

771 PRINTING AND DUPLICATING SERVICES

The board will make available the equipment necessary for staff to carry out their assignments. This equipment will include machines for the reproduction of materials in either single or multiple copies.

The board recognizes, however, that the federal copyright law, PL 94-553, makes it illegal to duplicate copyrighted material without permission, except for certain exempt purposes. The board further realizes that severe penalties are provided for unauthorized copying of audio, visual, electronic, or printed materials unless the copying falls within the bounds of the “fair use” doctrine. The board, therefore, informs all personnel that unauthorized reproduction and/or use of copyrighted materials is illegal and unethical, and that violations of the copyright laws may result in criminal or civil suits and/or suspension or dismissal from employment in the system.

To protect staff members and the Williams Bay School District against legal redress for alleged violations of the copyright laws, that person making the reproduction must be certain such reproduction is permissible. When in doubt, he or she should contact the District Administrator in order to ascertain whether copying falls under “permitted use.” If it does not, the District Administrator may request permission to reproduce materials from copyright holders.

Requests to reproduce copyrighted materials on district equipment will not be honored unless the reproduction is legally permissible.

Specific Copyright Guidelines for Instructional Materials

Print:

According to the concept of “fair use” a single copy of any of the following may be made by or at the individual request of a staff member for research or use in teaching:

- A chapter from a book.
- An article from a periodical or newspaper.
- A short story, short essay, or short poem, whether from a collective work.
- A chart, graph, diagram, drawing cartoon or picture from a book, periodical or newspaper.

Multiple copies (not to exceed more than one copy per student) may be made by or at the request of an individual staff member for classroom use provided that:

- Copying meets the tests of “brevity and spontaneity.”
- Time does not allow for purchasing the material.
- The material is used only once.

- The copyright notice is printed on each copy of the material.

Notwithstanding any of the above, the following are prohibited:

- Copying of or from works intended to be “consumable” (workbooks, exercises, standardized tests, answer sheets, other consumable materials).
- Copying to create or replace anthologies.
- Copying to substitute for the purchase of materials.
- Repeated copying of the same item by the same staff member from term to term.
- More than nine instances of such multiple copying from one course during one class term.

Audiovisual Materials

The fair use criteria should be applied to each intended use before copying any audiovisual works (slides, audiotapes, CDs, DVDs, photography, etc.) for classroom use.

Video Recordings

Copies of any of the following video recordings may be made by or at the individual request of a staff member for classroom use:

- “In house” productions.
- Works that are not copyrighted or works in the public domain.
- Copies made under “permission to copy” arrangements.

Notwithstanding any of the above, the following are prohibited:

- Copying from premium channels (HBO, The Disney Channel, Showtime, Cinemax, etc.) or non-broadcast channels (ESPN, MTV, Nickelodeon, Arts and Entertainment, etc.)
- Duplicating copyrighted video recordings.
- Copying from one format to another.
- Copying off-air programs for the purpose of entertainment or reward.

Rented or purchased “home use only” video recordings may be used in the classroom as part of face-to-face instruction only. They may not be used for the purpose of entertainment or reward.

Computer Software

Section 7(b) of Public Law 96-517 grants to the purchaser the right to copy a program if and only if:

- Such copy is an essential step in the utilization of the program in conjunction with a machine.
- The copy is for archival purchase.

The following computer software may also be copied by or at the individual request of a staff member for classroom use:

- “In-house” productions.
- Works that are not copyrighted or in the public domain.

Notwithstanding the above, the following shall be prohibited:

- Copying copyrighted programs on district equipment.
- Using illegal copies of copyrighted programs on district equipment.
- Purchasing programs designed primarily as “break and entry” tools with district, state, or federal funds.
- Installing single copies of copyrighted programs into more than one machine without authorization from the copyright holder.
- Using “archival” copies of software as additional copies.

Staff members shall also adhere to state law provisions concerning the copying of data, computer programs, or supporting documentation.

Music:

The fair use criteria outlined above and the guidelines under fair use for music should be applied to each intended use before copying any copyrighted music or musical works.

Permissible use includes:

- Emergency copying to replace purchased copies which are unavailable for an imminent performance.
- Making copies of excerpts of works for academic purposes.
- Editing or simplifying purchased work provided that the fundamental character of the work is not changed.
- Making a single copy recording of a student performance.
- Making a single copy of a copyrighted sound recording for the purpose of an aural exercise or examination.

Notwithstanding the above, the following shall be prohibited:

- Copying to create or replace anthologies.
- Copying of or from works intended to be consumable.
- Copying for the purpose of performance.
- Copying to substitute for the purchase of materials.
- Copying without the inclusion of the copyright notice.

With respect to print and audiovisual materials, video recordings, computer software and music, the regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

Libraries

According to the provisions of Section 108 of the copyright law (Public Law 94-553, Title 17), a library or any of its employees acting within the scope of their employment may reproduce copies of print works and records under specific circumstances:

- Purposes of preservation.
- Purposes of private study, scholarship, or research.
- Purposes of interlibrary loan.

Notwithstanding any of the above, the following shall be prohibited:

- Copying for direct or indirect commercial advantage.
- The systematic reproduction for distribution of single or multiple copies.
- Copying to substitute for a subscription to a work or the purchase of a work.

The proviso under Section 108 does not apply to musical, pictorial, graphic, sculptural, motion picture, or audiovisual works.

A library that requests reproductions of print or records via interlibrary loan must make certain that its requests conform to the national Commission on New Technological Uses of Copyrighted Works (CONTU) guidelines and must maintain records of its requests for the required number of years.

Libraries must display prominently, at the place where orders for reproductions are accepted, a warning that copying will be done in accordance with the copyright law. Reproducing equipment located on the premises must display the proper notice that the making of a copy may be subject to the copyright law.

LEGAL REFERENCE: PL 94-553, 1976 Federal Copyright Law

CROSS REFERENCE: Employee Agreements

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