

Definition

Copyright is a constitutionally conceived property right designed to promote the creation and dissemination of original works of authorship. Specific exclusive rights are granted to the copyright individual, who is not a copyright holder to procure a work, he/she must ordinarily obtain copyright permission prior to reusing or reproducing the work. Original works of authorship are protected. Unpublished and non-print materials are also protected. Copyright law does not protect ideas, data, or facts. Permission is not required for reading or borrowing original literary works or photographs from library collections. Some specific exceptions for certain academic uses are included in the copyright act.

Fair Use

(Stanford University Libraries maintains an informative and educational website on fair use at <http://fairuse.stanford.edu/overview/fair-use/>)

Copyright Act (Section 107) provides for limitations on exclusive rights: Fair Use. Notwithstanding the provisions of sections 106 and 106a, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by 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 a 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.
4. The effect of the use upon the potential market for the 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The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

34 CFR 668.43(a)(10)(i)(ii)(iii)

(Regulatory Link taken from the Federal Student Aid Consumer Information website, Institutional Policies and Sanctions Related to Copyright Infringement)

<http://ifap.ed.gov/qahome/qaassessments/consumerinformation.html>

CHS/LifePoint Health Copyright Policies and Disciplinary Actions

(The following is adapted from the LifePoint Health LL.016, Copyright Policy, Active 09/2014)

<https://lpnt-conemaugh-memorial.policystat.com/policy/374267/latest/>

2. The rights to any invention or discovery created or made in the course of the Clinical Trial conducted at CHS by one or more employees of CHS jointly with the sponsor of the clinical trial shall be determined by the Clinical Trial Agreement or by law.
3. obligations for deliverables under any contract, grant, or other arrangement with third parties, including sponsored research agreements, license agreements and the like. Patented works that are subject to sponsored research agreements or other contractual obligations of CHS will satisfy any contractual obligations.

(The following is adapted from the CHS Human Resources Policy Manual, Corrective Counseling/Discipline & Behavior Accountability) <http://mmc-riskman.sharepointapp.conemaugh.org/policy/Human%20Resources/Corrective%20Counseling-Discipline%20and%20Behavioral%20Accountability.pdf>

The purpose of this policy is to foster a culture of learning by establishing a balance of non-punitive learning methods with the assignment of individual accountability for unacceptable behaviors. The Allied Health (AH) Programs will encourage peer and self reporting by the use of non-disciplinary actions whenever appropriate. In addition, the AH Programs will provide a method for communicating unacceptable performance or behaviors to students, mutually developing plans that can correct or improve the problems, or when efforts fail to achieve the desired results, implementing the appropriate corrective action.

AH students at CHS are expected to act in the best interests of our Health System at all times and to contribute productively to the operations of the organization. It is the [desire to encourage learning from student errors or adverse events while applying the correct level of accountability for the behavior that caused the error, event, or pattern of unwelcomed behavior.

Depending on the level of accountability, the action to be taken by the AH program director with collaboration from the Assistant Director and/or Director, Allied Health Programs, as appropriate, may include support for the individual, education and coaching, and/or corrective counseling/disciplinary measures up to and including termination.

Prior to corrective counseling/disciplinary measures, the AH program director and the Assistant Director and/or Director, Allied Health Programs will investigate to determine the cause of the error, adverse event, or unacceptable behavior. The investigation may consider the following:

1. Was the action intentional?
2. Was copyright law knowingly violated?
3. Were copyright policies available, clear, and correct?
4. Was the action a result of inexperience, a lack of training, or inappropriate assignment?
5. Would others behave similarly in the same situation?

1. Documented Verbal Warning: A documented verbal warning should be given when an AH program director with collaboration from the Assistant Director and/or Director, Allied Health Programs } • Œ À • š Z š performs if work habits are not up to standard. The AH program director and the Assistant Director and/or Director, Allied Health Programs should make special face-to-face attempts to correct problems that occur. The AH program director and the Assistant Director and/or Director, Allied Health Programs should record the date, subject and other pertinent information regarding the documented verbal warning on the *Copyright Corrective Action Form*. At this point, the student may be given an opportunity to review and sign the documentation. A date, time and place for a follow-up meeting should be established. Depending on progress, there may be more than one discussion of this nature.
2. First Corrective Action Report (Written Warning): Violations of AH Programs copyright policy are formally recorded on the *Copyright Corrective Action Form* which serves as an official record. The form should be completed and signed by the Assistant Director and/or Director, Allied Health Programs and the student. The student must be given a copy of this *Copyright Corrective Action Form* report. The original report along with any documented verbal warnings must be sent to the Assistant Director and/or Director, Allied Health Programs for review and subsequent inclusion in the AH student file. All reports are to be signed by the student, acknowledging that he/she has read them. The student has the right to disagree with any report which he/she feels is unjust. If this should occur, the student should write his/her comments on the space provided on the form. If the student refuses to sign the report, a notation should be made by the Assistant Director and/or Director, Allied Health Programs that the student has read the report but refused to sign.
3. Second Corrective Action Report with Re-Affirmation (Final Written Warning): If a student who has been given written notice of repeated violations of the AH Programs copyright policy fails to show improvement, he/she will receive a Final Written Warning. At this step in the progressive discipline process, the student will receive a final warning that he/she is failing to meet the expectations set forth. At this time the student will be asked to re-affirm in writing his/her desire to meet the expectations provided by the AH Programs. Failure to do so will result in the • š μ vs charge from the AH Programs.
4. Suspension Pending Investigation:

