COPYRIGHT POLICY

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Policy contributors: M Stasiak, E Page, Uniform and Policy Committee

Rationale

Copyright refers to the rights of the creator for works such as text, artistic works, music, computer programs, sound recordings and films. Copyright owners can determine the ways (if any) they will permit their work to be reproduced or communicated. Copyright owners may sell these rights to another person or organisation. Copyright owners are entitled to take legal action against a person who infringes their copyright.

Moral Rights

The Copyright Amendment (Moral Rights) Act 2000 provides that the original creators of works are recognised and have control over their work (even when they do not own the copyright). This has implications for schools where, 'Copyright in works produced by employees in the course of their employment is owned by the employer. Therefore, copyright in works produced by teachers in the course of their employment is owned by the school.'

Under the amendment, creators have the right to:

a) attribution, and
b) protection of their work from derogatory treatment.

There is no infringement of moral rights where the creator has consented to the act or omission, or where it can be shown that the act or omission was reasonable under the circumstances.

This procedure applies to educators, early childhood development specialists, principals, directors, and education support staff working in education and care.

Purpose of the Policy

The purpose of this policy is to provide guidelines for the fair and reasonable copying of materials for educational purposes by Modbury High School staff, students and volunteers. All school staff will have access to the Copyright policy and be educated about its implementation.

The Modbury High School Copyright Policy applies to all staff, students and volunteers of Modbury High School and provides links to information about licence arrangements the school has entered into, as well as procedures for dealing with third party copyright material, for educational, research and or non-commercial purposes.

Responsibility for compliance rests with the Modbury High School Principal. Staff, students and volunteers of Modbury High School are responsible for conducting themselves in a manner consistent with the spirit and intent of the school Copyright Policy.

The Copyright Officer acts as point of contact for queries and clarifications regarding to copyright compliance.

Modbury High School, as both a creator and user of copyright material, is committed to ensuring that all staff, students and volunteers meet the legal obligations and requirements relating to copyright, as detailed in the:

- Copyright Act 1968; and
- Statutory and voluntary copyright licensing agreements to which the Department of education is a signatory.

MODBURY HIGH SCHOOL
FINEM RESPICE

Staff, students and volunteers are expected to take appropriate action to minimise the risk of infringement whenever dealing with third party copyright material, for educational, research and or non-commercial purposes. All staff who make copies and/or use copyrighted materials in their role are expected to be familiar with the published provisions regarding fair use, public display, and computer guidelines.

Modbury High School Staff, students and volunteers will:

- adhere to the Modbury High School Copyright Policy;
- comply with the Moral Rights provisions in the Act;
- ensure that the use of any third party copyright material for educational, research or non-commercial purposes, complies with the provisions of the Act, the statutory licences and other copyright agreements currently in force;
- not use Modbury High School equipment, facilities and services for purposes that infringe copyright.

Copyright Infringement

Claims of copyright infringement may arise out of a dispute as to who owns copyright. Others relate to the licence, defence or exception for the use of copyright material.

An infringement notice, also known as a 'take-down notice', will be signed by or on behalf of the copyright owner. It will include information identifying the allegedly infringing material to be removed, or to which access is to be disabled.

Should a copyright infringement notice be received by Modbury High School, it will be referred for action to the Copyright Officer. The Copyright Officer will acknowledge receipt of the notice where appropriate.

Where material infringes the Copyright Officer, in consultation with the Principal, will be obliged to instigate the removal of access to it and retain records of the material and the staff or students involved. The Principal will be informed of the action taken.

Where it is unclear whether or not the material infringes, the Copyright Officer will notify the Modbury High School Principal, and will provide sufficient records and information to enable the Department for Education Legal Services to provide advice on the copyright infringement notice. Access to the disputed material will be halted for the duration.

Following receipt of this advice:

- Where the material is deemed to infringe, the Copyright Officer will instigate the removal of access to it, retaining records of the material and the staff or students involved.
- Where the material is deemed not to infringe, access will be restored.

Learning Area Leaders will ensure prompt action and cooperation of staff with regard to these procedures.

Resources

All school staff should refer to the links below providing copyright advice, support and information:

Intellectual property and copyright use – Defines intellectual property and outlines the responsibilities of departmental employees and key processes in managing intellectual property.

Department Copyright agreements for educational material – This defines the copyright licence agreements the Department of Education and Child Development has in place with a number of copyright collecting societies.

Consent for images and student work – This defines the conditions under which student work and/or images may be communicated.

School and preschool website requirements and standards – This defines the conditions for meeting the Department standards for school websites.

Smartcopying – The official guide to copyright issues for Australian schools explains what copyright is, how education licences work and the use of open education resources such as Creative Commons (CC) licensing. The information is available under the CC BY-SA licence.

Australian Copyright Council (ACC) – Includes links to information about ACC publications and training. You may download and print one copy, for your reference, of each of the information sheets.

A guide to Digital Rights Management (DRM) – Includes ideas, information and resources to assist creators, producers with the management of their content in the digital environment.

Open Education Resources – Includes information describing teaching and learning materials that are freely available for everyone to use whether a teacher, student or self-learner. Learning and teaching materials which are made available openly under licences which permit their free access, use, adaptation and sharing by others are transformed into OER.

Policy review

The school council and staff will regularly monitor and review the effectiveness of the Copyright Policy (at least every three years) and revise the policy when required.