

Hermon School Department

Copyright Compliance Administrative Procedure

This administrative procedure contains a summary of the major provisions found in the federal copyright law and guidelines concerning reproduction of copyrighted works by educators. This summary is not intended to replace the laws/guidelines, which should be referred to when questions regarding implementation arise.

“FAIR USE”

A copyright provides the owner with the exclusive rights of reproduction, adaptation, publication, performance and display of the covered work. The copyright law contains certain “fair use” provisions that permit **limited** reproduction of materials based on four criteria:

- A. The purpose and character of the use, including whether such is of a commercial nature or is for nonprofit educational purposes;
- B. The nature of the copyrighted work;
- C. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- D. The effect of the use upon the potential market for or value of the copyrighted work.

“FACE-TO-FACE INSTRUCTION”

Performance or display of any copyrighted work by teachers or students without permission from the copyright holder is permissible under the following circumstances:

- A. The work must be performed or displayed in a face-to-face setting by a teacher or by students; and
- B. The performance or display must be in the course of teaching activities, in a classroom or a similar educational setting.

Examples of performances or displays falling under this exception include reading a play in a classroom, singing a song in a classroom or showing a filmstrip or video (provided that it has been purchased or lawfully copied).

The following sections summarize the permissible or “fair use” of different types of copyrighted works. Because the law and technological applications continue to evolve, School Department employees are responsible for ensuring that the intended use of materials does not conflict with copyright laws/guidelines and for informing students of such issues as appropriate.

PRINT MATERIALS

A. Permissible Uses

1. A single copy of the following made for use in teaching or in 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; and
 - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
2. Multiple copies made for classroom use (not to exceed one copy per student in a course) from the following;
 - a. A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length or an excerpt of not more than 250 words from a longer poem;
 - b. A complete article, story or essay of less than 2,500 words;
 - c. Prose excerpts not exceeding 10 percent of the whole or 1,000 words, whichever is less;
 - d. One chart, graph, diagram, cartoon or picture per book or per issue of a periodical; and
 - e. An excerpt from a children’s book containing up to 10 percent of the words found in the text and not more than two printed pages of the published work.
3. One transparency for classroom instruction may be made from consumable materials such as workbooks, exercises, activity sheets, etc.
4. All permitted copying must include appropriate credits, including the author, title, date, copyright notice and any other pertinent information.

