

# Ashland University Copyright Policy

## I. PURPOSE

This purpose of this policy is to ensure compliance with the United States Copyright Act of 1976 and the expectations set forth by the [Higher Learning Commission Criteria for Accreditation Policy](#) (Criteria 2.D. and 2.E.) to foster a commitment to academic excellence. The policy reaffirms Ashland University's dedication to protect creators' rights and emphasizes the importance of using copyrighted materials ethically.

## II. OWNERSHIP OF INDIVIDUAL SCHOLARLY WORKS

Ashland University encourages the wide dissemination of scholarly work. As a rule, copyright to a work created by an individual in the course of their employment or using University resources is owned by Ashland University.

However, in keeping with academic tradition, the University disclaims ownership of scholarly works such as books, articles, and other writings, considering them the property of the creator, who has the right to determine dissemination and retain any income produced.

### Exceptions

*The University claims ownership in the following instances:*

1. Works created by staff or students as part of their assigned duties.
2. Works developed under sponsored research agreements, where terms will dictate ownership.
3. Works governed by the Employee Invention Assignment Agreement. A copy of this agreement can be found in the *SOP Reference Section* located on the [Organization & Documents](#) page of the AU Portal.

## III. OWNERSHIP OF COURSE MATERIALS

Course materials are defined as all educational resources, in any form, used for providing course instruction, including but not limited to textbooks, audio/visual content, digital learning resources, lectures, instructional handouts, user guides, and project materials. Materials created by faculty are considered works for hire, granting joint use and ownership to both the University and the faculty member who developed them. While the faculty member is employed by the University, faculty members have the right of first refusal if someone else wants to use course materials they developed.

The University retains the right to use and authorize use of course materials while the faculty member is employed by the University and indefinitely after termination of employment with the University. After separation from Ashland University, faculty members have the right to use materials developed for an Ashland University course at other universities. External use of these materials during their employment at Ashland University requires permission from the university.

## IV. USE AND DISTRIBUTION OF COPYRIGHTED MATERIALS

The United States Copyright Act of 1976 establishes guidelines for the use and distribution of course materials regardless of modality. Ashland University supports the use of copyrighted materials under fair use provisions and educational exceptions, provided that such use complies with the law.

## Exemptions

While permission is generally needed to use copyrighted materials, some legal exemptions exist for educational purposes:

1. **Fair Use:** Fair use allows limited use of copyrighted materials without permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. To learn more about Fair Use please visit <https://www.copyright.gov/docs/regstat031301.html>.
2. **The TEACH Act:** The TEACH Act provides guidelines for the use of copyrighted materials in distance education, including the transmission of performances and displays of works. To learn more about the TEACH Act please visit <https://www.law.cornell.edu/uscode/text/17/110>.
3. **The Digital Millennium Copyright Act (DMCA):** The DMCA governs how digital content, including educational materials and research, is protected, shared, and used online. To learn more about the Digital Millennium Copyright Act, please visit <https://www.copyright.gov/dmca/>.

**NOTE:** Each exemption includes specific limitations and restrictions. Copyrighted materials must be carefully evaluated against these criteria to determine if they qualify for an exemption. Resources for this evaluation are available in the [CITE Blackboard Organization](#).

## V. COMPLIANCE

All members of the Ashland University community are expected to adhere to this policy and the U.S. Copyright Act. The University provides resources and guidance to navigate copyright compliance and encourages consultation with the Office of Human Resources for legal questions.

## VI. LIABILITY

Ashland University assumes financial liability for copyright infringement only when the individual can prove compliance with university policies and all applicable federal and state laws.

## VII. REPORTING AND CONFLICT RESOLUTION

Any suspected copyright violations should be reported to the CHRO and General Counsel. All incidents will be reviewed to determine if a full investigation is warranted. If necessary, a thorough investigation will be conducted, including gathering and reviewing evidence, interviewing witnesses, and consulting with legal experts. Based on the findings, appropriate corrective actions will be implemented, which may include the removal of improperly obtained copyrighted material, mandatory training, disciplinary measures, or policy updates. Individuals subject to disciplinary action have the right to appeal. All reports and resolutions will be documented and kept confidential.

## VIII. AMENDMENTS

This policy is subject to amendments, which will be communicated to the university community and will form part of the conditions of employment and study at the University.

## IX. EFFECTIVE DATE

The policy applies only to copyrighted materials disclosed after September 26, 2024, the effective date of the policy.

*The U.S. Department of Education has advised colleges and universities that penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.*

***Approved by President Jon Parrish Peede 9/26/24***