

<b>Document Name and Version</b>	<b>Policy 11.4 Ethics of VLE usage in Blended Learning Programmes Incorporating: Copyright and Intellectual Property Rights</b>
<b>Policy Number</b>	11.4
<b>Approval Body</b>	Academic Council
<b>Date of Approval</b>	September 2020
<b>Date Policy Comes into Force</b>	25th January 2021.
<b>Date of Review</b>	2025
<b>Revisions</b>	19 <sup>th</sup> October 2021. Section 5.1.1 revised to ensure consistency with staff contracts introduced in 2021/2022 academic year.

## 1. Preliminary

- 1.1. Blended learning utilises technology to enhance traditional learning practices. It includes both face-to-face and online elements to create a unified teaching and learning experience for learners and staff. One consequence of integrating (or blending) learning in this way is that traditional ways of thinking and acting may need to be reappraised, to ensure that they fit with a blended environment.
- 1.2. This policy encourages IICP College learners and staff to rethink existing policy in an online and blended learning context. It extends and clarifies IICP College QAM in relation to the Ethics of Virtual Learning Environment [VLE] usage in Blended Learning Programmes.
- 1.3. Attention is drawn in particular to the following policies, all of which apply equally to blended and Traditional learning environments:
- 1.3.1. QAM Policy 3.3 Academic and Professional Integrity Policy.
  - 1.3.2. QAM Policy 3.4 Academic and Professional Impropriety Policy and Procedures.
  - 1.3.3. QAM Policy 3.10 Data Protection in Assessments.
  - 1.3.4. QAM Policy 3.12 Policy and Procedure on Moodle Copyright and Usage.
  - 1.3.5. QAM Policy 5.2 Learner's Code of Conduct.
  - 1.3.6. QAM Policy 5.6 Policy and Procedures on Internet, Social Media and Email use.
  - 1.3.7. QAM Policy 5.7 Dignity and Respect.

## 2. Scope

- 2.1. This policy applies to all Blended Learning Programmes at IICP College.

## 3. Purpose

3.1. This policy extends and clarifies Codes of Practice and Codes of Conduct applicable to IICP College's blended learning environment.

#### **4. Policy**

4.1. Blended learning provides multiple opportunities for collaboration within and between class groups, including sharing of resources and information. IICP College encourages this sharing of resources and information.

4.2. The use of information in a blended learning environment carries with it a responsibility to ensure that this use is legal and ethical, and is in accordance with the IICP Quality principles, policies and procedures contained in its QAM.

4.3. This policy highlights additional considerations for ethical use of information in a blended learning environment in IICP College.

#### **5. Procedure**

##### **5.1. Policy on the Recording of Lectures and other Teaching and Learning Activities**

5.1.1. Prior to the beginning of each Semester, teaching staff will be informed that recordings will be made if their teaching and learning activities take place in a location containing appropriate technology.

5.1.2. Recordings will, by default, be available only to learners who are registered on the unit for which the recording was made, unless requests are made by the teaching staff involved to make the recordings more widely available (to learners on other years or programmes).

5.1.3. All recordings will be subject to IICP College's Data Protection policies and procedures.

##### **5.2. Intellectual Property Rights (IPR): Policy on Ownership of Digital Learning Resources**

5.2.1. The ownership of Digital Educational Resources is a matter of contract between the College and its staff. The general principles set out here should be interpreted in the context of individual contracts, which are the primary source for determining IPR.

5.2.2. Where design, development or dissemination of the digital educational resources involve Significant Use of College Resources then ownership rests with IICP College. This includes resources produced by employees; or where curricular or pedagogical design occurred through the College; or where a programme has been accredited/validated by the College. In this case the College owns the digital educational resource.

5.2.3. Where design, development, or dissemination of the digital educational resource involve Insignificant Use of College Resources then ownership rests with the teacher, with usage rights granted to the College. This includes use that

is confined to access to College-owned classrooms, library resources and technical support. The teacher owns the digital educational resource and grants the College non-exclusive rights to use the digital educational resource.

5.2.4. IICP College recognises that learners retain intellectual property rights to the work that they have exclusively created, subject to the College's rights and responsibilities in relation to that material, in particular in relation to assessment, certification, programme review and institutional review requirements. In addition, the College's right to reproduce and distribute a learner's work is contained in the Irish Copyright Act 2000 (and amendments). This Act is available here: <https://www.oireachtas.ie/documents/bills28/acts/2000/a2800.pdf>.

5.2.5. In relation to dissertations, attention is drawn to QAM Policy 3.11 Policy and Procedure on Dissertation Publication and Dissemination.

### 5.3. Policy on Copyright

5.3.1. In order to ensure that we respect copyright laws and regulations, it is important to think about what copyright means. According to the Copyright Alliance, "A copyright is a collection of rights that *automatically* vest to someone who creates an original work of authorship – like a literary work, song, movie or software. These rights include the right to reproduce the work, to prepare derivative works, to distribute copies, and to perform and display the work publicly."<sup>1</sup>

5.3.2. Not everything that is printed or on a website has a copyright attached to it. Things that the website did not create, such as common widgets, are not copyrightable by the website unless that site created them. Other things, such as articles, stories, pictures and databases can have copyrights attached to them.

5.3.3. Copyright arises automatically on the creation of an original work. Therefore, even if the work does not state its copyright it is safest to assume that it is copyright. Subject to certain exceptions, copyright gives the creator the right to prevent others from exploiting the work in various ways without permission.

5.3.4. In order to understand the copyright obligations that govern use of a text it can be helpful to follow the following steps. These steps are similar to those used when checking for a reference.

- When using hard copy documents, check the document carefully for copyright information.
- When using online resources, scan the site for details of a copyright policy. This may be located at the top or bottom of the home page.
- Look for a Creative Commons licence on the site. Creative Commons (CC) licences are public copyright licences that answer the question, "What can I do with this work?" A CC licence is used when an author wants to give other

---

<sup>1</sup> The Copyright Alliance (2019). Copyright Basics. Retrieved from [https://copyrightalliance.org/ca\\_faq\\_post/what-is-copyright/](https://copyrightalliance.org/ca_faq_post/what-is-copyright/)

people the right to share, use and/or build upon a work that the author has created. There are different CC licences, which are explained on the Creative Commons website<sup>2</sup>.

- If there is no obvious copyright policy, they try Google. Enter the organisation's name and "copyright policy" into Google.

If the copyright information cannot be found then it is best to assume that the work is copyrighted, and act accordingly.

5.3.5. Copyright is a legal identification of the rights of a creator of work. It is important also to consider the ethics of use. These ethics have been codified and introduced in Ireland as a result of European Directives aimed at harmonising copyright law throughout the European Union in the Copyright & Related Rights Act 2000. These principles apply in relation to all use – such as referencing and citing the works of others in academic writing:

1. **The Paternity Right**, which is the right to be identified as the author of the work.
2. **The Integrity Right**, which is the right to prevent mutilation, distortion or other derogatory alteration of the work which would prejudice the artist's reputation.
3. **The Right of False Attribution**, which is the artist's right not to have a work falsely attributed.

5.3.6. There are some exceptions to copyright. Generally, fair usage and educational usage have some leniency as regards strict copyright requirements. These are detailed in the section Supporting Documentation.

#### 5.4. Digital Wellbeing and Digital Footprints

5.4.1. *Digital wellbeing* is defined as "understanding the nature of your online self, data and information, privacy and protection and taking care of yourself, others and information in ways that are ethical and respectful"<sup>3</sup>.

5.4.1.1. Prior to engaging with a Blended Learning Programme, learners should read, understand and undertake to apply the IICP College ethos, policies and procedures to their online communications. In particular, learner's attention is drawn to QAM Policy 5.6 Policy and Procedures on Internet, Social Media and Email use.

---

<sup>2</sup> Creative Commons (2019). About CC Licenses. Retrieved from <https://creativecommons.org/about/ccllicenses/>

<sup>3</sup> Guide to Developing Enabling Policies for Digital Teaching and Learning in Higher Education (Murphy, 2018). National Forum for the Enhancement of Teaching and Learning. Retrieved from: <https://www.teachingandlearning.ie/publication/guide-to-developing-enabling-policies-for-digital-teaching-and-learning/> p. 21

5.4.2. *Digital footprint* is a measure of what information is available online about an individual as a result of their online activity<sup>4</sup>.

5.4.2.1. It is important to remember that every time a person engages in an online activity they create a footprint, which can be permanent. Anonymity, privacy, control of personal data, and related protections can be ideals rather than actual reality. Therefore, it is important to think about what your digital footprint says about you. Your digital reputation is directly related to the digital footprint you leave behind.

5.4.2.2. All members of IICP College should consider the potentially public and permanent nature of online communication. The focus is not on avoiding such communication, but on building a positive digital presence.

5.4.3. The following information from the Australian Government eSafety website<sup>5</sup> is a useful guide to protecting your digital reputation:

“A poor digital reputation can affect your friendships, relationships and even your job prospects, so it is very important that you are aware of what picture you are painting of yourself online and protect your digital reputation today.

#### **What do I need to know?**

- Once information makes its way online it can be difficult to remove and can be easily and quickly shared around.
- Images and words can be misinterpreted and altered as they are passed around.
- Content intended for your small group of friends can cause issues when shared with others outside the group.
- You need to consider how you manage both your messages and images and those of others.
- Your privacy settings on social media sites need to be managed in order to protect your digital reputation.

#### **Protecting your digital reputation:**

- Stop and think about any content before you post or send.
- Treat others online as you would like to be treated.
- Set your profile to private – and check every now and then to make sure the settings haven’t changed.

---

<sup>4</sup> Guide to Developing Enabling Policies for Digital Teaching and Learning in Higher Education (Murphy, 2018)/ National Forum for the Enhancement of Teaching and Learning. Retrieved from: <https://www.teachingandlearning.ie/publication/guide-to-developing-enabling-policies-for-digital-teaching-and-learning/> p. 21

<sup>5</sup> The eSafety Commissioner, Australia. Retrieved from: <https://www.esafety.gov.au/esafety-information/esafety-issues/digital-reputation>

- Keep an eye on photos tagged by your friends and remove ones that are offensive.

Remember your online information could be there forever and your personal information may end up being seen by people you don't know, including potential employers.”

## 6. Supporting Documentation

### 6.1. Fair usage and educational usage of copyright material



## LICENCE CERTIFICATE

### Higher Education Institution

#### Issued by the Irish Copyright Licensing Agency CLG.

It is hereby certified that a Licence has been granted by the Irish Copyright Licensing Agency CLG to the Licensee named hereunder, for the copying by the Licensee of certain material protected by copyright at the premises and during the term specified hereunder, subject to the terms and conditions specified in the Licence Agreement made between the parties, the date of which is set out hereunder.

<b>Name of Educational Institution:</b>	<b>IICP Education &amp; Training</b>	("the Licensee")
<b>Address:</b>	Killinarden Enterprise Park Killinarden Dublin 24	("the Premises")
<b>Licensee ID:</b>	5152	
<b>Date of Licence Agreement:</b>	15/05/2017	
<b>Period of Licence:</b>	From 01/10/2019 to 30/09/2020	
<b>Date of Issue:</b>	03/02/2020	

---

SIGNED on behalf of the  
Irish Copyright Licensing Agency CLG

Note: This Licence Certificate should be kept safely. A new Licence Certificate will issue annually to the Licensee, on payment of the annual Licence Fee.

# EXCLUDED WORKS LIST

With effect from October 2014

## The ICLA Licence allows you to copy for immediate use:

- Up to 5% or one chapter (whichever is the greater) of a book, published in the countries listed below except in the case of a short story or poem which can be copied in its entirety provided it does not exceed ten pages in length.
- The whole or part of one article from a journal or periodical or newspaper issue published in the countries listed below.
- The equivalent amount of a digital publication that is organised in a non-traditional manner.

Print books, journals and magazines published in the following countries are covered for photocopying by the licence: Ireland, the UK, Argentina, Australia, Austria, Belgium, Canada (including Quebec), Denmark, France, Germany, Greece, Hong Kong, Iceland, Italy, Jamaica, Japan, Liechtenstein, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Singapore, South Africa, Spain, Switzerland, Taiwan, Tobago, Trinidad and the USA; a list of the US publishers covered by the licence is published from time to time by ICLA at [www.icla.ie](http://www.icla.ie).

Print and digital newspapers published in Ireland and the UK can be copied by photocopying, scanning and digital copying.

Extracts from digital publications in ICLA's repertoire for digital copying (see [www.icla.ie](http://www.icla.ie)) can be copied digitally or on to paper.

## The licence does not cover the following categories of works published in Ireland:

- Printed music (including the words)
- Workcards or assignment sheets, separate maps or charts
- Industrial journals and companies' in-house magazines and newsletters
- "Grey literature" – leaflets, reports and other publications without an ISBN or ISSN

The licence does not cover the excluded works listed below (and updated on [www.icla.ie](http://www.icla.ie)) by Irish publishers:

- Examination papers published by the Educational Company of Ireland (Junior and Leaving Certificate)
- Educational Research Centre, St Patrick College test material
- National Dairy Council – all publications
- The North Western Health Board – all publications
- Central Statistics Office – all publications
- Tara Publishing Limited – all publications
- ICS SKILLS – all publications
- Church of Ireland Board of Education – all except *Follow Me* programme
- McKeon Murray (MKM) Business Training Services – all publications
- The Irish Farmer's Handbook
- *Technical Graphics* by Denis O'Connor, published by the Educational Company of Ireland
- Plus Publications – *Français Plus*

In respect of works published in the UK, the licence does not cover the excluded categories and excluded works detailed on the list available at

[http://www.cla.co.uk/licences/excluded\\_works/excluded\\_categories\\_works](http://www.cla.co.uk/licences/excluded_works/excluded_categories_works)

The licence overrides the "all rights reserved" prohibition to copy notice in the front of all copyright material, but permission to copy excluded items or quantities in excess of the stated limits should be sought from the individual publisher on each occasion.

Irish Copyright Licensing Agency  
63 Patrick Street, Dún Laoghaire, A96 WF25, Co. Dublin  
T: 01 442 4211 E: [info@icla.ie](mailto:info@icla.ie) W: [www.icla.ie](http://www.icla.ie)



# USER GUIDELINES

With effect from January 2016

To be displayed beside all photocopying machines and scanners throughout all licensed Educational Institutions used for the production of multiple and non-fair dealing copies and in digital form in a prominent place on the Intranets of all Educational Institutions licensed to copy digital publications.

This Institution has an ICLA Licence, enabling staff and students to photocopy and scan print extracts, and copy digital publications, within clearly defined limits, from books, journals and periodicals published in Ireland, the UK, Argentina, Australia, Austria, Belgium, Canada (including Quebec), Denmark, France, Germany, Greece, Hong Kong, Iceland, Italy, Jamaica, Japan, Liechtenstein, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Singapore, South Africa, Spain, Switzerland, Taiwan, Tobago, Trinidad and the USA.

## What the Licence covers

The Licence permits the copying (including scanning) of extracts from all print books, journals and magazines published in Ireland and the countries listed above, except those shown on the List of Excluded Categories and Works and from digital books, journals and magazines listed on [www.icla.ie](http://www.icla.ie). Newspapers published in Ireland and the UK are also included. All staff and students at this establishment are licensed to make copies provided they comply with the licence terms and conditions and the publication they are copying is legitimately owned by the school/college.

No copying may exceed 5% of the published volume or issue or, if greater:

- one complete chapter from a book, or
- one article from a journal, periodical or newspaper, or
- a short story or poem not exceeding 10 pages in length from an anthology
- or the equivalent amount from a digital publication organised in a non-traditional manner.

No systematic or repeated copying of the same material which would breach the above limitations is permitted during any one course of study/module, i.e.: progressively copying more than the above limitation for the same class of students; the licence is not a substitute for buying/subscribing to original publications.

The creation of enlarged copies, copies for presentation on interactive whiteboards and school computer screens, and accessible copies for students with reading disabilities is also permitted. The same limitations (above) apply to enlarged copies and presentation copies; accessible copies can be made of whole publications.

It is a condition of the Licence that the number of multiple print copies of a single item of Copyright Material shall not exceed the number needed to ensure that each member of the class has one copy only and two for the tutor. Copies may also be made for meetings of staff and managers. Digital copies can be made available only to the relevant class and tutor and must be deleted at the end of the school year.

No ongoing record of copying is required under the licence. If an Educational Institution is selected to log its copying (either via a survey or record-keeping forms), so that ICLA knows to which authors, illustrators and publishers licence fees should be paid, ICLA will contact the Institution about this separately.

## The publications the Licence does not cover

All the items on the List of Excluded Categories and Works as well as the following specific categories:

- Printed Music (including the words)
- "Copy Permitted" Publications
- Workcards or assignment sheets, separate maps or charts
- "Grey literature" (leaflets; publications without an ISBN or ISSN)

The *Excluded Works List* should be on display next to all relevant copiers in the college and is available on [www.icla.ie](http://www.icla.ie). Permission to copy excluded items or in excess of the above stated limits should be sought from the rightsholder (publisher, author or artist) on each occasion. The UK *List of Excluded Categories & Works* and the US publishers' Included List should be lodged with the licensing officer and/or library in the Institution. These lists are available on [www.icla.ie](http://www.icla.ie).

It is good practice that copies are identified with details of author, title, publisher and ISBN/ISSN at the foot of each page so that the source of extracts taken from books, journals, periodicals and newspapers is acknowledged and students learn the importance of crediting the work of others.

This document is intended for guidance only and not as a substitute for the Licence Terms themselves. In the event of a conflict between the two, the Licence shall prevail.

Irish Copyright Licensing Agency  
63 Patrick Street, Dún Laoghaire, Co. Dublin, A96 WF25  
T: 01 662 4211 E: [Info@icla.ie](mailto:Info@icla.ie) W: [www.icla.ie](http://www.icla.ie)