

COPYRIGHT POLICY GUIDELINES AND PROCEDURES



Fair Use:

Under the law, it is fair use to reproduce copyrighted materials for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research. In determining whether there has been an infringement of fair use, the criteria to be used shall include:

1. The purpose and character of the use (educational or commercial).
2. The nature of the Copyrights work (textbook, workbook, tests, poetry, novel, music).
3. The amount of substantiality of the portion used (How much is being copied? How many copies are being made? How important is the copied portion of the entire work?).
4. The effect on the potential market for or value of the work (Will the originator of the work suffer unreasonable financial loss?).

What Teachers May and May Not Do:

The criteria for fair use of the copyrighted work, together with the owner-user jointly developed guidelines, delimit the exclusive rights of the copyright owners, especially in the area of reproduction for classroom use.

Teachers May:

- A. Make a single copy of the following:
 1. A chapter from a book.
 2. An article from a periodical or newspaper.
 3. A short story, short essay, or short poem.
 4. A chart, paragraph, diagram, drawing, cartoon, or pictures from a book, periodical, or newspaper.
 5. A short excerpt (up to ten percent) from a performable unit of music such as a song, movement, or section, for study purposes.
- B. Make multiple copies (not to exceed one per pupil) for classroom use of the following:
 1. A complete poem if less than 250 words.
 2. A poetic excerpt if less than 250 words.*
 3. A story, essay, or article if less than 2,500 words.*
 4. A prose excerpt from 500 to 1,000 words.*
 5. One illustration (chart, diagram, drawing, cartoon, or picture) per book or periodical issue.
 6. Up to ten percent of a performable unit of music (song, movement, section) for academic purposes other than performance.
- C. Make a single recording of student performances for evaluation, rehearsal, or archival purposes.
- D. Make a single recording of aural exercises or examination questions using excerpts from copyrighted materials.
- E. Make an emergency replacement copy to substitute for a purchased copy that is not available for an imminent musical performance.

- F. Request off-air recordings of broadcast programs that are transmitted for reception by general public free-of-charge (see restrictions in guidelines section).
- G. Use video cassettes marked "For Home Use Only" in a classroom as long as it is part of "face-to-face" teaching.
- H. Make a backup copy of a computer program for archival purposes.

The teacher may also display a school-owned (or personal) copy of a copyrighted work to those in the presence of the copy. Section 109-b of the law makes it clear that this includes casting an image of the copy on a screen through the use of an opaque projector. The law does not allow a teacher to make a transparency (beyond the fair use limitation) because this involves making a copy, which is an exclusive right of the proprietor.

*Numerical limits may be expanded to permit completion of a line of a poem or an unfinished prose paragraph.

The guidelines also list some prohibitions that are agreed to be reasonable interpretations of the four fair use criteria

Teachers May Not:

- A. Copy to make anthologies or compilations or to replace or substitute for them.
- B. Copy from works intended to be consumable (workbooks, exercises, standardized test booklets, and answer sheets).
- C. Copy to substitute for purchase of books, periodicals, music, or recordings.
- D. Copy on direction from higher authority.
- E. Copy the same item from term to term without securing permission.
- F. Utilize more than nine instances of multiple copying per course per term.
- G. Copy more than one short work or two excerpts from one author's works in any one term.
- H. Employ a successful use of multiple copying developed by another teacher without securing permission from the copyright owner.
- I. Make copies of music (or lyrics) for performance of any kind in the classroom or outside of it, with the emergency exception noted above (Letter E).
- J. Copy protected materials without inclusion of a notice of copyright.
- K. Charge students more than the actual cost of the authorized copies.
- L. Request a broadcast program be recorded more than once, regardless of the number of times aired.
- M. Use "home video" cassettes for recreation or entertainment.
- N. Use backup copy of a computer program in addition to the original.
- O. Duplicate any nonpublic domain software.
- P. Use a single program diskette in a multiple-machine setting.
- Q. Use or make illegal copies of copyrighted programs on College equipment.

Procedures for Seeking Permission to Photocopy Books, Etc.:

Media generalists and other College staff members will not photocopy any copyrighted material when the limits of fair use will be exceeded and for which no permission has been obtained. These individuals, as well as individuals initiating the request, may be liable for the infringement.

Listed below are steps to be followed when seeking permission to duplicate:

- A. When the limits of fair use are not to be exceeded, the person(s) making the request will complete the Release Form for Print Material.

- B. When the limits of fair use are to be exceeded, the person(s) making the request will complete the Request Form for Obtaining Permission to Duplicate Copyrighted Material.
- C. This completed form will be submitted to the Library Media Center.
- D. Using the information provided, the Library Media Center will request permission to duplicate from the copyright holder.
- E. Any response to the request will be sent to the originator of the request.
- F. The originator of the request will carry out the permission granted, complying with any conditions set forth by the copyright holder.
- G. All correspondence will be filed for referral in one location in each building such as the Library Media Center.

This information is available in alternative formats by calling (763) 576-4700. TTY users can call Minnesota Relay at (800) 627-3529. Anoka Technical College • (763) 576-4700 • 1355 West Highway 10, Anoka, MN 55303 • A member of the Minnesota State Colleges and Universities System • Anoka Technical College is an equal opportunity, affirmative action employer and educator.