

**Copyright & Intellectual Property
Handbook
For
The Master's University Community**

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I. Copyright Policy

1. Introduction

- 1.1 Copyright is one of four types of intellectual property governed by both Constitutional¹ and Federal Law². The others are patent³, trademark⁴ and trade secret. Copyright is important for students and educators to understand; trademark is important for Web designers because while a work may not be a violation of copyright, it could be a violation of trademark.
- 1.2 The Constitution is intended to promote progress while at the same time ascribing limits of ownership. This provides a balance that gives authors, scholars and inventors the incentive to create while simultaneously giving society at large the ability to benefit from it intellectually.
- 1.3 The Copyright Law which was first enacted in 1790, revised in 1976 and amended in 1998⁵ gives copyright owners the exclusive right to reproduction (duplication), distribution, derivation/adaptation, display, and public performance. The attempt to balance the rights of copyright owners and the needs of researchers is provided for in the various exemptions found in [Sections 107 through 121](#)⁶ of the Copyright Law. Of particular interest to this policy are the Educational Fair Use doctrine [17 U.S.C. § 107](#)⁷ and the Face-to-Face Teaching exemption ([17 U.S.C. § 110](#)⁸). These portions of the copyright law provide educators and researchers including students a defense for making reasonable use of copyrighted materials without having to first obtain permission from the copyright owner. See [Copyright Basics](#) below or visit the Library of Congress' [Copyright Basics](#)⁹.pdf for a more detailed explanation of the copyright law.

2. Definitions

- 2.1 "Faculty" means all individuals who have signed a faculty contract.
- 2.2 "Staff" means all individuals in graded or ungraded positions or on wage account status, whether full-time, part-time, or other status, receiving compensation from the college as employees, other than Faculty.
- 2.3 "Students" means all individuals associated with the institution in active student status as

¹ U.S. Constitution Copyright and Patent Law (U.S. Const., Art. I, §8, Cl. 8). "The Congress shall have power...to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

² For the text of the US Copyright Law U.S. Code Title 17 go to: < <http://www.copyright.gov/title17/92chap1.html>>

³ For details on patent law see the LibGuide Copyright for Higher Education page "[More Resources](#)".

⁴ Ibid.

⁵ The Sony Bono Copyright Term Extension Act and The Digital Copyright Millennium Act

⁶ <http://www.copyright.gov/title17/92chap1.html>

⁷ <http://www.copyright.gov/title17/92chap1.html#107>

⁸ <http://www.copyright.gov/title17/92chap1.html#110>

⁹ <http://copyright.gov/circs/circ01.pdf>

defined by formal registration, or on approved leave of absence status, whether full-time or part-time, whether or not holding a fellowship, a teaching assistantship, a research assistantship, or equivalent award, and whether or not receiving salary, wages, or a stipend.

3. Scope and Coverage

- 3.1 This policy and its directives are issued in harmony with the overall mission of The Master's University to cultivate in its students an enduring commitment to Christ, the Word of God, moral integrity, intellectual growth and a life of lasting contribution to the kingdom of God. It is expected of every student, faculty member and staff person of The Master's University to honor God by adhering to this policy.
- 3.2 This policy is concerned with the legal use of copyrighted works by the faculty, staff and students, as well as, the ownership of works created by them while members of The Master's University community. The primary basis of this policy is the application of the fair use doctrine of the copyright law; yet it remains subject to applicable intellectual property laws.

4. Policy Directives

- 4.1 While The Master's University (TMU) is committed to complying with intellectual property laws, it also supports the pursuit of scholarship by educators and students which require the use of copyrighted materials and will permit their use to the fullest extent allowed under those laws. Whenever possible the college will avoid adopting policies or agreements that would restrict a well-intentioned Fair-Use defense.
- 4.2 To that end The Master's University will inform and educate its faculty, staff and students concerning the Copyright Law. Informational resources will be developed and made available with special attention to the application of the four factors of the Fair Use Exemption as set forth in 17 USC § 107 and the exercise in good faith of that defense with regard to their teaching, research and service activities as members of The Master's University community. An explanation of the [Fair Use Exemption](#) is found below under section II. [Copyright Basics](#).
- 4.3 To assist in ascertaining the eligibility of a copyrighted work for use under the Fair Use Exemption and to document a "good faith effort" the [Checklist for Fair Use](#)¹⁰ or an applicable [Code of Best Practices in Fair Use](#) ought to be used.
- 4.3a The [Fair Use Checklist](#) applies the four factors of the fair-use provision of the copyright law as it is derived from judicial decisions interpreting copyright law. This checklist is designed to help educators and students evaluate copyrighted works to determine the applicability of the fair-use provision. It also provides a means of recording

¹⁰ See this page in the Copyright for Higher Education LibGuide <http://masters.libguides.com/fairusechecklist>

the decision-making process and establishes the “reasonable and good-faith” attempts to apply fair use. Individuals must act reasonably and in good faith when using the checklist to demonstrate that the cumulative “weight” of the factors either favors or opposes fair use.

4.3b [Codes of Best Practices](#) help to interpret the copyright doctrine of Fair Use and describe how those rights should apply in certain recurrent situations. These guides identify situations that represent their respective communities’ current consensus about acceptable practices for the fair use of copyright materials.

4.4 [Section 504](#)¹¹ of the copyright law protects individuals from excessive monetary damages if infringement occurs, provided the individual is part of a nonprofit educational institution and believed s/he was acting with reasonable good faith within the parameters of fair-use: “The court shall remit statutory damages in any case where an infringer believed and had reasonable grounds for believing that his or her use of the copyrighted work was a fair use under [section 107](#),...”¹² **Using the “Fair Use Checklist” or a “Code of Best Practices in Fair Use” may serve as evidence that a reasonable good faith effort has been made.**

4.5 Guidelines have been developed by numerous groups and private parties in an effort to provide what has been called a “safe harbor” from copyright infringement. These guidelines represent a consensus interpretation of a minimum application of fair use. However, these guidelines are not the law and when applied to the needs of higher education often restrict the application of the four fair use factors: Purpose, Nature, Amount and Market Effect more than the law itself permits. The Master’s University will therefore rely on the law as its standard. Individuals desiring to utilize any of these guidelines are not prohibited from doing so but should realize that they may be abating the full extent of that which is allowed under the law with regard to their teaching and research.

4.6 Copying, distributing or performing copyrighted works including the downloading and uploading of information from the Internet may infringe the copyright for that information. Even an innocent, unintentional infringement violates the law. Both the individual requesting such services and the individual executing them may be liable for copyright infringement. Therefore, members of The Master’s University community are prohibited from using copyrighted works in any way that is not defensible by specific exemptions in the copyright law, license agreements or written permission from copyright owners.

4.7 If TMU faculty, staff or students are determined to use copyrighted material and none of the allowable exemptions apply, permission must be obtained from the copyright owner.

4.8 Faculty and staff are expected to keep copies of permissions sought, denied or granted in perpetuity to defend against claims of infringement. It is strongly recommended that students do the same. [Sample permission letters](#) can be found below in [Appendix A](#) as well as on the library’s web site.¹³ The Institutional Copyright Specialist,¹⁴ although not a

¹¹ See also [Circular 21 “Reproduction of Copyrighted Works by Educators and Librarians”](#)

¹² See Copyright Infringement and Remedies, [17 USCS § 504\(c\)\(2\)](#) for the complete text.

¹³ LibGuide page Sample Permission Letters <<http://masters.libguides.com/samplepermissionletters>>

lawyer and unable give legal advice, is also available if additional assistance as needed.

- 4.9 Adequate records of permission requests, responses to permission requests and copies of license agreements should be kept by their respective signatories. Each department administrator is expected to negotiate license agreements with appropriate care, maintain files of all licenses, and develop procedures that will ensure compliance.
- 4.10 A permissions request that is denied by the copyright owner will not mitigate against a defensible use of copyrighted material.
- 4.11 Although the copyright law permits fees and royalties to be passed on to the students receiving the documents, it is the policy of The Master's University that these costs not be passed on to the students. Whether payment of these fees will be the responsibility of the individual faculty member or the academic departmental budget is the decision of the chairman of each department.
- 4.12 As a further reminder to The Master's University community of the need for copyright compliance, the following statement will be placed on or near campus wide owned or operated equipment capable of making copies:
- “Notice: The copyright law of the United States (Titles 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted materials. The person using this equipment is liable for any infringement.”
- 4.13 "Faculty, staff and students that produce TMU Web content must ensure they make a good faith effort to comply with all applicable copyright and trademark laws.”
- 4.14 Compliance with the terms of this policy is a condition of employment for faculty and staff and for enrollment of students. TMU faculty, staff and students are responsible to ensure that they are abiding by the copyright laws that affect photocopying, printing, downloading, uploading or otherwise duplicating, distributing, displaying, adapting or performing copyrighted materials not their own. Members of the TMU community who willfully disregard the institution's Copyright Policy do so at their own risk and assume all liability, including the possibility of disciplinary actions for copyright infringement.
- 4.15 Violations of copyright law that occur on or over TMU's network, MasterNet or other computer resources may create liability for the computer user. For additional information regarding the institution's position on computer use, see the [Media Ethics Policy](#)¹⁵ and the [Network Use Policy](#)¹⁶ which are printed below in their entirety in [Appendixes C & D](#) respectively.

5.Faculty Training

¹⁴ Janet Tillman (Miss T.),MLS jtillman@masters.edu; 661.362.2201.

¹⁵ Media Ethics Policy <<http://www.masters.edu/campuslinks/computerservices/studentcompinfo/mediaethics/>>

¹⁶ Network Use Policy <<http://www.masters.edu/campuslinks/computerservices/studentcompinfo/networkuse/>>

- 5.1 Faculty will receive an electronic copy of this policy and will be notified that it can be found on The Master's University Web site , [Copyright for Higher Education LibGuide](#) page [Intellectual Property Handbook](#)]
- 5.2 Full-time faculty will be invited to attend a copyright training session held during the faculty fall workshop every five years with periodic sessions in the interim as needed to explore relevant issues and new developments.
- 5.3 New faculty will be presented with the same basic training during their New Faculty Orientation.
- 5.4 Part-time faculty will be invited to attend either the fall faculty training or the new faculty training.
- 5.5 This policy will be included in the faculty handbook.
- 5.6 Faculty should avail themselves of the following sources of additional information regarding copyright:
- 5.6a [Copyright Basics](#) (section II below)
- 5.6b [Resources](#) (section III below)
- 5.6c [Copyright: Finding the balance](#) - for a review of copyright basics at anytime. This PowerPoint presentation is available on the [Copyright for Higher Education LibGuide](#).
- 5.6d The library Web site also contains additional detailed information regarding the copyright law as it relates to academia for both faculty and students in the LibGuide entitled [Copyright for Higher Education LibGuide](#).
- 5.6e Consult the Institutional Copyright Specialist: Janet L. Tillman, MLS 661.362.2201; jtillman@masters.edu.
- 5.6 For additional information and guidance on copyright law, Master's University personnel should read this policy in its entirety, visit TMU's [Copyright for Higher Education LibGuide](#) or contact the Institutional Copyright Specialist [Janet Tillman, MLS jtillman@masters.edu; 661.362.2201]

6. Ownership and Disposition of Copyrightable Material

Copyright ownership of work produced by The Master's University faculty for the purposes of their teaching and service activities with and for the college shall vest with the author in accordance with the following Intellectual Property Statement of the [Faculty Handbook](#)

“6.9 Intellectual Property

6.9.1 Instructional Materials

Instructional materials produced by college faculty are the proprietary property of the individual faculty member. This includes syllabi, note-packets, PowerPoint presentations, course homepages, and any or all materials related and pursuant to course instruction. Faculty retains control of their intellectual property. In the event the college contracts with a faculty member for specific curriculum design, the faculty member must sign a release of intellectual property rights to be filed with the Vice President of Academic Affairs. Otherwise, all rights connected with instructional materials are retained by the faculty member. It is the hope of The Master’s University that both before and after separation, faculty members would allow the college to use proprietary instructional materials.

6.9.2 Research and Publication

Individual faculty members conducting research retain all rights to their discovery, data, findings, and research materials except in the case of previously contracted research agreements. In the case of student or collaborative research, faculty must articulate between primary and secondary investigators and have such articulation available and signed by all collaborators. This document should be on file with the Vice President of Academic Affairs. Protection of student research rights must be respected by The Master’s University Faculty members.

6.9.3 Online and/or Distributed Instruction

Online and/or Distributed learning courses to be utilized by The Master’s University must have a signed contract/agreement with the faculty member that stipulates the following:

1. Creator of the course and date of course creation.
2. Statement of ownership of instructional materials; and if agreed, consent to release of intellectual property rights to The Master’s University.
3. Articulation of conditions for course discontinuance (e.g., Faculty disinterest, change of employment; dating of instructional material, etc. if rights retained by faculty member).
4. Description of remuneration to course designer including course design fees and usage fees.
5. Statement of timeframe for renegotiation of course usage including restructuring of course remuneration.
6. Statement of conditions regarding transfer of course to another faculty member including agreed consent of conditions of transfer (e.g., Intellectual property, usage and remuneration fees, extended conditions of discontinuance).

7. Consent signatures (Instructor, Department Chair, Vice President for Academic Affairs).

In situations where the college may claim whole or shared copy-right to intellectual property, these should be defined under “Works Made for Hire” or “Contractual Transfer” agreements. In the absence of such agreements, faculty retain copyright to intellectual property.”¹⁷

- 6.1 Copyright ownership of work produced by the staff, including students employed as staff of The Master’s University at the request of their employers or for the purpose of their employment with the college, shall vest with the college.
- 6.2 Copyright ownership of work produced by students of The Master’s University as part of their educational program requirements, exclusive of work produced in the capacity of employment with the college, shall vest entirely with the author. However, TMU retains the right under the principles of educational fair use to retain a private copy of a student’s work for the purposes of institutional assessment.

7. Student Use of Copyrighted Materials for Class Projects

- 7.1 The copyright law does not specifically address student use of copyrighted works. However, the Senate Report accompanying the Copyright Revision Act of 1976 identifies "special uses" by students:

"There are certain classroom uses which, because of their special nature, would not be considered an infringement in the ordinary case. For example, copying of extracts by pupils as exercises in a shorthand or typing class or for foreign language study Likewise, a single reproduction of excerpts from a copyrighted work by a student calligrapher ... in a learning situation would be a fair use of the copyrighted work." (Senate Report No. 94-473)

- 7.2 Based upon that statement, a consensus has developed in higher education that students may duplicate copyrighted works as a learning exercise. This suggests that students may integrate all types of materials into sound/slide, film, or television productions and other multimedia products.
- 7.3 Programs made under this exemption may be submitted to the teacher for a grade and may be shown to the other students in the class, including distance learning transmission over the college’s secure electronic network in real time as well as for after-class review or directed self-study. However, the paper or product will remain the property of the student. It may not be shown, transmitted, or broadcast outside the institution and no copies may be sold or given away.

¹⁷ Faculty Handbook, The Master’s University, Santa Clarita, CA 2014 revision.
<<https://www2.masters.edu/edit/academics/FacultyHandbook/Handbook.pdf>>

- 7.4 Students may perform and display their own educational multimedia projects created under Section 2 of the Fair Use Guidelines for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.
- 7.5 Students who wish to make copies beyond these narrow constraints, or who wish to make additional uses of their student projects, must get permission for all elements used.
- 7.6 Students should also be familiar with TMU's [Media Ethics Policy](#) reprinted below as [Appendix C](#) and the [TMU IT Student Network Use Policy](#) in [Appendix D](#). These are also available on [The Master's University Web site - Campus Links - IT Operations](#).
- 7.7 Students who fail to comply with TMU's intellectual property policies will face appropriate disciplinary action which may include expulsion.
- 7.8 Students will find additional information about copyright in the [Copyright for Higher Education LibGuide](#) on the Library's Web site under [LibGuides](#).

8. Institutional Copyright Specialist

- 8.1 The Institutional Copyright Specialist may be consulted for assistance in the specific application of this policy. However, it must be noted that The Institutional Copyright Specialist (ICS) is not legal counsel to the institution or to any member of The Master's University community. Attorneys should be consulted where legal advice is needed.
- 8.2 It is the responsibility of the Institutional Copyright Specialist to...
- 8.2a ...serve as a resource and provide assistance with regard to questions concerning copyright law and institutional policy;
 - 8.2b ...monitor trends and developments related to copyright law that impact TMU, its students and faculty;
 - 8.2c ...identify areas in which policy development is needed and recommend to the academic dean new or revised institutional policies and guidelines;
 - 8.2d ...identify educational needs of the faculty and others related to compliance with copyright policies and guidelines, and advise on appropriate ways to address those needs;
 - 8.2e ...develop and implement training programs for faculty periodically, as set forth in this document;
 - 8.2f ...propose institutional policies and guidelines regarding ownership and use of copyrighted or licensed scholarly works.
 - 8.2i ICS contact information:
Miss Janet L. Tillman, MLS
Reference Librarian
Institutional Copyright Specialist
The Master's University

21726 Placerita Cnyn. Rd.
Santa Clarita CA 91321
800-568-6248
t: 661-362-2201
f: 661-362-2719
jtillman@masters.edu

9. The Digital Millennium Copyright Act Designated Agent

9.1 In compliance with the [Digital Millennium Copyright Act](#)¹⁸ (DMCA) a [Designated Agent](#)¹⁹ has been established with proper [documentation](#)²⁰ sent to the US Copyright Office. The following [Statement of Compliance](#) is posted on The Master's University Web site accessible to the public:

“DMCA - Designated Agent

The Digital Millennium Copyright Act

Designated Agent

In compliance with the Digital Millennium Copyright Act (DMCA) a Designated Agent has been established with proper documentation sent to the US Copyright Office. The following statement of compliance is posted on the Master's University Web site accessible to the public:

Statement

TMU complies with the provisions of the Digital Millennium Copyright Act (DMCA). If you have a concern regarding the use of copyrighted material on any site on the masters.edu network, please contact the agent designated to respond to reports alleging copyright infringement.

Designated Agent

The designated agent for the TMU campus to receive notification of claimed infringement under Title II of the DMCA is:

Paul Sedy
Chief Information Officer

psedy@masters.edu
The Master's University

¹⁸ DMCA <<http://www.loc.gov/copyright/legislation/dmca.pdf>>

¹⁹ Designated Agent <<http://www.copyright.gov/online/sp/>>

²⁰ See Appendix E

21726 Placerita Cnyn. Rd.
Santa Clarita CA 91321
661.362.2340

Claims

The DMCA specifies that all infringement claims must be in writing (either electronic mail or paper letter) and must include the following:

- A physical or electronic signature of the copyright holder or a person authorized to act on his or her behalf;
- A description of the copyrighted work claimed to have been infringed and multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
- A description of the material that is claimed to be infringing or to be the subject of infringing activity, and information reasonably sufficient to permit the service provider to locate the material;
- Information reasonably sufficient to permit the service provider to contact you, such as an address, telephone number, and, if available, an electronic mail address;
- A statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and

A statement that the information in the notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.”²¹

²¹ TMU Designated Agent: <http://www.masters.edu/aboutTMU/dmca.aspx>

II. Copyright Basics

Section 106 of the Copyright Act gives the owner of copyrighted works the exclusive right to reproduce copies, prepare derivatives, distribute copies, publicly perform/display their work and to authorize others to do the same. It is not essential for a work to be published to be protected by the copyright law and simply owning a copyrighted work does not give the possessor the right to copy it. However, these rights are not absolute. Sections 107 through 121²² of the copyright law establish exemptions to these rights.

As of March 1, 1989 a work is copyrighted the instant it becomes tangible and usually the creator is the initial copyright owner. Under prescribed circumstances, the person or organization who hired the creator has copyright ownership (Sec 101 Work for Hire²³) and copyright ownership can be transferred to another person or organization. If the creator has sold the entire copyright, the purchasing business or person becomes the copyright owner.

It is no longer necessary to register with the copyright office. However, a work should be filed in order to give the copyright owner a stronger case in court if someone infringes the copyright owner's work. A copyright notice is also not necessary but a good idea because it discourages infringement, forestalls a claimant's argument that s/he didn't know it was copyrighted and it makes it easier to track down the owner to get permission to use it.

The proper form for notice of copyright is the word "Copyright" the date(s) and the author or owner's name. The use of the © may be used instead of the word "Copyright" and for sound recordings, regardless of format, use the ®. A more emphatic statement such as "no part of this work may be reproduced in any format or by any means..." is often used but has no legal merit. The only thing it might do is act as a deterrent to infringers. Although some foreign countries still require the phrase "All Rights Reserved", it is not necessary in the U.S. or signatories of the [Berne Convention](#). The proper forms for a copyright notice are:

- Copyright [date] by [author/owner]
- © [date] by [author/owner]
- ® [date] by [author/owner] (phonorecords)

For additional information on the Berne Convention and other international copyright laws, see The Library of Congress Copyright Office [Circular 38a, International Copyright Relations of the United States](#).²²

The location of the copyright notice is legally defined as "in such manner and location as to give reasonable notice of the claim of copyright". In other words, it needs to be noticeable—not hidden away in the fine print.

²² Copyright Office Circular 38a "International Copyright Relations of the United States"
<<http://www.copyright.gov/circs/circ38a.pdf>>.

Licenses and contracts always supersede copyright. Online Indexes and databases have very explicit licensing agreements because much of the data is public domain and it's the only way they have of protecting their market. As an innocent third party, unless you have clicked or signed one, you are not responsible for adhering to the license agreement signed by another party.

Fair Use Exemption

The text of the fair use exemption taken from the United States Code, Title 17, Section 107 reads as follows:

“Notwithstanding the provisions of sections 106 [[Exclusive rights in copyrighted works](http://www.copyright.gov/title17/92chap1.html#106)²³] and 106A [[Rights of certain authors to attribution and integrity](http://www.copyright.gov/title17/92chap1.html#106a)²⁴], the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified in that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.”²⁵

This statute is deliberately flexible with no exact delineation of what is or is not fair use. It was never intended to provide specific answers to specific situations. Individuals must determine how these factors weigh in each situation because among many other reasons not all educational use falls within fair use and not all commercial use falls outside fair use.

²³ § 106 Exclusive rights in copyrighted works <<http://www.copyright.gov/title17/92chap1.html#106>>

²⁴ § 106A . Rights of certain authors to attribution and integrity
<http://www.copyright.gov/title17/92chap1.html#106a>.

²⁵ § 107 . Limitations on exclusive rights: Fair use <<http://www.copyright.gov/title17/92chap1.html#107>>

All four factors work together along with other possible circumstances in determining the applicability of fair use. Though the weight given to each of the four factors will vary with each instance, a reasonable and good faith application of the four factors must be demonstrated to protect oneself against liability.

Case law has provided and will continue to provide examples of how the four factors are applied to specific situations. Applicable court rulings should be consulted for guidance in exercising the fair use exemption. See “[Current Legislation & Case Law](#)” [change this link after you get done with the LibGuide] from [Copyright for Higher Education LibGuide](#)” for more details.

The following are some examples of what the courts thus far have defined as favorable or unfavorable applications of the Four Fair Use Factors:

Purpose “and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.” Nonprofit, educational uses are favored over commercial uses. Transformative works are favored over reproductions. That is to say, a work is transformed into something new or is used for something other than that for which it was originally created.

Nature “of the copyrighted work refers to the characteristics, qualities and attributes of the work.” For example a work of nonfiction is favored over fiction or more creative works; textbooks are favored over motion pictures or software programs whereas consumable works like workbooks are not favorable to fair use. An “unfavorable” use does not automatically mean the work cannot be used.

This is only one factor that is weighted on the negative side. The other three factors must be considered as well.

Amount “and substantiality of the portion used in relation to the copyrighted work as a whole.” This incorporates both the quantity and the quality of material being duplicated. Exact measures, word counts and percentages do not exist in the fair use law. Quantity is evaluated relative to the length of the entire original work and the amount needed to serve the objective. It is also viewed in light of the “nature” of the work. For instance, whole articles and entire pictures are not favorable to fair use. On the other hand, small portions may not be favorable if they are “the heart of the work”, for example the most creative clip from a motion picture (e.g. the Ben Hur chariot race, Lucy in the chocolate factory, etc.). Also, each item in an anthology or collected works is subject individually to fair use scrutiny.

Effect “...upon the potential market for or value of the copyrighted work.” Some courts consider this the most important factor and this factor can tip the scale when the others are too close to call. Reproduction in order to avoid purchasing the work is not fair use. Significant adverse market effect is unfavorable to fair use. The effect factor is directly linked to the purpose factor so that when used in research or scholarship the concept of market harm can be difficult to prove unless the material is marketed to the academic

community.

Although one *can* with great ease reproduce tangible expressions of an idea whether print, audio, visual or digital, it does not follow that one *may* do so legally. Despite the copyright law's lack of specific references to the duplication of digital materials, copyright issues arise when protected materials are digitized for easy electronic access, when persons print or download electronic materials; when digitized materials are performed or displayed at terminals, when derivative works are created from the reformatting of analog to digital. Nevertheless the copyright law has an inherent flexibility that enables an application to unforeseen needs.

The following applications of the four fair use factors have been extrapolated for the purpose of strengthening the defensive position of a nonprofit educational use. TMU faculty, staff and students may want to consider applying these when loading text or other materials onto websites or other electronic systems.

As regards Purpose: Restrict access to specific course related materials by password only to students enrolled in the course;

As regards Nature: as often as possible nonfiction (scientific, fact-based) works should be used over fiction and highly creative works (art, music, movies);

As regards Amount: limit to that which is necessary for, important to and appropriate for the educational purpose;

As regards market effect: limit access to the MasterNet system to those with authorized passwords only; individual course related materials placed on the MasterNet system should be limited to one semester; the use of commercial monographs should be the exception. Also the market effect might be reduced by using only news or academic works and by using materials not easily available for purchase.

Face-to-Face Teaching Exemption

In addition to the Fair Use exemption, of importance to those who teach in a professional capacity is the Face-to-Face Teaching exemption. In summary this exemption allows for legally reproduced work (e.g., articles, small portions of books, short video clips) to be used in a classroom or similar place devoted to instruction in the course of face-to-face teaching activities of a nonprofit educational institution. The exemption applies as long as there is no direct or indirect admission charge, it is a regular part of the instructional activities and it is directly related to the teaching content. This exemption does not negate the option to apply the fair use exemption. *17 USCS § 110. Limitations on exclusive rights: Exemption of certain performances and displays* can be viewed in its entirety at <<http://www.copyright.gov/title17/92chap1.html#110>>

Requesting Permission to Use Copyrighted Works

If copyrighted material is going to be used, permission must be obtained when none of the exemptions apply. Letters or email requests should be sent to the Material Permissions Department of the copyright holder. The copyright owner is often the publisher not necessarily the author.

Permission is frequently given but often involves fees and royalties. In some cases royalty or copyright fees are paid to agencies such as Copyright Clearance Center, ASCAP, BMI, Motion Picture Licensing Corporation, etc.

A letter requesting permission should include (1) a self-addressed, stamped envelope, (2) a designated place for the copyright owner to date, sign, and grant/deny permission and (3) two copies so that the copyright owner can keep one and return the other signed copy in the SASE.

[Sample letters](#) are available in Appendix A below and on the library's Web site.

Whether writing a letter or sending an email message, the following information should be provided:

- ☐ Author's, editor's, translator's full name(s)
- ☐ Title, edition, and volume number of book or journal
- ☐ Copyright date
- ☐ ISBN/ISSN
- ☐ Inclusive page number, figures, and illustrations
- ☐ Exact chapter(s) and page numbers
- ☐ Number of copies to be made
- ☐ Whether material will be used alone or combined with other duplicated materials
- ☐ Name of college
- ☐ Course name and number
- ☐ Semester and year in which materials will be used. It may need to be obtained for every semester the work is used since there is no once for all permission.
- ☐ Instructor's full name

When a work passes into the public domain, it is no longer protected under the copyright law and permission is not needed. Additional information about materials in the public domain can be found below and in the Library Research Guide entitled "[Copyright in the Classroom](#)".

The Library of Congress Copyright Office (LOC) [Circular 22](#)²⁵ describes how to investigate the copyright status of a work and will perform a search for a fee. Individuals may perform searches themselves by using the LOC database "Search Copyright Records: Registrations and Documents" located at this Web address <http://www.copyright.gov/records/>.

The Copyright Clearance Center <http://www.copyright.com/> will also for a fee check the status of a work. Other search firms include:

-Copyright Council, 2121 Crystal Dr., Ste. 704, Arlington, VA 22202; 703-521-1669

-Government Liaison Services, Inc., 3030 Clarendon Blvd., Ste. 209, Arlington, VA 22201; 800-642-6564 or 703-524-8200
-Thomson & Thomson, Copyright Research Group, 500 E St., SW, Ste 970, Washington, DC 20024; 800-356-8630
-XL Corporate Services, 62 White St., New York, NY 10013; 800-221-2972 or 212-431-5000

Another source for checking copyright is The Ransom Center at the University of Texas at Austin which houses the WATCH database of Writers, Authors and Their Copyright Holders (<http://tyler.hrc.utexas.edu/>). The WATCH file is a database containing primarily the names and addresses of copyright holders or contact persons for authors and artists whose archives are housed, in whole or in part, in libraries and archives in North America and the United Kingdom.

²⁵ <http://www.copyright.gov/circs/circ22.html#general>

International Copyright

There is no “International Copyright” per se; however, the Berne Convention, the General Agreement on Tariffs and Trade treaty (GATT) and other international treaties allow authors to enforce their copyrights in signatory countries. These include most industrialized nations.

In addition, the [World Intellectual Property Organization](http://www.wipo.int/about-wipo/en/) (WIPO) is an international organization dedicated to promoting the use and protection of intellectual property. WIPO administers 23 international treaties dealing with different aspects of intellectual property protection. Additional information about WIPO can be found at their Web site: <http://www.wipo.int/about-wipo/en/>.

Apart from these treaties protection against unauthorized use in a particular country depends on the national laws of that country.

For further information on international copyright protection and a list of countries that maintain copyright relations with the United States, see United States Copyright Office’s Circular 38a, “International Copyright Relations of the United States”.²⁶

Additional information regarding [International Copyright](#) can be found on the library’s Web site under [Research Guides & Tutorials](#).

PUBLIC DOMAIN

The following categories of publications are not protected by copyright law because they are in the public domain that is they may be used freely by anyone:

- U. S. publications more than 75 years old.
- Works published in the U.S. before 1922.
- Works published in the U. S. that a) were first published before January 1, 1978 and b) do not include a copyright notice.
- United States government documents issued by the Superintendent of Documents.
- Works published outside the U.S. before July 1, 1909.

All copyrighted and patented works eventually end up in the public domain. Once a work has entered the public domain it is no longer eligible for copyright protection.

A chart created by Lolly Gassaway and reproduced below (by permission) is also useful in identifying when certain materials published in the United States have been or will be placed in the public domain.

²⁶ <http://www.copyright.gov/circs/circ38a.pdf>

WHEN U.S. WORKS PASS INTO THE PUBLIC DOMAIN*

DATE OF WORK	PROTECTED FROM	TERM
Created 1-1-78 or Published before	When work is fixed in tangible medium of In public domain	Life + 70 years ¹ (or if work of corporate authorship, the None
Published from 1922-62	When published with notice ³	28 years + could be renewed for 47 years, now extended by 20 years for a total renewal of 67 years. If
Published from 1964-77	When published	28 years for first term; now
Created before 1-1-78 but not published	1-1-78, the effective date of the 1976 Act	0 years or 12-31-2002, whichever is greater
Created before 1-1-78 but published	1-1-78, the effective date of the 1976 Act	0 years or 12-31-2047 whichever is greater

¹ Term of joint works is measured by life of the longest-lived author.

² Works for hire, anonymous and pseudonymous works also have this term. 17 U.S.C. § 302(c).

³ Under the 1909 Act, works published without notice went into the public domain upon publication. Works published without notice between 1-1-78 and 3-1-89, effective date of the Berne Convention Implementation Act, retained copyright only if efforts to correct the accidental omission of notice was made within five years, such as by placing notice on unsold copies. 17 U.S.C. § 405. (Notes courtesy of Professor Tom Field, Franklin Pierce Law Center and Lolly Gasaway)

*This chart may be freely duplicated or linked to for nonprofit purposes. No permission

needed. Please include web address on all reproductions of chart so recipients know where to find any updates. <http://www.unc.edu/~uncldg/public-d.htm>

Limited Public Domain

Occasionally, authors will offer the right to duplicate their work and in essence put their copyrighted material in the public domain or make “some rights available” without the need for permission. This is only valid when there is an explicit statement authorizing duplication. This authorization may be limited to some degree for instance for educational purposes only.

Here is an example of a copyright statement that partially releases a work to the public domain:

© Janet Tillman/The Master’s University, 2004, permission is granted for non- profit educational use; any reproduction or modification should include this statement.

For copyright owners who wish to relinquish some their rights but not all of them [Creative Commons](http://creativecommons.org) can help. Creative Commons <<http://creativecommons.org>> is a nonprofit organization that arranges “some rights reserved” licenses.

Here is an example of a copyright statement that includes a Creative Commons “some rights reserved” license:

© 2004 Peter B. Hirtle. Use of this chart is governed by the



Creative Commons [Attribution-NonCommercial License](http://creativecommons.org/licenses/by-nc/3.0/). In addition, permission is granted for non-profit educational use, including but not limited to reserves and coursepacks made by for-profit copyshops.

For additional information on copyright terms and public domain for unpublished works, works published in the U.S. and works published outside the U.S. see the chart produced by the [Cornell Copyright Information Center](http://www.cornell.edu/copyright/) entitled “[Copyright Term and the Public Domain in the United States](http://www.cornell.edu/copyright/)”.

III. Resources

Copyright Law Web Sites

- US Copyright Office: <http://www.loc.gov/copyright/>
- LOC Circulars and Form Letters: <http://lcweb.loc.gov/copyright/circs/>
- The full text of the Digital Millennium Copyright Act: <http://thomas.loc.gov/cgi-bin/query/z?c105:H.R.2281.ENR:>
- TEACH Act: <http://www.copyright.gov/legislation/pl107-273.html#13301>

Books on Copyright Law

- 101 Questions About Copyright Law / Andrew Alpern. Mineola (NY): Dover Publications, 1999. [R/346.7304/AL74o/1999]
- Copyright Essentials for Librarians and Educators / Kenneth D. Crews. Chicago: American Library Association, 2000. [R/346.7304/C867c/2000]
- Getting Permission: How to License & Clear Copyrighted Materials Online & Off / Richard Stim. Berkeley: Nolo, 2001. [R/346.7304/St54g/2001]
- Libraries and Copyright: A Guide to Copyright Law in the 1990's / Laura N. Gasaway and Sarah K. Wiant. Washington, D.C.: Special Libraries Association, 1994. [R/346.0482/G21L/1994]
- Multimedia Law and Business Handbook / J. Dianne Brinson and Mark F. Radcliffe. Menlo Park (CA): Ladera Press, 1996. [R/346.0482/B772m/1996]
- Patent, Copyright & Trademark / Stephen Elias. Berkeley: Nolo Press, 1997. [R/346.0482/EL42p/1997]
- Technology and Copyright Law: a Guidebook for the Library, Research, and Teaching Professions / Arlene Bielefield and Lawrence Cheeseman. New York: Neal-Schuman Publishers, 1999. [R/346.7304/B476t/1999]
- The Copyright Handbook: How to Protect and Use Written Works / Stephen Fishman. 5th ed. Berkeley: Nolo, 2000. [R/346.7304/F539c/2000]
- The Copyright Primer for Librarians and Educators / Janis H. Bruwelheide. 2nd ed. Chicago: American Library Association; Washington, D.C.: National Education Association, 1995. [R/346.0482/B839c/1995]

Online Copyright Tutorials

- NCSU Copyright Tutorial: <http://www.lib.ncsu.edu/scc/tutorial/main.html>
- Crash Course in Copyright: <http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm>
- Copyright Primer: <http://www.umuc.edu/cgi-bin/cgiwrap/primer/primerwrap.cgi/enter.php#>
- Copyright: Finding the balance: S:\Common\Staff_Public\Library\Copyright\Finding the Balance
- CopyOwn-Tutorial: <http://www.inform.umd.edu/copyown/tutorial/>

Additional Copyright Resources

- What Every Teacher Should Know about copyright: <http://www.2learn.ca/copyright/locate>
- [UCLA Policy 964: Online Copyright Infringement Liability Limitation](#)
- Copyright Clearance Center: <http://www.copyright.com/>
- Copyright Management Center: <http://copyright.iupui.edu/>
- Stanford University Libraries Copyright and Fair Use: <http://fairuse.stanford.edu/>
- UCLA Cyberspace: <http://www.gseis.ucla.edu/iclp/dmca1.htm>
- CETUS: Fair Use of Copyrighted Works: <http://www.cetus.org/fairindex.html>

- New Copyright Law for Distance Education: <http://www.ala.org/washoff/teach.html>
- TEACH Act Toolkit: <http://www.lib.ncsu.edu/scc/legislative/teachkit/resources.html>
- The TEACH Act finally becomes law: <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>
- WATCH: Writers, Authors and Their Copyright Holders: <http://tyler.hrc.utexas.edu/>

Multimedia & Technology

- Intellectual Property & Technology Forum: http://www.bc.edu/bc_org/avp/law/st_org/ip tf/
- An Intellectual Property Law Primer for Multimedia and Web Developers: <http://www.eff.org/CAF/law/multimedia-handbook> Legal Information for Internet Professionals: <http://www.gigalaw.com/>
- Multimedia Law and Business Handbook / J. Dianne Brinson and Mark F. Radcliffe. Menlo Park (CA): Ladera Press, 1996. [R/346.0482/B772m/1996]

Trademark Law

- United States Patent and Trademark Office: <http://www.uspto.gov/web/offices/tac/tmlaw2.html>

Information about U.S. Trademark Law

- Trademark Law Overview, Legal Information Institute: <http://www.law.cornell.edu/topics/trademark.html>
- BitLaw - A Resource on Technology Law: <http://www.bitlaw.com/trademark/index.html>
- Primer on Trademark and Internet Addresses: <http://www.loundy.com/JMLS-Trademark.html>
- Overview of Trademark Law: <http://cyber.law.harvard.edu/metaschool/fisher/domain/tm.htm>

International Trademark Law

- International Trademark Association: <http://www.inta.org/>
- International Trademark Law Treaty: <http://www.wipo.org/treaties/ip/tlt/index.html>

Patent Law

- U.S. Patent Law, U.S. Patent and Trademark Office: http://www.uspto.gov/web/offices/pac/mpep/consolidated_laws.pdf
- U.S. Patent Rules, U.S. Patent and Trademark Office: http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf

Information about U.S. Patent Law

- U.S. Supreme Court Patent Decisions, Legal Information Institute: <http://supct.law.cornell.edu/supct/cases/patent.htm>

- [Overview of Patent Law](http://www.law.cornell.edu/topics/patent.html), Legal Information Institute:
<http://www.law.cornell.edu/topics/patent.html>
- [BitLaw](http://www.bitlaw.com/patent) - A Resource on Technology Law: <http://www.bitlaw.com/patent>
- [Patent Law at MIT](http://www.mit.edu:8001/courses/6.901/patent.html): <http://www.mit.edu:8001/courses/6.901/patent.html>

International Patent Law

- [Patent Law Treaty](http://www.wipo.int/treaties/ip/plt/index.html): <http://www.wipo.int/treaties/ip/plt/index.html>

Appendix A

Sample Permission Letter I

The request should be sent, together with a self-addressed return envelope, to the permissions department of the publisher in question.

Permissions Department
[Publisher]
[Address]

Dear Permissions Editor:

I am requesting permission to copy the following for continued use in my classes in the all semester of 2002 for [course name and number]:

Title: Copyright: Author:

Material to be duplicated: [chapters, page numbers; volume; issue number] Number of copies:

Distribution: The material will be distributed to students in my classes and they will pay only the cost of the photocopying.

Type of reprint: [photocopy, computer disc, electronic reserve, html, pdf] Use: The chapters/pages will be used as supplementary teaching materials.

If you do not solely control copyright in the requested materials, I would appreciate any information you can provide about others to whom I should write, including most recent addresses if available.

I have enclosed a self-addressed envelope for your convenience in replying to this request.

<p>Sincerely,</p> <p>[Signature] [Address] [date]</p>	<ul style="list-style-type: none">• Please initial any statement that applies:<ul style="list-style-type: none">○ I hereby represent that I have the authority to grant the permission requested herein.○ I am the sole owner/author of the work. <p>Company Signature</p> <hr/> <p>Name of authorized signatory</p> <hr/> <p>Title</p> <hr/> <p>Company</p> <hr/> <p>Date</p> <hr/>
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Sample Permission Letter II

Material Permissions Department Hypothetical Book Company 100 Main Street
Chicago IL 60601

To Whom It May Concern:

I am requesting permission to copy the following for continued use in my classes in the all semester of 2002 for [course name and number]:

Title: Copyright: Author:

Material to be duplicated: [chapters, page numbers; volume; issue number] Number of copies:

Distribution: The material will be distributed to students in my classes and they will pay only the cost of the photocopying.

Type of reprint: [photocopy, computer disc, electronic reserve, html, pdf] Use: The chapters/pages will be used as supplementary teaching materials.

I have enclosed a self-addressed envelope for your convenience in replying to this request.
Sincerely,

Faculty Member

Sample Permission Letter III

Material Permissions Department Hypothetical Book Company 100 Main Street
Chicago IL 60601

To Whom it May Concern:

I am writing to obtain permission to use the following material:

Nature of materials: _____

Publisher: _____

Date of publication: _____

Author(s): _____

Page numbers or other description of material: _____

☐ A photocopy of the materials is enclosed. (Check if applicable)

I wish to use this material in the following work:

Author(s): _____

Title: _____

Publisher: _____

Proposed date of publication: _____

I am requesting nonexclusive rights to use this material as part of my work and in all future editions and revisions thereof, however they may be exploited, in any language or medium now known or hereafter discovered, including, but not limited to: print, microfilm and electronic media.

Unless you specify otherwise, the material will be accompanied on publication by the following credit line and copyright notice: _____
[specify credit line and copyright notice]

Other conditions, if any: _____

If you do not control the world rights to the request material, please specify here any additional source from whom permission must be obtained: _____

Thank you for your prompt consideration of this request. For your convenience, a release form is provided below and a signed copy of this letter is enclosed for your files.

Very truly yours,

[Your signature]

Permission is granted for the use requested above.

[Signature]

[Specify name and title, if any]

[Date]

Appendix B

CHECKLIST FOR FAIR USE

Please complete and retain a copy of this form in connection with each possible “fair use” of a copyrighted work for your project

Name: _____

Date: _____

Institution: _____

Project: _____

PURPOSE

<i>Favoring Fair Use</i>	<i>Opposing Fair use</i>
<ul style="list-style-type: none"><input type="checkbox"/> Teaching (including multiple copies for classroom use)<input type="checkbox"/> Research & Scholarship<input type="checkbox"/> Nonprofit Educational Institution<input type="checkbox"/> Criticism & Comment<input type="checkbox"/> Personal<input type="checkbox"/> News reporting<input type="checkbox"/> Transformative or Productive use (changes the work for new utility)<input type="checkbox"/> Restricted access (to students or other appropriate group)<input type="checkbox"/> Parody	<ul style="list-style-type: none"><input type="checkbox"/> Commercial activity<input type="checkbox"/> Profiting from the use<input type="checkbox"/> Entertainment<input type="checkbox"/> Bad-faith behavior<input type="checkbox"/> Denying credit to original author

NATURE

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<ul style="list-style-type: none"><input type="checkbox"/> Published work<input type="checkbox"/> Factual or nonfiction based<input type="checkbox"/> Important to favored educational objectives	<ul style="list-style-type: none"><input type="checkbox"/> Unpublished work<input type="checkbox"/> Creative work (art, music, novels, films, plays)<input type="checkbox"/> Fiction

AMOUNT

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<ul style="list-style-type: none"><input type="checkbox"/> Small quantity<input type="checkbox"/> Portion used is not central or significant to entire work<input type="checkbox"/> Amount is appropriate for favored educational purpose	<ul style="list-style-type: none"><input type="checkbox"/> Large portion or whole work used<input type="checkbox"/> Portion used is central to work or “heart of the work”

MARKETEFFECT

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<ul style="list-style-type: none">❑ User owns lawfully acquired or purchased copy of original work❑ One or few copies made❑ No significant effect on the market or potential market for copyright holder❑ No similar product marketed by the copyright holder❑ Lack of licensing mechanism	<ul style="list-style-type: none">❑ Could replace sale of copyrighted work❑ Significantly impairs market or potential market for copyrighted work or derivative❑ Reasonably available licensing mechanism for use of the copyrighted work❑ Affordable permission available for using work❑ Numerous copies made❑ Work is made available to the world❑ Repeated or long-term use

Taken from the Copyright Management Center at Indiana University located on the campus of IUPUI <http://copyright.iupui.edu/checklist.htm>

Appendix C

Media Ethics Policy Statement

I. Philosophy

Learning to grow in the knowledge and grace of the Lord Jesus Christ is the mission of Christian higher education. We want to educate the heart as well as the mind, desiring to maintain an atmosphere that will be conducive to the development of spiritual maturity and discernment. Because each student coming to The Master's University professes faith in Jesus Christ, we expect students to grow in that faith through the work of the Holy Spirit.

The Master's University is committed to developing its students into people who obey biblical mandates because they are personally accountable to God and His Word rather than to man alone. University policies are designed by the administration to facilitate an educational environment which honors the Lord.

The student, by virtue of their signature on the application for admission, agrees to live within the framework of the standards of the university both on and off campus while each semester is in session. Though one's personal convictions may differ with these standards, a student's choice to become a part of The Master's University community implies a commitment to abide by the established policies.

God calls all believers to submit to the governing authorities (this includes federal, state, and/or local governments and their respective legislation). Romans 13 directs, "Let every person be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God...render to all what is due them: tax to whom tax is due; custom to whom custom; fear to whom fear; honor to whom honor" (vv. 1, 7). Current laws governing the use of technology require students to honor these laws as a mandate regardless of personal opinion. Students who are in violation of such laws will face the consequences of campus discipline, as well as, legal liability.

II. Definitions

Electronic Media - Any electronic medium, including but not limited to: email text, chat, email attachments, gaming, web page viewing, video files, audio files, or computer/program files.

The Master's University Network - Any University computer, server, software, program, facility or the hardware/equipment involved in the interconnection and inter-operation of these items, or any said device connected to any such device at The Master's University (for example, any laptop/PC connected to the University wired/wireless network).

Hacking - Defined as attempting to gain unauthorized access to systems, networks, or data – this includes any unauthorized attempt to incapacitate, interrupt, view, alter, copy or delete systems, networks or data.

"Video" - Defined as watching audio/visual content (or files of such) via PC, DVD player, Blu-ray player, Television, or any other equipment.

"Foreign" Media - Defined as data, images, programs, games, viruses, etc. which did not originally reside on the University network.

Texting - Refers to the exchange of brief written messages between fixed-line phone or mobile phone and fixed or portable devices over a network.

III. Guidelines

Any “unwholesome” [i.e. actions inconsistent with our profession as Christ’s followers committed to holiness, truth, and the proper stewardship of His blessings (possessions, time, etc.)] use of Electronic Media which may include, but not be limited to: email text, chat, email attachments, video files, audio files, electronic/internet gaming, web page viewing or file transfers is expressly forbidden.

Email - Electronic mail which meets the following criteria is prohibited:

Spamming - An attempt by any student(s) to issue unsolicited bulk email to other students, or to anyone outside of The Master's University.

Spoofing - Any attempt to send an email which appears to have originated from someone other than the actual sender. Unrelated to email, prohibited “spoofing” also includes any attempt to impersonate/borrow another user’s login.

Internet & University Network - Internet & University Network/Content Management use is restricted in the following ways:

Web Page viewing - Viewing http, https, ftp, or any Internet site regardless of protocol with illegal, pornographic, or any other immoral material is prohibited.

Chat - Any application used for “Internet Messaging” or “Instant Messaging” cannot be used for illegal file trading (including, but not limited to audio/video files) or to send illicit messages to anyone.

Uploading & Downloading of any type of electronic media file - The use of the Internet or the University Network for uploading and/or downloading files which contain unwholesome or illegal content is prohibited. **THIS INCLUDES, BUT IS NOT LIMITED TO: ANY CONTENT WHICH IS PROTECTED BY COPYRIGHT LAW.** Therefore, any file sharing involving music, video, audio, computer programs, etc. in which the distributor of the media (web page/site or server) is not a legal and officially licensed distributor of the media is **PROHIBITED**. Stated alternately, all “pirated” material is clearly prohibited. Simply because media is accessible, or free of charge, does not make it legal. Whether an individual “thinks” such a file transfer/download is legal is irrelevant; Copyright Law indicates it is stealing.

The illegal distribution of copyrighted materials, including unauthorized peer-to-peer file sharing, may subject students to criminal and civil penalties. A summary of the penalties for violation of Federal copyright laws can be found at <http://www.copyright.gov/title17/92chap5.html>. Any student found to be in violation of these policies could be subject to institutional discipline in addition to criminal and civil penalties.

Hacking - Any usage of the University Network for activities that are directly or indirectly, advertently or inadvertently considered “hacking” are prohibited. Any attempt to bypass security or content restrictions (such as web page filtering) is considered “hacking.”

Foreign Media -Any attempt to introduce “foreign”, harmful, and/or inappropriate media to The Master’s University Network is clearly prohibited (this includes, but is not limited to: viruses, worms, etc.). Complete responsibility for such actions lies with the student(s) who introduce it. Intentional introduction will be treated as hacking and the destruction of property.

Usage for Internet/Server -The University network is not to be used to set up a personal “server.” The server prohibition includes, but is not limited to: file sharing, DHCP, WINS, DNS, Directory Services and Web Services. For an extended definition, see the [Network Use Policy](#).

Phone Usage - Illicit or harassing phone calls are prohibited. This includes calls to phone services with sexual content, or any type of inappropriate calls with/to other students.

Texting - Illicit or harassing texting is prohibited. This includes texts with sexual content, or any type of inappropriate texts with/to other students.

Printing/Scanning - Printing or scanning of illegal, pornographic, or any other immoral material is prohibited.

IV. Consequences

Each student bears full responsibility for his/her actions as they relate to the use of the University Network or any electronic media. Discipline for all infractions of the Media Ethics Policy will be under the direction of Student Life. This may include, but is not limited to, the suspension and/or revocation of network and Internet access and services.

All legal consequences involving the use/misuse of the University Network or equipment lie solely with the user.

The cost of damages caused by any student(s) enrolled at The Master's University will be born solely by the student(s) responsible individually; they shall not hold the university responsible in any way for their use/misuse of the Network whatever the ramifications of that use/misuse.

Departures from the Media Ethics policy or any misuse of the University Network which may by “technicality” fall outside of this policy but which remain within the moral, ethical, and spiritual guidelines intended by the “spirit” of this policy are subject to discipline.

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Appendix D

TMU IT Student Network Use Policy

IT Operations strives to provide students with the computer technology they need to succeed in their studies at The Master's University. All students have a responsibility to use the University's computer resources and the Internet in a professional, lawful and ethical manner.

Students at The Master's University have access to the following resources:

- Internet
- Office 365
- Printers

The Master's University students can access these resources from their personally owned devices via the WiFi infrastructure or through various computer labs on the campus. With access to these resources comes the responsibility to use them wisely. The University network is a resource that is shared by students, faculty, and staff. Students should not use network resources in a disruptive manner (e.g., forwarding junk email, sending spam, etc.).

Network Infrastructure

All installed wireless access points and antennas are the property of The Master's University. Do not tamper with, adjust, abuse, repair, or otherwise touch these access points and their antennas. Due to the presence of this equipment in dorm rooms, hallways and other public areas, residents should be very careful about horseplay, throwing objects, and other activities which may potentially cause equipment damage.

All network printers, wireless access points, and TMU-owned computers employ secure wired network connections. No person is authorized to use, unplug or tamper with these hardwire connections for any purpose.

Network Access

All network, Internet, and email usage is not private and is monitored. IT Operations staff have the right to examine any files that are transmitted or stored through or on University computer network or storage infrastructure or cloud-based services provided by The Master's University. Any questionable usage or activity will be immediately reported to Student Life.

Each student will be provided with a username and password that will be required for the use of any network resource which requires authentication. Students are responsible to protect their password from unauthorized use; to prevent this, passwords should not be printed, stored on-line, or given to others. Users will be held responsible for all operations that take place under their user account.

Students are not allowed for any purpose to obtain and/or use any login account that is not their own. Students must obtain permission from the owner of any file before viewing or altering its contents. Just because you can obtain the ability to read, alter, or copy a file does not imply that you have permission to read, alter, or copy that file.

Students may not attempt to probe, scan, or test the vulnerability of any University system or network, or breach or attempt to breach security or authentication measures. Students are prohibited from accessing any network infrastructure, systems, or data that are not explicitly intended for student use.

Students are prohibited from modifying or attempting to modify computer lab systems. In addition, students are prohibited from accessing or attempting to access other students' data on computer lab systems.

Students are not allowed to set up any form of proxy service or other such arrangement to enable more than one computer to access the network via a wireless connection. In addition, students are not allowed to set up any type of server or server operating system on computers that are connected to the network. This includes, but is not limited to, the following services:

- DHCP
- DNS
- Web Servers

The Master's University takes copyright issues seriously, and seeks to be in compliance with the Digital Millennium Copyright Act. Therefore, if you willingly use P2P file sharing applications such as uTorrent, BitTorrent, Vuze or applications of like nature to either acquire or distribute content that you have not purchased or possess the right to distribute, you may be subject to criminal and civil penalties.

Copying and distributing digital forms of original work for which you do not own the copyright or have permission of the copyright holder violates federal law. Civil fines can be in the range of many thousands of dollars. Willful violations can result in criminal penalties, including fines and imprisonment. A summary of the penalties for violation of Federal copyright laws can be found [at here](#).

If a student is identified as having illegally distributed copyrighted content, the following penalties may be applied.

- Student may receive a written notice and warning about the violation.
- The student's network connection may be immediately terminated.
- Network access may be suspended until the situation is rectified.
- Network access may be suspended for a specified period of time.
- Violations may be reported to Student Life which may result in further, more serious penalties.

Because of legal, security and bandwidth issues, computers with installed and active peer to peer file sharing applications will not be allowed access to the Master's University network.

Students may not use University computer resources for commercial purposes, except for incidental work such as posting a resume or communicating with an employer via email.

IT Operations staff has the authority to throttle bandwidth and/or terminate connections that monopolize resources in order to provide a stable computing environment for campus users.

Students will be held responsible for any network or system activities that violate local, state or federal law.

Malware Prevention

It is the responsibility of the student to protect their devices from dangerous malware that may disrupt University network infrastructure. Students need to exercise caution when interacting with unverified resources and quickly remove malware from their systems once it has been detected.

Blocking Sites with Inappropriate Content

The Master's University has the right to utilize hardware and software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate.

Communications

While using University network or system infrastructure, students are prohibited from sending spam or inappropriate messages through mediums such as email, social media, chat, etc. In addition, all communications must not intentionally hide where and whom the message originated from. Students are prohibited from engaging in messaging that is obscene or defamatory, or with intent to annoy, harass, or alarm.

IT Operations reserves the right to filter, refuse, or discard email from outside hosts that send unsolicited, mass, or commercial messages, or messages that appear to contain viruses.

Printing

A printing charge has been instituted that applies to all University printers found in the dormitories and at various locations across campus. Each student starts the semester with a credit balance of 300 pages. If your printing needs surpass this amount, you will be able to purchase additional pages from the Student Finance Center or the Library.

If there is a printing problem that consumes student credits, the issue must be reported to the IT Operations Service Desk (servicedesk@masters.edu) within 2 days to receive credit.

Please include the following information:

- Name
- Date of Print Job
- Number of Pages Printed
- Printer

Unused printing credits cannot be carried over to the next semester. At the beginning of each semester your balance will be reset to 300 pages. Please be aware that color prints cost more printing credits than black and white prints.

Account Security

Users are typically assigned usernames and passwords for access to University network and system resources. Accounts are provided for exclusive use of the specific individual to whom they have been assigned. Transfer, possession, or use of account information that has been assigned to another individual is not permitted. Use of any Master's University account

constitutes giving one's word as the appropriate user of that account and signifies acceptance of the purposes outlined in this policy.

System Security

Services provided through the University's networks have security measures in place to protect the loss, misuse, and alteration of the information under our control. While we make every effort to ensure the integrity and security of our networks and systems, we cannot guarantee that our security measures will prevent third-party hackers from illegally obtaining this information.

Policy Violations

Students who violate the above stated policies may be subject to one or more of the following disciplinary actions:

- Student may receive a written notice and warning about the violation.
- The student's network connection may be immediately terminated.
- Network access may be suspended until the situation is rectified.
- Network access may be suspended for a specified period of time.
- Replacement/repair costs for damage to TMU-owned property will be charged to the responsible students' accounts.
- Violations may be reported to Student Life and/or TMU Administration which may result in disciplinary action, including possible expulsion, and civil and/or criminal liability.

APPENDIX E
DIGITAL MILLENNIUM COPYRIGHT ACT
DESIGNATED AGENT

**Interim Designation of Agent to Receive Notification
of Claimed Infringement**

Full Legal Name of Service Provider: The Master's College and Seminary

Alternative Name(s) of Service Provider (including all names under which the service provider is doing business): The Master's College

Address of Service Provider: 21726 Placerita Canyon Rd., Santa Clarita, CA 91321

**Name of Agent Designated to Receive
Notification of Claimed Infringement:** Nathan Prince

Full Address of Designated Agent to which Notification Should be Sent (a P.O. Box or similar designation is not acceptable except where it is the only address that can be used in the geographic location):

21726 Placerita Canyon Road
Santa Clarita, CA 91321

Telephone Number of Designated Agent: 661.362.2200

Facsimile Number of Designated Agent: _____

Email Address of Designated Agent: nprince@masters.edu

Signature of Officer or Representative of the Designating Service Provider:



Date: 8/21/15

Typed or Printed Name and Title: Nathan Prince, Chief Information Officer

**Note: This Interim Designation Must be Accompanied by a Filing Fee*
Made Payable to the Register of Copyrights.**

***Note: Current and adjusted fees are available on the Copyright website at
www.copyright.gov/docs/fees.html**

Mail the form to:
U.S. Copyright Office, Designated Agents
P.O. Box 71537
Washington, DC 20024-1537