

**GUAM COMMUNITY COLLEGE**

**Board of Trustees**

**Resolution 13-2021**

**COPYRIGHT AND FAIR USE POLICY**

**WHEREAS**, the Guam Community College (“GCC”, “College”) its employees, students and community partners are required to comply with the Copyright Act of 1976 as amended and the Digital Millennium Copyright Act of 1998; and

**WHEREAS**, ownership and copyright of materials and products developed by employees while performing duties as an employee of GCC are the property of GCC, unless otherwise governed by negotiated agreement; and

**WHEREAS**, the College prohibits the unauthorized duplication, distribution, or use of any copyrighted materials by students, faculty, or other employees, except as allowed by specific exemption in the copyright law, such as Section 107 fair use, licenses, agreements, or written permission from the copyright holders. Individuals assume full responsibility and liability for any actions taken outside these constraints; and

**WHEREAS**, with Rights of Creators: Copyright, copyright law affords legal rights and protections for authors of original works, such as literary, dramatic, musical, artistic, and other intellectual property; and

**WHEREAS**, *Section 106 of the Copyright Act* generally gives the owner of copyright the exclusive right to do and to authorize the following: reproduce copies of the work, prepare derivative works, distribute copies of work by sale, rental, lease or lending, publicly perform the work and publicly display the work; and

**WHEREAS**, a GCC Copyright and Fair Use Policy Guidelines/Procedures (“GCC CFU Policy Guidelines/Procedures”) will be developed and adopted as part of this policy and updated as deemed necessary by the College within its governance process; and

**WHEREAS**, this policy applies to all administrators, faculty and staff of the College to include adherence to Ownership Rights as explained in the GCC CFU Policy Guidelines/Procedures; and

**WHEREAS**, the College through its governance process will develop a GCC Copyright/Ownership Agreement and made a part of the GCC CFU Policy Guidelines/Procedures to be updated as deemed necessary and appropriate; and

**Page 2: GCC Board of Trustees Resolution 13-2021 - Copyright and Fair Use Policy**

**WHEREAS**, there is a “fair use” doctrine that limits the exclusive right of copyright owners (**17 U.S.C. § 107 - U.S. Code - Unannotated Title 17. Copyrights § 107. Limitations on exclusive rights: Fair use**). In some cases, faculty, staff, and students who wish to use copyrighted works for non-commercial educational purposes may do so without seeking authorization from the copyright owner; and

**WHEREAS, Copyrights (Section 107 of Title 17)** lays out guidelines for determining Fair Use and said provisions will be made a part of the GCC CFU Policy Guidelines/Procedures including amendments to this Section; and

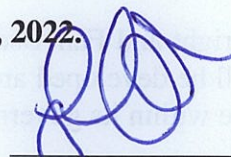
**WHEREAS**, due to the complexity of copyright law and fair use, the determination of the correct use of copyrighted materials should be determined on a case-by-case basis in accordance with the GCC CFU Policy Guidelines/Procedures.

**NOW, THEREFORE, BE IT RESOLVED**, that the Guam Community College Board of Trustees shall adopt this Resolution as the Guam Community College “Copyright and Fair Use Policy;” and

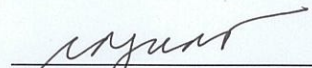
**BE IT FURTHER RESOLVED**, that the GCC Board of Trustees shall adopt a “Guam Community College Copyright and Fair Use Policy Guidelines/Procedures” and “Copyright/Ownership Agreement,” to be developed through the College’s governance process, and to be updated as deemed necessary and appropriate; and

**BE IT FURTHER RESOLVED**, that such Guam Community College Copyright and Fair Use Policy and its Guidelines/Procedures shall apply to all GCC employees, students and community partners and must be adhered to accordingly.

**ADOPTED the 6<sup>th</sup> day of January, 2022.**



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**FRANK P. ARRIOLA**  
Chairperson

  
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ROSE P. GRINO  
Secretary