

Procedure: Reproduction of Copyright Materials
File Code: EGAAA-R

These procedures represent our sincere effort to operate within the copyright law as we understand it.

- District employees will comply with copyright guidelines found in this document
- Illegal copies of copyrighted materials may not be made or used on any district equipment.

Listed below are the guidelines for district use:

- A. Audio/video recording procedures apply to radio or television programming available through cable service and off-air reception whether recordings are made with district equipment or at home. Dubbing of prerecorded music or video programming is prohibited unless express permission is obtained from the copyright holder of the media to be edited.
1. An off-air recording may be retained for educational purposes no longer than forty-five (45) consecutive calendar days after the recording is made.
 2. Off-air recording may be requested and used by individual teachers. Each school will have a recording request procedure.
 3. Off-air recordings may be used once by an individual teacher in the course of relevant teaching activities during the first ten (10) consecutive school days within the forty-five (45) calendar day retention period. "Schools days" are defined as days in which school is in session.
 4. After the first ten (10) consecutive school days, and before the end of the forty-five (45) day calendar retention period, off-air recordings may be used by the teacher for evaluation purposes, but not for further classroom exhibition.

5. After utilization and the expiration of the forty-five (45) calendar day retention period, the recording must be erased or made unusable.
 6. School media equipment may be used to exhibit off-air recordings which are made at the teacher's home when they are in compliance with the above procedures.
- B. School Library Commercial use. Performance in classrooms or school libraries of a copyrighted video is permissible under the following conditions (1987 Reed, Mary H., The Copyright Primer for Libraries and Educators ALA/NEA.):
1. The performance by students or guest lecturers must be by instructions.
 2. The performance is in connection with face-to face teaching activities.
 3. The entire audience is involved in the teacher activity.
 4. The entire audience is in the same room or same general area.
 5. The teaching activities are conducted by a non-profit education institution.
 6. The performance takes place in a classroom or similar place devoted to instruction, such as a school library, gym, auditorium or workshop.
 7. The videotape is lawfully made; the person responsible has no reason to believe that the videotape was unlawfully made.
- C. Computer software copies or adaptations of computer programs may be made provided the following contingencies are met:

1. Such copies or adaptations are created as essential steps in the utilization of the computer program as instructed by the software company.
2. The copies or adaptations are for archival purposes. All archival copies will be destroyed in the event that continued possession of the computer program is deemed illegal.
3. A site license or multi-disk package will be purchased when obtaining software that will be used on more than one computer. In all other cases, publisher's guidelines and restrictions will be followed.
4. Software shall not be used in a disk sharing system or LAN (Local Area Network) unless licensing or conditions of sale authorize such use.
5. Illegal copies of software may not be used or made on school equipment.

D. Print Materials

1. Educators may make single copies of any of the following print materials for use in scholarly research, teaching, or lesson preparation/evaluation:
 - a. a chapter from a book
 - b. an article from a periodical or newspaper
 - c. a short story, essay, or poem whether or not from a collective work
 - d. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper
2. Only one copy of a work may be given to each student. Each copy must contain a notice of copyright. (Name of copyright

holder, year of publication and symbol “c” or the abbreviation “copr.”)

3. District personnel will not:
 - a. copy to create, to replace, or to substitute classroom materials: anthologies, compilations, or collective works
 - b. copy from works intended to be "consumable" materials such as workbooks, exercises, standardized tests and answer sheets, etc.,
 - c. copy for the purpose of substituting except as mentioned above.

4. Not all documents are restricted in use or reproduction rights. Such works are considered part of public domain. Included in this group are published works which were never copyrighted, works whose copyrights have expired, and US government publications (other than those produced under grants and contracts.)

These works may be copied at the user's discretion. (Public works should be considered to be under copyright unless evidence exists to the contrary.)

5. When in doubt, District personnel must seek written permission from the copyright holder to reproduce print materials. A request for permission to copy should include the following information:
 - a. title, author, and/or editor, and edition of materials to be reproduced
 - b. a full description of the material to be duplicated (i.e., page number, titles, or number of chapter)

- c. a description of the use to be made of the copied materials, including the form of distribution (i.e., classroom, newsletters, etc.)
- d. the type of reproduction (i.e., ditto, photocopy, offset, typeset)

E. Music and School Performance

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance may be done provide purchased replacement copies shall be substituted in due course. Copies should be destroyed at the completion of the performance.
2. For academic purposes, other than performance, multiple copies of excerpts of works may be made provided that the excerpts do not comprise a part of the whole which would constitute a performable unit (a section,, movement or aria). In no case shall more than 10% of the whole work be copied, nor shall the number of copies exceed one copy per pupil.
3. For academic purposes, other than performance, a single copy of an-entire performable unit (section, movement, area) may be provided:

- a. confirmation by the copyright proprietor that the work is out of print, or
 - b. unit is unavailable except in a larger work. Such copy may be made solely for the purpose of scholarly research or in preparation for a class.
4. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered.
5. A single copy of a recording of a performance by students may be made for evaluations or rehearsal purposes and may be retained by the District or individual teacher.
6. A single copy of a sound recording (such as a tape, disk, cassette, or laser disk) or copyrighted music may be made from sound recordings owned by the District. An individual teacher or the district may retain a copy for the purpose of constructing aural exercises or examinations.
7. The following is prohibited:
 - a. copying to create, to replace, or to substitute classroom materials: anthologies, compilations, or collective works
 - b. copying from works intended to be “consumable” materials such as workbooks, exercises, standardized tests and answer sheets, etc.
 - c. copying for the purpose of performance, except as mentioned above
 - d. copying for the purpose of substituting except as mentioned above

(Each of the numerical limits started in "i and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

- iii. Copies of illustrations include one chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

- iv. "Special" works: Certain works in poetry, prose or in poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety.

Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text, may be reproduced.

Computer Program: A set of machine readable instructions or commands used by the computer to generate output or perform various functions.

Cumulative Effect: A measurement of how the aggregate use could/would harm the potential market of the copyright holder. Cumulative effect is a key determinant in the formulation of compensatory damages.

- i. The copying of the material is for only one course in the school in which copies are made.

- ii. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, or more than three from the same collective work or periodical volume during one class term.

- iii. Not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.) -

Data Base: A body of numeric or textual information which is stored digitally on either optical or magnetic formats, Data bases may be resident in a storage device of the individual computer, available through a local area network, or accessed through telecommunication network. Computer programs are required to retrieve information from data bases.

District License: A license that enables the licensee to copy and/or utilize copyrighted material throughout the district instead of just at specific locations as in the site license (see also Site License).

Downloading: The transmission of entire data bases, files, or computer programs from a remote or host computer to the user's on-site storage device.

Fair Use: A legal concept which delineates the circumstances in which copyrighted material can be used without compensation to the copyright holder. The applicability of fair use is based on the following criteria:

- i. Purpose and character of use; (ex. profit or non-profit)
- ii. Nature of copyrighted work; (ex. scholarly, informational, or commercial)
- iii. Amount and substantiality of work being used; (ex. how much of the work is being used, both quantitatively and qualitatively)

- iv. The effect of use on the potential market of the copyrighted work; (ex. economic loss resulting from the use of the work)

LAN: See "Local Area Network"

Local Area Network: A network consisting of several computers connected to a host computer by "dedicated" communication lines. LAN's usually does not include connection of remote computers outside the building or district.

Media: Information that is conveyed through a specific format, loosely characterized as being either print or non-print, Non-print formats include such items as data bases, video and audio recordings, computer programs, photographic and film images.

Public Domain: The status of products, including media where copyright has either lapsed or has never been assigned.

Site License: Permission from a copyright holder to reproduce and/or use copyrighted materials in a specified location within the district (see District License).

Spontaneity: The term used when the inspiration and decision to use the work and the moment of its use are so close in time that it would be unreasonable to expect a timely reply to a request for permission to copy.

Adopted: April 6, 1998
Chittenden Central Supervisory Union