



OAKLAND  
COMMUNITY  
COLLEGE®

Board Policy

Policy Type: Board  
Policy Title: Miscellaneous  
Policy Number: 2.2.4  
Office Responsible:

### **Policy Statement**

**A. Fringe Benefits for Represented, Part-Time Personnel, Temporary Employees** whose employment is anticipated, at time of hire, to be less than twelve consecutive months, and Student Assistants.

1. All regular College employees who are working under a collective bargaining agreement with the College will receive such benefits as are set forth in the master agreement for which said employee is a member of the bargaining unit.
2. Part-time personnel, temporary employees whose employment is anticipated, at time of hire, to be less than twelve consecutive months, and student assistants are covered only by Worker's Compensation, Unemployment Compensation and Social Security as required by law and Michigan School Employees Retirement System as applicable. Adjunct faculty shall receive tuition reimbursement for an equivalent number of hours taught.

Revised: 07-29-93

### **B. Necessary Equipment**

The College will endeavor to make available equipment that is necessary for employees to accomplish whatever responsibilities they are assigned. Employees are discouraged from bringing personal property to satisfy their own personal convenience, and the College assumes no responsibility for such items.

Approved: 11-20-80

### **C. Smoking on College Property**

Effective September 1, 2012, smoking will be prohibited on College-owned or leased properties. This policy applies to all employees, vendors, contractors, students and the public. This prohibition applies specifically to the smoking or other use of tobacco products including, but not limited to, cigarettes, cigars, pipes, chewing tobacco, snuff, and electronic cigarettes. This policy does not apply to electronic devices prescribed by a health care provider (e.g., nicotine inhaler). The legal use of medical marijuana and the illegal use of non-prescription marijuana are addressed separately from this policy and procedure.

Copies of this policy shall be distributed to all employees. In addition, the policy change shall be posted on the College home web page.

All employees share in the responsibility for adhering to and supporting this policy. Any problems should be brought to the attention of the appropriate supervisor and handled through normal administrative procedures. Employees who violate this policy will be subject to the same disciplinary actions that accompany infractions of other College rules. Students who violate this policy will be subject to discipline per the procedure established for student smoking violations.

04-22-93      Approved

03-20-12        Revised  
12-15-15        Revised

#### **2.2.4    PROCEDURE- Miscellaneous**

##### **C. Smoking on College Property**

###### **STUDENT DISCIPLINE FOR SMOKING POLICY VIOLATIONS**

1. Any student observed to be smoking on College property will be a) reminded of the no smoking policy, and b) directed to refrain from smoking on College property.
2. If the student refuses to cooperate, then an academic Dean shall be advised of the situation.
3. If a student is reminded a second time on any College property within an academic year, he/she will be required to meet with the president or his/her designee. Any formal reprimand will be consistent with the Student Conduct section as provided in the Student Handbook.
4. If a student is observed smoking on any College property a third time in an academic year, he/she will be suspended from all classes for the remainder of the semester.
5. A total of four violations on any College property may result in dismissal from the College.

Revised: 03-20-12

##### **D. Duplicating of Audio and Video Recording**

Duplicating audio visual materials and fair use of copyrighted audio visual materials is a significant concern to employees and the College in terms of what constitutes reasonable use and conditions under which irresponsible use expose the user to liability.

The principles of the copyright law are designed to promote the creation, publication, and use of works of the copyright owners; to determine certain uses of their works (in not-for-profit as well as commercial contexts); and, to establish certain exceptions including the doctrine of "fair use." These precepts are in the mutual interest of the employees of the College, the College, author, and publisher communities, and of the public and will be followed without exception by College employees. **Penalties and/or liabilities** which accrue due to failure to follow the precepts as outlined on the procedures attendance to this policy will be **born solely by the violator**.

Approved: 11-11-91

#### **2.2.4    PROCEDURE- Miscellaneous**

##### **D. Duplicating of Audio and Video Recording**

###### **1. Prohibitions**

In compliance with applicable limitations on performance or display of copyrighted audio visual materials as provided by the copyright agreement, faculty and staff are asked to refrain from improper use of rented, leased or purchased audio visual materials.

Unless the owner of the copyright or authorized agent of the copyright owner transfers the rights in a particular film or audio visual work to the College, films and audio visual works rented, leased or purchased for classroom showing may not be:

- a. Transmitted by television or other devices or processes;
- b. Copied, recast, transformed, or adapted, in whole or in part, for any purpose;
- c. Shown to an audience who has paid for admission; or
- d. Permitted to be used by any other institution or individual.

## 2. Permission Letter

When a proposed use of audio and video materials requires a College employee to request permission, communication of complete and accurate information to the copyright owner will facilitate the request. A stamped self-addressed return envelope should be sent with the letter of request.

Location of the address for the copyright holder can be obtained through various reference sources. Consult a College Librarian or Audio Visual Technician for assistance in selecting the correct resources.

- a. Title, author (editor, performer, composer, or director), edition;
- b. Description of exact section to be used;
- c. Type of reproduction and number of copies to be made;
- d. Use to be made of the material(s), include name of course(s);
- e. Distribution of copies;
- f. Will the material be sold or will there be a charge for viewing;

The request for permission process requires time. Allow yourself sufficient lead time when using this process. Sometimes a fee is assessed for this permission. Be sure to define your scope of permission when making a request. Do not ask for blanket permission to copy. The letter granting permission must accompany your Request to Duplicate form given to the Audio Visual Department.

## 3. Classroom Use

Two of the copyright owner's exclusive rights under the copyright law are rights of public performance and public display of the copyright work. The educators' performance rights appear in section 110 of 17 United States Code. That section authorizes almost all types of performances and displays in face-to-face teaching in non-profit education institutions. Faculty may use videotapes in teaching without obtaining permission of the copyright owner if the performance meets all of the following conditions:

- a. The performance takes place in a classroom or similar place devoted to instruction;
- b. The performance is part of a systematic course of instruction, and is not for entertainment, recreation or cultural value;
- c. The performance is not transmitted by broadcast or cable television;
- d. The performance is part of the teaching activity of a non-profit educational

instruction;

- e. Attendance at the performance is limited to the instructor and members of a particular class;
- f. The videotape is lawfully made.

#### 4. For Home-Use Only

The For Home-use Only label appears on many recorded video programs and raises the question of whether such rented video programs can be used in the classroom. The question raised is whether a classroom is a public performance? This is still a gray area at this time. AIME (Association for Information Media and Equipment) and a review of other literature, at this time, indicate that video programs with this label can be used in a classroom setting if the procedures outlined above in "Classroom Use" are followed. The video program must meet an instructional goal and not be entertainment for students.

#### 5. Off-Air Recording

- a. Off-air recording of any television or radio broadcast (except pay television), by a media service unit of the College is permitted provided that:
  - (1) The recorded program is recorded no more than one time at the request of the same teacher, regardless of the number of times a program is broadcast;
  - (2) The recorded program is used once in the course of relevant teaching activities and is repeated once only when instructional reinforcement is necessary within ten days of the taping;
  - (3) Recorded programs are shown in classrooms and similar places devoted to instruction within a single building, cluster or campus, or in the homes of students receiving formalized home instruction;
  - (4) Recorded programs are used only during the first ten days of the forty-five day retention period. Subsequent use is for evaluation purposes only. Further use is with the copyright holder's permission only.
- b. Unless authorized in writing by the owner of the copyright in any television or radio program:
  - (1) Programs may not be regularly recorded in anticipation of instructor requests by any media services unit of the College.
  - (2) The off-air recording need not be used in its entirety, but its content may not be altered, nor can it be physically or electronically combined or merged as part of a teaching anthology or compilation.
- c. Off-air recordings made by faculty at home for classroom use must follow the above use procedures. Two changes to the procedures follow:
  - (1) The recorded program is the property of the faculty member.

(2) The faculty member is responsible for erasure at end of the forty-five day retention period.

#### 6. Telecourses and Teleconferences

Licenses for the use of externally produced telecourses and teleconferences will be obtained for the College by the office of Academic Services. Specific rights of duplication, distribution and rebroadcast of these programs are determined in the license agreements, but usually include:

- a. For telecourses, rights to broadcast on cable and regular TV channels, to produce copies for telecourse student use on campus and by checkout, and audio visual use in related classes;
- b. For teleconferences, rights to tape from satellite transmissions, and to retain a permanent copy for institutional use via campus libraries;
- c. For off-air or off-satellite recording of programs specifically licensed, rights to retain permanent copies for library circulation, for classroom use, and, often, rights to rebroadcast on non-commercial cable channels.

The Office of Academic Services will maintain a file of telecourse and teleconference licenses. Faculty and staff may request licenses for telecourses and teleconferences through their Academic Deans, or by contacting Academic Services, directly.

#### 7. Archival Copying

The right to copy an entire work is held solely by the owner of the copyright. If an archival copy is desired, the right to make such a copy should be obtained at the time of purchase or shortly thereafter before duplication can proceed.

The limited right to make an archival copy of audio visual works without permission is given by the copyright law. Permission is given to research libraries only to make archival copies of motion pictures and other audio visual works if the copying is "solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen."

- a. This privilege applies to research libraries affiliated with archives and open to the public for research.
- b. Limited to programs no longer available on the open market from regular distributors.
- c. The library must be able to prove it performed research to locate a new copy at a reasonable cost.
- d. The library must own the copy it wants to reproduce for archival copying.
- e. If the library copies or reproduces any recording which has a copyright notice on it, or if the library knows how the actual copyright notice would read if it were on the recording, the library must include the same copyright notice on the reproduction.

#### 8. Educational Use of Music

To create a balance between the rights of creators and the pedagogical need of music educators Guidelines

For Educational Uses of Music was developed. The following guidelines are helpful in determining when copying music is allowed for academic purposes:

- a. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
- b. A single copy of a sound recording (tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher.
- c. A single copy may be made for preservation or replacement in the library or archive when copies are not available for purchase. The library or archive should be able to prove a search for replacement was done.

#### 9. Foreign Language Audiocassettes

Audiocassettes are provided by the foreign language textbook publisher(s) as supplemental material. Permission to make student copies is obtained by the faculty from the copyright holder through the publisher(s). Present the Duplication Request Form and Permission Letter to the Audio Visual Technician when requesting this service. After preparation of the audiocassettes for duplication, the permission letter and the Duplication Request form are kept by the Campus copyright Officer. Verbal permission will not be honored. Use and limitations imposed by the permission letter restrict the life of such materials and will be honored.

The following rules are observed for foreign language audiocassettes:

- a. Use is limited to students enrolled in the College foreign language classes. One copy of a lesson is made for the requesting student.
- b. There is no charge for the tape content.
- c. The use terms and period of use is dictated by the permission letter.

#### 10. Slides and Transparencies

It is the responsibility of the requestor to obtain authorization when permission is necessary before copying. The following information is offered as guidelines for using copyrighted material to create slides and transparencies:

- a. Slides and transparencies can be created from multiple sources as long as the creation does not exceed 10 percent of the photographs in one source (book, magazine, filmstrip, etc.) unless the source forbids photographic reproduction.
- b. A single transparency from a single page of a "consumable" workbook can be made for instruction.
- c. Reproducing selected slides from a series is allowed if reproduction does not exceed 10 percent of total nor excerpting "the essence" of the production.

## 11. Donated Audio and Video Materials

The College does accept donated audio and video materials.

- a. Materials accepted must be legally produced with the copyright visible. Unauthorized copies will not be accepted.
- b. Original non-copyrighted, privately produced materials will be accepted when a letter of release accompanies the material.
- c. In certain cases, donations of audio and videotapes which can be erased and reused will be accepted. Such erasure will take place in a timely manner upon receipt of the materials.

### **E. Employee Service Recognition**

The Chancellor shall authorize the establishment and operation of an ongoing program of recognition of faculty and staff service to the College upon completion of appropriate intervals of services. The Chancellor is hereby charged with the responsibility for promulgating regulations to implement this policy.

Funds for this purpose shall be provided as part of the regular general operating budget each fiscal year.

### **F. Compensation**

All employees of the College will receive compensation in accordance with state and federal law and, when applicable, in accordance with the Chancellor's directive or collective bargaining agreements.

Pursuant to the Fair Labor Standards Act, certain employees are not eligible for payment of overtime. Regular and enterprise employees in positions which have been evaluated at a DBM level of B22 and above shall not be eligible for overtime or for supplemental contracts unless specifically authorized, in writing, by the appropriate campus president, executive director, vice chancellor, or chancellor. Any exceptions must also have the concurrence of the Human Resources Department.

Regular or enterprise employees in positions which have been evaluated at DBM level of B21 and below shall be eligible for overtime compensation for approved hours in excess of 40 hours worked per week, at the rate of one and one-half times the individual's regular pay. Overtime must be approved in advance by the individual's supervisor.

Regular and enterprise employees in positions which have been evaluated at a DBM level of B21 and below shall not receive supplemental contracts, except as specifically authorized, in writing, by the appropriate campus president, executive director, vice chancellor, or chancellor. Any exceptions must also have the concurrence of the Human Resources Department.

Approved: 07-29-93

Revised: 06-21-11

Reviewed; no change 04-28-2020