WEST Elizabeth
JEFFERSON Hills
Pleasant **HILLS**

SCHOOL DISTRICT

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POLICY 814 -- COPYRIGHT MATERIAL

1. Purpose

The School Board recognizes that the United States Code makes it illegal for anyone to duplicate copyrighted materials without permission. The Board further realizes that severe penalties are provided for unauthorized copying of audiovisual or printed materials unless the copying falls within the bounds of the "fair use" doctrine.

2. Definition

Under the "fair use" doctrine, unauthorized reproduction of copyrighted material is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research. If duplication or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:

A. The Purpose and Character of the Use. The use must be for such purposes as teaching or scholarship and must be nonprofit.

B. The Nature of the Copyrighted Work. Staff may make single copies of: book chapters for use in research, instruction, or preparation for teaching; articles from periodicals or newspapers; short stories, essays, or poems; and charts, graphs, diagrams, drawings, cartoons, or pictures from books, periodicals, or newspapers in accordance with these guidelines.

C. The Amount and Substantiality of the Portion Used. Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.

D. The Effect of the Use Upon the Potential Market For or Value of the Copyrighted Work. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement; and making multiple copies presents the danger of greater penalties.

3. Authority

Staff may make copies of copyrighted school district materials that fall within the following guidelines. Where there is reason to believe the material to be copied does not fall within these guidelines, prior permission shall be obtained from the principal.

Staff members who fail to follow this policy may be held personally liable for copyright infringement.

A. Permitted Copies

1. Multiple copies not exceeding more than one per pupil may be made for classroom use or discussion if the copying meets the tests of "brevity, spontaneity, and cumulative effect" set by the following guidelines. Each copy must include a notice of copyright.

a. Brevity

- A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words.

- Complete articles, stories, or essays of less than 2,500 words or excerpts from prose works less than 1,000 words or 10% of the work, whichever is less, may be copied; in any event, the minimum is 500 words.

- Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.

b. Spontaneity -- should be at the "instance and inspiration" of the individual teacher.

c. Cumulative Effect -- Teachers are limited to using copied material for only one course in the school in which copies are made. No more than one short poem, article, story, or two excerpts from the same author may be copied; and no more than three works can be copied from a collective work or periodical column during one class term. Teachers are limited to nine instances of multiple copying for one course during one class term. Limitations do not apply to current news periodicals, newspapers, and current news sections of other periodicals.

2. A library or archive may reproduce one copy or recording of a copyrighted work and distribute it if: the reproduction or distribution is made without any purpose of direct or indirect commercial advantage; the collection of the library or archives is open to the public, or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and if the reproduction or distribution of a work includes a notice of copyright. Libraries and their employees are not liable for unsupervised use.

3. Copies of materials for "face-to-face" teaching activities involving performance or displays made by students or instructors, religious services, live performances without commercial advantage, and the use of instructional broadcasts are permitted.

B. Prohibited Copies

1. The Act prohibits using copies to replace or substitute for anthologies, consumable works, compilations, or collective works. "Consumable" works include: workbooks, exercises, standardized tests, test booklets, and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints, or periodicals, nor can they repeatedly copy the same item from term to term. Copying cannot be directed by a "higher authority" and students cannot be charged more than the actual cost of photocopying.

2. Schools must be licensed to play copyrighted music where the performer is paid or an admission is charged, even if the admission is used to cover refreshment cost.

3. Taping copyrighted audiovisual works (such as broadcasts) and using them in the classroom is not fully resolved in the new law. When such use is contemplated, a request for an approved method of such use shall be made to the Superintendent's Office.

Federal Code

C. Computer Software Copyright Protection

It is the intent of the West Jefferson Hills School District to adhere to the provisions of copyright laws in the area of microcomputer program software.

The Board of Education recognizes that unlawful copying and use of copyrighted materials lessens the incentives for development of quality educational materials and fosters an attitude of disrespect for law which is in conflict with the educational goals of this school district.

The Board directs that district employees adhere to all provisions of Title 17 of the United States Code, entitled "Copyrights," and other relative federal legislation and guidelines related to the duplicating, retention, and use of copyrighted materials.

Therefore, in an effort to protect copyright and discourage infringement violations of copyright laws, the following shall be adhered to:

1. The ethical and practical problems caused by computer program piracy will be a component of all computer instruction in the schools of the district.

2. District employees may:
   a. make one archival or back-up copy of a copyrighted program. The school must keep this copy in storage and may only use the copy if the original has been damaged and has been sent to the publisher for repair.

   b. write the publishers of copyrighted programs in order to obtain permission to use the software in a manner that, without permission, could be a violation of the copyright law. A copy of the letter of permission sent to the employee by the publisher must be forwarded to the Office of the Superintendent.

3. District employees may not:
   a. make multiple copies of copyrighted software (or a locally produced adaptation or modification), even for use without a school or school district.

   b. make replacement copies from an archival or back-up copy.

   c. make copies of copyrighted software (or a locally produced adaptation or modification) to be sold, leased, loaned, transmitted, or even given away to other users.

THE LEGAL OR INSURANCE PROTECTION OF THE DISTRICT WILL NOT BE EXTENDED TO EMPLOYEES WHO VIOLATE COPYRIGHT LAWS.

Date adopted: 11/28/95