

Canadian ISD

Copyright and Fair Use Policy

The administration of Canadian ISD expects strict compliance with provisions of the U.S. Copyright Law. Therefore, all employees and students must adhere to all provisions of Title 17 of the U.S. Code, entitled "Copyrights," and other relative federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials. At the time of employment, all members of the faculty, administration, and staff shall agree to accept responsibility for understanding the requirements of the Copyright Law as expressed in the Canadian ISD Copyright Policy.

COPYRIGHT DEFINITION:

Copyright is the legal means by which an author or designer protects his work from unauthorized use by others. Copyright laws and network govern the use of computer software licensing agreements. Care must be taken to avoid copyright violations and disruptions of the network related to incompatible or corrupted software. All federal copyright laws apply to materials located or transferred on the Internet or other online resources.

WHAT IS COPYRIGHTABLE:

Copyrightable works include the following categories:

- literary works, i.e., fiction, non-fiction, textbooks, biographies, and other scholarly works
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- software

To be copyrightable, a work must be original in the sense that the author has created it by his or her own skill, labor, and judgment; but no large measure of novelty is necessary.

WHAT IS NOT COPYRIGHTABLE:

These items or works are not copyrightable:

- words and short phrases such as names, titles, and slogans
- familiar symbols or designs
- mere variations of typographic ornamentation, lettering, coloring
- mere listing of ingredients or contents
- ideas, plans, methods, systems or devices

- blank forms, account books, bank checks, diaries, graph paper, order forms, report forms, scorecards, timecards
- works consisting of common property-type information

FAIR USE

Fair Use allows a person the privilege of using the copyrighted work of someone else. There are limitations and boundaries to this use. The following criteria are used to determine each individual case.

- The purpose of the work should be determined. (In some cases educational purposes meet Fair Use standards.)
- Fair Use is more accepted for works that are based on acknowledged facts and statistics.
- Portions of the work to be copied are a consideration in an acceptable Fair Use.
- How will the Fair Use of a copyrighted work effect the market value of the work?
- Generally, copyrighted work may be used in the educational setting for criticism, comment news reporting, teaching, scholarship and research.
- Whenever possible permission for the use of copyrighted work should be obtained from the owner.

FAIR USE AND SOFTWARE

Educators are concerned about their rights under the provision of Fair Use. All Fair Use criteria having been met, it is not unreasonable to use Fair Use as the rationale for copying. A review of the literature indicates that copying computer software for short-term, emergency use may be allowed.

FAIR USE SUMMARY

Copying parts of or entire works for use in a classroom cannot be done simply because the purpose is educational. The Fair Use statute is used to determine the legality of copying when the instance of copying is not addressed in other Sections of the Copyright Act. In other words, first look to the Copyright Act and the accompanying guidelines for the permission to copy. If the copying is not specifically prohibited, it MAY be allowed under Fair Use.

COPYRIGHT AND COMPUTER SOFTWARE

The Copyright Act of 1976 and the Computer Software Copyright Act of 1980 do not include conclusive guidelines as to when computer software may be copied. There has also been no definitive judicial guidance. Several experts have made interpretations of the law and the following is a summary of those interpretations.

YOU CAN:

- Make an archival or back-up copy of a software program that you own. The back-up copy is to be used only if the original fails. You cannot use the back-up copy on a second microcomputer simultaneously with the master copy.
- Adapt the program to your use by adding to the content or adapting it to another language. You cannot sell, distribute, or transfer the adapted version of that program.
- Loan the computer software on a non-profit basis and for non-profit purposes.

YOU CANNOT:

- Make multiple back-up copies.
- Make one copy for home and one copy for the school district.
- Make a copy for a friend (unless it is public domain).
- Transmit through the Canadian network outside.

COMPUTER LABS

Educators are allowed to make one back-up copy and this copy cannot be used at the time the original is being used. You cannot make several copies of one program for students to use in a lab (although you have purchased a program, you have not purchased the right to copy the program). A copy of a computer program is being created when loaded into the memory of a computer. If you load one program for which you have one license into several microcomputers to be used at the same time, you are making illegal copies and are violating the law. Educators often overlook this instance of copying because it produces an intangible copy.

Copyright and the Internet

The advent of the Internet has brought a new dimension to the copyright issues and laws. Absence of a copyright notice does not mean it is okay to copy something. Many things that appear on the World Wide Web are not copyrightable. Although Fair Use guidelines apply to Internet materials, the issue of copyright has not been clearly defined by the courts. Educators may find these suggestions helpful in clarifying the issue:

- Obtain permission for use of the work from the copyright owner.

CAUTION: Obtaining permission to use a work found on a web page does not always provide a legal copyright. Suppose you see a web site that contains something you wish to copy, and suppose you obtain permission from the webmaster of that site to copy it. Often, the webmaster is not the owner of the copyright. If not, then permission from the webmaster does not put you in the clear.

- Use items that are in the public domain Ex: Works created hundreds of years ago.
Work of William Shakespeare

Penalties for Copyright Violations Student Policy

CONSEQUENCES OF VIOLATION

All of the policies and procedures for acceptable use of computers and networks are intended to make the computers and networks more reliable for the users. Use of the computer to access telecommunication resources is a privilege and not a right. Violation of the Canadian ISD Copyright and Fair Use Policy concerning the use of networks, computers and software will result in disciplinary actions similar to other Code of Conduct violations.

Level 1 Warning: Student will lose computer privileges/Internet access until a parent conference. Further loss of privilege and length of time will be determined by the administration.

Level 2 Warning: Pattern of abuse or flagrant violations: Any student who, after Level I warning, continues to engage in serious or persistent misbehavior by violating the District's previously communicated written standards of conduct may be removed from class and recommended for suspension.

Level 3 Warning: Expellable offense: Student could be expelled from school if he or she engages in conduct on the Internet that contains the elements of the offense of criminal mischief, as defined by State and Federal law. Expulsion may be considered in flagrant violations that blatantly corrupt the educational value of computers or the Internet, or instances when students have used CISD Internet access to violate the law or to compromise another computer network.

A level warning maybe bypassed based on the seriousness of the offense.

Canadian ISD Employees Copyright Policy

The Canadian Independent School District will be offering access to the Internet, and a district based World Wide Web server to teachers and staff for the purposes of pursuing educational and research goals. Access to these resources is considered a privilege and district policies, regulations, and procedures have been developed to address the issues and concerns raised by access to electronic information. In addition to the general policies, regulations, and procedures that must be adhered to by all district personnel who have access to electronic resources from the district's computers and network systems, teachers (and librarians who work directly with students on educational assignments) will have a number of additional responsibilities for maintaining adherence to district policies,

regulations, and procedures while promoting Internet access in pursuit of educational goals. These new responsibilities will apply once teachers or district staff indicates that they want Internet or World Wide Web access. Such responsibilities are in keeping with the standards and practices outlined in the Code of Ethics and Standard Practices for Texas Educators - DH(E) and policy CQ. All employees must adhere to all provisions of Title 17 of the U.S. Code, entitled "Copyrights" and other relative federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials.

1. Teachers are responsible for supervising students using an electronic media.
2. Teachers will be responsible for attending staff development workshop on Copyright and Fair Use prior to teaching courses to students who will be provided Internet access as part of their course work.
3. Teachers will be professionally responsible for closely monitoring student conduct on the Internet during class sessions and during other teacher-supervised use and activities.
4. Teachers may ask a student to print out a copy of the history of sites that have been accessed during any specific Internet session to verify the educational relevance of the site.
5. Teachers will be responsible for following through on suspected violations of Copyright and Fair Use policies and procedures by students working on their class assignments, whether during their classes or not.
6. Teachers will intervene if there is any suspected violation of policies on use of copyrighted materials.
7. Teachers who assign or suggest Internet use for class assignments must teach and monitor proper copyrighting and referencing citation of materials acquired over the district's computer network.
8. Teachers and district staff recognize that activities outlined in the district handbook as illegal, or which are contradictory to state or federal law can result in disciplinary action or charges being brought against district personnel who are found to engage in or permit such activities using district computers and networking facilities. Relevant state statutes are Section 16.04 Unlawful Access to Stored Communications and Section 33.02 Breach of Computer Security.