

# Simmons University Copyright Policy

As a community of scholars, Simmons University subscribes to the belief that intellectual property rights should be respected and honored, and that fair and appropriate use of copyrighted materials is both a legal and an ethical obligation that all members of the Simmons community should observe.

It is the policy of the University that all members abide by the copyright laws of the United States (17 U.S.C. § 101, et. seq.) (see <http://www.copyright.gov/title17/>).

The intent of the Simmons University Copyright Policy is to encourage teaching, learning, research, and scholarship conducted in the spirit of the honest pursuit and communication of knowledge, within the boundaries of the law. Using the works of others obligates scholars to comply with the requirements of copyright law and to acknowledge such use in accord with accepted standards of academic ethics.

Disregard of another's intellectual property rights can be a serious matter. Willful disregard or ignorance of the law may result in personal liability for claims of copyright infringement, and/or disciplinary action in accordance with the Simmons Faculty Policy Manual and/or the Simmons Employee Handbook. Legal penalties for copyright infringement may be severe. A court may award up to \$30,000 for each infringed work, and up to \$150,000 for each infringed work in cases of willful infringement. Certain types of infringement may also be a federal crime. Simmons University will support faculty members who can demonstrate they have made reasonable, good faith efforts to comply with copyright law and this policy if they are alleged to have engaged in copyright infringement.

The Simmons University community also should be aware that reproducing and distributing music, television shows, movies, video games, software programs and other copyrighted material through peer-to-peer file sharing networks, without the permission of the copyright holder, constitutes copyright infringement. In accordance with the Simmons University Acceptable Use Policy, repeated instances of copyright infringement will lead to the termination of all user privileges.

The information appearing here is intended to assist members of the Simmons University community as they use materials for teaching and research that others have produced. The copyright laws cited in the Simmons University Copyright Policy can be challenging to interpret and understand. The changing environment in electronic technologies makes compliance with copyright law in this area a particular challenge.

**The U.S. Copyright Act does not contain a blanket exemption for educational uses of copyrighted materials.** As discussed below, however, the Copyright Act does contain several exemptions that apply to academic uses of copyrighted works: (1) fair use, (2) the Face-to-Face Classroom Teaching Exemption; and (3) the TEACH Act. To determine whether one of the exemptions applies, a faculty or staff member must analyze whether the use of each work meets all of the statutory requirements, or, in the case of fair use, whether the use of each work

qualifies as fair use under the required balancing test. If none of these exemptions applies, the faculty or staff member may make the work available only through one of the following means: (1) using a copy of the work licensed to the Library (see <http://www.simmons.edu/library/services/faculty-staff/reserves/>); (2) linking to a legally available copy of the work available on the Internet in accordance with the website's applicable policies; or (3) obtaining permission to use the work through the Copyright Clearance Center, the publisher or the copyright holder.

If a faculty or staff member needs advice regarding copyright, several staff on campus may be helpful. Please feel free to contact: the Associate Director for Access Services (ext. 2782) or the Director of Academic Technology (ext. 2665).

This policy does not address ownership of intellectual property rights to works created by Simmons University faculty, staff or students.

The above text is only the introduction to the Simmons Copyright Policy. Please download the entire [Simmons Copyright Policy in PDF form](#) if you have additional questions or require more in-depth information.

### **Important Links**

[Copyright Clearance Center](#)  
[Library of Congress Copyright Office](#)  
[Creative Commons](#)  
[Copyright Crash Course](#)