

Oak Ridge Schools

Office of the Superintendent



Administrative Procedure 4.404

Use of Copyrighted Materials

General

The fair use of copyrighted work for teaching is not an infringement of copyright. Before use of any copyrighted work, the following shall be considered in fair use:

1. The purpose and character of the use;
2. The nature of the copyrighted work;
3. The amount and substantiality 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.

If the employee determines that the use does not fall within the “fair use” guidelines of copyright law, he/she will obtain written permission to reproduce material from the copyright holder(s).

If an employee has a question as to whether he/she is engaging in the fair use of copyrighted work, he/she shall contact the Executive Director of Teaching & Learning

INDIVIDUAL SCHOOLS

The principal shall be responsible for providing employee training, as needed, and will ensure that appropriate warning notices are posted to educate and warn employees of the applicable provisions of copyright law.

The principal will ensure that building computers and computer labs are used only with proper supervision to help protect against unauthorized copying.

PHOTOCOPYING

When an employee is making copies for distribution, he/she shall ensure that copies are not to exceed one (1) copy per student in a course. All permitted copying by employees shall bear an appropriate reference which includes the author, title, date, and any other pertinent information.

Photocopying may not be used to substitute for the purchase of books, periodicals, workbooks, test booklets, or activity sheets.

Guidelines for Photocopying

A singly copy may be made of any of the following:

1. A chapter from a book;
2. An article from a periodical;

3. A short story, short essay, or short poem; or
4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Multiple copies may be made for classroom use provided that:

1. Photocopying meets the brevity and spontaneity tests;
2. Photocopying meets the cumulative effect test; and
3. The photocopy includes a notice of copyright.

Brevity Test

Photocopying will meet the brevity test if the source material is one of the following:

1. A complete poem, if less than 250 words and if printed on not more than two (2) pages, or an excerpt of not more than 250 words from a longer poem.
2. A complete article, essay, or story of less than 2,500 words or an excerpt from any prose work provided the excerpt is not more than 1,000 words or ten percent (10%) of the work, whichever is less, and a minimum of 500 words.
3. One chart, graph, diagram, drawing, cartoon, or picture per book or periodical.
4. Works that combine illustrations and literary devices may be copied if the entirety of the work is less than 2,500 words. For longer works, an excerpt may be copied as long as it does not exceed two (2) published pages and containing no more than ten percent (10%) of the words found in the text.

Spontaneity Test

Photocopying will meet the spontaneity test if the following applies to the source material:

1. The copying is at the instance and inspiration of the individual teacher; and
2. 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 Test

Photocopying will meet the cumulative effect test if the following applies to the source material:

1. The copying of the material is only for one (1) course in the school;
2. No more than one (1) short poem, article, story, essay, or two (2) excerpts may be copied from the same author nor more than three (3) from the same collective work or periodical volume during one

(1) class term; and

3. There shall not be more than nine (9) instances of multiple copying for one (1) course during one (1) class term.

SHEET AND RECORDED MUSIC

The copying of sheet and recorded music shall not be used to substitute for an actual purpose. There are a few exceptions when copying can be made properly:

1. In an emergency for an imminent performance with the intention of purchasing replacement copies;
2. If the unit is unavailable except in a larger work or if confirmed by the copyright holder that it is out of print; or
3. Per one (1) copy per student if no more than 10% of the work and the excerpt is not being used during a performance.