is created. The duration of the copyright will depend on the type of material, usually copyright lasts for the lifetime of the creator plus 70 years.

Copyright cover includes:

- Literary works: books, newspaper and journal articles, government publications, book chapters, research papers.
- Artistic works: drawings, photographs, images.
- Music, sound recordings and video recordings.
- Film, television and radio broadcasts.
- Computer programs, software and games.
- Internet, website text, emails.

7.3 Can copyright material be used without permission?

In some situations, materials can be used without permission. These situations are covered by the 'fair dealing provisions', which allow limited copying and use of works without violating copyright. This relates to a reasonable portion of the work being copied or used for the specific purposes for study, research or review, if the copying or use is 'fair dealing'.

7.3.1 Study and Research

A student or researcher can copy:

- 10% or one chapter of a book whichever is greater.
- One article from any issue of a journal, two or more only if they are on the same subject.
- 10% of digital materials (this is accepted as 10% of the word count).
- An artistic image or graph or chart etc, may be reproduced in whole or in part.
- Under the 'moral right' legislation you must acknowledge all sources.

7.3.2 Preparing Teaching Materials

Teaching or educational content cannot use copyright protected works unless the educational institution holds a statutory licence for copying and communicating hardcopy or digital resources without permission.

All staff are to adhere to the conditions of the statutory licences. Under these licences, certain third-party copyright material can be used in ASA's teaching materials within strict guidelines. Anyone involved in the production, reproduction or delivery of teaching materials at ASA must be familiar with the obligations, including copying limits, communication restrictions and labelling requirements.

7.3.3 Expiry of Copyright

Copyright generally lasts for 70 years after the death of the creator or 70 years after its first publication. There are no copyright restrictions once the copyright expires and works are classified as in the public domain.

7.3.4 Copyright Warning Notices

- A warning notice should be attached to all digital copies of materials copied or communicated under the Part IV A Statutory Licence.
- ASA's staff must take all reasonable actions to ensure that each communication can only be received or accessed by students and staff of ASA unless written permission is given or received.
- Appropriate warning notices should be placed in the following locations or on all items and media files as required under the *Copyright Act 1968 (Cth)*:
 - a. Hard copy warning notices should be displayed beside any machines which are capable of allowing copying or communication of copyright materials by students, e.g. photocopiers, computers, scanners, and any other electronic data storage devices.
 - b. Photocopies made under the Part IV A should have a copyright notice attached (see Annexure 1).
 - c. The required electronic copyright warning notice should appear at the beginning of digital copies of material communicated under Part IV A of the *Copyright Act 1968 (Cth)*.

8. Breaches of Copyright Procedures and Takedown Requests

Any identified breaches of the copyright legislation and regulations or a takedown request will be brought to the attention of the Academic Dean or Director Learning and Innovation. Proven misconduct will be managed in accordance with the Academic Misconduct Procedure.

9. Relevant HESFs

This Policy and the associated Procedure comply with the Higher Education Standards Framework (Threshold Standards) 2021. The following are relevant excerpts and specify that:

Standard 3.3 Learning Resources and Education Support [...]

1. The learning resources, such as library collections and services, creative works, notes, laboratory facilities, student sessions, simulations and software, that are specified or recommended for a course of study, relate directly to the learning outcomes, are up to date and, where supplied as part of a course of study, are accessible when needed by students. [...]

Standard 4.1 Research [...]

1. Research and its associated activities are conducted in accordance with a research policy framework that is designed to achieve:
 - a. ethical conduct of research and responsible research practice
 - b. clarification of ownership and management of intellectual property
 - c. successful management of research partnerships
 - d. clarification of requirements for publication and authorship, and
 - e. resolution of allegations of misconduct in research. [...]

Standard 5.2 Academic and Research Integrity [...]

2. Preventative action is taken to mitigate foreseeable risks to academic and research integrity including misrepresentation, fabrication, cheating, plagiarism and misuse of intellectual property, and to prevent recurrences of breaches.

Standard 7.3 Information Management [...]

3. Information systems and records are maintained, securely and confidentially as necessary to: [...]
 - b. prevent unauthorised or fraudulent access to private or sensitive information, including information where unauthorised access may compromise academic or research integrity [...]

10. Version Control

This Policy and procedure has been reviewed and approved by the ASA's Board of Directors as at March 2024 and is reviewed every three years.

This Policy and procedure are published and available on the ASA website <https://www.asahe.edu.au/policies-and-forms/>.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2024.2	Project Officer	Document formatting updated to reflect change of Trading Name to ASA Institute of Higher Education	28/06/2024 by CEO	01/07/2024
2024.1	Director Learning and Innovation	New document.	01/03/2024	08/03/2024

Annexure 1: Copyright Warning Notice – Electronic Use

(Copyright Warning Notice – Electronic Use)

WARNING

This material has been reproduced and communicated to you by or on behalf of ASA Institute of Higher Education pursuant to Part IV A Division 4 of the Copyright Act 1968 (Cth) (the Act).

The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.