



# Copyright Policy

## Scope

This Policy sets out the position and requirements of Kaplan Australia and New Zealand Group (hereby referred to as 'Kaplan') in relation to the use and handling of copyright in all forms of publication, including digital, online and print.

This policy applies to anyone involved in the use, on behalf of Kaplan or in connection with Kaplan, of copyright material for which a person or entity other than Kaplan owns the exclusive rights under the Copyright Laws. As copyright infringements may result in legal action against the legal entity and/or the individual responsible for the infringement, the appropriate use of copyright material is each individual's responsibility.

This policy is not intended to limit use by Kaplan of material for which Kaplan owns copyright.

## Purpose

It is essential to Kaplan's continued success and functionality that every individual involved in the use of copyright protected material in connection with Kaplan complies with copyright law, and that Kaplan as an institution can demonstrate a high level of compliance.

The purpose of this Policy is to:

- provide a central and clear statement to Kaplan staff, contractors and students of their compliance obligations with respect to copyright
- mandate compliance with Copyright Laws by all involved in Kaplan activities and minimise the risks that flow from copyright non-compliance
- recognise the rightful ownership of creative contributions to educational material and
- improve Kaplan's awareness of the importance of copyright compliance to the ongoing viability and improvement of Kaplan as a higher education, ELICOS, Pathways and vocational education provider and to foster legitimate uses of copyright materials.



## Definitions

The following definitions are applicable to this Policy.

**Kaplan Australia and New Zealand Group** means Kaplan Australia Holdings Pty Ltd ACN 117 261 980 (**KAH**), a related body corporate (as defined in section 50 of the *Corporations Act 2001 (Cth)*) of KAH or any entity that directly or indirectly controls or is controlled by, or is under common control with, KAH (where 'control' has the meaning given in **section 50AA** of the *Corporations Act 2001 (Cth)* and 'controlled' has a corresponding meaning). This includes Kaplan International New Zealand Limited, which is an NZQA registered Private Training Establishment (PTE), Educational Organisation Number (EON) 8682.

**Copyright Laws** means the *Copyright Act 1968 (Cth)* or *Copyright Act 1994 (NZ)* or both, as the context requires, and any replacement legislation from time to time and the common law pertaining to copyright.

**Copyright Liaison Officer** means the person appointed by each Kaplan School to assist the National Manager, Copyright Compliance and Information Resources in the implementation and administration of the Copyright Framework.

**Educational Purposes** refers to the reproduction (copying) and communication (sharing) of copyright protected material for the intent of:

- Teaching students as part of a course of study under one of the Kaplan Schools;
- Retaining a copy within a library of a Kaplan School for the purpose for use as a teaching resource;
- Assisting in the administration of students and courses.

**Third Party Materials** mean works and subject-matter materials where the copyright is owned by a party other than Kaplan.

**Moral Rights** are legislative responsibilities to protect the reputation of the original creator(s) and the integrity of their work. This protection extends even after copyright ownership is transferred.

**Open Source** is a copyright licence (granted by the copyright holder), enabling users to freely use, communicate, share or modify. The licence is on the content itself.

**Disability**, in context to the Copyright Laws, refers to any person who has an impairment that causes them difficulty in reading, viewing, hearing or comprehending copyright material in a particular form. In practice, this includes anyone with a disability as defined in the *Disability Discrimination Act 1992 (Cth)*.

**Take Down Notice**, a notice received externally alleging the availability of material on Kaplan's system may be in breach of copyright



## Policy Principles

### General Copyright Principles

As an educational institution, the use of material created by others is central to the functions associated with effective teaching and learning activities. Kaplan supports the legitimate use of copyright protected materials for educational purposes to enhance the teaching and learning practices through provisions such as Statutory and other licensing arrangements along with other contractual agreements.

Where the proposed use or activity is not within the scope of any licence, contractual undertaking or exception - third party materials must not be used except with the written permission from the copyright holder. Any permission must include written agreement authorising the use of the material for the intended purpose.

Kaplan does not condone any use of copyright protected materials in breach of copyright laws, and expects all staff, contractors and students to comply with Copyright Laws and all legal restrictions and obligations regarding the use of copyright protected material.

Kaplan does not condone any activity that may infringe the Moral Rights of any person. Moral Rights must be respected through the appropriate attribution of authorship, unless contractually agreed between both Kaplan and the person.

Kaplan asserts ownership of all original material created by employees in the course of their employment and by contractors in the performance of their engagement, unless there is specific written agreement to the contrary.

All individuals are responsible and liable for breaches of copyright arising from their actions. Breaches of this Policy or copyright legislation will be treated seriously by Kaplan and may result in disciplinary action. Refer to section 4 "Dealing with Alleged Breaches of Copyright" for further information.

### Content Management

Kaplan recognises its responsibility to manage copyright content, particularly in Kaplan hosted resource areas. Kaplan will ensure that systems facilitating content management are in place to support compliance with the Copyright Laws and this Policy, including central monitoring of online content to ensure that Kaplan is adhering to Copyright Laws and operating within the terms of its Statutory and licensing conditions, along with associated contractual undertakings.

'Sampling' surveys by external legislative agencies with responsibility for managing and reviewing copyright compliance may also occur at the nominated times at the discretion of the external agency. All employees, contractors and students must offer their co-operation in the completion of any of these monitoring activities.

### Supporting those with a Disability

The Copyright Act contains disability access provisions that ensure equitable access to copyright material by persons with a disability. The provisions are designed to be flexible to ensure copyright material can be converted into the most accessible format(s) available and with appropriate features. There are two Fair Dealing exceptions:

- Fair Dealings for the purpose of access by persons with a disability; and
- Use of copyright material by organisation's assisting persons with a disability.



Kaplan is required to purchase an accessible copy, if it is commercially available in a format suitable for assisting the person with their disability, obtainable within a reasonable time and at an ordinary commercial price.

Where material is not commercially available in the format required, Kaplan can make accessible format copies for the sole purpose of assisting a person with a disability. Consultation with a Kaplan Copyright Officer is recommended prior to performing this activity.

### **Dealing with Alleged Breaches of Copyright**

As outlined above (policy point 1.6), breaches of copyright legislation will be treated seriously by Kaplan.

- Breaches of this Policy by employees and/or contractors may constitute misconduct which may lead to disciplinary action or contract termination.
- Breaches of this Policy by students may constitute misconduct which may lead to disciplinary action in accordance with the School's relevant *Academic Integrity and Conduct Policy*, *Student Misconduct Policy* or *Code of Conduct*
- Copyright infringement may also result in legal action against the individual engaged in the unauthorised conduct, potentially resulting in personal liability.

Where an employee, contractor or student of Kaplan believes that the availability of any material on Kaplan's systems may be in breach of copyright, that potential infringement must be reported to the National Manager, Copyright Compliance and Information Resources at [copyright@kaplan.edu.au](mailto:copyright@kaplan.edu.au).

Where a "Take-Down Notice" is received from outside Kaplan alleging that the availability of any material on Kaplan's system may be in breach of copyright, the Notice must be forwarded to the National Manager, Copyright Compliance and Information Resources.

### **Compliance Obligations and Awareness**

Kaplan will maintain a centralised system, in accordance with the Copyright Framework, to facilitate the management of copyright compliance. Employees, contractors and students are expected to adhere to this Framework and must not utilise any other systems unless specifically authorised to do so.

Each Kaplan School will appoint a Copyright Liaison Officer to assist with the administration of the Copyright Framework and to work collaboratively with the National Manager, Copyright Compliance and Information Resources to guide the implementation of copyright processes, controls, auditing, review and sampling (as required).

Kaplan will provide employees, contractors and students with information and resources to assist them in understanding and complying with their responsibilities under this Policy.

All employees, contractors and students are required to comply with this Policy and are expected to read and understand the compliance information provided for them on the Kaplan intranet, Learning Management Systems, and via other modes of communication.

All authorised users of Kaplan facilities and/or equipment must ensure they do so in a manner that does not infringe copyright. More details of these obligations, and consequences of non-compliance, are set out in the Kaplan IT Acceptable Use Policy, available on the intranet.



## Complaints and Appeals

Students who are dissatisfied with the application of this Policy, or who wish to appeal a decision made by Kaplan, may refer to the School's Grievances, Complaints and Appeals Handling Policy (available on the School's website) for information regarding their options.

## Enquiries

For advice regarding Copyright, please contact the local Copyright Liaison Officer or Disability Liaison Officer assigned by your School.

Alternatively, contact the National Manager, Copyright Compliance and Information Resources at [copyright@kaplan.edu.au](mailto:copyright@kaplan.edu.au).

## Relevant Legislation

As a registered education provider, Kaplan operates under strict laws and regulations. Policies and procedures are in place to ensure compliance with such laws. Below, please find the most relevant legislation which apply to this policy:

- Copyright Act 1968 (Cth)
- Copyright Amendment (Online Infringement) Act 2018
- Copyright Amendment (Disability Access and Other Measures) Act 2017
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005
- Copyright Act 1994 (NZ).

## Related Policies

This Policy should be read in conjunction with the following Kaplan policies available on the Company's Intranet) and/or School websites:

- Academic Freedom Policy
- Academic Integrity and Conduct Policy
- Course and Subject Development and Review Policy
- Electronic Media Policy
- Diversity, Inclusion and Equity Policy
- Learning Facilities and Resources Policy
- Student Misconduct Policy (RTO).

In addition, this Policy relates to the following internal documents which can be found on Kaplan's Intranet.

- Kaplan Code of Conduct
- Kaplan Copyright Framework
- Kaplan Copyright Guidelines
- Kaplan IT Acceptable Use Policy.



## Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officers to ensure compliance with this Policy.

<b>Policy Category</b>	Legal			
<b>Responsible Officer</b>	Vice President, Academic			
<b>Implementation Officers</b>	Academic Dean (KBS, KHE_KP), General Manager Teaching and Learning (KHE_KP, RTO), Regional Director Academic (KIL AU), Country Director (KIL NZ)			
<b>Review Date</b>	December 2023			
<b>Endorsed by:</b>		<b>Approved by:</b>		
Academic Board Policy Committee 20.11.2020		Corporate Board		
<b>Version</b>	<b>Authored by</b>	<b>Brief Description of the changes</b>	<b>Date Approved</b>	<b>Effective Date</b>
1.0	Academic Quality and Governance Team	New policy. Aligns standards across Kaplan Australia academic entities.	31.08.2016	14.09.2016
2.0	Quality, Regulations and Standards Team	<p>Full review of policy as per the policy review cycle. Enhanced the "Scope" and "Purpose" to better reflect the aim of the policy.</p> <p>Changed the "Copyright Principles" heading to "Policy Principles". These have been split into four (4) sections to be more specific and detailed.</p> <p>Added a few more terms under "Definitions" and extended on the existing ones.</p> <p>Included information on disability support and counselling.</p> <p>Included sections on relevant legislation and related policies.</p>	05.12.2019	09.12.2019
2.1	Quality, Regulations and Standards Team	Addition of New Zealand entity and New Zealand legislation. Brought to Policy Committee for approval to add NZ. Added new policy template.	02.12.2020	9.12.2020
2.2	Quality, Regulations and Standards Team	<p>Updated provider category to <i>Institute of Higher Education</i>.</p> <p>Removal of references to MIT.</p> <p>Updated role titles.</p>	N/A	13/07/2021