



**west lothian**  
college

## **Copyright Policy**

Author: J Stalker/L Hartley

Date: 21 November 2019

EIA: 9 January 2020

Review date: February 2025

## History of Changes

<b>Version</b>	<b>Description of change</b>	<b>Authorised By</b>	<b>Date</b>
1.1	New Policy	Jenny Stalker	21 November 2019
1.2	Update to Equality Impact Assessment	Beth Brownlee	9 February 2022

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Please see end of this document for EIA.

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## **Introduction and Purpose**

This Policy describes the College's duties under current copyright legislation and clarifies individual user responsibilities.

The College currently holds licences through the Copyright Licence Agency (CLA), Educational Recording Agency (ERA), NLA Licence and Performing Rights Society (PRS).

The Policy describes the college position on protection of intellectual property and avoiding infringement of third party owner rights.

## **Scope**

The Policy covers all materials, as defined by the Copyright Designs and Patent Act 1988 (as amended) which may be used for learning, teaching, administration or management and any other aspect of college work, irrespective of their form or whether in print, digital format, on the virtual learning environment, personal computers, laptops or other mobile devices.

This Policy is concerned with issues relating to the use of third party material. Ownership of copyright in materials created by members of staff and students is covered by the Intellectual Property Code (including Patents).

This Policy does not specifically cover use of the computer network, software and hardware which is covered under other college policy including the IT Acceptable Use Policy and IT Infrastructure Policy.

All members of staff, students, visitors and contractors to the college are required to adhere to this Policy.

## **Responsibilities**

### **The College**

Recognises that copyright is a legal and moral right and that copyright holders are entitled to fair protection and compensation for the work they produce

Recognises the value of its own copyright material and will take necessary action to protect intellectual property rights invested in it or in its members of staff and students. Ownership of materials created by members of staff who develop materials for learning and teaching purposes and within the scope of their employment rests with the college.

States that responsibility for adhering to the requirements of copyright licences and legislation rests wholly with individual members of staff or contractor.

Undertakes to ensure that all members of staff, students and contractors are made aware of their responsibilities under copyright legislation and potential disciplinary actions that may be taken should an individual breach these responsibilities

Will ensure that all staff, students and contractors are adequately trained, supported and advised as is necessary to ensure that each individual can operate effectively within the scope of copyright licences and legislation

Will ensure that any changes to copyright legislation or to the terms and conditions of copyright licences are communicated to staff, students and contractors and further training provided as required

Will seek to use copyright free resources, wherever possible and assist staff to source these resources as required.

## **Staff and Contractors**

All staff and contractors are required to comply with copyright legislation and licences and for familiarising themselves with this Policy

Staff and contractors should ensure they understand the requirements of copyright and how this impacts on their work and should engage with training and support provided by the college

Infringements of copyright legislation or licences by an individual may result in legal action against the individual, or the college. The College considers breach of copyright to be a serious offence and may take disciplinary action where this occurs.

Understand that the individual member of staff or contractor is responsible for ensuring that the correct permissions have been obtained before reproducing any copyrighted work.

Understand that all materials on the college website must be used with permission of the rights holder(s).

## **College Licences**

The College holds the undernoted licences:

- Copyright Licence Agency (CLA) Licence including Newspaper (NLA) Licence
- Educational Recording Agency (ERA) Licence
- PPL Licence
- Clickview Licence

Additional licences must be applied for by staff as required. This may include licences for electronic books and licences for use of proprietary DVD recordings.

## **Protecting Intellectual Property**

The college will take steps to protect its intellectual property. A copyright statement will be used on all published material in any form, in the form of:

© **West Lothian College. All rights reserved**

## **Copyright and Equalities**

The College will ensure that materials are accessible to those with specific needs in line with the disability exception is contained in Sections 31A to 31F of the Copyright, Designs and Patents Act 1998, available at

<https://www.copyrightuser.org/understand/exceptions/disability/>

## **Records of licences and permissions**

Where permission or licence to reproduce has been obtained, a record should be retained for the life of the permission or licence.

## **Training, Support and Advice**

Staff should always seek advice and clarification before using copyrighted work. Advice and support can be sought through the Learning Resource Centre of the College.

The College Learning Resource Centre is the first contact for all queries relating to copyright and licencing. The Learning Resource Centre will also provide advice and support relating to materials made available through the virtual learning environment and through open educational resources.

The Learning Resource Centre can signpost various copyright materials that can be used in the creation of learning and teaching resource.

Staff will be offered training to update knowledge and understanding relating to copyright law and are expected to engage with this training. Some training may be mandatory as a result of changes to copyright law or changes to licences.

## **Complaints Handling**

Where a member of staff is accused of copyright infringement they should contact the identified college officer who will investigate the claim and respond to the complaint.

Where the complaint is about student(s) infringing copyright they should contact their key tutor in the first instance. Cases will be referred to the identified college officer who will deal with the complaint.

Copyright complaints will be handled separately to plagiarism claims which will be dealt with under the Student Positive Behaviour and Disciplinary Procedure.

### **Evaluation and Review**

The performance of this Policy will be reported on and reviewed by the College Executive Leadership Team and the Board of Governors.

The Policy will be monitored on an on-going basis and formally reviewed every three years.

## Equality Impact Assessment

Before carrying out an EIA, you should familiarise yourself with the College's EIA Policy Statement and Guidance, along with further information and resources which are available on iShare.

EIA covers **strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services**, but will be referred to hereinafter as 'policy/practice'.

<b>Policy/Practice (name or brief description):</b>	<b>Copyright Policy</b>
<b>Strategy/Policy includes Equalities Statement of Inclusiveness? Yes</b>	<b>Text to be included in strategy/policy:</b>  <b>Statement of Inclusiveness</b>  West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.  Please see end of this document for EIA.
<b>Reason for Equality Impact Assessment (choose from the following options):</b>	
<ul style="list-style-type: none"> <li>• Proposed new policy/practice</li> <li>• Proposed change to an existing policy/practice</li> <li>• Undertaking a review of an existing policy/practice</li> <li>• Other (please give detail):</li> </ul>	Review of existing policy.

<b>Person responsible for the policy area or practice:</b>	
Name:	Linda Hartley
Job title:	Librarian
<b>An Equality Impact Assessment must be carried out if the policy/practice:</b>	
<ul style="list-style-type: none"> <li>• affects <b>operational</b> or <b>strategic functions</b> of the College</li> <li>• is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance)</li> </ul>	
Why the EIA is being carried out	<p>This policy affects operational functions for staff in carrying out their normal duties.</p> <p>The policy is designed to ensure operational functions of the college meet legislative requirements under copyright law while still promoting equalities across the college.</p>
<b>Equality Groups</b>	
Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:	
<ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> <li>• race (including ethnicity and nationality)</li> <li>• religion or belief</li> <li>• sex</li> <li>• sexual orientation</li> <li>• gender reassignment</li> <li>• pregnancy and maternity</li> <li>• marriage or civil partnership</li> </ul>	This policy does not impact negatively on any individual or groups with a protected characteristic under the Equalities Act.

**Record your assessment against the following statements:**

Statement	Equality assessment
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Detail the evidence of the needs of the identified equality groups and any gaps in information	Copyright policy impacts on the way materials are developed and used for learning and teaching purposes.
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?	No  The policy ensures that individual needs are considered by staff within the scope of their work and that materials are available in a variety of formats.
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
State how this policy/practice will foster good relations:	The policy directs staff to take account of protected characteristics when developing teaching materials and ensures these materials are available in a variety of formats.
Will the policy/practice create any barriers for any other groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
Which equality groups or communities have been consulted in the development and review of this policy/practice?	The policy was reviewed by the Equalities Committee which includes representation from staff and the Student Association. Feedback from the committee has been taken on board to finalise the policy.

<b>Equality Impact Assessment Outcome</b> Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):	
<b>Option 1:</b> No change required – the assessment is that the policy/practice is/will be robust.  <b>Option 2:</b> Adjust the policy or practice – this involves taking	<b>Option 1</b>

<p>steps to remove any barriers, to better advance equality and/or to foster good relations.</p> <p><b>Option 3:</b> Continue the policy or practice despite the potential for adverse impact, and which can be mitigated</p> <p><b>Option 4:</b> Stop the policy or practice as there are adverse effects cannot be prevented/mitigated against.</p>	
<b>Monitoring</b>	
<p>When will the policy/practice next be reviewed?</p>	<p>Three year review, except if legislative change requires an earlier review period.</p>
<b>Publication of EIA</b>	
<p>Can this EIA be published in full, now? Please state Yes or No</p> <p>If No – please specify when it may be published or indicate restrictions that apply:</p>	<p>Yes</p>
<b>Sign-off</b>	
<p>EIA undertaken by</p> <p>Name:</p> <p>Date:</p> <p>Accepted by person responsible for the policy/practice named above:</p> <p>Name:</p> <p>Date:</p> <p>Approved by Equalities Committee</p> <p>Date:</p>	<p><b>Linda Hartley</b> <b>09 February 2022</b></p> <p><b>Beth Brownlee</b> <b>09 February 2022</b></p>

Retain a copy of this form for your own records and send a copy to [lbyrne@west-lothian.ac.uk](mailto:lbyrne@west-lothian.ac.uk)