



College of The Albemarle Procedure

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Title: Copyright Compliance

Related Policy and Procedures:

Division of Responsibility: Division of Learning

October, 1994; February, 2003;

September and October, 2013

October, 2017

January, 2021

Date Approved by Board of Trustees

Date of Last Review

Date of Last Revision

It is the policy of College of The Albemarle that all members of the College community adhere to the provisions of the United States Copyright Law. The United States Copyright Law (Title 17, United States Code, Sect. 101, et seq.) governs the use of copyrighted material.

Administrative Responsibilities

It is the responsibility of the Vice President of Learning in conjunction with the Academic Deans to review and revise this Procedure.

PROCEDURES

A. Procedural Responsibilities

All copying and duplicating machines are to be used only for institutional materials. The most current copyright guidelines (as updated by Circular 21 Reproduction of Copyrighted Works by Educators and Librarians from the United States Copyright Office) shall be observed when copying copyrighted materials.

B. Copyright guidelines for printed materials

1. Single copy for instructors

A single copy may be made of any of the following by or for an instructor at the instructor's request for scholarly research or for use in instruction or classroom preparation:



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- A chapter from a book
 - An article from a periodical or newspaper
 - A short story, short essay, or short poem, whether or not from a collective work
 - A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
2. Multiple copies for classroom use
- a. Multiple copies, which may not exceed in any event more than one copy per pupil in a course, may be made by or for the instructor teaching the course for the students' classroom use or discussion, provided that certain guidelines are met.
 - b. The copying meets the tests of brevity and spontaneity which are defined below.

Brevity

- Poetry - The complete poem is less than 250 words and is printed on not more than two pages. An excerpt from a longer poem, if not more than 250 words.
 - Prose – the complete article, story, or essay of less than 250 words. An excerpt from any prose work cannot be more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words.
 - Illustration - One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
 - “Special” works - Certain works in poetry, prose, and “poetic prose” which often combine language with illustrations which are intended sometimes for children and other times for a more general audience fall short of 2,500 words in their entirety. Paragraph 1.a (2) above notwithstanding, such “special works” may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text thereof, may be reproduced.
- c. The copying meets the tests of spontaneity as detailed below
 - The copying is at the instance and inspiration of the individual instructor.
 - 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 request permission for its use.



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3. The copying meets the cumulative effect test which is defined as follows:
 - a. The copying of the material is for only one course in the school in which copies are made.
 - b. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
 - c. There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in paragraphs 3.b. and 3.c. shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)
 4. Each copy includes a notice of copyright.
- C. Prohibitions to single copy use for instructors and multiple copy use for classroom instructors. Notwithstanding any of the above, the following shall be prohibited:
1. Copying should not be used to create or replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
 2. There shall be no copying of or from works intended to be “consumable” in the course of study or teaching. These include workbooks, exercises, standardized test and test booklets, and answer sheets and like consumable material.
 3. Copying shall not:
 - Substitute for the purchase of books, publisher’s reprints, or periodicals;
 - Be directed by higher authority; and
 - Be repeated with respect to the same item by the same teacher from term to term.
 4. No charge shall be made to the student beyond the actual cost of the photocopying.



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D. Copyright guidelines for sheet music

1. A single copy for research is permissible if it is only available in a larger work.
2. Multiple copies of excerpts of musical works for classroom use are permissible if
 - a. The excerpt does not comprise of a performable unit, and
 - b. The excerpts do not total 10 percent of the work.

E. Obtaining Permission To Use Copyrighted Material

When a proposed use of copyrighted material requires a faculty member to request permission, communication of complete and accurate information to the copyright owner will facilitate the request. Get permission in writing to make copies. The Association of American Publishers suggests that the following information be included to expedite the process:

- Title, author, and/or editor, and edition of materials to be duplicated;
- Exact material to be used, giving amount, page numbers, chapters, and, if possible, a photocopy of the material;
- Number of copies to be made;
- Use to be made of duplicated materials;
- Form of distribution (classroom, newsletter, etc.);
- Whether or not the material is to be sold; and
- Type of reprint (photocopy, offset, typeset).

F. Video Recording

Only students, faculty, or staff members may make school re-recordings in an accredited non-profit educational institution.

School re-recordings will be used solely for classroom, auditorium, or laboratory exhibition in the course of classroom instruction or related educational activities. School re-recordings will be used only in the educational institution for which made and will not be given away, loaned, or otherwise made available outside that educational institution.



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School re-recordings will be used only during the seven-day period of local ETV and other educational broadcast licensed by the distribution agency and will be erased or destroyed immediately at the end of the seven-day period except to the extent specifically authorized in writing in advance by the distribution agency.

G. Computer Software

Any faculty or staff wishing to copy and/or distribute computer software must obtain written permission from the producer of that software. The Director, Management Information Services maintains information concerning licensures owned by the college. Photocopying instructional manuals, which accompany computer software, is forbidden under the above guidelines for copying printed materials.