



Leeds Trinity  
University



# Copyright Policy

# Leeds Trinity University Copyright Policy

## 1. Purpose of the Policy

The purposes of this policy are to ensure that staff and students of the University:

- comply with UK copyright law
- are able to make full and effective use of the various copyright licences the University subscribes to.

## 2. Scope of this Policy

The policy covers the use of third party printed and digital copyright materials by staff, students, partners and visitors to the University. These materials include, but are not limited to, text, images, databases, graphic designs, logos, sound recordings, films, broadcasts, software.

The policy does not cover copyright in original materials created by individual members of staff and students of the University.

## 3. Responsibility statement

### 3.1 General

Leeds Trinity University endeavors to comply as fully as possible with UK copyright legislation, principally in the form of the Copyright, Designs and Patents Act 1988 and as subsequently amended, and with the terms of the licensing schemes to which it subscribes, namely:

- The CLA Higher Education Licence – *please see* <https://lib.leedstrinity.ac.uk/iguana/uploads/file/Library%20documents/Library%20guides/Copyright%20guide%202.pdf> for more information
- The NLA Education Establishment Licence – *please see* <https://lib.leedstrinity.ac.uk/iguana/uploads/file/Library%20documents/Library%20guides/Copyright%20guide%203.pdf> for more information
- The ERA Licence – *please see* <https://lib.leedstrinity.ac.uk/iguana/uploads/file/Library%20documents/Library%20guides/Copyright%20guide%204.pdf> for more information

This section sets out where responsibilities lie for ensuring compliance.

### 3.2 Responsibility of all staff and students

Staff and students should be aware that copyright infringement can be subject to severe penalties under civil and criminal law, and that ignorance of the law is not considered to be a valid defence. The University regards infringement of copyright as a very serious action and any member of the University who is found to be in breach of the policy may be subject to disciplinary action.

The responsibility for complying with copyright law and with licences the University has entered into sits with individual members of staff and students.

Individual members of staff and students must make sure that they have permission to make use of the material. The exclusive rights of copyright holders must not be infringed. These exclusive rights are:

- To copy the work
- To distribute copies to others
- To perform, show or play the work in public
- To communicate it to the public
- To make an adaptation or to do any of the above in relation to an adaptation.

Before copying or otherwise using material authored by others, the individual must determine whether materials are subject to copyright. If so, the intended use must be:

- permitted by licence  
or
- lawful under statutory exception or fair dealing provisions.

If these conditions are not met, the individual must obtain permission from the copyright holder and must keep a record of the permission.

### **3.3 Responsibility of Heads of Department**

Heads of School and of support departments are responsible for encouraging staff in their departments to attend any relevant training on copyright, and for ensuring that any breaches of compliance on the part of staff and students in their areas of responsibility that come to their notice are rectified as quickly as possible.

### **3.4 Responsibility for information and guidance on copyright**

The responsibility for providing information and guidance on copyright lies with the Director of Library and Learning Resources, who is also responsible for ensuring that the Library's Digitisation Team adhere to the correct procedures when making copyright cleared materials available via the Virtual Learning Environment.

### **3.5 Responsibility for administration of copyright licences**

The Director of Library & Learning Resources is responsible for administering the CLA HE Licence and the NLA Education Establishment Licence. The Media Services Manager is responsible for administering the ERA Licence. The above named people will take lead responsibility for supporting an audit or inspection required by the above named licence providers, including the production of documentation/evidence and facilitating inspection visits.

## **4. Photocopying material**

The Reprographics Department is responsible for making multiple copies of items requested by academic staff for teaching purposes. The Department will comply with the stipulation in the CLA Higher Education licence that multiple copies of books and journal articles can be made for each student on a module plus the tutor, and with the extent limits specified in the licence, and with the stipulations regarding numbers of multiple copies of newspaper articles that can be made under the NLA Educational Licence.

Staff and students making copies under statutory exceptions, for example for private study, must ensure they have read and understood the guidance set out at <https://www.gov.uk/guidance/exceptions-to-copyright>.

## **5. Digitised and digital content on the VLE**

### **5.1 Introduction**

The University's VLE, Moodle, provides an excellent platform for enriching the student learning experience by including a wide range of learning resources to support the delivery of modules, and the various licences the University subscribes to help to facilitate this. The statements contained in this section below set out how the University seeks to ensure a rich learning experience whilst at the same time ensuring compliance with copyright law and licences.

### **5.2 Access to content**

Access to digital or digitised content subject to copyright is restricted to staff and registered students of the University only, by placing it on specific module pages within the University's VLE, Moodle, accessible only to authorized users teaching on or studying that module, by means of secure logins. Under the CLA Higher Education Licence, these staff and students are called 'Authorised Persons'. This content will often be organized in the form of an Electronic Course Pack (ECP).

### **5.3 Designated persons**

Due to the specific terms and conditions of the CLA Higher Education Licence, the scanning of copyright book chapters and journal articles and their uploading to the University's VLE, Moodle, may only be carried out by those members of staff authorised to do so: these are the staff who comprise the Library's Digitisation Team and are called 'Designated Persons'. Academic staff wishing to make a collection of such materials available to their students as an ECP, or as individual items within a module webpage, should contact the Digitisation Team at [digitise@leedstrinity.ac.uk](mailto:digitise@leedstrinity.ac.uk). Leeds Trinity University's policy is that under no circumstances may any other persons upload copyright content onto Moodle, unless they have obtained the explicit permission of rights holders to do so.

### **5.3 Checking materials for inclusion in ECPS and creating ECPS**

Staff in the Digitisation team are responsible for checking that materials requested by academic staff for inclusion in ECPs are compliant with the CLA Higher Education Licence. They will check permissions, and if permitted, and where available, source material from the CLA's Digital Content Store (DCS). Permission checks will include whether works are on lists of excluded works, whether extent limits are being adhered to; where the extent of copying from a work breaches licence limits, consideration will be given as to purchase using the CLA's Second Extract Permissions Service.

Where digital materials (books, journal and newspaper articles etc) are either freely available or exist within the University's online library resources, the University's policy is to always provide hyperlinks to the resources within the VLE, rather than uploading scanned documents. This is to help ensure compliance with the CLA Higher Education Licence and with the licences entered into with external content providers.

Where items exist in Leeds Trinity University Library's own collections in printed form, but not electronically, the Digitisation Team will, if permitted under the CLA licence, undertake scanning of items.

The Digitisation team are responsible for ensuring that the required cover sheets are displayed on all digitised documents.

The Digitisation Team staff will also check whether or not a proposed ECP conforms with the

*CLA's Good Practice Guide in the Creation of Course Packs* and advise members of academic staff of any changes that are required in order to achieve this.

The Digitisation Team will create Electronic Course Packs with hyperlinks to digitised or digital content, with appropriate referencing of the content, using the University's two agreed referencing systems, Harvard (for all programmes other than Psychology) and APA (for Psychology).

The Digitisation Team will be responsible for managing the rollover of content from the CLA's Digital Content Store from one academic year to the next, and for communicating with academic staff should items have become excluded works.

The Digitisation Team will communicate deadlines for requests for additions of new content to ECPs for each semester with sufficient notice given to allow academic staff to respond in a timely manner.

#### **5.4 Inclusion of digital images in VLE**

Digital images will only be included on module pages, or in PowerPoint presentations and other documents used for teaching, if one of the following conditions have been met:

- It has been established that the licence under which the image is made available permits this (for example under a Creative Commons attribution licence) or that copyright has been waived by the owner AND the person uploading the image has added a suitable statement of attribution
- Permission from the copyright owner has been sought and obtained, the person wishing to use it in teaching has evidence of this, AND has added a suitable statement of attribution.
- The material is out of copyright

#### **5.5 Use of video content in VLE**

Video content on platforms such as YouTube may have been uploaded illegally and in infringement of copyright. Because it is very difficult to establish whether the person who uploaded the material was also the copyright owner or had obtained permission to do so from the copyright holder, the University's policy is that downloading or embedding of such videos into the VLE should not be undertaken, unless it can be established that the original copyright holder has consented to this. In cases where there is any doubt, hyperlinks only should be used.

Video content from Box of Broadcasts may be embedded into module pages on Moodle and the University policy is to support this, as an alternative to the provision of hyperlinks.

#### **5.6 Use of lecture capture software**

When lectures or other presentations are recorded using Panopto or other capture software, the following protocols must be observed:

- Hyperlinks to websites and other e-resources must be used instead of embedded content in slides, unless it can be established that the copyright holder permits this
- The use of digital images must comply with the conditions set out in section 5.4 above
- Commercially produced DVDs must not be included in any lecture capture unless explicit permission from the owner has been obtained
- Broadcasts from on-demand services such as the BBC's iPlayer may not be used in a lecture recording
- Clips from Box of Broadcasts may not be used in lecture capture.

The E-Learning Team are able to advise on how such content can easily be omitted from lecture capture recordings, whether during or after recording has taken place.

## **6. Provision of accessible texts**

Section 31 of the Copyright, Designs and Patents Act 1988 permits accessible copies of copyright works to be made for individuals with any type of physical or mental disability.

Leeds Trinity University will endeavor to make or source accessible copies of works within the scope of the law, for the use of students and staff requesting them, if given suitable notice and as workloads permit. These will take the form of OCR digitised copies that can be read by screen reading software. Members of the University wishing to be provided with such copies should contact Dyslexia and Disability support in the first instance, who will liaise with the Library's Digitisation Team as required.

## **7. Processes and procedures for ensuring compliance**

The University aims to assist its members as far as possible to be compliant with the law and enabling licences by means of:

- staff development opportunities
- readily available sources of information and guidance

and to undertake period rolling audits of materials on the VLE to assure itself of compliance and take swift action if any breaches are discovered.

The University also aims to ensure that any allegations of breach of copyright notified to it by third parties are investigated promptly, and, if it is established that the complainant is the copyright holder and that a breach has occurred, swift action is taken to rectify the breach.

### **7.1 Audit processes**

The Digitisation Team will conduct rolling audits of electronic course packs and other links to externally produced content, with the aim of ensuring, subject to staffing levels, that each programme area is audited every four years. The audit will check that there are no instances of unauthorised scans of copyright material present, and that appropriate attribution of materials available via Digital Commons and other licences is present.

Any unauthorised scanned materials found either as a result of the audit process or by other means will be taken down immediately and the module leader will be notified that this has been done. Where material is freely available or exists within Leeds Trinity's digital library collections, any unauthorised scanned documents will be replaced with hyperlinks with appropriate attribution. For copyright material not available within Leeds Trinity's own collections, a copyright cleared document will be obtained via the Digital Content Store, if available, and as funds permit.

### **7.2 Staff development**

The University aims to minimize the likelihood of breaches of copyright and licences and to inculcate good practice by means of offering regular staff development sessions on the basics of copyright, permissions under the CLA Higher Education Licence and other licenses, and on the services offered by the Library's Digitisation Team.

### **7.3 Sources of information and guidance**

Notices relating to the CLA Higher Education License are displayed adjacent to all equipment

used for reproducing copyright materials that are located in public and shared office areas. Library staff are responsible for this, and for ensuring that the most recent versions are displayed once a new licence is entered into.

Information and guidance on copyright and the various licenses the University has entered into are available on the Copyright area of Library website at <https://lib.leedstrinity.ac.uk/iguana/www.main.cls?url=UsingLibraryCopyright> . Information on the Digitisation Service is also available via the Library website. The Director of Library & Learning Resources, or a delegated person within the Library team, will be responsible for ensuring that such material is as far as possible kept up to date.

Key changes to licences will be communicated to staff and students by means of announcements on the University's Intranet.

#### **7.4 Complaints of breaches of copyright from third parties**

Any individual external to the University has the right to request the removal of content that has been made publicly available by Leeds Trinity University (e.g. via its website) on the grounds that it breaches copyright.

A complainant should email [copyright@leedstrinity.ac.uk](mailto:copyright@leedstrinity.ac.uk) giving their name, email address and postal address. They should provide the precise URL where the material was located and details of the material, along with proof that they are the rights holder. They should also state how they believe their rights have been infringed.

The University will, on receipt of a claim, take steps for the content subject to the claim to be taken down as soon as is reasonably possible, if on initial assessment the claim is deemed to be credible. Following a more detailed investigation, if the complaint is upheld, the content will continue to be unavailable on the website. If the complaint is not upheld, the content will be reinstated. The University's decision will be communicated to the complainant.

If the complainant does not accept the decision, the complainant will need to set out their complaint, as detailed above, in a letter of petition to the Chief Operating Officer, within 10 days of receipt of the decision. Petitions against decisions will only be allowed on the following grounds:

- Faulty or irregular procedure in the initial complaint handling.
- Emergence of relevant information not available previously.

The Chief Operating Officer will investigate the case fully, including interviewing the member of staff who dealt with the initial complaint, and will respond in writing to the complainant with their final decision, normally within 28 days of receipt of the petition.