

Copyright Policy

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1. PURPOSE

The purpose of this policy is for Top Education Group Limited trading as the Australian National Institute of Management and Commerce (IMC) to establish responsibilities and principles with respect to third party copyright material for both staff and students.

IMC aims to conduct its delivery of educational services including research and non-commercial activities in a manner that see all members of the IMC community comply with all applicable legal requirements and obligations pertaining to copyright.

It also aims to protect IMC from risk associated with the use of copyrightable material and to enable IMC to foster free and creative expression and exchange of ideas and comments.

2. SCOPE

This policy applies to all members of the IMC community including all employees, staff members, students, contractors, agents, workplace participants and other stakeholders (including sub-contractors) associated with IMC. The policy applies to IMC's onshore and offshore campuses as well as online delivery.

3. DEFINITIONS

Copyright is defined as a legal concept that gives the creator of an original work exclusive rights to exploit the work for a limited time and prevent others from copying the work.

Copyright Act means the *Copyright Act 1968* (Cth).

Copyright works and 'third-party copyright material' means works or other subject matter where the copyright is not owned by IMC.

Moral Rights means the three moral rights granted to the creators of copyright in Part IX of the *Copyright Act 1968* (Cth).

4. PRINCIPLES

4.1 IMC Responsibility

IMC has a responsibility to provide information and guidelines to employees, students, controlled entities and individuals associated with IMC concerning copyright. This responsibility can be broken down into the following:

- a) address their copyright rights and responsibilities;
- b) develop, implement and support systems and processes that facilitate copyright compliance;
- c) ensure there are financial, structural and administrative procedures in place to meet its obligations under copyright legislation, and review and revise these as required;
- d) monitor external developments in relation to copyright, especially copyright legislation, to revise and update policies, practices and documentation to adequately reflect changes, and to raise awareness of any developments as appropriate;
- e) ensure IMC's corporate publications and information services, policies and facilities meet the requirements of the Copyright Act and are reviewed and revised periodically; and
- f) respond appropriately to any alleged breaches of the Copyright Act brought to the attention of authorised officers of IMC or of which officers become aware;
- g) provide all staff and students with information in relation to copyright during orientation/induction for new staff and students.

4.2 Responsibility of Individuals

IMC staff have a responsibility to:

- a) be aware or to become aware of their rights and obligations in relation to copyright, including moral rights obligations;
- b) adhere to the requirements of the Copyright Act, apply IMC policies and procedures when using copyright works;
- c) consult with the General Counsel or Dean when preparing unit materials supplied, or made accessible to enrolled students, to ensure compliance with the relevant copyright law requirements, licence conditions, and IMC procedures;
- d) consult with the General Counsel prior to entering into agreements with outside organisations on behalf of IMC, particularly when third party copyright material has been used; and
- e) report any alleged breaches of copyright to the General Counsel.

4.3 Usage of Third Party Material

The following principles apply with respect to the usage of third party material.

- a) IMC has statutory licenses and exceptions as an educational institution that enable it to use third party materials for educational purposes.
- b) Where a proposed use or activity is not within the scope of any license or exception, third party materials must not be used except with the written permission from the copyright owner or licensee of the third party material.
- c) Any permission must include written agreement authorising the use of the material for the intended purpose.
- d) All staff, contractors and students must observe copyright legislation and any restrictions or obligations under any licenses or permissions in the use of third party material.
- e) IMC does not permit the unlawful downloading, copying, compression, storage, transfer, distribution or sharing of any copyright material.

- f) IMC does not permit the use of, or direction to, any content or material from a third party website for which IMC does not have written permissions for use. In the case of website material, IMC policy is that a separate link to the website must always be created.
- g) Under no circumstances can the content from a third party website be embedded into the IMC's teaching and learning materials unless the third party has provided their written consent or permission to do so.
- h) IMC does not condone any activity which infringes the Moral Rights of any third party. Unless the copyright owner has given their written consent to a waiver of their Moral Rights, then these rights must be respected including through an appropriate attribution of authorship (among other things).
- i) IMC asserts ownership of all original material created by staff in the course of their employment and by contractors in the performance of their engagement, unless there is specific written agreement to the contrary.
- j) IMC will provide staff, contractors and students with information and resources to assist them in understanding and complying with their responsibilities under this policy.
- k) Staff, contractors and students are expected to adhere to this framework and must not utilise any other systems unless specifically authorised to do so.
- l) Reviews of learning management systems and other materials used for educational purposes may take place at any time with or without prior notice to employees, contractors and students, to determine the level of copyright compliance across IMC. 'Sampling' surveys by external legislative agencies with responsibility for managing and reviewing copyright compliance may also occur at the nominated times.
- m) All staff, contractors and students must offer their co-operation in the completion of any of these monitoring activities.
- n) Staff, contractors and students must not use TOP's facilities or equipment in a manner that infringes the copyright of any person.

4.4 Non-Compliance

The General Counsel will address copyright risks in the first instance with the assistance of management of IMC. IMC's disciplinary procedures may be applied where employees or students fail to comply with this policy or the Copyright Act. Students are entirely responsible for any copyright infringement resulting directly or indirectly from their own actions. Breaches of this policy by students may constitute student misconduct and may lead to disciplinary action in accordance with IMC policies. Some breaches of the Copyright Act are criminal offences, attracting heavy fines and terms of imprisonment.

5. PROCEDURES

See the related document, *Copyright Procedures*, for the details pertaining to the implementation of the principles inherent in this policy document.

6. RELATED DOCUMENTS

Academic Freedom Policy
Academic Intellectual Property Policy
Authorship Policy
Code of Conduct for Students
Copyright Procedures
Privacy Policy
Staff Code of Conduct
Student Handbook

7. CHANGE AND VERSION CONTROL

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2009.04	9 April 2009	9 April 2009