

COPYRIGHTED MATERIALS

All employees of North Orange County Regional Occupational Program are responsible for being knowledgeable of Policy No. 6161 on copyrighted materials and the procedure below.

The legal or insurance protection of the ROP shall not be extended to employees who violate copyright laws.

A copy of Public Law 94-553 and its amendments as well as a reference book for interpretation are available in the office of the Director of Program Development.

Signs will be posted by all duplicating machines and in all printing departments recognizing copyright restrictions.

Before reproducing materials, it is necessary for an employee to determine whether or not the usage is "permitted" or "prohibited." Guidelines are provided below to assist in this determination. If it is in the area of "prohibited use," it is necessary to request permission to reproduce the material in question. This request must include:

1. Title, author, publisher, edition, year;
2. Specific amount of material to be copied;
3. Number of copies to be made and how it will be reproduced;
4. Specific use (audience, how, number of times).

#### I Printed Materials

1. A single copy may be made of any of the following by or for a teacher at his or her request for scholarly research or use in teaching or preparation to teach a class:
  - a. A chapter from a book.
  - b. An article from a periodical or newspaper.
  - c. A short story, short essay, or short poem whether or not from a collective work.
  - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.
2. Multiple copies (not to exceed more than one copy per pupil in a course) may be made by or for the teacher giving a course for classroom use or discussion if the copying meets the tests of "brevity" and "spontaneity" as defined below, meets the cumulative effect test as defined below, and each copy includes a notice of copyright.

"Brevity" is defined as follows:

- a. Poetry: a complete poem if less than 250 words and if printed on not more than two pages or an excerpt of not more than 250 words from a longer poem.

- b. Prose: either a complete article, story, or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

(Numerical limits in "a" and "b" may be expanded to permit the completion of an unfinished line or paragraph.)

- c. "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. These 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 works found in the text thereof, may be reproduced.

"Spontaneity" is defined as follows:

- a. The copying is at the instance and inspiration of the individual teacher, and
- 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.

"Cumulative effect" is defined 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 short poem, article, story, essay, or two excerpts may be copied from the same author, not more than three from the same collective work or periodical volume during one class term or semester.
  - c. There shall not be more than nine instances of such multiple copying for one course during one class term or semester.
  - d. The limitations stated in "b" and "c" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.
3. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacements or substitutions may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
  4. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
  5. Copying should not:

- a. Substitute for the purchase of books, publishers' reprints, or periodicals;
- b. be repeated with respect to the same item by the same teacher from term to term or semester to semester.

## II Computer Software

1. The ethical and practical problems caused by software piracy will be taught in all courses in the Program.
2. Program employees will be expected to adhere to the provisions of Public Law 96.517, Section 7(b) which amends Section 117 of Title 17 of the United States Code to allow for the making of a back-up copy of computer programs. This states that "...it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:
  - a. 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
  - b. that such a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful."
3. When software is to be used on a disk sharing system, efforts will be made to secure this software from copying.
4. Illegal copies of copyrighted programs may not be made or used on equipment owned, leased or controlled by the Program.
5. The legal or insurance protection of the Program will not be extended to employees who violate copyright laws.
6. The Chief Executive Officer of the Program is designated as the only individual who may sign license agreements for software used by the Program.
7. Directors of each division will be responsible for establishing practices which will enforce this policy at the school level.

## III Radio and Television Off-Air Recording

1. The guidelines were developed to apply only to off-air recording by non-profit educational institutions.
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a nonprofit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television

programs transmitted by television stations for reception by the general public without charge.

3. Off-air recording may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) day calendar day retention period. "School days" are school session days--not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions--within the forty-five (45) calendar day retention period.
4. Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
6. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.