

SCHOOL COMMITTEE POLICY COPYRIGHT COMPLIANCE

INSTRUCTION

The school committee recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or using of audio visual or printed materials and computer software, unless the copying or using conforms to the "fair use" doctrine.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:

A. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship and must be nonprofit.

B. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of the following for use in research, instruction or preparation for teaching: book chapters; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines.

C. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. In most circumstances, copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.

D. THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of district staff to abide by the district's copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for district staff to violate copyright requirements in order to perform their duties properly.

The district cannot be responsible for any violations of the copyright law by its staff

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the district's procedures or is permissible under the law should contact the superintendent or the person designated as the copyright compliance officer. The latter will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

Legal References: P.L. 94-533 Federal Copyright Law of 1976

(U.S. Code, Title 17)

Adopted: September 8, 1997

ADMINISTRATIVE PROCEDURE COPYRIGHT COMPLIANCE

INSTRUCTION

Staff may make copies of copyrighted school district materials that fall within the following guidelines. Where there is reason to believe the material to be copied does not fall within these guidelines, prior permission shall be obtained from the principal. Staff members who fail to follow this procedure may be held personally liable for copyright infringement.

Authorized Reproduction and Use of Copyrighted Material in Books and Periodicals

In preparing for instruction, a teacher may make or have made a single copy of:

- a. A chapter from a book;
- b. An article from a newspaper or periodical;
- c. A short story, short essay or short poem; or
- d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

A teacher may make multiple copies not exceeding more than one per pupil, for classroom use or discussion if the copying materials meet the tests of “**brevity, spontaneity and cumulative effect**” set by the following guidelines. Each copy must include the notice of copyright present in the original work.

A. Brevity

1. A complete poem, if less than 250 words and printed on not more than two pages, may be copied; excerpts from longer poems cannot exceed 250 words;
2. Complete articles, stories or essays of less than 2500 words may be copied. Excerpts from prose works of not more than 100 words or 10% of the work-whichever is smaller-may be copied, but in any event, a minimum of 500 words may be copied.
3. Each numerical limit set forth above may be expanded to permit the completion of an unfurnished line of a poem or an unfinished prose paragraph;
4. One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied.
5. “Special” works cannot be reproduced in full under any circumstances; however, an excerpt of not more than two published pages containing not more than 10% of the words in the text of such special work may be reproduced. What constitutes a “special” work is not clearly defined; however, special works include children’s books combining poetry, prose or poetic prose with illustrations and which are less than 2500 words in their entirety.

B. Spontaneity

Copying should be at the “instance and inspiration” of the individual teacher; and 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.

C. Cumulative Effect

Teachers are limited to using copied material for only one course in the school in which copies are made. No more than one short poem, article, story, essay or two excerpts from the same author may be copied, and no more than three works or excerpts can be copied from a collective work or periodical volume during one class term. Teachers are limited to nine instances of multiple copying for one course during one class term. The numerical limitations set forth above do not apply to current new periodicals, newspapers, and current news sections of other periodicals.

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

Notwithstanding any of the foregoing, the copyright law prohibits using copies to create, replace or substitute for anthologies, compilations, or collective works. There should be no copying of or from works intended to be "consumable" in the course of study or of teaching. "Consumable" works include: workbooks, exercises, standardized tests, test booklets and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals, nor can they repeatedly copy the same item from term to term. Copying cannot be directed by a "higher authority", and students cannot be charged more than actual cost of copying.

Teachers may use copyrighted material in overhead or opaque projectors for instructional purposes.

Authorized Reproduction and Use of Copyrighted Materials in the Library

A library may make a single copy (containing the notice of copyright present on the original work) of:

- a. An unpublished work which is in its collection solely for purposes of preservation and security or for deposit for research use in another qualified library or archives.
- b. A published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that an unused replacement cannot be obtained at a fair price.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy shall contain the notice of copyright present in the original work and the student or staff member shall be notified that the copy is to be used only for private study, scholarship or research. Any other use may subject the person to liability for copyright infringement and the library shall not make copy if it has notice of any other use. The foregoing reproduction right shall not apply to musical works, motion pictures or other audiovisual works (other than an audiovisual work dealing with news), or pictorial, graphic or

sculptural works (other than pictorial or graphic works published as illustration, diagrams or similar adjuncts to works of which copies are reproduced hereunder).

At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in "Authorized Reproduction and Use of Copyrighted Material in Print."

Authorized Reproduction and Use of Copyrighted Music

For academic purposes, other than performance, teachers may make a single copy of an entire performable unit (section), movement, aria, etc. from a printed musical work that is (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, for purposes of preparing for instruction.

A teacher may make multiple copies not exceeding one copy per pupil for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a selection, movement, or aria.

In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available, provided that purchased copies shall be substituted in due course.

A teacher may make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.

A teacher may make and retain a single copy of excerpts from recordings of copyrighted musical works owned by the school or the individual teacher for use as aural exercises or examination questions.

A teacher may edit or simplify purchased copies of music provided that the fundamental character of the music is not distorted. Lyrics shall not be altered or added if none exist.

Copying cannot be used to create, replace, or substitute for anthologies, compilations or collective works; copying of consumable works is prohibited. Copying for the purpose of performance is prohibited, except in the case of an emergency set forth above, and copying for the purpose of substituting for the purchase of music is prohibited except as set forth in the first and second paragraphs above. All copies must include copyright notice appearing on the printed copy.

Performance by teachers of students of copyrighted musical works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

If the requirements of the foregoing paragraph are not satisfied, performances of nondramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:

- a. The performance is not for a commercial purpose;
- b. None of the performers, promoters or organizers are compensated; and
- c. There is no direct or indirect admission charge; or Admission fees are used for educational or charitable purposes only; provided that the copyright owner has not objected to the performance.

All other musical performances require permission from the copyright owner.

Off Air Recording of Copyrighted Programs

Television programs transmitted by television stations for reception by the general public without charge (hereinafter referred to as "broadcast programs") may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a school for a period not to exceed the first forty-five days (45) consecutive calendar days after date of recording. Upon conclusion of this retention period, all off-air recordings must be erased or destroyed immediately.

Off-air recording may be used once by individual teachers in the course of relevant instructional activities, and repeated once only when instructional reinforcement is necessary in classrooms and similar places devoted to instruction, during the first ten (10) consecutive school days in the forty-five (45) calendar day retention period. "School days" are school session days-not counting weekends, holidays, vacations, examination periods or other scheduled interruptions.

Off-air recording may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each additional copy shall be subject to all provisions governing the original recording.

After the first ten (10) consecutive schools days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes or any other non-evaluation purpose after the ten (10) day period.

Off-air recording need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

Authorized Reproduction and Use of Video Rentals or Videos Purchases for Home Videos may only be rented for classroom use from agencies or companies which allow for such use. Many retail video rental stores have strict license agreements prohibiting use with large, non-home audiences. These restrictions may also apply to the use of videos purchased for home use. Staff is expected to review and honor these arguments.

Authorized Reproduction and Use of Copyrighted Computer Software & CD-ROM Products

Most software on computers in the Westfield Public Schools is protected by Federal copyright laws. In addition to the copyright laws, there usually is a license agreement between the software seller and the purchaser to protect the software. Educational institutions are not exempt from legislation covering copyrights. Therefore Westfield Public Schools' policy is to respect the copyright protections given under Federal law, and to adhere to the conditions of the license agreement. The following policies and procedures apply:

- a. All copyright laws and license agreements between the software vendor and the district shall be observed;
- b. Staff members will not copy or use unauthorized copies on school system owned computers, or any computer housed in school system facilities. Staff members will also refrain from installing privately purchased software on school equipment and will not use single copy software or CD-ROM products across a network with multiple users unless such use is permitted by the applicable license agreement;
- c. Staff members will not copy authorized copies on personal computer equipment at home unless such use is permitted by the applicable license agreement;
- d. A back-up copy shall be purchased for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the district shall make a back-up program in accordance with the terms of the applicable license agreement or 17 U.S.C. and 117 and attest that the program will be used for replacement purpose only;
- e. The principal or his/her designee, with the approval of the Coordinator of Educational Technology and the Director of Curriculum, is authorized to sign a software license agreement on behalf of a school when site licenses are purchased. A copy of said agreement shall be retained by the principal and the District Technology Coordinator. Proof of purchase for all software/CD-ROMs that is purchased in for the district shall be retained by the School Business Manager;
- f. The individual who normally uses a specific computer is responsible for ensuring and being able to document via license agreement or proof of purchase that the software used on that machine is licensed. An appropriate supervisor, in most cases the building principal, is responsible when the same machine is used by several persons;

- g. For multi-user computing systems, the director of the organization unit owning the system, or the manager responsible for its operation, must document licenses and inform users of licensing conditions and take reasonable actions to ensure compliance.
- h. It is a violation of school system policy to knowingly use or attempt to use software which is not authorized for use under normal operating procedures.

Unauthorized or unlicensed use of software is a serious matter and is without the consent of the Westfield Public Schools. Any individual violating these policies is required to take immediate remedial action; e.g. remove the unlicensed software from the machine. Persons refusing to do so are subject to school system disciplinary measures.

Copying Limitations

Circumstances will arise when staff is uncertain whether or not copying is prohibited. In those circumstances, the superintendent or designated copyright compliance officer should be contacted. The following prohibitions have been expressly stated in guidelines agreed to by representatives of educators and authors/publishers:

- a. Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.
- b. Unless expressly permitted by agreement with the publisher and authorized by district action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets and the like.
- c. Staff shall not:
 - 1. Use copies to substitute for the purchase of books, periodicals, music recordings, computer software or other copyrighted material except as permitted by district procedure;
 - 2. Copy or use the same item from term to term without the copyright owner's permission;
 - 3. Copy or use more than nine instances of multiple copying of protected material for one course in any term;
 - 4. Copy or use more than one short work or two excerpts from works of the same author in any one term;
 - 5. Copy or use protected material without including the notice of copyright present in the original work and the following is a satisfactory notice:

NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW

Adopted: September 8, 1997

WESTFIELD PUBLIC SCHOOLS SOFTWARE USE REGULATION

A Guide to Ethical and Legal Use of Software in the Westfield Public Schools.

Software enables us to accomplish many different tasks with computers. Unfortunately, in order to get our work done quickly and conveniently, some people make and use unauthorized software copies. The purpose of this document is to provide a brief outline of what you legally can and cannot do with software. Hopefully it will help you better understand the implications and restrictions of the U.S. Copyright Law.

Here Are Some Relevant Facts:

UNAUTHORIZED copying of software is illegal. Copyright law protects software authors and publishers, just as patent law protects investors.

UNAUTHORIZED copying of software by individuals can harm the entire academic community. If unauthorized copying proliferates in any school building, the school system may incur legal liability. Also, the school system may find it more difficult to negotiate agreements that would make software more widely and less expensively available to members of the academic community.

UNAUTHORIZED copying and use of software deprives publishers and developers of a fair return for their work, increases prices, reduces the level of future support and enhancements, and can inhibit the development of new software products.

RESPECT for the intellectual work of others has traditionally been essential to the mission of schools at all levels. As members of an academic community, we value the free exchange of ideas. Just as we do not tolerate plagiarism, we do not condone the unauthorized copying of software, including programs, applications, databases and code.

THEREFORE, we offer the following statement of principle about intellectual property and the legal and ethical use of software.

Software and Intellectual Rights

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgement, right to privacy, and right to determine the form, manner, and terms of publication and distribution.

Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the school system.

CLASSIFICATION OF SOFTWARE

In terms of copyright, there are four broad classifications of software: Commercial, Shareware, Freeware, and Public Domain. The restrictions and limitations regarding each classification are different.

COMMERICAL

Commercial software represents the majority of software purchased from software publishers, commercial computer stores, etc. When you buy software, you are actually acquiring a license to do use it, not own it. You acquire the license from the company that owns the copyright. The conditions and restrictions of the license agreement vary from program to program and should be read carefully. In general, commercial software licenses stipulate that:

- (1) The software is covered by copyright
- (2) Although one archival copy of the software can be made, the backup copy cannot be used except when the original package fails or is destroyed
- (3) Modifications to the software are not allowed
- (4) Decompiling (i.e. reverse engineering) of the program code is not allowed without permission of the copyright holder
- (5) Development of new works built upon the package (derivative works) is not allowed without permission of the copyright holder

SHAREWARE

Shareware software is covered by copyright, as well. When you acquire software under a shareware agreement, you are actually acquiring a license to use it, not own it. You acquire the license from the individual or company that owns the copyright. The conditions and restrictions of the license agreement vary from program to program and should be read carefully. The copyright holders for SHAREWARE allow purchasers to make and distribute copies of the software, but demand that if, after testing the software, you adopt it for use, you must pay for it. In general, shareware software licenses stipulate that:

- (1) The software is covered by copyright
- (2) Although one archival copy of the software can be made, the backup copy cannot be used except when the original package fails or is destroyed
- (3) Modifications to the software are not allowed
- (4) Decompiling (i.e. reverse engineering) of the program code is not allowed without permission of the copyright holder
- (5) Development of new works built upon the package (derivative works) is not allowed without permission of the copyright holder

Selling software as SHAREWARE is a marketing decision, it does not change the legal requirements with respect to copyright. That means that you can make a single archival copy, but you are obliged to pay for all copies adopted for use.

FREEWARE

Freeware is also covered by copyright and subject to the conditions defined by the holder of the copyright. The conditions for FREEWARE are in direct opposition to normal copyright restrictions. In general, FREEWARE software licenses stipulate that:

- (1) The software is covered by copyright
- (2) Copies of the software can be made for both archival and distribution purposes but that distribution cannot be for profit
- (3) Modifications to the software is allowed and encouraged
- (4) Decompiling (i.e. reverse engineering) of the program code is allowed without the explicit permission of the copyright holder
- (5) Development of new works built upon the package (derivative works) is allowed and encouraged with the condition that derivative works must also be designated as FREEWARE. That means that you cannot take FREEWARE, modify or extend it, and then sell it as COMMERCIAL or SHAREWARE software.

PUBLIC DOMAIN

Public Domain software comes into being when the original copyright holder explicitly relinquishes all rights to the software. Since under current copyright law, all intellectual works (including software) are protected as soon as they are committed to a medium, for something to be PUBLIC DOMAIN it must be clearly marked as such. Before March 1, 1989, it was assumed that intellectual works were NOT covered by copyright unless the copyright symbol and declaration appeared on the work. With U.S. adherence to the BERN Convention this presumption has been reversed. Now all works assume copyright protection unless the PUBLIC DOMAIN notification is stated. This means for PUBLIC DOMAIN software

- (1) Copyright laws have been relinquished
- (2) Software copies can be made for both archival and distribution purposes with no restriction as to distribution
- (3) Modifications to the software are allowed
- (4) Decompiling (i.e. reverse engineering) of the program is allowed
- (5) Development of new works built upon the package (derivative works) is allowed without conditions on the distribution or use of the derivative work.

Due to the widespread use of digitizing equipment there is another new category of copyright issues, that of Electronic, Computer, or Network Copies.

A. Copying Items Into Electronic Form

In general, it is legal to convert items you own, or that are owned by our libraries, to electronic form for your own scholarship or research. This includes scanning in photos, drawing, or slides, typing or scanning in text, or computer recordings of audio materials. Such electronic copies fall under the category of "Single copy for Academic Use". One exception to this rule is the special treatment of movies, films, and video. It is not legal to convert these media into

another form, e.g. converting a copyrighted video to a computer video format in its entirety. It is acceptable to extract still images from a video, including multiple still images (that do not exceed 10% of the video)

B. Using Electronically Converted Copies

Electronic copies of images may be used without restriction in a class setting in ways that do not involve distribution of copies to the students. Copies may be given to a single student, e.g. for work on a special project, an individualized term paper, etc. However, any distribution to multiple students, whether in printed form, on computer disk, by email or by network access, invokes the requirements of “Multiple Copies for Classroom Use.” For example, you may not use two scanned images from the same source in homework assignments if the students need to see those images outside of class, whether they are printed on the homework assignment or available via computer.

C. Copying Electronic Documents from Internet and Other Online Services

In general, making copies of software for other than backup purposes is a violation, unless the program explicitly declares itself to be “freeware”, “shareware” or something similar. Making copies of electronic documents, including text files, graphic images, animation or video clips, or audio recordings, is covered by the copyright policies in this document. Many network sites allow you to download copies of documents or images from them, such as the information sent you via the Web or by ftp. However, unless the site explicitly tells you otherwise, you must assume that they are only giving you “Single Use” permission—you do not have the right to make multiple copies of that document for others, nor do you have the right to place it on a network-accessible format for others to copy without receiving permission from the original site or document owner. Again, fair-use exemptions apply to this rule (e.g. reposting not more than 10% or at most one image from such a site). In applying the fair-use tests, you should generally view an entire collection of linked documents (e.g. Web linked pages) as a single “document.” However, you may distinguish between collections that are only “incidentally” linked – for example it would be proper to view all pages from the Logan museum as a single “document”, but the entire collection of pages at Westfield State College need not be viewed that way even though they are all linked together, because they do not have a common author nor shared intellectual content. Most Web sites list contact persons for that Web site or for individual pages, and email can be sent to that person requesting copyright permission. If no such contact is listed, the email request should be sent to “root@SITE” where SITE is the sites name in the document location field which your web browser should be able to show you. This location, or “URL” will probably be given in a format such as “http:// SITE/ directory /sub-directory/ filename.”

In general, Web sites are maintained by individuals who are much more lenient than the publishers of other materials covered by this policy, and usually respond much more quickly. Thus, we recommend asking for permissions even in cases where fair-use exemptions may apply. This is a courtesy, is often highly appreciated by the owner of that Web site, and may gain you a colleague who can help you with other information of this type that you seem to be interested in.

As most software on computers in the Westfield Public Schools is protected by Federal copyright laws. In addition to the copyright laws, there usually is a license agreement between the software seller and the purchaser to protect the software. Educational institutions are not exempt from legislation covering copyrights. The Westfield Public Schools' policy is to respect the copyright protections given under Federal law, and to adhere to the conditions of the license agreement. The following policies and procedures apply:

- a. All copyright laws and license agreements between the software vendor and the district shall be observed;
- b. Staff members will not copy or use unauthorized copies on school system-owned computers, or any computer housed in school system facilities. Staff members will also refrain from installing privately purchased software on school equipment and will not use single copy software or CD-ROM products across a network with multiple users unless such use is permitted by the applicable license agreement;
- c. Staff members will not authorized copies on personal computer equipment at home unless such use is permitted by the applicable license agreement;
- d. A backup copy shall be purchased for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the district shall make a back-up program in accordance with the terms of the applicable license agreement or 17 U.S.C. and 117 and attest that the program will be used for replacement purposes only;
- e. The principal or his/her designee is authorized to sign a software license agreement on behalf of a school when site licenses are purchased. A copy of said agreement shall retained by the principal and the District Technology Coordinator. Proof of purchase for all software/CD-ROMs that is purchased in for the district shall be retained by the School Business Manager.
- f. The individual who normally uses a specific computer is responsible for ensuring and being able to document via license agreement or proof of purchase that the software used on that machine is licensed. An appropriate supervisor, in most cases the building principal, is responsible when the same machine is used by several persons.
- g. For multi-user computing systems, the director of the organization unit owning the system, or the manager responsible for its operation, must document licenses and inform users of licensing conditions and take reasonable actions to ensure compliance.
- h. It is a violation of school system policy to knowingly use or attempt to use software which is not authorized for use under normal operating procedures.

Unauthorized or unlicensed use of software is a serious matter and is without the consent of the Westfield Public Schools. Any individual violating these policies is required to take immediate remedial action; e.g. remove the unlicensed software from the machine. Persons refusing to do so are subject to school system disciplinary measures. **The district cannot be responsible for any violation of the copyright law by its staff.**

Adopted: September 8, 1997

Departmental Guidelines for Software Copyright Compliance

Liability and responsibility in the context of software copyright may not quite follow the laws of gravity. Liability for software piracy flows inexorably upward from the perpetrator, permeating the perpetrator's chain of command. Meanwhile, responsibility for compliance with laws protecting software copyright starts at the top and must be encouraged to flow down. Following are guidelines for department managers/principals:

Information to Computer Users

At the department level, administrators with responsibility for software licenses should provide written guidance to software users, defining the users' responsibilities for the software they use. Similarly, managers and administrators should provide user with copies of individual software license statements (terms and conditions of use) so that users understand specific restrictions for software they use.

Acquisition and Record-Keeping

Evidence of legal acquisition (purchase, lease, gift) for all software in use or possession must be kept. Records should be sufficient to quickly identify and retrieve evidence of legal acquisition for capitalized software. Records for uncapitalized software should be held in the Business Office, be readily retrievable, and should include statements of all licenses in use, license counts, location where software is installed or available, to whom software is assigned, and sub-license statements where required. It is recommended that supporting materials be kept in a notebook.

Installation, Distribution, Backup, and Protection

Software must be installed and distributed within the restrictions defined by licenses or agreements with vendors. Installations are to be documented so that it is clear what was installed, when, and by whom. Backup copies, if permitted, must be made in accordance with licenses or vendor agreements and documented also. For computers with multiple users, operating systems features or utilities to protect installed software from misuse or copying must be used.

Facilities Management

Software managers and department administrators should post notices of software usage policies in computer facilities and training materials. Administrators should also provide documentation of policies governing software use for end-users. Departments should train their computing staff to deal with software misuse appropriately and should develop procedures to remove illegally installed software from facility machines when discovered. When equipment is moved and /or changes ownership, care must be taken that software installed on that equipment is handled properly.

System Management

In addition to responsibilities listed above, departments and other campus organizations must monitor and keep records of authorized users, and inform new users of their responsibilities at the time they become authorized to use the facilities and services provided.

Review

Each unit should conduct a periodic review of compliance with an understanding of the appropriate use policies and procedures of the unit.

Technologies to Assist with Software Management

In most computer operating environments, utilities are available to help protect software. For stand-alone microcomputers, there is a variety of "disk-locking" programs for each major operating system (DOS, Macintosh, OS/2). Network utilities for Novell and other microcomputer networks are available to control the number of users of each software package, as well as to protect packages from illegal copying. Password and file security protections should also be used routinely to control access. System managers for multi-use operating systems such as VAX/VMS or UNIX should make full use of operating system features which prevent unauthorized use of copying.

Adopted: September 8, 1997