

COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURE

This administrative procedure summarizes the major provisions found in the federal copyright law and guidelines concerning reproduction of copyrighted works by educators. This summary is not intended to replace the law/guidelines, which should be referred to when questions regarding implementation arise.

I. GENERAL RULE AND COPYRIGHT OWNERSHIP

- a. Presumption of copyright. Works, in any medium (written, recorded, digitally-stored, etc.) should generally be presumed to be protected by copyright law, regardless of whether the work displays a copyright notice, the symbol, "©", or other express reservation of rights.
- b. Rule against copyright violations. Except as otherwise permitted by this policy and applicable law, school employees shall not reproduce, perform or display copyrighted works without permission of the owner
- c. U.S. Government works. United States government works are not subject to copyright protection, and may freely be copied.
- d. Public domain. Works that are in the public domain due to expiration of copyrights, as provided by law, may be freely reproduced, performed or displayed.
- e. Student works. Students are the owners of exclusive rights to works that they create for performance assessment.
- f. Works made for hire. Works created by school employees in the course and scope of their employment, are "works made for hire," and Region Two retains exclusive rights in such works, unless otherwise agreed in writing by the Cooperative Board.

II. DEFINITIONS

a. "FAIR USE"

A copyright provides the owner with the exclusive rights of reproduction, adaptation, publication, performance and display of the covered work. The copyright law contains certain "fair use" provisions that permit *limited* reproduction of materials based on four criteria:

1. The purpose and character of the use, including whether such is of a commercial nature or is for non-profit educational purposes;
2. The nature of the copyrighted work;

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for, or value of, the copyrighted work.

b. "FACE-TO-FACE INSTRUCTION"

Performance or display of any copyrighted work by instructors or students without permission from the copyright holder is permissible under the following circumstances:

1. The work must be performed or displayed in a face-to-face setting by an instructor or by students; and
2. The performance or display must be in the course of teaching activities, in a classroom or a similar educational setting.

Examples of performances or displays falling under this exception include reading a play in the classroom, singing a song in a classroom or showing a filmstrip or video (provided that it has been purchased or lawfully copied).

The following sections summarize the permissible or "fair use" of different types of copyrighted works. Because the law and technological applications continue to evolve, Region Two employees are responsible for ensuring that the intended use of materials does not conflict with copyright law/guidelines and for informing students of such issues as appropriate.

III. PRINT MATERIALS

a. Permissible Uses

1. A single copy of the following made for use in teaching or in preparation to teach a class:
 - a. A chapter from a book;
 - b. An article from a periodical or newspaper;
 - c. A short story, short essay or short poem, whether or not from a collective work; and
 - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
2. Multiple copies made for classroom use (not to exceed one copy per student in a course) from the following:

- a. A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length, or an excerpt of not more than 250 words from a longer poem;
 - b. A complete article, story or essay of less than 2,500 words;
 - c. Prose excerpts not exceeding ten (10) percent of the whole or 1,000 words, whichever is less;
 - d. One chart, graph, diagram, cartoon or picture per book or per issue of a periodical; and
 - e. An excerpt from a children's book containing up to ten (10) percent of the words found in the text and not more than two (2) printed pages of the published work.
3. One transparency for classroom instruction may be made from consumable materials such as workbooks, exercises, activity sheets, etc.
 4. All permitted copying must include appropriate credits, including the author, title, date, copyright notice and any other pertinent information.
- b. Prohibited Uses
1. More than one (1) work or two (2) excerpts from a single author copied during one class term;
 2. More than three (3) works from a collective work or periodical volume copied during one (1) class term;
 3. More than nine (9) sets of multiple copies made for distribution to students in one (1) class term;
 4. Copies made to create, replace or substitute for purchasing anthologies or collective works;
 5. Copies made of "consumable" works, such as workbooks, exercises, standardized tests and answer sheets (except as noted in a.3 above);
 6. The same work copied from term to term;
 7. The same material copied for more than one particular course, or copied every time a particular course is offered, unless permission is obtained from the copyright owner;
 8. Copies made when there is sufficient time prior to the intended use to obtain permission from the copyright owner; and
 9. No charges may be made to students beyond the actual cost of photo copying.

IV. COMPUTER SOFTWARE

All software purchased for use at Region Two must be approved by the Director. Only the Director may obtain and sign software licensing agreements and duplication rights agreements. All terms of such licensing/duplication agreements must be observed by all Region Two employees and students.

Software purchased by Region Two for classroom, lab, media and office use, remains the property of Region Two and may be used only in school-sponsored programs and activities.

a. Permissible Uses

1. One archival (back-up) copy of copyrighted software may be made by authorized employees (unless a licensing agreement prohibits copying for any purpose);
2. Software may be used on a networked computer system if written permission is obtained or a version intended for network is used;
3. Software may be loaded on multiple equipment if it is specifically advertised as multi-load or written permission has been obtained; and
4. Preview software may be evaluated for a reasonable evaluation period before being purchased or returned.

b. Prohibited Uses

1. Illegal copies of copyrighted software programs made or used on Region Two equipment;
2. Copies made of preview software;
3. Use of software on a networked computer system not intended for network use without written permission;
4. Multiple loading of software not specifically licensed for multi-loading without written permission;
5. Multiple copies made of copyrighted software (beyond an authorized archival (back-up) copy);
6. Multiple copies made of printed documentation accompanying copyrighted software;
7. Copies made of software for sale, loan, transmission, or gift to other users; and

8. Copies made of locally produced adaptations or modifications of copyrighted software for any purpose.

V. INTERNET

The rights of the owner of copyrighted material on the Internet are the same as the rights of the owner of traditional materials. Unless there is a clear statement that art, photos, text, and sounds are "public domain" and available for free use, it should be assumed that the material is copyrighted. All the criteria for "fair use" apply to works on the Internet just as they apply to other materials. The ease of copying materials from the Internet should not be used as an excuse for violating copyrights.

VI. USE OF PRE-RECORDED VIDEOS

Pre-recorded videos include commercially available videos marked "For Home Use Only" (such as feature films), including VHS tapes, DVD disks, etc.

a. Permissible Uses

Pre-recorded videos may be used in "face-to-face" instruction provided that the viewing utilizes a lawfully-made copy rented or purchased by Region Two.

b. Prohibited Uses

1. Videos may not be used for entertainment, filler, assemblies, fundraising, public viewing or any other purpose without written permission of the copyright owner.
2. Videos may not be used when a written contract specifically prohibits use in classroom or direct instruction situations.
3. Videos may not be borrowed from individuals or other schools.
4. Videos may not be copied.

Legal Reference: 17 U.S.C. § 101 et seq.
P.L. 107-273 (The TEACH Act of 2002)

Cross Reference: EGAD - Copyright Compliance

First Reading: MARCH 15, 2016

Second Reading and Adoption: MAY 17, 2016