

The Vanguard School

POLICY: Vanguard IIAD - Copyright

POLICY ADOPTED: 2-27-17

Copyrighted materials shall not be duplicated by school employees or on school equipment in violation of the exclusive rights of the holders of the copyright on such materials.

Current U.S. law protects all “original works of authorship” from the moment they are “fixed in any tangible medium of expression.”

Copyrightable works include the following categories:

1. literary works
2. musical works, including any accompanying words
3. dramatic works, including any accompanying music
4. pantomimes and choreographic works
5. pictorial, graphic, and sculptural works
6. motion pictures and other audiovisual works
7. sound recordings

Facts cannot be copyrighted. Factual information is in the public domain so an author can use facts, whether correct or incorrect, that are published in a copyrighted article without asking permission. Copyright permission extends only to an author’s expression of facts and not the facts themselves.

Copyrighted materials may be duplicated only with the prior written permission of the copyright holder or when the duplication constitutes a “fair use” of the materials as that term is defined by law. The school assumes no liability for infringement of copyright by individual employees.

Fair use is determined by four factors:

1. the purpose of the use, including non-profit educational uses;
2. the nature of the work;
3. the amount of work; and
4. the effect of such use on the market for the work.

Copyright notices will be placed on or near all equipment capable of making copies.

Unauthorized use of school-owned hardware to illegally duplicate any print or non-print materials including computer software, shall be a violation of school policy and may lead to legal action against the individual or individuals. Civil damages for unauthorized copying can be as much as \$50,000 or more, and criminal penalties include fines and imprisonment.

Specific regulations and guidelines developed to assist school staff in determining the correct procedures in duplicating copyrighted materials shall be widely distributed throughout the school and shall be strictly observed and adhered to by everyone involved in duplicating materials for school use.

Appropriate copyright records will be maintained and retained at each building site.

The copyright owner has five basic rights. Violation of any of these rights is an infringement of the copyright law.

The copyright owner has the right to:

1. reproduce the work
2. prepare derivative works
3. perform the work
4. display the work
5. distribute the work

All staff members are responsible for compliance with these policies. In cases where there are questions, the building administrator will make the final decisions regarding the use of copyrighted materials.

SPECIFIC USE GUIDELINES

Printed Materials

Permitted

1. Single copies at the request of an individual of
 - a chapter of a book
 - an article from a magazine or newspaper
 - a short story, short essay or short poem
 - a chart, graph, diagram, drawing, cartoon or picture from a book, magazine or newspaper
2. Multiple copies at the request of an individual for classroom use (not to exceed

one copy per pupil in a course) of:

- a complete poem if less than 250 words
- an excerpt from a longer poem, but not to exceed 250 words
- a complete article, story, or essay of less than 2,500 words
- an excerpt from a larger printed work not to exceed 10 percent of the whole or 1,000 words, whichever is less
- one chart, graph, diagram, cartoon, or picture per book or magazine issue

All preceding copying must bear the copyright notice.

Prohibited

1. Copying more than one work or two excerpts from a single author during one class term.
2. Copying more than three works from a collective work of periodical volume during one class term.
3. More than nine sets of multiple copies for distribution to students in one class term.
4. Copying used to create or replace or substitute for anthologies or collective works.
5. Copying of “consumable” works such as workbooks, standardized tests, answer sheets, etc.

Note: These prohibitions do not apply to current news magazines and newspapers.

Audiovisual Materials

Permitted

1. Creating a slide or overhead transparency series from multiple sources as long as creation does not exceed 10 percent of photographs in one source (book, magazine, filmstrip, etc.) unless the source forbids photographic reproduction.
2. Creating a single overhead transparency from a single page of a “consumable” workbook.
3. Reproducing selected slides from a series if reproduction does not exceed 10 percent of total nor excerpting “the essence.”
4. Excerpting sections of a film for a local videotape (not to be shown over cable) if excerpting does not exceed 10 percent of the total nor “the essence” of the work.
5. Stories or literacy excerpts may be narrated on tape and duplicated, as long as similar material is not available for sale.

Prohibited

1. Duplication of tapes unless reproduction rights were given at time of purchase.
2. Reproduction of musical works or conversion to another form (e.g., record to tape).
3. Reproduction of commercial “masters” individually or in sets (including multi-media kits) if available for sale separately.
4. Reproduction of any AV work in its entirety.
5. Conversion of one media format to another (e.g. film to videotape) unless permission is secured.

Sheet and Recorded Music

Permitted

1. Emergency copies of an upcoming performance are permitted, provided they are replacing purchased copies and replacement is imminent.
2. Multiple copies (one per pupil) of excerpts not constituting an entire performance unit or more than 10 percent of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified provided the character of the work isn't distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the institution or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the institution for constructing exercises or examinations and retained for same.

Prohibited

1. Copying to replace or substitute for anthologies or collections.
2. Copying from works intended to be “consumable.”
3. Copying for purpose of performance (except for #1) not permitted.
4. Copying to substitute for purchase of music.
5. Copying without inclusion of copyright notice on the copy.

Computer Software

Permitted

1. That such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
2. That such a new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that the continued possession of the computer program should cease to be rightful, or

3. That such a new copy or adaptation has authorization to duplicate by the manufacturer, and that a courseware use agreement is on file at the school.

Prohibited

1. Creation of any new copies of copyrighted programs for any purpose other than the three permitted above.
2. Creation of new copies while using a disk-sharing system.
3. Multiple machine loading or networking from one disk.

Videotapes

Permitted

1. A broadcast program may be recorded off-air simultaneously with transmission and retained by a non-profit educational institution for 45 calendar days after date of recording.
2. Off-air recordings may be used once by individual teachers for relevant classroom activities and once for necessary reinforcement during the first 10 consecutive school days after recording.
3. After the first 10 school days, recordings may be used up to the end of the 45-day retention period for teacher evaluation purposes only (e.g. to determine if the program should be purchased for the curriculum).
4. Such recordings may be made only at the request of and used by individual teachers. No broadcast program may be recorded more than once for the same teacher.
5. Such recordings need not be used in their entirety but may not be altered or edited and must include the copyright notice on the program as recorded.
6. Some stores provide tapes for classroom use. Teachers may utilize these tapes for face-to-face instruction in the classroom provided that prior written permission has been obtained from the store.
7. Some public libraries provide tapes for classroom use. Teachers may use these tapes for face-to-face instruction provided that prior permission has been obtained from the lending libraries. This permission is needed because some tapes are not licensed for instructional purposes.

Prohibited

1. Off-air recording in anticipation of teacher requests.
2. Using the recording for instruction after the 10-day use period.
3. Holding the recording for weeks or indefinitely because units needing the program concepts are not taught within the 10-day use period.
4. Off-air recording of programs used purely for entertainment or profit.

5. Videotapes may not be shown strictly for entertainment or as rewards. Any use of videotapes must directly relate to clearly stated objectives contained in course curriculum guides.

Recordings by individuals at home must be in compliance with all of the above guidelines.

GENERAL GUIDELINES FOR EMPLOYEES

On occasion, a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer.

In no case shall any school employee or student use school equipment for duplication which would prevent or circumvent sale of copyrighted materials.

Unauthorized use of school-owned hardware to duplicate, illegally, any print or non-print materials including computer software, shall be a violation of school policy and may lead to legal action against the individual or individuals. Civil damages for unauthorized copying can be as much as \$50,000 or more, and criminal penalties include fines and imprisonment.

In addition, any employee or supervising employee who directs an aide or student to illegally copy materials on school-owned hardware, or to do the same on hardware not owned by the school, will face the possible loss of employment.

CAUTION: RESPONSIBILITY AND ENFORCEMENT

All staff-members are responsible for compliance with these policies. In cases where there are questions, the building administrator will make the final decisions regarding the use of copyrighted materials.