

APPENDIX U

COPYRIGHT POLICY

Lexington Theological Seminary values the intellectual property rights of others and expects the highest ethical standards in the use of copyrighted materials by the library, faculty and students. Two arenas of the copyright standards inform the Seminary's practices in the use of copyrighted works in the context of its educational courses – the fair use doctrine and the TEACH Act (17 U.S.C. 110(2))

The first arena is the doctrine of “fair use” as applied specifically to educational purposes/settings. The Seminary affirms and expects instructors and students to follow the minimum standards set forth in “Reproduction of Copyrighted Works by Educators and Librarians” as found in Circular 21 published by the United States Copyright Office (<http://www.copyright.gov/circs/circ21.pdf>). The standards of fair use apply to face-to-face educational situations and are also applicable to online courses.

The second arena is the TEACH Act, section 110(2) of the U.S. Copyright Act (<http://www.copyright.gov/legislation/pl107-273.html#13301>), which applies specifically to the performance and display of copyrighted works through online education courses. The TEACH Act sets parameters for the “fair use” of copyrighted materials in distance education settings that mirror the application of fair use principles in face-to-face education settings while protecting the copyright owners given the ease of illegal distribution of digital copies of copyrighted materials.

COURSEWORK

In order to respect the legal rights of authors, publishers and other copyright holders LTS affirms and adheres to the standards of the doctrine of fair use and the requirements of the TEACH Act in the following ways in coursework:

1. In all coursework, instructors will use only copyrighted works that have been lawfully made and acquired, and will provide source and copyright notice for every copyrighted work used in a class.
2. LTS is licensed through Copyright Clearance Center (CCC) to duplicate, digitize, and distribute to students enrolled in a specific course many print and digital copyrighted texts. These materials may be used in library reserves, course packets, and posting within LTS Online courses.
 - a. It is the responsibility of the instructor to submit to the library a list of readings to be posted in courses or in library reserves. The library will determine and inform the instructor as to whether our CCC license covers use.

- b. Each copyrighted item used by permission under CCC should include a notice that includes the following: [TITLE] [Volume/ Edition] by [Author]. Copyright [Copyright Year] by [Rightsholder]. Used by permission of [Rightsholder] via Copyright Clearance Center.” Students may not make multiple copies of this content or email it to multiple sites or publicly post it without the copyright holder(s)' express written permission.
3. For works not licensed by CCC, an instructor’s use of copyrighted works in an online course is limited to “reasonable and limited portions,” such as might be performed or displayed during a typical face to face classroom session in accordance with the standards of fair use.
 - a. Specifically, the following performances or displays of copyrighted materials are permitted for online courses:
 - i. performances of nondramatic literary and musical works;
 - ii. performances of reasonable and limited portions of a dramatic literary, musical, or audiovisual works;
 - iii. displays of other works, such as images, in amounts similar to typical displays permissible in face-to-face teaching.
 - b. Instructors are prohibited from displaying, performing, copying or disseminating the following:
 - i. materials specifically marketed for classroom use for digital distance education; and/or copies of copyrighted works instructors know or should know are illegal; and/or
 - ii. textbooks, coursepacks, electronic reserves and similar materials typically purchased individually.
 - c. Each copyrighted item used under fair use should include a notice that includes the following: [TITLE] [Volume/ Edition] by [Author]. Copyright [Copyright Year] by [Rightsholder]. Students may not make multiple copies of this content or email it to multiple sites or publicly post it without the copyright holder(s)' express written permission.
4. An instructor is permitted to use copyrighted works only as an integral element of a course.
5. LTS Online requires a password by students and limits student access to courses in which they are enrolled. Therefore, instructors will only use copyrighted works in face-to-face intensives or in the course management system of LTSOnline to prevent general access to and further distribution of the works. No distribution through email or non-password protected websites is allowed.
6. The TEACH Act assumes students will only have access to copyrighted materials in a course until the completion of a class session. LTS allows students access to past courses throughout their career at LTS due to the integrated nature of the curriculum (e.g., encouraging M.Div. students to draw on earlier courses as they prepare for and complete their competency exercises and capstone). It is, therefore, the responsibility of the instructor to remove access to any individual copyrighted materials as soon as access to the material is no longer necessary for instructional purposes and no later than after grades for the course have been submitted to the registrar.(The director of information technology is available to assist faculty.) Materials covered by the license purchased through CCC are exempt from this

requirement.

7. The LTS Online Common Syllabus which applies to all courses includes a notification to students reading,
“The copyrighted materials used in this course are only for the use of students enrolled in the course for purposes associated with the course and, with the exception of assigned readings, may not be retained after the completion of the course. No copyrighted materials used in a course may be further disseminated by students.”

CHAPEL

The Seminary also takes seriously the protection of the rights of authors, composers, publishers and other copyright holders in relation to worship services that occur on campus and which may be published on the internet. LTS affirms and adheres to the standards of the doctrine of fair use in the following ways in relation to worship:

1. It is the responsibility of the person planning the worship service to make sure all liturgical, print, video, audio and musical resources are used according to the copyright restrictions in those publications.
2. Public readings
 - a. Generally, it is allowed to read aloud (“perform”) most copyrighted texts (e.g., a poem or liturgical text) in a worship service sponsored by the Seminary.
 - b. The appropriateness of reproducing copyrighted texts in printed handouts or projected on screen, however, depends on the resource from which the text is taken. For example, many liturgical publications include permission to use printed versions of the texts for a single occasion, but others do not. Worship planners should check the copyright statement in the work and determine whether permission must be obtained. Notification of the source of any reproduced text (and permission to use it when required) should be included in the handout or on screen as well.
 - c. Further, permission to read or reprint a text in a worship service does not imply permission to re-publish that performance or text on the internet. It is the responsibility of the worship planner to determine whether permission is granted for oral readings of texts to be published online or meets the standards of fair use and inform the director of information technology of requirements of the permissions obtained and what must be omitted from the recording of the occasion. Notice of the permission and copyright information must be visible to online viewers.
3. Music
 - a. As with readings, the congregation, musicians, choirs and soloists are generally allowed to perform any copyrighted music appropriately purchased in a worship service sponsored by the Seminary.
 - b. The appropriateness of reproducing copyrighted lyrics or music in printed handouts or projected on screen, however, depends on the resource from which the text is taken.

- i. When hymnals are available for use, no added permission is required.
- ii. Reproducing either in print or via projection lyrics or music not in the Seminary's purchased hymnals requires permission. LTS is licensed through www.OneLicense.net to reprint, project and record hymns and musical arrangements from many publishers. These materials may be used in worship, and performances of some of the pieces may be posted on the internet for a maximum of one year.
- iii. It is the responsibility of the worship planner to check the OneLicense.net website to determine whether our license covers use and the limits of use for copyrighted music to be printed or otherwise displayed.
 - 1. Reproducing licensed materials requires notice of permission in the handout or on screen. The worship planner is required to print the copyright acknowledgment on the bottom of the first page or slide of each reprinted hymn or song and include the following: the symbol ©, the year of copyright, the name of the copyright holder, the words "All rights reserved" and the Seminary's license number (A-723429).
 - 2. If the words and music are copyrighted separately, information for both must be included. The following citation can serve as an example: John Doe, © 1988 ABC Music Co.; Music: Jim Brown, © 1990 XYZ Publications. All rights reserved. Reprinted under OneLicense.net A-723429.
- iv. If worship planners wish to use a song not covered by OneLicense.net, it is their responsibility to secure permission for that individual piece. This can be done by contacting the publisher directly or another licensing service (such as Christian Copyright Licensing International {www.ccli.com}).
- c. Further, permission to perform or reprint music or lyrics in worship does not imply permission to re-publish the lyrics, music or performance of the music on the internet.
 - i. It is the responsibility of the director of information technology to check the OneLicense.net website to determine whether our license covers podcasting any music used in a worship service before it is posted on the internet. Notice of the license and copyright information must be visible to online viewers.

4. Sermons/Lectures

- a. The content of any sermon or speech delivered in a worship service at LTS is the intellectual property of the presenter. The presenter may re-present, adapt, or publish the content in any other format as she or he sees fit.
- b. With written consent from the presenter, the recording of the performance of any such sermon or lecture will be considered the property of the Seminary.

- i. Guest preachers/speakers will be asked to complete a form granting to or withholding from the Seminary permission to record their performances in order to
 1. preserve the recording in the library collection and distribute it to patrons through normal library practices for educational purposes,
 2. distribute to constituencies of the Seminary for non-educational purposes, and/or
 3. podcast the performance on the internet.
- ii. Employees and students of the Seminary participating in worship services grant the Seminary permission to record and publish their performance unless a written request is made otherwise.

PUBLIC PRESENTATIONS, LECTURES AND WEBINARS

The Seminary also takes seriously the protection of the rights of authors, composers, publishers and other copyright holders in relation to public events and webinars that occur on campus and/or are published on the internet. LTS affirms and adheres to the standards of the doctrine of fair use in the following ways in relation such public events:

1. It is the responsibility of the presenter to make sure all copyrighted materials included as part of a public presentation are used in compliance with the standards of fair use. The Seminary affirms and expects presenters to follow the minimum standards set forth in “Reproduction of Copyrighted Works by Educators and Librarians” as found in Circular 21 published by the United States Copyright Office (<http://www.copyright.gov/circs/circ21.pdf>).
2. If a presenter wishes to perform or reproduce copyrighted materials in a way that extends beyond the standards of fair use, it is her or his responsibility to secure permission from the copyright holder for such use.
3. Presentations/Lectures
 - a. The content of any presentation or lecture delivered in a public event or webinar sponsored by LTS is the intellectual property of the presenter. The presenter may re-present, adapt, or publish the content in any other format as she or he sees fit.
 - b. With consent from the presenter obtained in the manner described below, the recording of the performance of any such presentation or lecture will be considered the property of the Seminary.
 - i. Guest preachers/lecturers will be asked to complete a form granting to or withholding from the Seminary permission to record their performances in order to
 1. preserve the recording in the library collection and distribute it to patrons through normal library practices for educational purposes,
 2. distribute to constituencies of the Seminary for non-educational purposes, and/or
 3. podcast the performance on the internet.

- ii. Employees and students of the Seminary participating in public events grant the Seminary permission to record and publish their performance unless a written request is made otherwise.
- c. Further, permission to read or reproduce copyrighted material for a one-time event does not imply permission to re-publish that performance or material on the internet. If the presenter has consented to allow a presentation or lecture that contains copyrighted material used with permission to be podcasted, it is her or his responsibility to inform the director of information technology of requirements of the permissions obtained and what further permission must be obtained or what materials must be omitted from the recording of the occasion. Notice of the permission and copyright information must be visible to online viewers.