



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

DISTRICT GOVERNANCE COUNCIL

April 18, 2018

3:00 p.m. – Room 245

AGENDA

- *1.0 Review Minutes of April 4, 2018
- *2.0 Review of Board Agenda for April 26, 2018
- 3.0 Additional Agenda Items
- 4.0 State Budget Update Carroll, Dowd
- 5.0 Demonstration of the new Student and Faculty Portals for Campus Solutions Neault
- 6.0 BP 7330 Communicable Disease Update Weinroth
- 7.0 School Safety/Emergency Plans Hubbard
- *8.0 California Catalyst Fund Akers
- *9.0 SDCCD Copyright Guidelines Akers
- 10.0 Roundtable

*Attachments

Next DGC MEETING scheduled: Wednesday, May 2, 2018 – 3:00 p.m.
District Office – Room 245

Visitors and observers are welcome. The District Governance Council (DGC) follows an open process and conducts open meetings. However, because of limited space, we ask that visitors sit in the extra chairs provided against the walls to leave room available at the table for voting DGC members. Your help is appreciated.



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

DISTRICT GOVERNANCE COUNCIL MINUTES

April 4, 2018

Present: Akers, Beresford, Bulger, Cortez, Hernandez, Hsieh, Hubbard, Kovrig, Larson, Luster, Mahler, Manis, McMahon, Neault, Payne, Perigo, Rogers (for Dowd), Shabazz, Surbrook, Watkins, Weinroth and Chairperson Chancellor Carroll

Absent: Dowd

Guests: Ljubisa Kostic, Josh Pohribnak

1. APPROVAL OF MINUTES

The minutes of March 21, 2018, were approved.

2. REVIEW OF BOARD AGENDA

The agenda for the April 12, 2018, Board Meeting was opened for review by Chancellor Carroll. Each item was discussed and satisfied.

3. STATE BUDGET UPDATE

Chancellor Carroll reported that the dominant issue regarding the state budget is the budget formula. More information is expected to come with the Governor's May Revision to the budget.

4. BROWN ACT PRESENTATION

Ljubisa Kostic led the Council through a PowerPoint presentation on the Brown Act and answered questions. Members with more questions were directed to send them to Martha Strong who will compile and send them to Mr. Kostic for response at a future DGC meeting.

5. STUDENT SERVICES PROCEDURES

Vice Chancellor Neault brought proposed revisions to Administrative Procedures 3002.1 – Enrollment Priority and Open Enrollment; and 3100.4 – Volunteer/Visitor Conduct Expectations. After revisions were explained, no concerns were raised.

6. OPEN EDUCATIONAL RESOURCES SUBCOMMITTEE

Vice Chancellor Bulger brought back the revised proposal to establish the Open Educational Resources Subcommittee of the Textbook Affordability Committee. The Council accepted the proposal. Dr. Bulger indicated that she will begin by asking the Academic Senate Presidents to identify possible members for this subcommittee.

Adjourned 4:23 p.m.

Chancellor's Office & Board of Trustees

2:20 p.m.	Call to Order	ECC Theatre
Followed by	Closed Session	Room 121
3:30 p.m.	Board Open Door Session	PDC - Room 106
4:00 p.m.	Continuing Education Campus Meeting	ECC Theatre
5:00 p.m.	Regular Business Meeting	ECC Theatre

**SAN DIEGO CONTINUING EDUCATION CAMPUS MEETING
FOR
SAN DIEGO COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
THURSDAY, APRIL 26, 2018**

SAN DIEGO CONTINUING EDUCATION
Campus Meeting 4:00 – 5:00 p.m.
Educational Cultural Complex (ECC) Theatre
4343 Ocean View Blvd.
San Diego, CA 92113

- I. Welcome from Continuing Education President Carlos O. Turner Cortez, Ph.D.
- II. Greetings from Academic Senate President.....Richard Weinroth
- III. Greetings from Classified SenateNeill Kovrig
- IV. Continuing Education Campus Meeting
 - Combating Poverty and Inequity at San Diego Continuing Education
 - a. Employment Security
 - b. Financial Literacy
 - c. Food Security
 - d. Housing Security
 - e. Intellectual and Emotional Security
 - f. Textbook and Course Material Affordability
- V. Closing Remarks.....Carlos O. Turner Cortez, Ph.D.

5:00 P.M. SDCCD Board of Trustees Meeting (Regular Open Session)

11 INSTRUCTIONAL SERVICES

11.01 In the matter of the District’s Allied Health Occupation programs, authority is requested to enter into agreements with health care agencies for the use of clinical facilities by students enrolled in the District’s Allied Health Occupation Programs and Alcohol and Other Drug Studies Programs during the 2017-2018 fiscal year.

13 BUDGET AND FINANCE

13.01 In the matter of the Veterans Resource Center Ongoing Funding Allocations from the California Community Colleges Chancellor's Office (CCCCO) for San Diego City College to provide services in support of the Veterans Resource Center, authority is requested to:

1. Enter into a 1-year agreement with California Community Colleges Chancellor's Office (CCCCO) for fiscal year 2017-2018 in the amount of \$102,763; and
2. Accept, budget and spend \$102,763 in the 2017-2018 General Fund/Restricted Budget.

13.02 In the matter of the Adult Education Block Grant (AEBG) Data and Accountability allocation at San Diego Continuing Education, authority is requested to accept, budget and spend \$3,470,489 (AEBG Year 3) in the 2017-2018 General Fund/Restricted Budget.

13.03 Consideration and adoption of a Resolution in the matter of authorizing Business and Technology Services to make General Fund/Unrestricted budgetary and financial transfers effective April 1, 2018, through June 30, 2018.

13.04 Approval of purchase orders prepared during the period of March 1, 2018, through March 31, 2018.

13.05 Ratification of Huron Consulting Services, LLC contract extension and Statement of Work.

14 HUMAN RESOURCES

14.01 Certification of short-term personnel service effective on or after April 27, 2018, per California Education Code Section 88003.

15 FACILITIES, BUILDINGS AND REAL ESTATE

15.01 In connection with the membership of the Propositions S and N Citizens' Oversight Committee, authority to appoint the following individuals to serve a two-year term from July 1, 2018, to June 30, 2020:

1. Mike Frattali (nominated by Trustee Marla Senour);
2. Shandon Harbour (nominated by Trustee XXXX);
3. Ed Oremen (nominated by Trustee Rhinerson); and
4. Yen Tu (nominated by Trustee Graham).

15.02 In connection with the membership of the Propositions S and N Citizens' Oversight Committee, authority is requested to reappoint the following members to serve a two-year term from July 1, 2018, to June 30, 2020:

1. Tom Kay
2. Bob Kiesling



Immigrant
Legal Services
Center

Davis • Irvine • Los Angeles • Merced • Riverside • San Diego • San Francisco • Santa Barbara • Santa Cruz

The UC Immigrant Legal Services Center is excited to announce the launch of the California Campus Catalyst Fund – a multi-million dollar initiative to expand support for undocumented students and their families across the state's three public higher education systems: California Community Colleges, California State University, and University of California.

Along with our partners at Chavez Family Foundation, [Evelyn & Walter Haas, Jr. Fund](#), Grove Foundation, [Heising-Simons Foundation \(pending\)](#), [Hellman Foundation](#), [James Irvine Foundation](#), Weingart Foundation, and Educators for Fair Consideration, we formed the Catalyst Fund to seed hope and a powerful path forward at a time when undocumented communities are under attack and grappling with fear and uncertainty. The fund was created and informed by funders, educators, and advocates who believe increased collaborations across the state can help uncover the best ideas and solutions for California's diverse communities.

"This initiative reflects a belief in the future of California and support for services that support and lift up undocumented young people and their families. We are very excited that this fund will help to bring immigration legal services, in addition to other important services, to our public higher education systems," said Maria Blanco, Executive Director of the UC Immigrant Legal Services Center.

As undocumented immigrants question whether they will be torn from their homes, their schools, their jobs, and their families, we are launching an initiative that builds on the proactive solutions coming out of California's public higher education campuses. Thanks to the leadership of students, faculty, and administrators, our state's public colleges and universities have emerged as sites for innovation in welcoming undocumented students out of the shadows and providing them with the resources they need to succeed.

The Catalyst Fund strengthens this wave of innovation, with an opportunity for campus leaders to develop creative strategies to respond to the needs of large numbers of undocumented students and their families. Because many undocumented students view their futures as closely linked to the security of their families, and immigrant students can be important and trusted links to connect family members to needed services. The Catalyst Fund will support California's public higher education campuses in expanding new and nascent services to undocumented immigrant students and their families, including legal services, academic advising, and other support services critical to undocumented students' success.

For more details on [what the California Campus Catalyst Fund will support](#), and [details on how to apply](#), please visit californiacatalystfund.org

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2017-18 Revision Workgroup:

Lisa Burgert/Sean Flores (Mesa), Kats Gustafson (District), Roger Olson (Miramar), Sandra Pesce (City)

I. Introduction

A. Purpose and Scope

These guidelines are meant to assist all San Diego Community College District (SDCCD) employees and students in making informed decisions regarding copyright as it applies to scholarly and educational activities. They fulfill the implementation requirement of SDCCD Board Policy 5750, are intended for general information only, and should not be considered a substitute for legal advice. It is the responsibility of all faculty, staff, students, and anyone using the facilities or resources of the SDCCD to read, to understand, and to follow these guidelines.

Copyright protects the authors, creators, and publishers of both published and unpublished original works, including literary, dramatic, musical, and artistic works. Books, newspapers, magazines, software, multimedia, audio recordings, dissertations, research papers, technology, scientific or technological developments, research data, photographs, as well as text, video, and images on the Internet are among the works covered under copyright law.

Since its passage in 1976, the Copyright Law has been amended numerous times by, for example, the Digital Millennium Copyright Act in 1998 and the Technology, Education, and Copyright Harmonization Act ("TEACH Act") in 2002. These amendments outline the copyright requirements for digital content and online distance education addressed in these guidelines.

Copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publically displayed, or made into a derivative work without the permission of the copyright holder. A copyright notice is not required for works to be protected. These guidelines will address when it is or is not necessary to obtain authorization to use intellectual property.

B. District Compliance Responsibility

Per Board Policy 5750, SDCCD acknowledges and abides by all applicable intellectual property laws, including but not limited federal copyright law, Title 17 of the U.S. Code as amended at <http://www.copyright.gov/title17>. SDCCD expects that all individuals employed at the district, enrolled in the district or colleges, and/or using the facilities or resources of the district or colleges shall do the same.

In addition to issuing and educating the SDCCD community regarding this policy and guidelines, the SDCCD will, among other things, ensure that every photocopy machine, printer, and other equipment capable of creating copies shall include effective signage incorporating the following text:

Notice: The copyright law of the U.S. (Title 17 of the U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

C. Consequences for Copyright Infringement

The Copyright Act provides for the copyright owner to recover damages for unauthorized use of the owner's works. These damages may include the profits resulting from the infringement, or statutory damages ranging from \$750 to \$30,000 per willful infringement, as well as legal fees. <https://www.copyright.gov/title17/92chap5.html>.

II. Using Copyrighted Material

“Copyright is a form of protection provided by the laws of the United States to the authors of ‘original works of authorship’ that are fixed in a tangible form of expression. ... Copyright protection in the United States exists automatically from the moment the original work of authorship is fixed.” (Circular 1, U.S. Copyright Office)

Copyrighted materials may or may not have markings to indicate their status. Use of copyrighted materials may or may not require permission. See below for guidelines on obtaining permission when it is required, and for an overview of the exemptions that do not require permission.

A. When Permission is Required: How to Get Permission

The law does not recognize a “best efforts to obtain copyright” exception, even if it is difficult, time-consuming, or expensive to locate the copyright owner. The process of granting permission requires time to check the status of the copyright and evaluate the nature of the request. It is advisable, therefore, to allow enough lead time to obtain permission before the materials are needed.

One of the simplest ways to obtain permission is through the Copyright Clearance Center (CCC), which has the right to grant permission and collect fees for rights for certain publications. CCC’s Pay-Per-Use Services provide a quick and-easy way for faculty, students, and staff at colleges to secure permissions to use and share content. Search by title or ISBN at www.copyright.com.

In cases where the CCC does not have the legal rights to obtain copyright clearance, permission must be obtained directly from the copyright holder (see sample draft letter in appendix).

B. When Permission is Not Required: Three Exemptions

There are three exemptions from the permission requirement: fair use exemption, library exemption, and instruction exemption. This section will offer a brief explanation of each, as well as some examples by materials format and by intended use.

1. Fair Use Exemption

Some copyrighted works may be used without permission under circumstances deemed “fair use.” Section 107 of the United States Copyright Act lists four factors to help judges determine when content usage may be considered “fair use:”

The **purpose and character** of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes. However, not all educational uses are fair use.

The **nature** of the copyrighted work. Use of a purely factual work is more likely to be considered fair use than use of someone’s creative work.

The **amount and substantiality** of the portion used in relation to the copyright protected work as a whole. There are no set page counts or percentages that define the boundaries of fair use. Courts exercise common-sense judgment about whether what is being used is too much of — or so important to — the original overall work as to be beyond the scope of fair use.

The **effect** of the use on the potential market for or value of the copyright protected work. This factor looks at whether the nature of the use competes with or diminishes the potential market for the form of use that the copyright holder is already employing, or can reasonably be expected soon to employ, in order to make money for itself through licensing.

If it is unclear whether a particular use is permitted under the fair use doctrine, consider obtaining permission from the copyright owner to use the work.

The fair use provision is intentionally broad and flexible. It requires an analysis that weighs and balances the four factors based on the particular facts of an individual situation. SDCCD employees and students are encouraged to use a fair use evaluator tool to determine fair use. One such tool is: <http://librarycopyright.net/resources/fairuse/index.php>. Although a fair use evaluator tool does not guarantee legal protection from copyright infringement claims, it will help determine whether fair use applies to the material under the U.S. Copyright Code. Furthermore, it will provide a time-stamped, PDF document which could prove valuable, if ever a copyright holder claimed infringement.



2. Library Exemption

Copyright law grants exceptions to libraries for archiving lost, stolen, damaged, or deteriorating works; and for making copies for library patrons, or for other libraries' patrons (interlibrary loan).

3. Instruction Exemption

Educators have, with publishers, developed the following guidelines, which allow faculty to distribute copyrighted materials (i.e. workbook sections, textbook chapters; does not apply to journal articles) to students in a class without the publisher's prior permission.

The distribution of materials practices of a faculty should not have a significant detrimental impact on the market for the copyrighted work (17 U.S.C. §107(4)). Materials may be distributed to students under the following conditions:

- Distribution of the same material does not occur every semester
- Only one copy is distributed for each student and it must become the student's property
- Material must include a copyright notice on the first page of the portion of the material (i.e., © 2017 by Mary Brown). See Section IV Attribution.
- If a print copy is provided students may not be assessed a fee beyond the actual cost of printing.

C. Typical Examples of Educational Uses of Copyrighted Works

1. Examples By Format (Physical and Electronic)

It is advisable to consult with a librarian on the work to be used and how it will be used. The table below is a sample of educational uses and is not intended to be exhaustive. (Table reproduced and adapted from "Copyright and Fair Use Guidelines for Teachers," by Hall Davidson, <http://www.halldavidson.net/copyrightTEACH.pdf>). For more comprehensive information see Circular 21 – "Reproduction of Copyrighted Works by Educators and Librarians" (U.S. Copyright Office).

Format	Specifics	What you can do	Fine print (not exhaustive)
Short Text	Poem less than 250 words;	Faculty may make multiple copies	Copies may be made only from

	250 word excerpt of poem greater than 250 words; Articles, stories, or essays less than 2,500 words; 2 pages (max) from an illustrated work less than 2,500 words	for classroom use and incorporate into multimedia for teaching classes; Students may incorporate text into multimedia projects; [See Instruction Exemption IIA3]	legally acquired originals; Only one copy allowed per student; Spontaneity "at the instance and inspiration of the teacher"; Do not create anthologies; Consumables such as workbooks may not be copied. [See Circular 21, pp. 6&7]
Longer Text	1 article per journal; 1 chapter per book; 10% to 20 % of a book	Faculty may make multiple copies for classroom use [See Instruction Exemption IIA3]	Same as for Short Text
Music	Vinyl; Cassette tapes; CDs; Digital files; Audio clips on the web	Faculty may copy music for academic purposes other than performances. In Learning Management Systems up to 10%, but no more than 30 seconds with no change to basic melody or fundamental character. [See University of Rhode Island "Fair Use and Copyright" Lib Guide for extensive details]	Performances limited as follows: excerpts of sheet music may be copied only if out of print; student performances may be recorded only for faculty or institutional evaluation or student's portfolio; sound recordings may be copied once for classroom or reserve use. Sheet music may be copied in its entirety for an emergency when purchased copies are not available for an imminent performance provided that purchased replacements are substituted in due course.
Images	Photograph; Illustration; Collections of photographs; Collections of illustrations	Single works may be used in their entirety, but not more than 5 images by a single artist or photographer; From a collection, not more than 15 images or 10% (whichever is less).	Although older illustrations may be in the public domain and don't need permission to be used, sometimes they're part of a copyrighted collection.
Video (Instructional Use)	Videos or DVDs; Video clips from the Internet (You Tube, TED Talks); Streaming Videos (library subscription)	Show and play (perform) in a face to face classroom; Transmit over the internet as part of a class sessions; Transmit over the internet as part of a class session or class enhancement	The material must be legitimately acquired. Use should be instructional, not for entertainment or reward. Archival copy can be made provided a suitable replacement is unavailable in a viable format; for Learning Management Systems technological measures must be in place to prevent unauthorized access or copying.
Video (for integration into multi-media or video projects)	Videos or DVDs; Video clips from the Internet (You Tube, TED Talks); Streaming Videos (library subscription)	Students "may use portions of lawfully acquired copyright works in their academic multimedia," defined as 10% or 3 minutes (whichever is less) of "motion media."	The material must be legitimately acquired. Copyright works included in multimedia projects must give proper attribution to copyright holder.

2. Examples By Use

a. Classroom (including Learning Management System)

The classroom, including the Learning Management System, offers the capability to provide controlled access to class material.

i. Electronic Library Resources for Classroom Use

The District's libraries provide access to a number of databases by subscription agreement with vendors. In many cases the license agreements with the vendors or publishers of these materials specifically address whether or not content may be downloaded and reposted. Since the answer to this question is uneven and there are many licenses to consider, best practice is to link to the database or the electronic journal content, rather than downloading the document and uploading it for online access to a LMS.

ii. Single Copy for Classroom Use

Because of the uncertainties inherent in the general fair use analysis, there have been a number of efforts over the years to develop more concrete guidelines for specific common situations. Under one such set of guidelines negotiated by representatives from higher education and the publishing industry, it is generally accepted that faculty may make single copies of the following for use in their scholarly research, teaching, or preparation for teaching:

- A chapter from a book
- An article from a periodical or newspaper
- A short story, short essay, or short poem
- A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper

These guidelines represent the minimum of what is permissible, not the outer limits of fair use. Copying in excess of these guidelines may be a fair use if it meets the fair use test. Also keep in mind that while these guidelines do not specifically discuss copying by students, it generally has been assumed that they have comparable rights under fair use.

iii. Multiple Copies for Classroom Use

Under a similar set of negotiated guidelines, it also is generally considered to be fair use for faculty to make copies of copyrighted material and distribute them to their students for classroom use and discussion under the following conditions:

- The number of copies made of any given work may not exceed the number of students in the course.
- The copies must be made "at the instance and inspiration of the individual teacher."
- The inspiration to use the work and "the moment of maximum teaching effectiveness" with respect to that work must be "so close in time that it would be unreasonable to expect a timely reply to a request for permission."
- Each copy must include a notice of copyright.
- Any charge to the students may not exceed the actual cost of copying.
- The amount copied from any given work may not exceed the following:

Poetry: (a) a complete poem if less than 250 words and if printed on not more than two pages or (b) an excerpt of not more than 250 words from a longer poem (though either limit may be expanded to permit the completion of an unfinished line).

Prose: (a) a complete article, story, or essay consisting of less than 2,500 words or (b) an excerpt of not more than 1,000 words or 10% of any other prose work, whichever is less, but in any event a minimum of 500 words (though either limit may be expanded to permit the completion of an unfinished paragraph).

Illustration: a single chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

Special works combining words and illustration, and consisting of fewer than 2,500 words in their entirety; an excerpt of up to two pages, but no more than 10% of the words.

- The copying of any given item must be for only a single course and may not be repeated by the faculty from term to term.
- The copying must be limited to one short poem, article, story, or essay, or two excerpts from the same author and three from the same collective work or periodical volume (other than current news periodicals and newspapers) during one class term.
- No more than nine items in total may be copied for one course during one class term.
- "Consumables" such as workbooks, exercises, and tests may not be copied.
- Copying may not be used to create or substitute for anthologies, compilations, or other such collective works.

As with the single copy guidelines, these guidelines represent the minimum of what is permissible, not the outer limits of fair use. Copying in excess of these guidelines should be based on weighed against the fair use factors (see Section II.B.1).

b. Library Reserves

Faculty intending to place items (books or media) on library reserve are responsible for ensuring copyright compliance for materials. A fair use evaluation tool (<http://librarycopyright.net/resources/fairuse/index.php>) should be used and documentation of the results should accompany the reserve request. Photocopies of entire copyrighted textbooks are not permitted on reserve. Any complex questions concerning whether a particular use constitutes fair use should be directed to a librarian, who may forward it to legal counsel. Course reserve materials should be removed at the end of the academic term. Items cannot be placed on permanent reserve, in order to comply with federal copyright law Title 17 of the U.S. Code.

c. Recording of Events

Permission to record presentations by registered students, faculty, and staff is assumed if the recording is to be used for archival or classroom use only. Written permission of the presenter or sponsor is required for presentations made by any other individual or group regardless of the recording's purpose. One archival copy of non-classroom events using copyrighted materials

may be produced if the presenter has obtained clearance from the copyright holder. Non-archival copies of presentations may only be produced if written permission allowing the duplication of the material has been obtained in advance from all.

d. Public Performance

Public performance licenses must be obtained for non-classroom performances. This legal requirement applies regardless of whether an admission fee is charged, whether the institution or organization is commercial or non-profit, or whether a federal or state agency is involved.

e. First Sale

The owner of lawfully obtained copyrighted content may dispose (lend, rent, sell, give-away, or throw away) that copy without permission of the copyright owner. This exception does not apply to recorded music, and software licenses typically prohibit the use of the first-sale doctrine.

DRAFT

III. Using Works in the Public Domain and Creative Commons

For those works not covered by U.S. copyright law, use and sharing rules may vary widely. Works may fall within the completely free public domain or be covered by Creative Commons licenses that reserve some rights.

A. Public Domain

All U.S. government publications and all works published prior to 1923 are considered public domain and are no longer subject to copyright protection. These works may be used freely by anyone, in any way, and for any purpose, educational or otherwise (at least insofar as copyright is concerned).

Works published after 1923 are subject to variations of copyright expiration based on registration dates, so use this simple tool to determine if an item is still protected by copyright: <http://librarycopyright.net/resources/digitalslider/index.html>. In general, works published after in 1923 will fall into the public domain starting in 2019, then in 2020 works published in 1924 will expire, and so on. For works published by a single author after 1977, the copyright will not expire until 70 years after the author's death. If a work was written by several authors and published after 1977, it will not expire until 70 years after the last surviving author dies.

Directions:

- Set arrow at correct date
- Read information in windows
- Mouse-over any [notes] or asterisks [*] for clarifying information

Is it Protected by Copyright?
For works first published in the U.S.A.*

No Permission Needed?

Copyright Status/Term **In Public Domain***

Unpublished Works (date of creation)

Date of First Publication


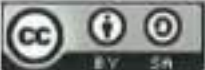
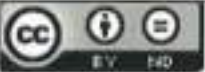
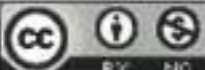
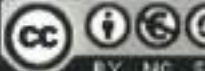
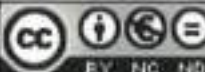
- Before 1923**
- After 1922 & Before 1978**
If published without © notice
- After 1922 & Before 1964**
If published with © notice, but not renewed after 28 years
- After 1922 & Before 1964**
If published with © notice & renewed after 28 years
- After 1963 & Before 1978**
If published with © notice
- After 1977 & Before 2003**
Created (unpublished) before 1978 & first published before January 1, 2003
- After 1977 & Before March 1, 1989**
If published without © notice & without subsequent registration
- After 1977 & Before March 1, 1989**
If published without © notice but registered within 5 years; or published with © notice
- On or after March 1, 1989**
Published with or without © notice
- Published after 2002**
Created before 1978 and author died more than 70 years ago

Created by Individual or Joint Authors
Created under Corporate Authorship

© 2012 Richard Brewer & ALA Office for Information Technology Policy

B. Creative Commons Licenses

Creative Commons is a global non-profit organization that provides copyright licenses with sharing restrictions ranging from “most free” to “least free.” It is important to understand the differences – some allow free sharing while others do not – see the table below for a breakdown. Consider sharing your own materials with a Creative Commons license.

License	Attribution	What you can do
	Attribution CC BY	This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. Recommended for maximum dissemination and use of licensed materials.
	Attribution – ShareAlike CC BY-SA	This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms. This license is often compared to “copyleft” free and open source software licenses. All new works based on yours will carry the same license, so any derivatives will also allow commercial use. This is the license used by Wikipedia, and is recommended for materials that would benefit from incorporating content from Wikipedia and similarly licensed projects.
	Attribution – NoDerivs CC BY-ND	This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you.
	Attribution – NonCommercial CC BY-NC	This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms.
	Attribution – NonCommercial- ShareAlike CC BY-NC-SA	This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.
	Attribution- NonCommercial- NoDerivs CC BY-NC-ND	This license is the most restrictive of our six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can't change them in any way or use them commercially.

IV. Providing Attribution – How to Give Credit to the Author

There are many ways to give credit to an author. Below are examples for copyrighted works and for those that fall into the public domain or are covered by a Creative Commons license.

A. For Copyrighted Works

Per the U.S. copyright law, Title 17 of the U.S. Code, the material must include a notice of copyright on the first page of material (for example, “© 2012 by Ysabelle Garcia”). It is

recommended that a complete citation of the work be provided for full attribution. Citation builders for style guides like MLA and APA will work for this purpose: i.e. Noodle Bib, BibMe, EndNote, RefMe, etc.

B. For Works in the Public Domain and for Creative Commons Licensed Works

Numerous online tools will format an attribution notice using descriptive information that you provide about an item licensed under Creative Commons or in the public domain. These tools are similar to citation builders for style guides like MLA and APA, and are helpful for creating consistent citations in open educational resources (OER). An example of one such tool is: <http://www.openwa.org/open-attrib-builder/>

The screenshot shows the 'Open Attribution Builder' web application. The header includes the 'OPEN Attribution Builder' logo and an 'about' link. The main form is divided into several sections: 'Title' with a 'Content Item Title' input field; 'URL' with a 'URL of the content item' input field; 'Author' with 'Author name' and 'URL of the author page' input fields; '+ Organization' and '+ Project' sections with expandable options; and 'License' with a dropdown menu showing options like 'Attribution (CC BY)', 'Attribution-ShareAlike (CC BY-SA)', 'Attribution-NoDerivs (CC BY-ND)', 'Attribution-NonCommercial (CC BY-NC)', 'Attribution-NonCommercial-ShareAlike (CC BY-NC-SA)', 'Attribution-NonCommercial-NoDerivs (CC BY-NC-ND)', 'Public Domain (General)', and 'Public Domain (CC0)'. There is also a 'Version' dropdown set to '4.0', a radio button for 'This work is a derivative', and a 'URL of original work' input field. At the bottom right of the form is a 'clear and start over' link. Below the form, a footer states: 'Open Attribution Builder is licensed under CC BY 4.0. Managed by WA3RCDC. Check out the Open Washington website for more open educational resources.'

V. Making Your Own Materials: Ownership of Intellectual Property

A. Author/Creator as Owner

The author or creator of intellectual property is typically the owner of the intellectual property unless the intellectual property is a work “made for hire” (see section V.B. below). Copyright on works wholly created by SDCCD faculty members on their own time, outside of their assigned work schedule, without any use of District equipment and/or resources and intended for non-District use, would be held by the author/creator.

See <http://hr.sdccd.edu/docs/employee%20relations/Collective%20Bargaining%20Agreements/Faculty.pdf>

B. Works Made for Hire (SDCCD faculty)

In general, a work made for hire is one created by an employee within the scope of his/her employment, or as directed for inclusion in a larger work as part of a written agreement to do so (U.S. Code Title 17, Section 101). Works made by SDCCD faculty: Article XXVI of the San Diego Community College District AFT Guild's Faculty Collective Bargaining Agreement identifies the owners of the copyrights to certain works that may be created by faculty members, and identifies the uses that may be made of those works by faculty members and the District. See also "Work for Hire" definition in the Appendix of this document.

See <http://hr.sdccd.edu/docs/employee%20relations/Collective%20Bargaining%20Agreements/Faculty.pdf>

VI. Appendix

A. Definitions

Attribution -- An acknowledgement crediting the author of a work.

Classroom -- A physical or virtual environment where instruction takes place.

Copyright -- The set of exclusive legal rights that authors have over their works for a limited period of time. Copyright protection is based upon Article I, Section 8 of the United States Constitution which provides in pertinent part: "The Congress shall have the Power To ... promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ..." The Copyright Act of 1976 and its amendments implement this provision of the Constitution and extend protection to eight categories of "works of authorship":

- literary works (including not only books, articles and similar works, but also software programs and their accompanying documentation)
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works
- pictorial, graphic and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- architectural works

Copyright Infringement -- A violation that occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner.

Creative Commons (CC) Licensing - "CC licenses are copyright licenses, and depend on the existence of copyright to work. CC licenses are legal tools that creators and other rights holders can use to offer certain usage rights to the public, while reserving other rights."

[<https://creativecommons.org/faq>]

Fair Use – The fair use doctrine provides for limited use of copyrighted materials for educational and research purposes without permission from the copyright owner.

Intellectual Property – Includes, but is not limited to, any works of authorship, computer software, invention, discovery, creation, know-how, trade secret, technology, scientific or technological development, research data, regardless of whether subject to legal protection such as copyright.

Public Domain - The status of publications, products, and processes that are not protected by copyright; for example, materials on which the copyright has expired and works created by the federal government or a state government. All original sources published prior to 1923 are in the public domain. Refer to <http://librarycopyright.net/resources/digitalslider/index.html>

Public Performance – A public performance occurs when there is a performance "at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered," or when one "transmit[s] or otherwise communicate[s] a performance" to such a place, 17 U.S.C. § 101. This legal requirement applies regardless of whether an admission fee is charged, whether the institution or organization is commercial or non-profit, or whether a federal or state agency is involved.

Work Made for Hire – Pursuant to Section 101 of Title 17 of the U.S. Code, work for hire is defined as "(1) a work prepared by an employee within the scope of his or her employment; or (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work*, as a compilation, as an instructional text**, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument that the work shall be considered a work made for hire."

*Supplementary work is "a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwords, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes."

**Instructional Text is a "literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities."

B. Sample Permission Letter

The following sample, a “Letter for Requesting Copyright Permission” was obtained from Duke University <https://blogs.library.duke.edu/scholcomm/files/2007/02/sample-letter-requesting-copyright-permission.doc>

[Date]

[Rights holder name and address]

Dear Permissions Editor [Insert name, if known]:

I am in the process of creating [Describe project]. I would like your permission to include the following material in this project:

[Citation of material for which permission is sought, specifying exactly what material would be used]

The [Name of Project] will be used [Describe how the project and material will be used].

It will be available to [Specify who the users will be and how they will gain access, including any charges or fees involved].

If you do not control the copyright on all of the above mentioned material, I would appreciate any contact information you can give me regarding the proper rights holder(s), including current address(es). Otherwise, your permission confirms that you hold the right to grant the permission requested here.

Permission includes non-exclusive world rights in all languages to use the material and will not limit any future publications-including future editions and revisions-by you or others authorized by you.

I would greatly appreciate your consent to my request. If you require any additional information, please do not hesitate to contact me. I can be reached at:

[Your contact information]

A duplicate copy of this request has been provided for your records. If you agree with the terms as described above, please sign the release form below and send one copy with the self-addressed return envelope I have provided.

Sincerely,

[Signature]

[Printed Name]

Permission granted for the use of the material as described above:

Agreed to: _____ Name & Title: _____

Company/Affiliation: _____ Date: _____

C. Additional Resources

- Attribution Builder (Open Washington) -- <http://www.openwa.org/open-attrib-builder/>
- Copyright and Intellectual Property Policy 2009 (Cape Cod Community College) -- <https://www.capecod.edu/files/policies/copyright-policy.pdf>
- Copyright and Fair Use: The Lawsuits (California State University Long Beach) <https://csulb.libguides.com/c.php?g=39326&p=250444>
- Circular 1: Copyright Basics (U.S. Copyright Office) -- <https://www.copyright.gov/circs/circ01.pdf>
- Circular 21: Reproduction of Copyrighted Works by Educators and Librarians (U.S. Copyright Office) -- <https://www.copyright.gov/circs/circ21.pdf>
- Copyright and Fair Use Guidelines for Teachers (Hall Davidson) -- <http://www.halldavidson.net/copyrightTEACH.pdf>
- Copyright Clearance Center -- <http://www.copyright.com/>
- Copyright Protection Slider -- <http://librarycopyright.net/resources/digitalslider/index.html>
- Creative Commons Licensing -- <https://creativecommons.org/licenses/>
- Digital Millennium Copyright Act -- <https://www.copyright.gov/legislation/dmca.pdf>
- Fair Use Evaluator Tool -- <http://librarycopyright.net/resources/fairuse/index.php>
- Fair Use and Copyright for Online Education (University of Rhode Island) -- <https://uri.libguides.com/fairuse/copyright>
- Permission Letter (Duke University) -- <https://blogs.library.duke.edu/scholcomm/files/2007/02/sample-letter-requesting-copyright-permission.doc>
- SDCCD Board Policy 5750 -- <https://www.sdccd.edu/docs/District/policies/Instructional%20Services/BP%205750.pdf>
- SDCCD Faculty Collective Bargaining Agreement (AFT) -- <http://hr.sdccd.edu/docs/employee%20relations/Collective%20Bargaining%20Agreements/Faculty.pdf>
- TEACH Act explanation (American Library Association) -- <http://www.ala.org/advocacy/copyright/teachact>
- United States Copyright Law -- <https://www.copyright.gov/title17/>



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

SCHEDULE OF MEETINGS

DISTRICT GOVERNANCE COUNCIL (DGC)

JULY THROUGH DECEMBER 2018

DGC meetings are scheduled on the 1st and/or 3rd Wednesdays of each month, unless otherwise noted.

The following are scheduled DGC meeting dates to be held at the District Office, Room 245 at 3:00 p.m.

July 18

August 15

September 5
September 19

October 3
October 17

November 7

December 5



Board Policy

Chapter 7 – Human Resources

BP 7330 – COMMUNICABLE DISEASE: TUBERCULOSIS

All newly hired employees shall have on file a medical certificate indicating freedom from communicable disease, including tuberculosis. No employee shall commence service until such medical certificate has been provided to the District.

All newly hired academic or classified employees must show that within the past 60 days they have submitted to a tuberculosis risk assessment and, if risk factors are present, been examined within the past 60 days to determine that they are free from active tuberculosis. If risk factors were present at the tuberculosis risk assessment, and an examination occurs, after the examination the employee shall by providing provide the District with a certificate from the employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

All employees shall be required to undergo a tuberculosis risk assessment n-examination within four years of employment and every four years thereafter, to determine if they are free from tuberculosis.

See also: Board Policy and Administrative Procedure 7335 – Health Examinations, and Administrative Procedure 7336 – Certification of Freedom from Tuberculosis

References:

Education Code Sections 87408; 87408.6; 88021

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current SDCCD BP 7330, currently titled *Communicable Diseases: Tuberculosis* adopted on 9/11/07.

Adopted: 9/11/07

Revised:

(Replaces current SDCCD BP 7330)



Administrative Procedure

Chapter 7 – Human Resources

4260.3 - TUBERCULOSIS EXAMINATION

AP 7336 - Certification of Freedom from Tuberculosis

This Procedure is applicable to all [new and current](#) employees of the District. It implements [the tuberculosis \(TB\) examinations clearance requirement](#) mandated by law.

~~FUNCTION – REGULATIONS~~

- ~~1. As a condition of initial employment, and each four years thereafter, all employees shall be examined to determine that they are free of active tuberculosis.~~
- ~~2. This examination shall consist of an X-ray of the lungs or an approved intradermal tuberculin test which, if positive, shall be followed by an X-ray of the lungs.~~
- ~~3. Evidence of compliance with this requirement shall be either a certificate signed by a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code, or a notice issued by a public health agency, or a unit of the American Lung Association showing that the named individual was examined and is free from active tuberculosis. (The examination must be within the past 60 days for initial employment.)~~
- ~~4. The X-ray requirement shall be suspended for any pregnant employee for a period of time not to exceed 60 days following termination of pregnancy.~~

Except as provided herein, no person shall be initially employed by the District in an academic or classified position unless the person has within the last 60 days submitted to a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association and, if risk factors are present, an examination to determine that he/she is free of active tuberculosis, by a physician and surgeon licensed under the California Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intra-dermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under the Business and Professions Code.

The Vice Chancellor, Human Resources may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intra-dermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative, or were not tested because of a lack of risk factors, are required to undergo the foregoing tuberculosis risk assessment and, if risk factors exist, examination at least once each four years upon recommendation of the local health

officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing tuberculosis risk assessments and examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow up care.

If risk factors were present at the tuberculosis risk assessment and an examination occurs, after the examination, an employee shall cause to be on file with the District a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that he/she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge and belief he/she is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he/she may be excluded from service until the Vice Chancellor, Human Resources is satisfied that he/she is not so afflicted.

A person who transfers his/her employment from another school or community college District shall be deemed to meet the requirements of this procedure if the person can produce a certificate that shows that he/she within the past four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing him/her that it has a certificate on file that contains that showing.

A person who transfers his/her employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Health and Safety Code Section 121525 that shows that he/she within the last four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him/her that it has the certificate on file.

Arrangements are in place for new hires/current hourly employees who do not have medical insurance to meet this requirement at no cost to them. The cost of the assessment and, if an examination and/or testing or X-ray is necessary, will be covered by the SDCCD. However, any cost related to active TB treatment or other related costs will not be covered by SDCCD.

IMPLEMENTATION

~~The Assistant Chancellor Human Resources shall:~~

- ~~1. Two months prior to expiration of certificate, send to each employee concerned "Notice to Employee" and District form for physician's/surgeon's signature.~~
- ~~2. If employee has not submitted new certificate by the end of the month in which old certificate expired, delay pay warrant.~~
- ~~3. If employee has not submitted new certificate by the end of the month following the month in which old certificate expired, place item on next Board Docket recommending that the employee be suspended from duty without pay until certificate is obtained.~~

The Vice Chancellor, Human Resources shall:

Review a monthly report indicating employee names with TB clearances that will expire within 90 calendar days. A first notice requiring a TB clearance certificate is sent to the employees named in the report. The Director of Employment will be copied on the notice.

If employee has not submitted a new certificate by the end of the month in which the first notice was sent, a second notice will serve as a reminder and will be sent approximately 60 days prior to the expiration of the current TB clearance on record. The employee's supervisor will be copied on the notice, and the Director of Employment.

If the employee has not submitted a new clearance certificate by the end of the month in which the second notice was sent, a third notice will serve as a final cautionary step and will be sent approximately 30 days prior to the expiration of the current TB clearance on record. The employee's supervisor will be copied on the notice, and the Director of Employment. The administrative office that is responsible for the timekeeping for the individual, and the President/Vice Chancellor, will receive a summary report of the names receiving the third notice.

If the employee has not submitted a new clearance certificate by the final deadline then a notice will be sent to the employee's supervisor alerting them to direct the employee off of work in unpaid status until at which time the TB clearance certificate is received in Human Resources. The administrative office that is responsible for the timekeeping for the individual, and Human Resources Payroll and Benefits Office, will be copied on the final communication.

See also: Board Policy 7330

REFERENCES: ~~"Notice to Employee" and form for certification (stocked and issued by Human Resources)~~

Education Code Section: 87408.6

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current SDCCD AP 4260.3, currently titled Tuberculosis Examination and last revised on 6/30/83. The language in **blue ink** is included for consideration.

Approved:

Revised:

*(Replaces current SDCCD AP 4260.3,
approved 6/30/83,6/24/76)*