



ANA G MENDEZ UNIVERSITY STUDENT CONSUMER INFORMATION Copyright Policy

Scope

Ana G. Mendez University (AGMU) is an educational institution that seeks to foster the education and advancement of its students, staff, and faculty. During the course of their time as a member of the AGMU Community, individuals may contribute to new discoveries, creations, and other works in various forms of media.

Policy

In accordance with [United States Copyright Law, Title 17, U.S. Code, 1976](#), the [Fair Use of Guidelines of 1997](#), the [TEACH Act of 2002](#), the [Digital Millennium Copyright Act](#), and the [DMCA exemptions of 2006](#), AGMU has established the Copyright Policy outlined in this document.

Copyright infringement in this case is defined as the act of using copywritten materials without the express permission of the copyright holder under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

No AGMU staff member, faculty or student will utilize copywritten material without the express permission of the copyright holder.

For more information on United States Copyright law, please reference:

<https://www.copyright.gov/>

<https://www.copyright.gov/title37/>

<https://www.copyright.gov/fair-use/>

<https://www.copyright.gov/title17/92chap5.html#506>

<https://www.copyright.gov/help/faq>

A. Traditional academic work

In accordance with federal copyright law AGMU is the owner of the copyright for works created by its employees as part of their job duties. This includes but is not limited to staff, faculty members, and students.

There will be no claim made for items considered to be traditional academic works, as the rights will be transferred to the author for works of that nature. There are exceptions to this, which include works made for hire, were created using AGMU resources, or resources assigned to AGMU, or in cases where express language is stipulated in a contract for the work.

AGMU defines traditional academic works as ones created independently for a purely academic purpose.

This includes:

1. journal articles, non-course related books, poems, musical compositions, and artistic creations, provided they do not make use of significant AGMU resources.
2. work created by students throughout their education, such as assignments, homework, projects, and other similar academic requirements.
3. work created by students throughout their education and as part of their concentration requirements, such as theses, dissertations, and projects.

Students completing these works grant AGMU non-exclusive, royalty-free rights for reproduction and publication distribution for academic and research purposes.

AGMU retains all copyrights for modules, units, presentations, course guidelines, syllabi, course outlines, among others, created and/or elaborated by faculty members as intellectual property of the University. These works are subject to institutional review prior to being used in an academic setting.

B. Works Made for Hire

AGMU observes the right to hold the copyright for work made for hire.

A work made for hire includes:

1. Work created by faculty members, instructors, staff, employees, and students within the functions of their role, for use in the advancement of AGMU and its academic programs.
2. Work commissioned or requested from faculty members, instructors, staff, students, independent contractors, or another contract role, by written contract. Copyright for this work is expressly relinquished and transferred to AGMU.

C. Institutional Works

Institutional works pertain to collaborations between or contributions from various groups. Consisting of, but not limited to, committees, boards, councils, workgroups, or team collaborations.

Works created in this manner constitute significant use of university resources and the Copyright will be withheld by AGMU.

D. Use of University Resources

The copyright for work created with the significant use of AGMU resources will be maintained by AGMU.

This applies to any member of the AGMU Community (faculty member, staff member employee, student, or other), utilizing AGMU funds or facilities. Those works will remain AGMU property.

Significant use of AGMU resources includes, but is not limited to:

1. The use of facilities owned, operated, rented, or leased by AGMU.
2. Use of resources belonging to AGMU without which the creation of the work would not have been possible.
3. Use resources or facilities not generally accessible to members of the AGMU Community.

E. Recognition of the Work's Creator

In addition to what is stipulated in the preceding and following provisions, AGMU seeks to grant recognition to the significant efforts and talents of its faculty, staff, students, and other contracted workers in developing and elaborating such works. AGMU commits to the following agreements:

1. Recognize professors, staff, students, and other contract workers where applicable, as the work's creators.
2. Provide the first opportunity to update or review the created work, according to what is deemed necessary, while the individual is associated with AGMU. Should not contact be made, or action taken in a reasonable timeframe AGMU reserves the right to appoint another person to perform this task.
3. Allow modifications to the work within a reasonable manner, or tolerance.

F. Notification of Copyright

The Vice Chancellor of Academic Affairs will be responsible for the enforcement of this policy and will oversee all matters related to copyright in coordination with AGMU Legal Counsel.

The Vice Chancellor of Academic Affairs must, when necessary, consult legal support, or other forms of assistance, including the creation of special committees composed of members of the AGMU Community and Administration, to perform these duties.

It is the responsibility of the entire AGMU Community to be cognizant of the provisions outlined in this policy. Acknowledgement of this policy does not exclude members of the Community from being subject to any other established policies at AGMU.

G. Copyright Warning

AGMU will utilize the following copyright warning on works that belong to the university:

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This notice carries the requirement of compliance with the established policies applicable laws.

Disciplinary Actions

Any member of the AGMU Community who is deemed to be in violation of the stipulations contained in this policy will be subject to disciplinary or legal actions in alignment with the severity of the offense. Matters regarding students will be adjudicated in accordance with the AGMU Student Code of Conduct. Potential issues or violations will be referred to the Vice Chancellor of Academic Affairs, who will evaluate the situation, and provide a resolution or confer with legal counsel and Human Resources in order to determine the appropriate response.