

APPENDIX I

Guidelines

Guidelines for Classroom Copying of Books and Periodicals

I. Single Copying for Teachers:

A single copy may be made of any of the following or any part thereof by or for any faculty or staff member at his or her individual request:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;
- C. A short story, short essay or short poem, whether or not from a collective work;
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

II. Multiple Copies for Classroom Use:

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the faculty giving the course for classroom use or discussion, provided that:

A. The copying meets the tests of brevity and spontaneity as defined below:

1. Brevity

- a. Poetry. (1) A complete poem if less than 250 words and if printed on not more than two pages or (2) an excerpt of not more than 250 words from a longer poem.
- b. Prose. (1) All or any portion of a complete article, story or essay of 2,500 words or less, (2) an excerpt from any prose work of not more than 1,000 words, or 10% of the work, whichever is less, but in any event, a minimum of 500 words.
- c. Illustration. One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- d. "Special works." Certain works in poetry, prose or in "poetic prose" which

often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "b" 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% of the words found in the text thereof, may be reproduced.

[Each of the numerical limits stated in "a" and "b" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

2. Spontaneity
 - a. The copying is at the instance and inspiration of the individual teacher, and
 - b. 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 a request for permission.

B. The copying meets the following cumulative effect test:

1. The copying of the material is for only one course in the school in which the copies are made.
2. 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.
3. There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in "2" and "3" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

C. Each copy includes a notice of copyright.

III. Prohibitions as to I Through II Above:

Notwithstanding any of the above, the following shall be prohibited:

- A. Copying may not be used to create or to replace or substitute for anthologies, compilations or collective works. A prohibited replacement or substitution occurs regardless of whether copies of various works or excerpts therefrom are accumulated

or are reproduced and used separately.

- B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- C. Copying may not:
 - 1. substitute for the purchase of books, publisher's reprints or periodicals;
 - 2. be directed by higher authority;
 - 3. be repeated with respect to the same item by the same teacher from term to term.
- D. No charge shall be made to the student beyond the actual cost of the photocopying.

Guidelines for Educational Uses of Music

I. Emergency Copying of Music

A. Permissible Uses

- 1. Emergency copying to replace purchased copies that for any reason are not available for an imminent performance, provided purchased replacement copies are substituted in due course.
- 2. For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies may not exceed one copy per student.
- 3. For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is
 - a. confirmed by the copyright proprietor to be out of print, or
 - b. unavailable except in a larger work may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.
- 4. Printed copies that have been purchased may be edited or simplified, provided

that the fundamental character of the work is not distorted, that the lyrics (if any) are not altered, and that no lyrics are added, if none exist.

5. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
6. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This permitted copying pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

B. Prohibitions

1. Copying to create or to 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 of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
3. Copying for the purpose of performance, except as in A.1. above.
4. Copying for the purpose of substituting for the purchase of music, except as A.1 and A.2 above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.

- C. It is The University of Texas at Dallas policy that an immediate order for the purchase of replacement copies is to be placed on a one for one basis, and all reproduced copies of the musical work are to be destroyed upon receipt of the ordered copies. Any other method of calculating the number of replacement copies to be ordered, such as an inventory taken after the performance, is unacceptable. It is expected that staff and faculty routinely involved with performances will emphasize planning procedures so as to avoid use of emergency copying on a routine basis.