



University of the Highlands and Islands

Copyright Policy

Lead Officer (Post):	University Librarian
Responsible Office/ Department:	Learning Information Services / Libraries
Responsible Committee:	QAEC
Review Officer (Post):	University Librarian
Date policy approved:	07/12/2010
Date policy last reviewed and updated:	23/02/2021
Date policy due for review:	01/05/2023
Date of Equality Impact Assessment:	23/02/2021
Date of Privacy Impact Assessment:	N/A

Accessible versions of this policy are available upon request. Please contact the Governance and Policy Officer on 01463 279000.

Policy Summary

Overview	The university and its Academic Partners are required to comply with legislation.
Purpose	<p>The policy discharges the university's moral and legal duty to ensure that it complies with relevant legislation.</p> <p>The policy will underpin the best practice guidance provided and give authority to staff engaged in compliance monitoring.</p>
Scope	<p>This policy applies to:</p> <ul style="list-style-type: none"> • All university and Academic Partner staff and students engaged in the creation of content in any format for learning, teaching and assessment, open education and administrative purposes, including, but not limited to, the creation of educational and administrative content, web pages, communications, social media posts, audio and video recordings. • Copying which is allowed by the Copyright, Designs and Patents Act, 1988 in addition to the provisions of the CLA and ERA Licences. • Print and digital materials and materials uploaded to core and other technologies by university and Academic Partner staff, including but not restricted to, the CLA Digital Content Store, video streaming server, ePortfolio system, Virtual Learning Environment (VLE), Office 365 and open education resources. • Breach of copyright, IPR and licence terms and conditions. <p>The specific terms of the:</p> <ul style="list-style-type: none"> • Copyright Licencing Agency (CLA) Licence – Higher Education apply to content created for Higher Education courses. • CLA Licence – Further Education apply to content created for Further Education courses. • Educational Recording Agency (ERA) Licence apply to content created for Higher Education courses.
Consultation	Copyright take down SLWG, PPF.
Implementation and Monitoring	<p>Implementation of the law regarding copyright is the responsibility of every member of staff. The policy outlines how those responsibilities are discharged in the context of UHI. In the majority of cases staff will be contacted directly via the audit process. Serious infringements and failure to respond to the audit will be reported to the relevant university manager who will evaluate the issue and raise it with the appropriate Academic Partner and will escalate it to the Deans if necessary.</p>

	Monitored by the University Librarian and the Head of Academic Development. The CLA Compliance Officer is responsible for monitoring compliance with the requirements of the Copyright Licencing Agency.
Risk Implications	Non-compliance with legislation and copyright licence terms and conditions would leave the university vulnerable to legal action, fines and reputational damage.
Link with Strategy	Legal compliance Strategic aim 2 – learning and teaching
Equality Impact Assessment	23/02/2021
Privacy Impact Assessment	Not required

1. Policy statement

The University of the Highlands and Islands is committed to respecting the rights of copyright owners. The university will not permit the creation, transmission of or access to material in such a way as to infringe a copyright, moral right, trademark, or other intellectual property right.

Staff and students may not create, distribute or transmit content such that this infringes the copyright of another person.

Teaching staff may incorporate a limited amount of third-party content into teaching materials under licences held by the university. For example, the university, along with every other Higher Education Institution in the UK, is licensed by the Copyright Licensing Agency (CLA) and Educational Recording Agency (ERA) to allow staff engaged in teaching to provide copies of extracts of published works and recordings to students.

2. Definitions

Content: created materials, e.g., audio and/or video recordings, databases, websites, print or digital images, documents, slideshows, spreadsheets etc.

Courses: including but not limited to any programme, unit, module, short course, CPD or open education course delivered by the university or its Academic Partners.

Copyright, Designs and Patents Act, 1988 and subsequent amendments and regulations: The principal legislation governing copyright in the United Kingdom.

Copyright Licencing Agency (CLA): provides licences to allow staff to legally access, copy and share the published content they need, while also making sure that copyright owners are paid fair royalties for the use of their work.

CLA Digital Content Store for Higher Education (CLA DCS): the system combines a searchable repository of digitised book and journal extracts with an online workflow management tool. With the DCS, HE staff may verify ownership, check permissions, eliminate census reporting, automate requirement checks and share and use content from other Higher Education Institutions (HEIs).

CLA Higher Education Licence: the licence provides annual blanket permissions to copy and reuse content from print and digital publications. HE staff may make copies from digital and print books, magazines, journals and websites; share copies with HE students and HE staff; copy up to one article, chapter or 10% of the total, whichever is greater; copy publications from the UK plus 38 international territories.

CLA Further Education Licence: the licence provides annual blanket permissions to copy and reuse content from print and digital publications. FE staff may make copies from digital and print books, magazines, journals and websites; share copies with FE students and FE staff; use copies with digital whiteboards, VLEs and presentation software programs; copy up to one article, chapter, one short story or poem or 5% of the total, whichever is greater; copy publications from the UK plus 38 international territories.

Educational Recording Agency Licence (ERA): enables educational establishments to legally make recordings or copies of TV and radio programmes for educational use. The Licence covers the TV and radio output of ERA's Broadcaster Members. This means that staff and students at ERA licensed institutions can record or make copies of programmes for educational use without seeking individual

permissions. The university has a central HE ERA licence. Academic Partners hold FE ERA licences where appropriate.

University and its Academic Partners: this term includes all employees of Executive Office (EO) and EO researchers depts., including Centres and Institutes where the university is the employer (e.g., the Department of Diabetes and Cardiovascular Science; The Centre for History; the Economic Intelligence Unit; etc.) “Academic Partner” covers all staff employed by the following university affiliated institutions: Argyll College, Highland Theological College, Lews Castle College, Inverness College, Moray College, NAFC Marine Centre, North Highland College, Orkney College, Sabhal Mòr Ostaig, Scottish Association for Marine Science, Shetland College and West Highland College.

3. Purpose

The Purpose of this policy is to:

1. Ensure institutional compliance with [Copyright, Designs and Patents Act, 1988](#) and any Licences purchased by the university to enable copying under [Chapter VII Copyright Licensing](#) of the Act.
2. Specify steps to be taken should content infringe copyright.

4. Scope

This policy applies to:

- All university and Academic Partner staff and students engaged in the creation of content in any format for learning, teaching and assessment, open education and administrative purposes, including, but not limited to, the creation of educational and administrative content, web pages, communications, social media posts, audio and video recordings.
- Copying which is allowed by the Copyright, Designs and Patents Act, 1988 in addition to the provisions of the Copyright Licensing Agency (CLA) and Educational Recording Agency (ERA) Licences.
- Print and digital materials and materials uploaded to core and other technologies by university and Academic Partner staff, including but not restricted to, the CLA Digital Content Store, video streaming server, ePortfolio system, Virtual Learning Environment (VLE), Office 365 and open education resources.
- Breach of copyright, IPR and licence terms and conditions.

The specific terms of the CLA Licence:

- Higher Education apply to content created for Higher Education courses.
- Further Education apply to content created for Further Education courses.

In addition, copying which is allowed by the Copyright, Designs and Patents Act, 1988 may be undertaken. This includes, but is not limited to:

- Content copied by the copyright holder/ it is his/her/their own work,
- Content used under Creative Commons
- Open Source content
- Direct permission from the copyright holder has been granted and is still valid
- Content that is no longer in copyright
- An existing licence exists which overrides the CLA Licence
- The item was purchased by the institution as ‘copyright waived’.

- Copying is conducted under an exemption to the Copyright, Designs and Patents Act.
- Any other valid reason

5. Exceptions

The provisions of the Copyright Licencing Agency Higher Education Licence does not cover Further Education or commercial activity. The Copyright Licencing Agency Further Education Licence provisions are dealt with by individual Academic Partners, where appropriate.

Material copied under the Educational Recording Agency (ERA) licence may not be distributed to students who are based outside of the UK.

6. Notification

University and Academic Partner staff, students and visiting lecturers/researchers.

7. Roles and responsibilities

This policy is approved by QAEC.

Compliance

Implementation of the law regarding copyright is the responsibility of every member of staff. The policy outlines how those responsibilities are discharged in the context of UHI. In the majority of cases staff will be contacted directly via the audit process. Serious infringements and failure to respond to the audit will be reported to the relevant university manager who will evaluate the issue and raise it with the appropriate Academic Partner and will escalate it to the Deans if necessary.

Monitored by the University Librarian and the Head of Academic Development. The CLA Compliance Officer is responsible for monitoring compliance with the requirements of the Copyright Licencing Agency HE Licence.

Guidance and advice is provided by the University Librarian, HE CLA Compliance Officer and Academic Partner library staff.

Copyright audit process

The university and its Academic Partners have the following review and audit processes:

1. Self-evaluation processes, and quality dialogues across partners and university wide.
2. Quality enhancement processes.
3. CLA audit – a sample of HE teaching content audited annually.
4. New programme audit conducted during the new curriculum process – existing modules that will be part of a new development.
5. VLE review process – annual random selection of taught content.

Removal of items

Items may be removed due to:

1. Complaints.
2. Copyright or licence infringement.
3. Inappropriate content.
4. Abuse of copyright or licence, for example, more than the permitted amount scanned.
5. Failure to reference.

Acceptable reasons for complaint

1. IPR, copyright or licence infringements.
2. Breach of moral or other rights protected by law (e.g., derogatory treatment of work).
3. Academic misconduct issues (e.g., plagiarism).

Complaints

Complaints about copyright IPR or licence breaches will be dealt with through the normal university and/or Academic Partner complaints procedure.

Complaints from staff about the decision to take down materials should be directed, in the first instance, to the person who removed the material. Complaints may be escalated to the Copyright appeals panel.

Timeframe

The item that is the subject of a complaint may be taken down immediately and staff notified. To ensure teaching continuity, copyright compliant alternatives will be recommended.

If an item that infringes copyright is discovered during an internal audit, and does not require immediate removal, staff will be given eight working weeks to address the issue. If the item is discovered during a holiday period, staff will be given eight working weeks from their return to address the issue.

8. Procedures

A guide to the current procedures to ensure compliance with copyright law and licences, can be found in the University of the Highlands and Islands' LibGuide, [Copyright Information for staff](#).

Attribution

All third-party content including, but not limited to, printed, audio, video or digitised learning and teaching materials must be credited. The university's LibGuide, [Attribution of third-party materials](#), covers how to cite written works, items from the university's image library, your own material, imaged copied from the internet, creative commons items and using the FE and HE CLA licence.

Copyright Licensing Agency (CLA) licence

The university has a central HE CLA licence. Academic Partners hold FE CLA licences where appropriate. The licences differ in the amounts that may be copied. See [FE and HE CLA licences](#).

Email may only be used to send scanned material copied under the HE CLA licence to the CLA officer for uploading to the Digital Content Store. Email may not be used to send copies scanned under the HE CLA Licence to other staff and/or students. The VLE should be used to distribute these materials.

It is recommended that FE staff distribute scanned materials using the university's VLE.

Publishing content to a public platform

Before posting recorded lectures and content to any public platform (e.g. Twitter, YouTube) ensure:

1. Written permission is obtained to post any third-party content to a public platform. **Note:** if the content contains materials used under the CLA licence, such materials may not be posted to a public platform without obtaining further permission from the rights holder. For further assistance, contact CLA@uhi.ac.uk.
2. Written permission is obtained from the rights holder to post to a public platform. For example, unless specified in a contract, employers hold the copyright for all content created for work.
3. To ensure content complies with university and Academic Partner requirements, staff should consult their marketing department prior to posting lectures or content on a public platform.

Note: to publish Open Education Resources, steps 1 – 3 above apply together with the procedures in the Open Educational Resources Policy.

If content that infringes copyright is posted on a public platform, the university will ask the staff member or service provider to remove the content immediately. Staff will be informed. Be aware that rights holders may require compensation.

9. Legislative framework

Copyright, Designs and Patents Act , 1988

Copyright Licencing Agency Higher Education Licence

Educational Resources Agency - Licence

10. Related policies, procedures, guidelines and other resources

- LibGuide, [Copyright Information for staff](#).
- LibGuide, [Attribution of third-party materials](#).
- [Teaching staff resources index: Copyright](#).
- [EDU support portal](#) (staff)
- [Essential Student Skills](#): What is academic work (students)
- [Policies and regulations](#):
 - Open Educational Resources Policy.
 - [Recording of taught sessions policy](#).
 - [UHI intellectual property policy](#).
 - [Regulations](#).

11. Version control and change history

[All policies are controlled documents. This section is used at end of a policy as a simple overview detailing version control and change history.]

Version	Date	Approved by	Amendment(s)	Author
0	22/02/2011	LTQC		Gillian Anderson and Andy Brown
1	02/04/2021	QAEC	Copyright policy updated; inclusion of copyright take down process.	Ruth Priest and Andy Brown
2				
3				
4				