

## Copyright Guidelines for Administrators

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This chart was designed to inform school leaders of what they may do under the law. Feel free to make copies for nonprofit uses or download a PDF version from [www.techlearning.com](http://www.techlearning.com). But let us know by sending an e-mail to [techlearning\\_editors@cmp.com](mailto:techlearning_editors@cmp.com). For more detailed information, visit [www.halldavidson.net](http://www.halldavidson.net) or [www.siaa.net/piracy](http://www.siaa.net/piracy).

Technology	Permissible	Violation	Solution
Copying software	Librarians may make copies for archival purposes or to replace lost, damaged, or stolen copies.	<ul style="list-style-type: none"> <li>Copying in lieu of purchase.</li> <li>Copying to augment class collections or to increase the number available for simultaneous use.</li> </ul>	<ul style="list-style-type: none"> <li>Audit all workstations to determine if any illegal copies are installed.</li> <li>Buy more software licenses.</li> </ul>
Installing software	License terms determine how many copies can be made and on what type of machines the software may be installed. In the absence of a license term, the rule of thumb is one installation per license.	More copies installed than there are licenses, for example, 28 copies for 25 licenses.	<ul style="list-style-type: none"> <li>Monitor use. This is important. Otherwise, overuse may be construed as a “wink wink” tacit approval of a violation of stated school policies.</li> <li>Or simply buy a license for every machine and every potential workstation.</li> </ul>
Password sharing	<ul style="list-style-type: none"> <li>Many licenses allow for multiple uses from a single password within a school or licensing population.</li> <li>Use at home may also be legitimate under the license (for example, Atomic Learning, United Streaming/Discovery).</li> </ul>	Sharing passwords beyond the license, such as with another school that has not purchased the necessary license.	<ul style="list-style-type: none"> <li>Reinforce the importance of honoring licenses. If you are paying, why shouldn't other schools?</li> <li>Have the passwords changed periodically.</li> </ul>
Software found on school computers	<ul style="list-style-type: none"> <li>Software legitimately purchased and installed on the machine should be fine. Dated receipts can confirm this.</li> <li>Software in the public domain or free to schools is acceptable.</li> </ul>	Software illegally installed. Games are especially suspect. If there is no evidence of legitimate purchase, presume the worse.	<ul style="list-style-type: none"> <li>Check with the school's technology lead or purchasing department to find records of licenses purchased.</li> <li>Delete the software. Noninstructional software in particular is absolutely not worth the risk.</li> </ul>
Library checkout of software	Library may legitimately checkout software.	<ul style="list-style-type: none"> <li>The software is not removed from the home computer when the software is returned.</li> <li>The software sent home is a copy (the library may keep an archival, noncirculating copy).</li> </ul>	<ul style="list-style-type: none"> <li>Follow up to be sure parents have erased the software.</li> <li>Create contracts with them before allowing checkout.</li> <li>Be certain there is no “winking” approval of nonerasure in the homes. Parents or students can use the programs at school, after all.</li> </ul>
Use of software on networks	Software license terms will determine whether and under what conditions software may be installed on a network. Many licenses will permit network installation and use for a specified number of users or nodes connected to the network.	Number of users exceeds the number that's licensed for that network.	<ul style="list-style-type: none"> <li>When permissible under software license, install metering software.</li> <li>Purchase additional licenses to accommodate the additional users within the network.</li> </ul>
Video or DVD use	<ul style="list-style-type: none"> <li>When used for instruction, that is, lesson plan involved, not generally “educational” content.</li> <li>When used for instruction, rental tapes, DVDs, and tapes made from television broadcasts.</li> </ul> <p>(Note: Tapes made from television broadcasts may have an expiration period.)</p>	Used for entertainment or reward, especially in a place not dedicated to face-to-face instruction (cafeteria, multipurpose room). No “movie clubs” or movies shown as “daycare” during open house, etc.	<ul style="list-style-type: none"> <li>Work to develop an instructional use for the material: a study of genres or a discussion of protagonist/antagonist.</li> <li>Acquire genuinely instructional media. This is often also engaging.</li> <li>Get a license for entertainment.</li> </ul>
Copy machine	<ul style="list-style-type: none"> <li>A copy for every student when used for instruction within Fair Use guidelines, for example, stories less than 2,500 words, or 10 percent (or 1,000 words) of longer works.</li> <li>Librarians' copies for archival purposes.</li> </ul>	<ul style="list-style-type: none"> <li>Consumables being copied.</li> <li>The work being copied is not a legitimately acquired original copy (for example, library book vs. photocopy of consumable).</li> </ul>	<ul style="list-style-type: none"> <li>Have teachers submit list of consumables they need and buy them.</li> <li>Secure license for copying material (course packs).</li> </ul>
Posting music on the Internet on a site open to the public (for example, school home page or teacher page)	<ul style="list-style-type: none"> <li>Music may be posted if the rights are secured or if the school owns the rights (for example, an original work).</li> <li>Music pieces tied to instruction (for example, music history) may be posted as part of an online course or unit behind a password-protected page while that course or unit is being taught, so long as the requirements of the TEACH Act are being met.</li> </ul>	<ul style="list-style-type: none"> <li>Popular commercial titles are almost never allowed to be legitimately posted.</li> <li>Permission may be difficult to secure, especially in a short time frame.</li> </ul>	<ul style="list-style-type: none"> <li>Encourage student-created works with Garageband, Movie Maestro, Acid Loops, etc.</li> <li>Use royalty-free music created and sold for that purpose.</li> <li>Use public domain or music posted for open use by the rights holder.</li> </ul>
Images, music, and video used in multimedia projects	Images, music, and video may be used in student multimedia work without permission so long as the Fair Use multimedia guidelines are followed.	Noninstructional uses (entertainment, clubs, dances, yearbooks, etc.) are not covered.	<ul style="list-style-type: none"> <li>Buy rights for entertainment or performance.</li> <li>Use music or images from a licensed collection.</li> </ul>
Performance of works (plays, music, etc.) Performance of band and choral material	The setting must be a place dedicated to instruction (for example, a classroom). If not narrowly instructional (for example, History of the Musical), use is almost never okay without permission.	Performance of copyrighted works outside the world of face-to-face instruction without permission or payment is not permissible.	<ul style="list-style-type: none"> <li>Secure the rights for a school performance. Although school rights are usually less, be prepared to pay (yes, you can then charge admission).</li> <li>Band and choral performance may come with the purchase of the sheet music.</li> </ul>
Digitizing video (media)	<ul style="list-style-type: none"> <li>Students may legitimately incorporate media into their multimedia projects as long as it is from a legitimate original source.</li> <li>Students do not have the right to defeat antipiracy encryption technology.</li> </ul>	<ul style="list-style-type: none"> <li>Copies for noninstructional projects are not allowed.</li> <li>Students may have the knowledge but not the legal permission to defeat antipiracy protections (Interestingly, librarians do have rights in this area for evaluation purposes).</li> </ul>	<ul style="list-style-type: none"> <li>Erase or destroy illegitimate copies.</li> <li>Do not permit school equipment to be used for impermissible copying. If you install DVD or CD copying machines—which have many legitimate instructional uses—consider creating a contract for teachers and students who have access to the machine.</li> </ul>
Use of copyrighted characters (for example, Bugs Bunny)	<ul style="list-style-type: none"> <li>If there is a relevant instructional use of the character, it might be copied—but no such legitimate use comes to mind.</li> <li>There are some stickers or software with copyrighted images that can be purchased and used legitimately.</li> </ul>	Copyrighted characters may not be used without permission for any school purpose other than instruction.	<ul style="list-style-type: none"> <li>Set a clear policy and monitor the school publications, notices, and postings. This includes, unfortunately, PTA, PTO, and booster club publications.</li> <li>Encourage groups to use original student artwork (this doesn't mean Bugs Bunny knockoffs), which celebrates student artists.</li> </ul>
Posting copyrighted material on the Internet	<ul style="list-style-type: none"> <li>An administrator or teacher may do this if the material is the type of material typically used in face-to-face instruction, is an integral part of the instruction, is behind a password-protected site, is managed (that is, when the topic is no longer under study, it is removed) and all the other requirements of the TEACH Act are met.</li> <li>Archival posting is not permissible.</li> </ul>	<ul style="list-style-type: none"> <li>The material is not password protected.</li> <li>The material will be up long after it is relevant.</li> <li>The material was not legitimately acquired (for example, pirated material).</li> </ul>	<ul style="list-style-type: none"> <li>Make sure all copyrighted material is removed from non-password-protected areas on the school or district Web site.</li> <li>Monitor material behind the password to make sure it is relevant to the current instructional program.</li> </ul>
Videotape anthologies	Anthologies are permissible only with public domain material or with permission from copyright owners.	The creation of videotape anthologies from video (unless permission is secure).	<ul style="list-style-type: none"> <li>Suggest multimedia as an alternative technology to videotape.</li> <li>Suggest committing the anthology to a home library.</li> <li>Suggest using anthologies created by vendors.</li> </ul>
Showing copyrighted DVDs or tapes for child care at legitimate school events	<ul style="list-style-type: none"> <li>Permissible only with a license.</li> <li>Some videotapes do permit public performance without a license, but this is not common and virtually never with “Hollywood” media. This includes television programs.</li> </ul>	If the tape comes with a warning (“For Home Use Only”) as most tapes and DVDs do, this use is specifically prohibited. It is a common abuse.	<ul style="list-style-type: none"> <li>Secure a license.</li> <li>Have students create an original video, which can be just as engaging.</li> <li>Acquire worthwhile videos such as <i>Reading Rainbow</i>, which permits such use.</li> </ul>
Downloading presentations from the Web for instruction	Material from public sources that has been legally uploaded onto the Internet may often be used for instruction without payment or permission, with due credit given.	<ul style="list-style-type: none"> <li>Material in the presentation must not be from propriety sources (for example, HBO). Material not legitimately acquired may not be used.</li> <li>Unauthorized material posted by someone else for download is still prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>Check the bibliography or reference page for the work if it looks like resources are not original—if it doesn't have proper citations, use common sense.</li> <li>If the work is original and posted, it's often usable (“Netiquette” would require an e-mail asking permission and giving thanks).</li> </ul>
Copying CDs with lessons and media resources	<ul style="list-style-type: none"> <li>Gathering resources, including videos, sounds, and images, into an authoring or presentation program is perfectly acceptable if sanctioned by the license agreement.</li> <li>Most media libraries with download functions permit this—sharing best practices between teachers is a good thing.</li> </ul>	<ul style="list-style-type: none"> <li>The resources are not licensed by your school (or are not in the public domain). If licensed, the license must be current. When it expires, the resources are not usable.</li> <li>If the CD came originally from another site, it should bear closer scrutiny.</li> <li>Teachers have wide latitude in their classes, but distribution is a different issue.</li> </ul>	<ul style="list-style-type: none"> <li>Allocate money in the budget for media or library licenses.</li> <li>Make sure material being duplicated is either public domain or covered by licensing—duplication is an area where educational rights are more limited.</li> <li>Prohibit use of unlicensed material from commercial libraries. Unauthorized use of commercial resources (that is, without paying for them) is egregious and most likely to have monetary penalties.</li> </ul>
Taping television programs in the library for teachers	Taping programs must be done at the “instance and inspiration” of a single teacher, not done in advance by an efficient and well-intentioned librarian.	Taping must not be done in anticipation of requests.	Keep a good communication channel open between resource folks and teachers—teachers have the most authority under the copyright act.
Copying books	Libraries are able to replace lost or damaged works by copying if an unused replacement cannot be obtained at a reasonable price.	Individual students or classroom teachers are not allowed to copy lost or damaged books.	<ul style="list-style-type: none"> <li>Budget for a certain amount of lost classroom materials each year.</li> <li>Hold students accountable for damages to library properties.</li> </ul>