



# COPYRIGHT POLICY AND PROCEDURES

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## Purpose

Integrity in all its operations is crucial to Lincoln Education Australia's (LEA) success as a higher education provider. As such, LEA is committed to respecting copyright law and the rights of copyright holders. LEA seeks to create an environment in which staff and students are dedicated to making legitimate use of copyright material in accordance with the Copyright Act 1968. Digital copyright for educational contexts is outlined at <https://digital.org.au/>

The *Copyright Policy and Procedures* establishes the guidelines for not only minimising the occurrence of misuse of copyright incidents at LEA, but also in addressing any such incidents.

## POLICY

### Scope

This policy applies to all students and staff of LEA.

### Principles

All actions pertaining to copyright at LEA are guided by the principles of fairness and integrity, and must comply with the Australian Copyright Act 1968.

LEA acknowledges the importance of taking preventative measures against copyright infringement and addressing incidents promptly.

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

## PROCEDURES

### Understanding Copyright Law

LEA is committed to informing and supporting staff and students in fulfilling their obligations to avoid copyright infringement. Executive Management, including the Dean, will thus ensure that its understanding of copyright law is up-to-date and accurate, and confer this information to the wider community through the avenues outlined below:

- All staff and students will be trained to comply with copyright law during their respective induction and orientation programs.
- Annual mandatory training for all members of its staff. The training will cover key aspects of this policy as well as the Australian Copyright Act 1968.



- Provision of the relevant information on the LEA website, LMS, and as part of class workshops and assignments.
- Managers and academic staff are available to answer questions regarding use of copyright material.

Through the above mechanisms, LEA aims to prevent instances of copyright infringement.

## **Copyright Infringement**

LEA has established processes to detect copyright infringement as per the *Academic Integrity and Misconduct Policy and Procedures*.

Should LEA become aware of a copyright infringement, the issue will be addressed and resolved in a timely manner by the Academic Board who provide the Corporate Governance Board advice about academic risks. For further information on internal disciplinary action that may be taken against copyright infringements, please see the *Academic Misconduct Policy and Procedures*.

Following an incident, the Academic Board will take all reasonable measures to prevent the same situation occurring in the future within the limits of the Academic Board's authority and provide the Corporate Governance Board advice about further measures that the Corporate Governance Board can put in place to mitigate any future copyright infringement at LEA.

If the Corporate Governance Board is made aware of a case of serious copyright infringement, they may choose to refer the matter to external authorities.

Course Coordinators will be in charge of overseeing compliance with the copyright policy amongst students. Executive Management working with the Finance Risk and Audit Committee will oversee compliance with this policy amongst staff.

## **Proper Use of Copyright Material**

LEA may produce multiple copies of copyright material if it is for the sole purpose of teaching.

As per the Australian Copyright Act, academic staff members may produce multiple copies of the following:

- No more than fifteen pages of any literary work.
- A published article from an academic journal.
- Up to 1% of the total number of pages in a document, or two pages of a total document in a literary work, whichever is greater.
- A "reasonable portion" of a copyrighted document, which is less than ten pages or 10% of the total work.



As per the *Australian Copyright Act 1968*, students are also covered under ‘fair dealings for research or study’. This exception allows students to reproduce limited copyright material both for your own reference and in your assignments. The guidelines for text and notated (sheet) music are:

- 10% of the pages, or one chapter, from a hard-copy source
- 10% of the number of words from an electronic source
- One article from an edition or issue of a periodical (you can use more than one article from a single issue or edition provided the articles are to be used for the same research or course of study)

Copies must never be sold for profit. They must be correctly labeled with the original author’s name, LEA’s name, note on proper use of the copy, and copy creation date. All copies must then be retained for at least 5 years.

LEA may seek permission directly from the copyright holder to use materials outside the above directives, in which case permission must be received in writing and kept on record by LEA.

Any copyrighted work may be used freely fifty years after the death of the author (death before 1955) or seventy years after the author’s death (death after 1955).

For more information refer to the *Australian Copyright Act 1968*.

## Compliance

All staff and students at LEA are required to comply with this policy and its procedures, and with related policies and respective procedures. Non-compliance may result in a disciplinary action or withdrawal from these activities.

<b>File Number</b>	LEA-GEN-COR-70017-D
<b>Responsible Officer</b>	Chief Executive Officer
<b>Contact Officer</b>	Chief Operating Officer
<b>Legislative Compliance</b>	<ul style="list-style-type: none"><li>• <i>Australian Copyright Act 1968</i></li><li>• <i>Tertiary Education Quality and Standards Agency Act 2011</i></li><li>• <i>Copyright Act 1968</i></li></ul>
<b>Supporting Documents</b>	
<b>Related Documents</b>	<ul style="list-style-type: none"><li>• <i>Intellectual Property Policy and Procedures</i></li><li>• <i>IT Resources and Online Conduct Policy and Procedures</i></li><li>• <i>Academic Integrity and Misconduct Policy</i></li></ul>
<b>Superseded Documents</b>	
<b>Effective Date</b>	1 January 2022
<b>Next Review</b>	3 years from the effective date



## Definitions

**Copyright:** Copyright is defined in the Australian Copyright Act 1968, and it includes the legal right of the creator to reproduce, communicate, publish, sell, or distribute content and intellectual property exclusively for a fixed number of years.

**Copyright infringement:** A violation of the *Copyright Act* with potential legal ramifications. Can be either intentional or unintentional.

## Review Schedule

This policy shall be reviewed by the Corporate Governance Board every three years.

Version History			
Version number:	Approved by:	Approval Date:	Revision Notes:
1.0	Corporate Governance Board	17/12/2020	New policy