ORGANIZATIONAL POLICY AND PROCEDURE

Category: GENERAL

Policy/Procedure Number: GEN07
(Was GEN04 and GEN06)

Title: PUBLISHING COPYRIGHT-PROTECTED AND SCHOLARLY CONTENT

Approved By: Hal B. Jenson, MD, MBA
Effective Date: 11/16/15

Scope:
All content published on the medical school internet and intranet websites, or published on any web pages or by any other means by faculty, fellows, residents, students, staff, and affiliates of education and research programs.

Purpose:
To demonstrate respect for copyright-protected and scholarly content by treating copyrighted content in a manner consistent with good ethical practices and U.S. Copyright Law.

Policy:
All content published on Western Michigan University Homer Stryker M.D. School of Medicine (WMed) internet and intranet websites, or published on any web pages or by other means by faculty, fellows, residents, students, staff, and affiliates of education and research programs, must comply with U.S. Copyright Law (Title 17, U.S. Code) and must not infringe on the rights of the author or publisher who retains copyright to the content.

Policy IT01 Acceptable Use of Information Technology Systems outlines acceptable use of WMed information technology systems.

Definitions:
Medical School – means Western Michigan University Homer Stryker M.D. School of Medicine (WMed), including the medical school library, faculty, fellows, residents, students, staff, and affiliates of education and research programs.

Copyright-protected Content – includes content that has been published in any public format previously that is not in the public domain. Copyright is a form of protection provided by the laws of the United States (Title 17, U. S. Code) to the authors of “original works of authorship”. Materials that are in the public domain, which can be used without permission, refers to any material published before 1923 or 70 years after the creator's death. Although permission is not required, attribution should be provided.

Scholarly Content – includes, but is not limited to, published journal articles, books, book chapters, images, data sets, abstracts, and preprints.
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**Publishing** – means posting or displaying content on a website, both internet and intranet sites, including copying text, images, and all content, in part or in whole, that is published elsewhere regardless of medium.

**Linking** – means a hyperlink or shortcut on a website that provides a direct link to either a file or webpage on either a server or another website.

**PROCEDURE:**

1. Copyright-protected and scholarly content that is not in the public domain shall not be published on medical school internet or intranet websites, or published on any web pages or by any other means by faculty, fellows, residents, students, staff, and affiliates of education and research programs, without permission of the copyright owner.

2. The medical school licenses electronic and print resources for the research and teaching use of WMed community for activities within the scope of the medical school. Medical school faculty, fellows, residents, students, staff, and affiliates of education and research programs may not use this content for any other purposes.

3. The medical school licenses generally prohibit the following uses:
   
   A. Allowing unauthorized users to access the licensed resources on the network.
   
   B. Systematically downloading for archiving or publishing entire issues of online journals or chapters of electronic books.
   
   C. Using licensed resources for commercial purposes.
   
   D. Providing access to licensed resources to students not enrolled at the medical school or individuals not affiliated with the medical school.

4. For copyright-protected and scholarly content that is not in the public domain and is not owned or licensed by WMed, explicit written permission from the copyright owner must be obtained prior to publishing the content, including on the internet or the intranet. Letters documenting permission for the medical school to publish or use copyrighted work must be submitted and accepted by the associate dean for Administration and Finance, who maintains these documents, prior to publishing copyright-protected or scholarly content on any website or otherwise using the copyright-protected or scholarly content.

5. Unless an author retains specific rights, scholarly content generally becomes the property of the publisher upon publication. Permission to publish or use copyright-protected or scholarly content must be obtained from the copyright owner prior to publishing copyright-protected or scholarly content on any website or otherwise using the copyright-protected or scholarly content.

6. Content published on websites in violation of U.S. Copyright Law or that violates the medical school’s electronic licensing or other agreements shall be removed from the website.
7. Links on medical school websites and on any web pages by faculty, fellows, residents, students, staff, and affiliates of education and research programs must not link to scholarly content that is published in violation of U.S. Copyright Law or that infringes on the rights of the author or publisher who retains copyright to the content.

8. Attribution should be provided for all sources, including those in the public domain.

9. Penalties for copyright infringement may include civil and criminal penalties, including actual or statutory damages, court costs, attorneys’ fees, imprisonment, and fines. For more information see Title 17, United States Code, Sections 504, 505.

ATTACHMENTS:

None