



## INSTITUTIONAL POLICY ON AUTHOR RIGHTS AND ACADEMIC INTEGRITY

### **Introduction**

Columbia Central University recognizes integrity as a fundamental principle that must be present in all the resources that make up the academic community, as it will promote an academic culture based on integrity and honesty. Conducts that violate healthy academic activity including plagiarism, are strictly prohibited and in case they occur, will be investigated, and sanctioned according to the severity of the incident. CCU adopts the policy to protect, recognize and disclose the legal protection of copyright and make known the scope of Federal Law and the legal responsibility of the parties.

### **Legal Base**

CCU's Institutional Copyright Policy recognizes as pertinent and applicable to the protection of Copyright, the statutes that are included below as part of the Federal Copyright Act of 1976, as amended (Copyright Act of 1976. 17 USC, 101, and Law number 96 of the Commonwealth of Puerto Rico of July 15, 1988, as amended).

These laws establish legal protection for authors of original literary, dramatic, musical, artistic, and other intellectual works in partial or total reproduction without the prior authorization of their creators. It is illegal to violate these rights for the person's own benefit or that of third parties and such violation carries penalties under the law.

### **Intellectual Property and Copyright Protection**

Copyright protection arises from the moment a work or work is created and transmitted in a tangible form of expression. In the case of works carried out under contract, the employer is considered the owner of the exclusive right of use.

To use a partial or total work of information protected by copyright, authorization, or permission of the author is required for its use. (Copyright Clearing Center). The following creations are protected by copyright:

- literary works (poems, essays, novels, among others)
- musical works, including vocal accompaniment
- dramatic works
- speeches



- pantomimes and choreography
- photographs
- graphic arts
- sculptures
- films and other audiovisuals, recordings, computer programs
- architectural works
- digital programs (software)

### **Copyright in the Academic Environment**

Copyright applies to all literary creation, so it is the responsibility of every academic institution to guide the faculty and students to ensure compliance with this federal law. In terms of course materials (textbooks), CCU does not encourage any copyrighted material to be reproduced by faculty, students, employees, and other contractors.

The faculty may occasionally use images, music, and movies that are related to the curriculum to be taught in the classroom. The reproduction of the content of databases authorized by license is allowed. Examples of this are magazine articles, whose full content, and multiple copies can be used to support the courses.

### **Fair use**

“Fair use” is a concept that recognizes that certain uses of copyrighted works do not require authorization from the author. It is established that the use must be minimal, must not interfere with the exclusive rights of the author, and must recognize the author of the work. Regarding the physical and digital reserves in the CCU Library System, these subscribe to copyright (Section 107 of the 'Copyright Act') and the doctrine of fair use that provides the principle behind the collections of the reserve.

Article 107 presents a four-factor approach to measuring fair and reasonable use, different and simply directing libraries in general to assess whether a use is fair, considering: the nature of the use, the nature of the work to be used, the amount used in proportion to the total and the impact on the labor market.

### **Factors to Help Determine Fair Use**

- The purpose of the use, including whether the use is for commercial purposes, if there is an academic benefit, it is not considered fair use.
- The purpose, educational if performed by a non-profit entity.
- The nature of the work is also considered.



- The amount of the portion used in relation to the total work.
- The effect of the use on the market of a work or protected work.

### **Examples of Fair Use**

- Quotes from extracts for illustrative use, comments, or criticism.
- Quotes from short passages of a school or technical work, for illustrative purposes.
- Limited use of poems, essays, and stories. No more than 3 of the same authors must be reproduced in collective work during the same academic period.
- Newspaper articles that illustrate the topic of the class to be discussed, for non-repetitive use.
- News
- For parody or small portion use.
- Summary of an article that includes quotes or short portions.

The use of materials under fair use should not substitute or replace compilations, collective works, manuals, or text.

### **Plagiarism in the University Environment**

CCU offers comprehensive and exhaustive information on compliance with the Copyright Law. Supporting this document, additional information is offered in the Rules and Policies Manual, in which the acceptable parameters of reasonable use of the protected material in the exercise of academia, teaching, and learning are offered.

Technological changes, access to information on the network and the ease with which information resources can be used in the academic field at CCU will observe the corrective measures regarding the detection of use and abuse of protected material, and the action of plagiarism at the institutional level.

CCU recognizes integrity as a fundamental principle inherent to the entire academic community. This principle prevails in all academic assets and all the modalities that CCU offers as part of its teaching-learning process. Academic integrity is the basic guide to conduct for professors, students, and administrative staff.

Academic integrity includes ethics in research and the promotion and prevalence of academic honesty, and integrates the universal principles of:

- Honesty
- Trust



- Justice
- Respect
- Responsibility

### **How plagiarism is defined and how it is constituted:**

- The Royal Spanish Academy (RAE) defines it as "the action and affection of substantially copying other people's works and being awarded ownership" (original creation as own).
- Use a large portion or copy a work in any format (written, representations and documents, others) and adjudicate themselves as own and original work without the citations and references corresponding to its original author.

### **How to avoid plagiarism:**

- Verify and note the source of origin of the information presented.
- Cite the phrase or paragraph directly from the original and prove the authority and source by means of a citation or bibliographic reference.
- Paraphrase the original words of the author and prove the authority and source by means of a citation or bibliographic reference.
- Educate the faculty and students in workshops on the use of the Style Manual of publications of the American Library Association (ALA, 2010).
- Take internal measures to identify plagiarism.

The use of "disclaimer" phrases, stamps, or writings does not constitute good faith use of materials beyond fair use, in the teaching and learning process to present them as authentic. This action does not excuse the user from the authenticity and authorship of the document(s) of others, when you present your name and that of the institution on the title page, in research papers and class presentations and student work in groups.

### **Use of Materials in the Library and Reserve**

Section 108 of the Copyright Act establishes that reproduction (photocopying) by libraries and preservation archives does not constitute a violation of law if it is to provide access to resources for the purpose of study and research.

This is established for educators, librarians, and archivists by the following clarification of the article, "it should not, in some cases, influence in the possibility to use photocopies for reserve books". The library can reproduce resource materials related to archives and replace lost or damaged copies. In the reserve area, members of the faculty may locate personal books that are not available in the collections and items, if fair and reasonable use is observed.



## **Internet Materials**

The works published on the Internet do not lose their copyright and are subject of intellectual protection for which; before using them, must ensure that this protection is not violated. There are sites on the Internet that allow the material reproduction and have permitted uses, as stated on their pages (community commons and open source).

## **Distribution of Copyrighted Material**

It is prohibited to illegally download and share information from files using the computerized systems provided by the university. Unauthorized person-to-person distribution of material protected under the law is prohibited. Such material includes, but is not limited to sharing music files, video games, movies, computer software, and photos. Such action is subjected to civil and criminal charges.

## **Mechanisms Available to Detect Plagiarism**

The university will have tools for academic and administrative personnel's use to identify plagiarism in documents generated in the academy and the administration. The tool can be used through the online platform, among others. All work to be evaluated will be submitted through the tool and an analysis will be received indicating the percentage of authenticity for the detection and control of plagiarism.

## **Copyright Protection and Online Education**

In terms of distance education, only excerpts or limited portions of dramatic works, music, and audiovisual works can be shown. The law does not allow the reproduction or duplication of content of:

- Electronic reservations (electronic or printed "course packs") or Interlibrary Loans (ILL).
- Access and reproduction of electronic books in collections of other institutions.
- Partial or total electronic transfer of commercial documents.
- Textbooks or other digital content provided under license from the author or publisher, unless there is an institutional license for the content and use, provided by the source suppliers.
- Materials in a printed format analogous to digital format without prior authorization and when there is no digital version of the work.

The Fair Use Dispositions and the 'Teach Act' (2002) indicate that professors may use the following resources to conduct their courses online without the permission of the author:



- Artistic or literary representations (example; poetry, plays, movies, or musical works). It is important to assess that an extract is used and that it cannot be copied. It is recommended that live broadcasts be used (streaming or links that can be accessed by the student).

### **Student, Faculty, and Employee Jobs**

CCU recognizes the authorship of works and documents of the teaching staff and students created in the normal course of academic and study activities, unless otherwise agreed. However, CCU will be recognized as the author of those works that are the product of the exercise of administrative or academic functions specifically commissioned and contracted by the university.

CCU establishes that the author's ownership over the work does not exempt anyone from the responsibility of granting the university due explicit recognition, as appropriate, for contributions, support, or collaborations that make its design, development, or dissemination possible. In the same way, it does not exempt students from their responsibility to indicate whether their works were developed as part of the requirements of courses or academic degrees. In any case, CCU retains the right to claim such recognition. It is the employees and students' power and responsibility to register and protect the works under their ownership.

The authors will retain ownership of works developed during sabbaticals, licenses, substitutions of tasks, highlights, and other similar situations, unless previously agreed. The ownership of thesis works, and other similar academic requirements fall on the student(s), even if they receive academic credit for them, unless otherwise agreed.

### **Procedures for Resolving Disputes Regarding Copyright Ownership**

In the event of a controversy over the ownership of works and copyright or related to any other provision of this policy, said dispute will be submitted to the consideration of the Chancellor, who may make a consulted determination for his/her decision, final and firm, on the matter according to with law dispositions and applicable regulations.

### **Tools for Monitoring Compliances with this Policy**

CCU has technological equipment that makes it possible to use, as a preventive measure, to compare and monitor through reports, the bandwidth, and the network traffic to determine if there is any anomaly and, therefore, violations of this policy.



## Legal Alternatives to Using Copyrighted Material

At CCU, it is possible, under certain parameters, to use materials without the need to request authorization or permission from the author, if the Dispositions of this fair and reasonable use policy are complied with.

1. Materials created by the Professor - Professors can publish materials of their own, such as course summaries, exercises, tests, investigations, and presentations, among others. If another user uses these materials, they must fill out the authorization sheet.
2. Materials for which CCU has acquired licenses - CCU has digital collections in the Virtual Component for which it has obtained licenses and agreements with each provider of these resources. The provider and not the institution assumes the control, limitations of reproduction and use of these materials.
3. Materials in the public domain - There are materials not protected by the Copyright Law that can be published in electronic reserves or on websites, without the permission of the copyright owner.
  - a. Materials that have entered the public domain because protection has expired copyright law (70 years after the death of the authors).
  - b. Works or documents from the governments of the United States and Puerto Rico.
4. Links to content from websites - Links from electronic sites can be included and cited. The document must state that the person who creates the link is not responsible for its content.
5. Works with Creative Commons licenses - If the material has a Creative Commons license, it means you have copyright. The user who accesses these materials may reproduce in its entirety the work for study, research, and reference use in academic works.
6. Open access materials on the web - Materials that are available with open access are those that the user can use without permission for study, research, and reference use in academic works. The publication license of the materials must be verified before use. Some examples of links that contain open access materials are:
  - a. Flickr and Flickr Commons: [www.flickr.com](http://www.flickr.com) and <https://www.flickr.com/commons>
  - b. Wikimedia Commons: [https://commons.wikimedia.org/wiki/Main\\_Page](https://commons.wikimedia.org/wiki/Main_Page)
  - c. The Internet Archive: <https://www.archive.org/>
  - d. Digital Public Library of America: <https://dp.la/>

## Plan to Educate the University Community

CCU has developed the following plan to educate the university community about the distribution and unauthorized use of copyrighted materials.



1. Send the Copyright Policy to the university community (students, faculty, and administrative employees) through the institutional mail at the beginning of the academic term.
2. Offer talks on the Copyright Policy on an annual basis
3. Publish the Policy on the institutional website
4. Offer workshops to the faculty and students on the use of the Style Manual of the APA

### **Penalties for Violating the Copyright Policy**

Violation of copyright is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the owner of the title in Section 106 of the copyright laws.

These rights include the reproduction or distribution of copyrighted material. In the context of file sharing, downloading, or uploading substantial portions of copyrighted material without authority constitutes a violation.

The penalties for copyright infringement include civil and criminal penalties. Anyone found guilty of copyright infringement may be ordered to pay actual or statutory damages in an amount of not less than \$ 750 and not more than \$ 30,000 per violation. For willful violation, a court can award up to \$ 150,000 per violation. A court may, at its discretion, also include attorney's fees and expenses.

Deliberate violations can also result in criminal charges, including imprisonment for up to 5 years or fines of up to \$ 250,000 per offense.

### **Policy Violations /Disciplinary Actions**

If a complaint is received that an employee or student has violated the Dispositions described, the complaint will be investigated through the Board to Ventilate Complaints (JVQ) of students or employees. If cause is found, the corresponding disciplinary procedures described in the Employee or Faculty Handbook (verbal, written warning, and dismissal) and in the Student Regulations (published in the Student Consumer Handbook in the case of students (verbal warning, written, expulsion), depending on the magnitude of the violation.

### **Copyright Related Links**

1. Federal Copyright Law <https://www.copyright.gov/espanol/circ01-espanol.pdf>
2. Plagiarism: Avoid the Consequences <http://www.onlinecolleges.net/for-students/avoidplagiarism>
3. Creative Commons Licenses <http://www.creativecommons.org/>





4. Legal Sources of Online Content <https://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-online>
5. Copyright Guide of Online Courses, E-Reserves and Course Management Systems <https://library.cn.edu/CopyrightTips.pdf>

Plagiarism is considered a violation of academic integrity. Any student or professor is prohibited from commenting on plagiarism, defined as the act of presenting someone else's ideas or work in whole or in part as their own. This includes, but is not limited to, any text, figures, photographs, images, sounds, or videos.

In the case of using material belonging to another author as support material, it is required as part of the writing process to reference the external sources used.

Other actions not allowed, also considered as a variant of plagiarism, lacking in academic integrity are:

- Change key words and phrases, but keeping the essence of the original work
- Integrate a significant portion of a text by another author without giving due credit
- Present as your own creation the identical or partial work of someone else
- Appropriating the work of another author by not citing the text
- Use works from other classes, already previously qualified and present them as new

Major offenses may have therefore the suspension of the student, the suspension of a professor or administrative officer for a defined time, or the permanent expulsion from the institution of the person who commits the offense according to the findings of the investigation carried out by the members of the Discipline Committee.

It is required for the entire academic community to promote and ensure integrity and ethical, truthful, and responsible conduct in all work related to the work in the teaching and learning processes.

Professors will not participate in or tolerate acts of forgery, plagiarism, dishonesty, identity theft, or any other act that violates the fundamental ethical principles of the university community. Dishonesty, dishonesty, fraud, plagiarism, and any other inappropriate behavior in relation to academic work will constitute a referral to the Discipline Committee and sanctions to be awarded according to the severity of the incident.



Fraudulent actions in general, paper delivery, and obtaining grades or academic degrees through fraudulent acts, the usurpation or allowing usurpation of their identity, copying all or part of academic works are classified as incidents related to dishonesty or lack of academic integrity, and copying someone else's answers to test questions, as well as helping someone else to engage in the conduct. These and any other conduct that violates academic integrity will be referred to the Disciplinary Committee for the corresponding action