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ADMINISTRATIVE RULE

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| Rule Number/Name: | 010.002.000 – Copyright Guidelines for Specific Media |
| Responsible Department: | President's Office |
| Authority: | Administrative Assistant to President and Board of Education |

Overview

It is the intent of Columbia Gorge Community College (CGCC) to adhere to the provisions of copyright laws related to all media and comply with licensing agreements. The guidelines outlined in this administrated rule (AR) are guidelines only. Determining what is and is not permitted should be done in conjunction with federal law, specifically Section 107: Fair Use, as well as all CGCC Administrative Rules.

Applicability

Staff, Faculty, Students and Community Members

Each Director or Chief is responsible for establishing and enforcing copyright policy in his/her area. Each person using media will be held individually responsible for following the established copyright policy and related administrative rules.

Nothing in this administrative rule is designed to conflict with any provision in any collective bargaining agreement.

Administrative Rule Statement

Copying Music for Classroom and Instructional Use

Permitted

1. Copying for a performance
 - a. Emergency copying is allowed only if the purchased copies are not available for a performance. The photocopies must then be destroyed.
2. Copying for academic purposes



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- a. Single or multiple copies of excerpts may be made if the copy is less than 10% of the whole work and if it is not a performable unit such as a selection, movement, or aria.
- b. Purchased music may be edited if the fundamental character of the work is not distorted or the lyrics altered or added if none existed.
- c. A single copy of an entire performance unit can be made if it is out of print or unavailable except in a larger work. It cannot be used for a performance.
- d. A single recording may be made for aural exercises or tests and may be retailed by the school or teacher.
- e. A single copy may be made as a free service for the blind.
- f. A single copy of a student performance may be made for study and for the archives.
- g. A single copy may be made for preservation or replacement in the CGCC Library when copies are not available for purchase.

Prohibited

1. Copies may not be made to create, replace, or substitute for anthologies, compilations, or collective works.
2. Copying of or from works intended to be “consumable” in the course of study or teaching such as workbooks, exercises, standardized tests and answer sheets, and like material.
3. Copying for the purpose of a performance except as outlined in “Permitted” above.
4. Copying shall not:
 - a. Substitute for the purchase of books, publisher’s reprints, or periodicals
 - b. Be directed by higher authority
 - c. Be repeated with respect to the same item by the same teacher from term to term
5. No charge shall be made to the student beyond the actual cost of the photocopying.

Copying Computer Software

Permitted

1. New copies of the software created as an essential step in the installation and utilization of the computer program (i.e. installation into a hard drive).
2. New copies made for archival purposes only to be held in case the working copy is destroyed or no longer functions.
3. New copies of “shareware” programs as long as payment to the author is immediate.



Prohibited

1. Creation of any new copies of copyrighted programs for any purpose other than the two outlined in "Permitted".
2. Creation of new copies while using a disk-sharing system.
3. Copying shall not:
 - a. Substitute for the purchase of software
 - b. Be directed by higher authority
 - c. 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 legal copy.

Copying Audiovisual Works

Permitted

1. Using a lawfully made video recording or sound recording, in a classroom setting, for direct instruction to students. A lawfully made video recording or sound recording, in this context, is one that has been purchased or rented from standard commercial sources, or one loaned from the library.
2. Creating a slide or overhead transparency series from multiple sources as long as creation does not exceed 10% of photographs in one source (book, magazine, filmstrip, etc.) unless the source forbids photographic reproduction.
3. Creating a single overhead transparency from a single page of a "consumable" workbook.
4. Reproducing selected slides from a series if reproduction does not exceed 10% of total nor excerpt the "essence".
5. Narrating stories or literary excerpts on tape and duplicating, as long as similar material is not available for sale.
6. Creating single copies of copyrighted video or sound recordings from the Library collection for archival purposes.
7. A permitted use remains a permitted use if images are electronically transmitted to a receiving site that otherwise conforms to use requirements. For example, a lawfully made video recording can be transmitted to distant classroom settings for direct instruction to students.



Prohibited

1. Duplication of sound and video tapes unless reproduction rights were given at time of purchase or secured at a later date.
2. Reproductions or conversion of one media format to another (e.g. film to videotape) unless permission is secured.
3. Reproduction of any audiovisual work in its entirety without permission or license.

Off-Air Recording

Permitted

1. A broadcast program may be recorded off air simultaneously with transmission and retained by a nonprofit educational institution for 45 calendar days after the date of recording.
2. Off-air recordings may be used by educators for relevant classroom activities and repeated once for instructional reinforcement when necessary during the first 10 consecutive days after recording.
3. After the first 10 instructional days, recordings may be used up to the end of the 45-day retention period for educator/media specialist evaluation purposes only (e.g. to determine if the program should be purchased for the curriculum).
4. Recordings may be made only at the formal request of and used by individual educators. No broadcast program may be recorded more than once for the same educator.
5. Recordings need not be used in their entirety but may not be altered or edited and must include the copyright notice on the program as recorded.

Prohibited

1. Using the recording for instruction after the 10-day use period.
2. Holding the recording for longer than 45 days because:
 - a. Units needing the program concepts are not taught within the 10-day use period.
 - b. An interruption or technical problem delayed use
 - c. Another educator wishes to use the recording
 - d. Any other supposed "legitimate" educational reason



Copying Related to Library Services

Permitted

1. The making of a single copy of an entire work is permissible when:
 - a. The copy is an archival reproduction of an unpublished work,
 - b. The copy is a replacement of a damaged or stolen copy which cannot be obtained at a fair price, and
 - c. The copy is of an out-of-print work not obtainable at a fair price.
2. The making of a single copy of a single article or small excerpt is permissible when:
 - a. The work is part of the Library's own collection and the copy is for educational purposes and
 - b. The copy is for interlibrary loan.
3. The making of copies by library patrons using coin-operated copying machines is permissible under the fair use doctrine:
 - a. Library staff are not liable for unsupervised use of equipment
 - b. Library patrons are not excused from liability for infringement of fair use.
4. The importation of copies by libraries is permissible when:
 - a. A single copy of AV work is for archival purposes only
 - b. Up to five copies of any other work are for lending or archival purposes unless it is part of prohibited activity mentioned below.

Prohibited

1. Multiple copies of any work for the purpose of systematic reproduction or distribution to other libraries or groups of users may not be made.

Definitions

None

Interpretation of Administrative Rule

Administrative Assistant to the President and Board of Education



Cross Reference to Related Administrative Rules

1. CGCC Administrative Rule 010.001.000 – [Copyright and Fair Use](#)
2. CGCC Board Policies, Administrative Rules, and Operating Procedures, <http://www.cgcc.edu/policies>

Further Information

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Strategic Direction

- KFA 1: Educational Programs and Services
- KFA 2: Students
- KFA 3: Faculty and Staff
- KFA 4: Community
- KFA 8: Technology

Appendix

1. [Copyright Law of the United States](#)
2. [Fair Use](#)