



WINDHAM SCHOOL
DISTRICT

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OPERATING PROCEDURES

SUBJECT: COPYRIGHT GUIDELINES

AUTHORITY: Texas Education Code Chapter 19; Copyright Act of 1976, 17 U.S.C. § 110, et seq.

APPLICABILITY: Windham School District (WSD)

POLICY:

It is the intent of the WSD to adhere to the provisions of the U.S. Copyright Law. WSD employees are prohibited from copying materials in any format not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or other permission.

DISCUSSION:

Subject to certain specific exceptions 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. 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.

PROCEDURES:

I. Educational Fair Use Exemption

A. 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; and

4. The effect of the use upon the potential market for or value of the copyrighted work.

B. Guidelines

Employees who wish to use copyrighted material shall follow the guidelines set forth in this OP. 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. Ultimately, any determination regarding whether a use which exceeds the guidelines is a fair use shall rest with an appropriate court of law.

II. Books and Periodicals

A. 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; or
4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

B. Multiple Copying for Classroom Use

Multiple copies (not to exceed more than one copy per student in the course) may be made for classroom use or discussion, with the following conditions.

1. Brevity
 - 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. 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.
- f. One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue may be copied.
- g. Works that combine language with illustrations and have less than 2,500 words may not be reproduced in their entirety; however, an excerpt of up to two of the published pages, containing not more than 10 percent of the words, may be reproduced.

2. Spontaneity

- a. The copying must be 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 must be so close in time that it would be unreasonable to expect a timely reply to a request for permission.

3. Cumulative Effect

- a. The copying of the material must be 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. There shall be no more than nine instances of multiple copying for one course during one class term. The limitations regarding the amount which may be copied during one class term shall not apply to current news periodicals, newspapers, and current news sections of other periodicals.

C. Prohibitions

- 1. Copying shall not be used to create or replace anthologies, compilations, or collective works.
- 2. 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.

3. Copying shall not:

- a. Substitute for the purchase of books, publishers' reprints, or periodicals;
- b. Be directed by higher authority; or
- c. Be repeated with respect to the same item by the same teacher from term to term.

D. Request to Reproduce

The director of the Division of Instruction may request permission from the publisher to reproduce copyrighted material. If the publisher cannot grant permission to reproduce, a request may be made to the copyright owner.

E. Warning

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.

III. Computer Software

- A. 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.
- B. All archival copies are to be destroyed in the event that continued possession of the computer program should cease to be rightful.
- C. When software is to be used on a file-serving system, efforts shall be made to prevent this software from being copied.
- D. All hardware and software planned, requested, purchased, or developed for use in any computer process must be coordinated through the director of the Division of Information Technology or a designee.
- E. No software shall be installed or utilized on WSD computers except that authorized by the director of the Division of Information Technology or a designee. This includes any software to be utilized by any contracting agent including, but not limited to, colleges and universities. Modifications to computer applications written for WSD systems are prohibited except by authorized Division

of Information Technology staff.

IV. Compliance Monitoring

The Division of Operational Support shall monitor compliance with this policy as part of the Operational Review process.

* Signature on file

Marjie Haynes

Director, Division of Instruction