Copyright Guidelines

Purpose

It is the intent of the Windham School District to adhere to the provisions of the U.S. Copyright Law (Title 17, United States Code, Section 101, et seq.) District employees are prohibited from copying materials in any format not specifically allowed by (1) the copyright law, (2) fair use guidelines, (3) licenses or contractual agreements, or (4) other permission.

Exclusive Rights

Subject to certain specific exceptions, as outlined below, the owner of a copyright has the exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance, or display by others.

17 U.S.C.A. 106

Fair Use

Employees who wish to use copyrighted material shall follow guidelines below:

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use:

1. The purpose and character of the use, including whether the use is of a commercial nature or for non-profit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work. 17 U.S.C.A. 107

Performances and Displays

A further exception shall be performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other similar place devoted to instruction. 17 U.S.C.A. 110

Guidelines

Employees who wish to use copyrighted material shall follow the guidelines set forth below. These guidelines establish a minimum guaranteed fair use, not a maximum. Any use which falls within these guidelines is a fair use; any use which exceeds these guidelines shall be judged by the four factors stated above and may be subject to challenge. There may be instances in which copying which does not fall within these guidelines would be permissible under the criteria of fair use. Ultimately, any determination regarding whether a use which exceeds the guidelines is a fair use shall rest with an appropriate court of law.
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Books and Periodicals - Single Copying

Teachers may make or have made a single copy of any of the following for use in scholarly research, teaching, or preparation to teach a class:

1. A chapter from a book.
2. An article from a periodical or newspaper.
3. A short story, short essay, or short poem, whether or not from a collective work.
4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Definitions

1. The definition of "brevity" depends on the type of materials being copied:
   a. A complete poem may be copied if shorter than 250 words and if printed on not more than two pages.
   b. An excerpt of not more than 250 words may be copied from a longer poem.
   c. A complete article, story, or essay shorter than 2,500 words may be copied.
   d. A 500-1,000 word excerpt from any prose work or 10% of the entire work, whichever is shorter, may be copied.
   e. One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue may be copied.

Each of the numerical limits stated with regard to poetry and prose may be expanded to permit the completion of an unfinished line of poetry or an unfinished paragraph of prose.

2. The definition of "spontaneity" is as follows:
   a. The copying is at the request and inspiration of the individual teacher.
   b. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.
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3. The definition of "cumulative effect" is as follows:
   a. The copying of the material is for only one course in the school in which the copies are made.
   b. Not more than one complete short poem, article, story or essay, or two excerpts may be copied from the same author during one term (year, semester, or quarter).
   c. Not more than three items from the same collective work or periodical volume may be copied during one class term.
   d. No more than nine items from periodical material may be copied in multiples per course during one class term.

   The limitations regarding the amount which may be copied during one class term (c. and d. above) shall not apply to current news periodicals, newspapers, and current news sections of other periodicals.

Videotaping Guidelines

These guidelines apply only to off-air recording by nonprofit educational institutions.

1. Any television program may be recorded. A broadcast program may be recorded off-air simultaneously with broadcast transmission including simultaneous cable transmissions.

2. The recording may be retained for a period not to exceed 45 consecutive calendar days after date of recording. After 45 days, all off-air recordings must be erased or destroyed immediately.

3. During the first ten consecutive school days after recording, the off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated only once when instructional reinforcement is necessary.

4. After the first ten consecutive school days, off-air recordings may be used to the end of the 45 consecutive calendar day period to decide whether or not to include the curriculum.

5. A limited number of copies may be reproduced from each off-air recording to meet the needs of teachers. All copies must include copyright notice on the broadcast program as recorded.

Prohibitions

Notwithstanding any of the foregoing guidelines, the following shall be prohibited.

1. No copies shall be made of or from works intended to be "consumable" in the course of study or teaching. These works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.
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2. Copying shall not:
   a. Substitute for the purchase of books, publishers' reprints, or periodicals.
   b. Be directed by higher authority.
   c. Be repeated with respect to the same item by the same teacher from term to term.

Request to Reproduce

Request to reproduce copyrighted material may be made to the publisher of the material. If the publisher cannot grant permission to reproduce, a request may be made to the copyright owner.

Warning

Appropriate notices shall be placed on or near all equipment capable of making copies of copyrighted material.

Any employee who willfully disregards the copyrighted policy is in violation of WSD policy and U.S. Copyright Law and does so at their own risk and assumes all liability.

Computer Software

It is illegal to reproduce copyrighted computer programs or distribute, either electronically or manually, to more than one computer unless permission or a license agreement has been secured from the copyright owner. However, one backup copy may be made for archival purposes. All archival copies are to be destroyed in the event that continued possession of the computer program should cease to be rightful.

When software is to be used on a file-serving system, efforts will be made to prevent this software from being copied.

Compliance Monitoring

The WSD will establish procedures to monitor compliance with the copyright laws and WSD policy. Computers will be audited at least annually to determine if all copyright laws are being followed.