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*East Tennessee State University*

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**East Tennessee State University, 1990**

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KNOWLEDGE OF AND RESPONSE TO  
COPYRIGHT LAW, SCHOOL COPYRIGHT POLICY,  
AND COPYRIGHT RELATED ISSUES:  
SURVEY OF SECONDARY SCHOOL PRINCIPALS AND LIBRARIANS

---

A Dissertation  
Presented to  
the Faculty of the Department  
of Educational Leadership and Policy Analysis  
East Tennessee State University

---

In Partial Fulfillment  
of the Requirements for the Degree  
Doctor of Education

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by  
Koleta Baker Tilson  
May, 1990

APPROVAL


This is to certify that the Advanced Graduate Committee of


KOLETA BAKER TILSON

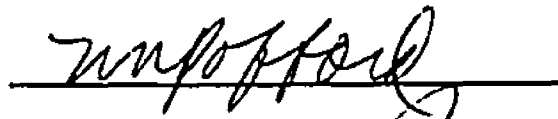
met on the

11th day of April, 1990.

Members of the committee read and examined this dissertation, supervised the defense of it in an oral examination, and recommended that the study be submitted to the Graduate Council and the Dean of the School of Graduate Studies in partial fulfillment of the requirements for the degree Doctor of Education in Educational Supervision.

  
Chairman, Graduate Committee










Signed on behalf of  
the Graduate Council

  
Associate Vice-President for  
Research and Dean,  
School of Graduate Studies

## ABSTRACT

### KNOWLEDGE OF AND RESPONSE TO COPYRIGHT GUIDELINES, SCHOOL COPYRIGHT POLICY, AND COPYRIGHT RELATED ISSUES:

A SURVEY OF SECONDARY SCHOOL PRINCIPALS AND LIBRARIANS

by

Koleta Baker Tilson

The problem of this study was that, with the impact of new media and delivery systems, principals and librarians must respond to copyright issues in order to remain informed about the copyright law and the legal use of media. The purpose of this study was to gather and evaluate educator response to issues related to copyright.

The study was conducted with a sample of regionally accredited secondary schools in the following states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. A total of 1008 questionnaires were mailed to the principal and the librarian of the 504 schools of the sample. The data of the study were provided by 546 (54%) questionnaires.

The first twenty items of the questionnaire provided the variables used to organize, test, and report the data. The second part of the questionnaire was a multiple choice copyright test used to determine the copyright knowledge of the respondent.

The  $t$  test was used to test the mean copyright test scores of educator groups for significant differences. Groups were defined by professional position, years of experience, involvement or no involvement in job related litigation, and law class or workshop participation since the enactment of the 1976 Copyright Law. Chi-square was used to test the frequencies of reported exposure to the 1976 Copyright Law between professional groups, experience groups, and law class or workshop participation groups.

Seven null hypotheses were tested at the .05 level. The mean copyright test score of the librarian group was significantly higher than the mean score of the principal group. The mean test score of the law class participation group was significantly higher than the mean test score of the non-participation group.

Responses of exposure to the 1976 Copyright Law provided a five category hierarchy. There was no significant difference in the exposure reported by the principal and librarian groups. The difference of exposure reported by the law class participation group and the non-participation group was significant.

Fourteen research questions, which comprised the periphery of the study, were reported. The findings of the study provided the basis for the conclusions and recommendations.

EAST TENNESSEE STATE UNIVERSITY  
INSTITUTIONAL REVIEW BOARD

PROJECT TITLE: KNOWLEDGE OF AND RESPONSE TO COPYRIGHT LAW,  
SCHOOL COPYRIGHT POLICY, AND COPYRIGHT RELATED ISSUES:  
SURVEY OF SECONDARY SCHOOL PRINCIPALS AND LIBRARIANS

PRINCIPAL INVESTIGATOR: Koleta Baker Tilson

The Institutional Review Board has reviewed the above-titled project on (date) 10-10-89 with respect to the rights and safety of human subjects, including matters of informed consent and protection of subject confidentiality, and finds the project acceptable to the Board.

Anthony J. DeLuca  
CHAIRMAN



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CHAPTER 1  
Introduction

The United States Constitution granted the power to Congress "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." The copyright power is found in Article I, Section 8, Clause 8 of the U.S. Constitution. Congress exercised this Article I, Section 8 power in 1790 by formulating the first copyright legislation. During the 20th century, there have been two revisions: the Copyright Acts of 1909 and 1976 (Johnston, 1982).

The 1909 Copyright Law was enacted at a time when media consisted primarily of printed materials such as charts, maps, books, globes, and the like (Ingram, 1976). When President Gerald Ford signed the 1976 Amendments to the U.S. Copyright Law, Congress had been struggling for more than 20 years to untangle some of the problems that had surfaced since 1909 (Flygare, 1984). This Copyright Revision Act of 1976 greatly expanded the application of copyright and tried to provide for developing technology (Stanek, 1986).

The Act was amended by the Computer Software Copyright Act of 1980 which defined "computer programs" and made the 1976 Act applicable to them (Stanek, 1986). Both the 1976

Act and the guidelines play an important role in developing policies governing library and classroom use.

In an effort to influence copyright compliance with regard to the utilization of computer software in the schools, the International Council for Computers in Education (ICCE) developed software copyright policy statements in 1983 and 1987 and called for the formulation and dissemination of copyright policies by schools. The ICCE statements have been incorporated into many state, local, and school copyright policies.

According to Veliotes (1989), some of the most dramatic challenges for American publishers are coming from an array of new technologies that constitute "electrocopying." The widespread use of fax equipment, as well as the application of telecommunications employed to upload and download data between computers, were technologies of limited availability when the current copyright legislation was enacted.

Copyright considerations accompany the uses of fax machines, video tape recorders, computers and computer software, and photocopiers. With the increased application of new technologies in schools, principals and librarians face considerable challenge to be knowledgeable regarding copyright legislation and related litigation and to promote legal use of copyrighted media in the school.



## The Problem

### Statement of the Problem

The problem of this study was that, with the impact of new media and delivery systems, principals and librarians must respond to copyright issues in order to remain informed about the copyright law and the legal use of media.

### Significance of the Problem

Copyright law is complex. Related legislation seeks an acceptable balance between the owners and users of the intellectual property. Laws are difficult to enforce, easily abused, and often misunderstood. Educators do not always maintain exposure to and knowledge of copyright law.

The 1976 Copyright Law granted exclusive rights to copyright owners in Section 106. These rights were limited by subsequent sections of the law. Section 107 provided the fair use provision, Section 108 presented exemptions for libraries, and Section 110 provides additional exemptions for educators. Section 117 addressed uses of electronic media.

The guidelines to the 1976 Copyright Law were formulated to clarify the minimum standards of educational fair use, to provide the application of photocopying and interlibrary loan by libraries, and to examine educational performances and displays of works. The 1976 Copyright Law, guidelines, and the 1980 amendment provide appropriate

content for policies governing school library and classroom uses of copyright media.

The 1987 Policy Statement on Software Copyright of the ICCE addressed issues related to the copying of computer software, the multiple loading of disks for simultaneous usage, and the use of local area network software applications. In the absence of clear legislation, legal opinion, or case law regarding the utilization of software, the ICCE encouraged each school district to approve a copyright policy which included computer software and other formats of copyrighted media as well as print.

#### Purpose of the Study

Principals and librarians must maintain knowledge of copyright in order to carry out the responsibilities of their positions. The purpose of the study was to determine the copyright knowledge and exposure of principals and librarians and to examine the differences between these groups of educators. Since position, years of experience, participation in relevant litigation, and educational background each play an important role in helping educators with professional responsibilities, a subpurpose of the study was to determine if there were differences in knowledge based on years of experience, involvement in litigation, and participation in a law class or workshop.

Principals and librarians, educators with responsibilities related to the legal utilization of media, can contribute to, as well as benefit from, activities related to policy formulation, adoption, and dissemination. This study can promote interest in copyright and in formulating school copyright policy.

#### Limitations

1. The sample was limited to public secondary schools with membership in the Southern Association of Colleges and Schools (SACS) in 1988. In addition to accreditation, requirements for sample selection included the following: (a) the school must be public, (b) the program must include a grade 12, and (c) 100 or more students must be enrolled. Schools with names to indicate a special program focus, such as occupational schools or schools for the handicapped, were not included.
2. The principal and the librarian of the identified schools constituted the sample group.
3. The study included sections of the 1976 Copyright Law deemed appropriate since they were included in the exemplary school copyright policies presented by Vlcek (1987) or in the school copyright policies and manuals disseminated by ERIC. The ICCE 1987 Statement on Software Copyright, which was appended to or incorporated into most of these documents, was also included.

4. The study was limited to the use of copyrighted media as allowed by the copyright guidelines and ICCE guidelines.

5. Content for the copyright test was taken from Sections 106, 107, 110, and 117 of the Copyright Law and the ICCE 1987 Statement on Software Copyright.

6. Licensing agreements, patents, and user ownership arrangements other than copyright were not included.

7. Data acquisition was limited to the questionnaires returned from December, 1989 through February, 1990.

#### Assumptions

Basic assumptions underlying this study were as follows:

1. Principals are responsible for promoting legal practices within the school.

2. The professional responsibilities associated with the role of the secondary school librarian include an understanding of the application of copyright law as well as an ethical and moral commitment to influence legal uses of media and equipment.

3. The librarian and principal respondents answered the multiple choice questions without making reference to the copyright law and/or guidelines.

### Operational Definitions of Terms

1. Copyright Law--The General Revision of Copyright Law passed by Congress in 1976 which took effect on January 1, 1978.
2. Copyright Policy--A document used by a school and/or a school system to formally recognize the copyright law and to provide a policy statement on behalf of the organization.
3. Educators--The principals and librarians of the study.
4. Exposure to the 1976 Copyright Law--A variable defined by a coded response to multiple choice question 5 of the questionnaire. Responses were coded from high to low as follows: 4, 3, 2, 1, and 0.
5. Fax machines--Equipment used to transmit and/or receive photocopies via telecommunications (also called facsimile machines).
6. General Revision of the Copyright Law PL 94-533--A regulatory act revising the 1909 Copyright Law and applying to works of authorship and distribution of works of authorship effective January 1, 1978.
7. Interlibrary Loan--Borrowing and lending arrangements between libraries to provide the patrons of one library an opportunity to utilize the resources of another library. The Library and Archives Section of the Copyright

Law (Section 108) and related guidelines determine the legal limit of borrowing and lending between libraries.

8. Level of Awareness of Copyright Decisions--A variable defined by a coded response to multiple choice item six of the questionnaire. Coded responses ranged from high to low as follows: 3, 2, 1, and 0.

9. Librarian--A title used by SACS to refer to a position, as well as the professional role of a person, with appropriate education and certification, to administer services with regard to the utilization of media. (Term used interchangeably with Library Media Specialist and Media Specialist.)

10. Principal--The administrative head of the school who, according to SACS, shall have earned a graduate degree and shall operate the school in accordance with officially established policies and procedures.

11. Secondary School--An accredited educational institution in which each participant of this study was employed as a principal or a librarian. This daily attendance center was a member of SACS in 1988, offered a program not determined by special needs students, and met the following additional requirements: (a) public, (b) a grade 12, (c) 100 or more students.

### Hypotheses

Given the statement of the problem and the findings from the review of the related literature, the following research hypotheses were formulated. Hypotheses are stated in the null format in Chapter 4 and tested at the .05 level of significance:

1. There will be a significant difference of copyright knowledge between the librarian and principal respondents as measured by the responses to the copyright test items.
2. There will be a significant difference of copyright knowledge, as measured by the responses to the copyright test items, between respondents reporting 15 or fewer years in the profession and those reporting more than 15 years.
3. There will be a significant difference of copyright knowledge, as measured by the responses on the copyright test, between respondents who report having been involved in litigation related to the responsibilities of their positions and the respondents reporting no involvement in job-related litigation.
4. There will be a significant difference of copyright knowledge, as measured by the responses to the copyright test items, between respondents who report having participated in a law class or workshop since the enactment of the 1976 Copyright Law and respondents reporting no participation in law class or workshop since the enactment.

5. There will be a significant difference in the level of exposure of principals and librarians to the 1976 Copyright Law.

6. There will be a significant difference in the level of exposure to the 1976 Copyright Law of respondents with 15 or fewer years experience in the profession and respondents reporting more than 15 years experience.

7. There will be a significant difference in the level of exposure to the 1976 Copyright Law of respondents having participated in a law class or workshop since the enactment of the law and respondents reporting no law class or workshop participation.

#### Research Questions

The following questions were included in the design of the survey instrument to meet the objectives of the study:

1. How many of the respondents will report having been involved in litigation as a result of their professional responsibilities?

2. How many of the respondents will report having participated in a law class or workshop since the enactment of the 1976 Copyright Law?

3. What will be the respondents' reported exposure to the 1976 Copyright Law?

4. What will be the respondents' reported awareness of the major court decisions in the area of copyright?



5. How will the respondents assess the importance of school and/or school system copyright policy?

6. How many librarian respondents will report a school/school system copyright policy to be present and current in their schools?

7. How many photocopiers and how many self-service photocopiers will be available in the schools of the librarians?

8. Will the librarians report the required copyright warning notices posted on or near school photocopiers?

9. What will be the charge to students for photocopies reported by the librarians?

10. What will be the availability and accessibility of photocopiers in the school libraries of the librarian respondents?

11. What will be the reported use of, or the expected use of, interlibrary loan by school libraries?

12. What will be the reported availability of, or expected availability of, fax machines in the school libraries?

13. Will respondents report having received copyright information from organizations?

14. How will the copyright test scores of respondents of the 11 states rank?

### Procedures of the Study

The procedures of this study were as follows:

1. Permission was gained to use the application questions on the Guidelines to the Copyright Law developed by Sandra Wertz, University of South Carolina.
2. A data instrument was developed by the researcher to establish the variables, provide the data for testing the research hypotheses, and address the research questions.
3. The test instrument was validated using a pretest-posttest administration to students in two graduate classes prior to and following instruction in copyright.
4. Approval to conduct the study was obtained from the student's doctoral committee and the Institutional Review Board of East Tennessee State University.
5. A pilot study was conducted using a convenience sample of librarians and principals of 12 schools of Northeast Tennessee.
6. A random sample was drawn from the 1988 membership list of secondary schools with membership in the Southern Association of Colleges and Schools. In addition to accreditation, requirements for sample selection included the following: (a) the school must be public, (b) the program must include a grade 12, (c) 100 or more students must be enrolled. Schools with names to indicate a special program focus, such as occupational schools or schools for the handicapped, were not included.

7. A packet containing a cover letter, a copy of the questionnaire, and a postcard was mailed to the principal and the librarian of each randomly selected school.

8. An envelope containing a follow-up letter, a copy of the questionnaire, and a return envelope was sent to each principal and librarian from whom the postcard had not been received.

9. The data were tabulated and statistically analyzed. The statistical tests used to analyze the data were the  $t$  test and chi-square.

#### Organization of the Study

The study contains five chapters. Chapter 1 contains the introduction to the study, the statement of the problem, the significance of the study, the limitations of the study, assumptions, definitions of terms, research questions, hypotheses, procedures, and a summary of the study. Chapter 2 presents the review of the related literature. Chapter 3 describes methods and procedures. Chapter 4 presents the data and an analysis of the findings. Chapter 5 contains a summary of findings, conclusions, and recommendations.

## CHAPTER 2

### Review of the Related Literature

#### Introduction

The problem of this study was that, with the impact of new media and delivery systems, principals and librarians must respond to copyright issues in order to remain informed about the copyright law and the legal use of media. The purpose of the study was to gather and evaluate data from principals and librarians on issues related to copyright.

This chapter contains a review of literature featuring an educational perspective of copyright with institutional and individual factors related to the use of media in the school. The chapter is divided into the following sections:

1. Regional Accreditation
2. The Role of the Librarian, the Principal, and Policy
3. Copyright Policy
4. Policy and State Departments of Education, Local Education Agencies, and School Library Programs
5. Technology and Copyright
6. Courts and Copyright
7. Copyright Legislation
8. Copyright Law and Guidelines

### Regional Accreditation

In the United States, six regional accreditation agencies are composed of member institutions which are bound by geographic proximity and which have accomplished the standard of resources and programs required by the agency. These are Middle States, New England, North Central, Northwest, Southern, and Western Associations of Schools and Colleges. The agencies provide regulatory influences through the promotion of standards and the process of evaluation.

Accreditation agencies formalize standards and guidelines, and, formally and informally, evaluate the compliance of candidate and member institutions. Endorsement and membership with the accrediting association follows when a candidate institution subscribes to a specific set of standards and conducts a formal assessment, or evaluation, based on selected guidelines. The results of the evaluation may include membership, endorsement, and recommendations.

For almost a century, a hallmark objective of the Southern Association of Colleges and Schools (SACS) has been that of fostering improvement of education in the South. With a secondary school membership of more than 3,800 secondary institutions, SACS seeks to encourage the development of standards in addition to those required by the state education agencies. The 11 states of SACS are:

Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

Each SACS accredited school includes a program of instructional materials and services which is operated from a library, or instructional materials center, which serves as a resource center for the educational program. Quantitative and qualitative standards are encouraged to insure resourcefulness and relevance of the resources. Record keeping is maintained as an appropriate means of evaluating use.

#### The Role of the Librarian, the Principal, and Policy

To gain endorsement by SACS, each secondary school is required to engage the services of a librarian who has a degree in library science, or who is certified as a librarian or media specialist. Certification requirements of the librarian include the study of copyright.

Knowledge of copyright and related issues are among the responsibilities of the librarian. Related responsibilities reflected in the requirements for certification and required of the position of librarian involve the formulation, enactment, utilization, and dissemination of policy.

In a review of the literature, Adams (1986) located many articles related to the development of a materials selection policy, yet very little to explain the role and responsibility of the school media professional in policy

development per se (p. xiii). According to Adams (1986), who promoted the use of copyright policy and copyright compliance to media professionals, "it cannot be emphasized enough that media professionals and other educators are responsible for upholding and enforcing the copyright law and guidelines" (p. 88).

Another educator with responsibility related to the legal use of media in the school is the principal. The SACS accreditation agency specifies that the secondary principal shall be the administrative head of the school. The principal is required to have earned at least 15 semester hours of graduate credit in administration or supervision as part of the graduate degree or in addition thereto. The principal is required to earn at least six semester hours of credit during each 5 year period of employment (Southern Association of Colleges and Schools [SACS], 1988).

According to SACS, the principal shall be permitted to operate the school in accord with officially established policies and procedures. The agency specifies that policies of the school are written statements consistent with law and professional ethics (SACS, 1988).

Adams (1986) identified nine ways in which the school principal may aid the library media program, the first of which involved directing policy formulation (p. 26). According to Adams, policy development must be followed with

continued communication between the principal and librarians regarding policy matters (p. 58).

The responsibility of the principal cited in the guidelines issued by the Board of Directors of the ICCE was as follows: "The principal at each school site is responsible for establishing practices which will enforce this district copyright policy at the school level." The ICCE recommended that each building principal devote one faculty meeting each year to the subject of copyright (Official Fair-Use Guidelines, 1987, p. 18).

#### Copyright Policy

Technological innovations which were first used by universities are now increasingly available in secondary schools. The need for school copyright policy is increased with the use of telecommunications as a vehicle of resource sharing, as well as the increased accessibility to on-site photocopiers, computers, and video recorders.

Bowers (1988) contended that policy may be viewed as an expression of overall intentions, a formal authorization to accomplish a certain task, or even as a specific, ongoing program. Among the valuable techniques identified by Troost (1983) in dealing with faculties and in accomplishing the practical functioning under current copyright regulations was the development of written policies that establish procedures for the use of all video equipment (p. 218).



According to Vlcek (1987), although legal counsel can draft appropriate policy, better policy should result if written by educators who know the problems in teaching and how instructional materials are used in teaching (p. 11). Vlcek (1987) emphasized the importance of legal counsel and educators working together to achieve the policy needs of the institution. A subsequent step to achieve the implementation of policy, as recommended by Vlcek (1987), involved the appointment of an individual to specific written responsibilities for implementing and monitoring the policy (p. 11).

Educational policy needs at the local school district level may generate a need for a policy analyst to work with the formulation of policy, or a policy officer to work with dissemination and enforcement. According to Bowers (1988), two mutually exclusive roles have been played by the policy analyst the first of which is that of the scholar, who, from the sidelines, analyzes the policy making process with the aim of developing a greater general understanding of that process. This Bowers labeled "the descriptive policy analyst."

The second role identified by Bowers was that of the advisor, who, working with a policy making body, helps clarify the options and advise the body on the many decisions that must be made as it implements a policy. This role was labeled "the prescriptive policy analyst."

According to Hogwood and Gunn (1984) the prescriptive policy analyst is of greatest use to a policy maker such as a local school board.

Vlcek (1987) played the role of a policy analyst in preparing a book on copyright policy. After having reviewed 28 policies varying in length and content, the following constant features were identified in better quality documents:

1. A short, concise policy statement.
2. A lengthy copyright manual (p. 5).

Seven additional elements identified by Vlcek (1987) during the review of policies were as follows:

1. A statement of intent to abide by the copyright law.
2. A statement disallowing copying not allowed by the copyright law, fair-use guidelines, and license agreements, without requesting and granting permission.
3. A statement to place the liability for willful infringement upon the person requesting the copying.
4. A statement to name a copyright officer of the institution.
5. A statement to mandate the development of a copyright manual detailing what copying can and cannot be done by employees.
6. A statement to emphasize the importance of placing the required notices by copy equipment.
7. A statement to mandate record keeping of permission requests and responses, licensing agreements and other documents of release. (p. 10)

Following the perceived need for copyright policy, Vlcek (1987) recommended the following steps in accomplishing policy formulation and dissemination:

1. Develop a copyright policy.
2. Develop a copyright manual.

3. Name a copyright officer.

4. Post the required copyright warning notices near copy equipment. (pp. 13-14)

School copyright policy requires the posting of copyright warning notices on school copy equipment. Vlcek (1987) recalled the purpose of placing appropriate notices on or near the equipment: to remind users of their copyright responsibility (p. 13). The text of a recommended warning notice was entered into the Federal Register on November 16, 1977. Additional warning notices developed by the ALA and the ICCE have also gained acceptance.

Policy and State Departments of Education,  
Local Education Agencies, and School Library Programs

Since the U.S. Constitution did not include a provision for education, education became a state responsibility. A board of education operates within the structure of the state government. State departments of education are regulated by the board of education which may be elected or appointed by the governor. Some common areas of jurisdiction of the state department of education include curriculum standards, high school graduation standards, professional personnel qualifications, state education statutes and judicial functions, education agency personnel appointments, federal assistance programs administration, and school facilities standards.

Stephen Graubard (1989), Professor of History at Brown University and keynote speaker for the 1989 Conference of the American Council of Learned Societies (ACLS), reported that the colleges and universities of the country have a prime obligation to be concerned with schooling, public and private, secondary and elementary (p. 14). An example of this symbiosis, The Consortium on Educational Policy of Indiana University, reported the emergence of formal networks between universities and state departments of education linking the policy-making agencies and the research communities.

In a report emanating from the consortium, McCarthy and Hall (1989) examined the development and characteristics of university based educational policy centers in a publication entitled The Emergence of State Education Policy Centers. Although neither writing policies nor lobbying for particular positions, these centers influence the policy making process by identifying the merits of various policy options, providing information necessary for quality policy development, and assessing the impact of policy decisions.

Since 1980, 16 education policy centers have been established in 14 states; 9 are less than 2 years old (McCarthy, 1989). Through interviews with 10 center directors in 1987 and a follow-up survey of all 16 directors in 1988, the authors obtained information about the origin of the centers, mission statements, strategies to establish

a niche in the university and state policy community, staffing patterns and funding sources, activities, research agendas, dissemination strategies, and methods of tracking the impact of their activities (McCarthy & Hall, 1989). Although these centers cannot meet all state analytic needs, McCarthy and Hall (1989) concluded that they provided assistance in brokering research, disseminating nonpartisan information on education issues, and tracking measures of the reform movement (McCarthy & Hall, 1989).

In regard to copyright policy and the state department of education, the 1985 edition of the School Library Media Annual noted that "a few state agencies have publications on this topic; for example, Texas distributes Copyright: School and Fair Use" (Aaron & Scales, 1985).

A number of state departments provide comprehensive copyright use policies. Coping with Copyright, Second Edition was developed by the Wisconsin State Department of Public Instruction in 1986 (ED 278 414). Updating was evident in the title of the publication. A resource handbook for Ohio educators entitled Copyright Compliance Guidelines, a 1987 publication, was developed by the Ohio Library Media Association assisted by WVIZ-TV (ED 285 599).

State departments of education charge local education agencies with the responsibility of utilizing policy to implement the law. In order to promote the development of policy, Helm (1986) suggested that administrators and school

boards initiate procedures to inform educational employees about both applicable licensing agreements and copyright restrictions pertaining to the use of all copyrighted works in the schools. In a rationale for policy analysis for school districts presented by Bowers (1988 ERIC Digest #EA 30), the reference to recent research reflects considerable attention to policy analysis and development. Reasons cited for providing assistance to state departments of education and local education agencies in the area of policy development included the additional resources which are necessary to engage in research and development activities, and the new needs for constant updating generated by technological innovation.

According to Richie (1989) school librarians should be urging the adoption of an enforceable district copyright policy, for without such a policy, "districts open themselves to litigation" (p. 117). In many districts, the media professional has the responsibility for enforcing copyright provisions (Adams, 1986). According to Adams (1986) each district should adopt a copyright policy to aid this individual and to carry out the law and its guidelines in an impartial, consistent manner.

The momentum of the technological revolution during the early 1980s, prompted publishers and media producers to intensify efforts to protect interests in copyrighted materials. To correct incidents of copyright abuse and

infringement in public schools, an exemplary formal agreement was signed by a school system and the American Association of Publishers (AAP) in 1984. This represented one of a variety of approaches, each aimed at deterring what some members of the publishing industry perceived as widespread disregard for the Copyright Law in schools.

According to Vlcek (1988), "Many educational institutions, school districts, colleges, and universities are protecting their executive governing bodies, administrators, teachers and staff by developing and implementing an institutional copyright policy" (March/April, p. 27). These policies are often designed and adopted at the school system level.

Vlcek (1987) researched copyright policy by contacting the senior educational media professional of each state department of education with a request for the names of institutions in that state which might have outstanding copyright policies. He also wrote the president and immediate past president of each state library media association seeking nominations for institutions with excellent copyright policies formulated from any of the following levels:

1. School district.
2. Intermediate or educational service district.
3. College and university.

Forty-five nominations were received, almost all of which were from the college or school district levels (p. vii). Vlcek then directed letters requesting a copy of the policies to the reported sources. This resulted in the receipt of 28 documents from which exemplary school policies were selected.

The school district policies selected for inclusion in the appendix of Vlcek's (1987) book on copyright policy included the following: Madison Metropolitan School District of Madison, Wisconsin (1978); Prince William Public Schools of Manassas, Virginia (1983); Birmingham Public Schools of Birmingham, Michigan (1983); and Granite School District, Salt Lake City, Utah (1984).

According to Vlcek (1988), the development of a copyright policy within the school serves not only to protect the administration, but also to encourage faculty knowledge of copyright law as well as to influence ethical practices in the school. With the use of new technologies, and with new case law and revisions of the current law, it is recommended that a standard provision to review and update the school copyright policy be a part of the document (Vlcek, 1988).

Adams (1986) presented ways identified by Leverett (1980) in which the principal may aid the library media program, the first of which was to assist in the formulation of official policy to govern the major aspects of library



operations. Immediately after the policies are adopted, it is an administrative responsibility to direct policy implementation. This includes supplying the librarians with the necessary resources and assistance (Adams, p. 26).

As school districts encourage the enrichment of teaching and learning through the utilization of copyright media, leaders in education assumed a significant responsibility to encourage compliance with the Copyright Law. Copyright policies are often developed and disseminated at the district level not only to increase copyright knowledge but also to protect school officials in the case of copyright infringement.

In November of 1984, the first formal agreement to exclude practices disallowed by the 1976 General Revision of the Copyright Law, PL 94-553, on a school-to-school basis was announced by the Association of American Publishers (AAP) (Nelson, 1985, p. 394). In what was described as a model for other school systems, the public schools of Anne Arundel County, Maryland formalized a school system commitment to abide by guidelines drafted by publishers, authors, and educators following the latest revision of the nation's copyright laws. According to William Patry, a lawyer for the publishers, the agreement allows a teacher to copy something such as a news clipping or an article from a magazine to take advantage of "the teachable moment," but prohibits reproducing a poem, semester after semester, and

handing it out to students (Nelson, 1985, p. 394). The guidelines also limit how much material may be reproduced, limit how much may be reproduced from a single source, prohibit copying for the purpose of creating an anthology, and require that reproduction of a work must be at the inspiration of an instructor rather than a system-wide decision.

The motivation for policy development may generate from school leaders seeking protection in case of infringement, or users of copyrighted media seeking to interpret legal use limits; however, the necessity of formal statements and written rules regarding copyright intensifies as technological innovation provides increased access to copyright media.

### Technology and Copyright

Although technological innovation offers new and expanded market potential for copyright media, additional consequences of the impact of technology present complex usage considerations. Baumgarten (1983) listed the following troubling effects:

1. It has made reproduction of copyrighted works a simple and relatively inexpensive task, moving even commercial piracy to within easy reach and mobility (e.g., record, tape and computer software and chip piracy).
2. It has decentralized unauthorized duplication, generating forms of infringement that assume significance, principally when it is recognized that they might be viewed on a cumulative or aggregate basis (photocopying; concert bootlegging; off-air recording).

3. It has changed the locus of infringement, moving it from public activity to private or semiprivate contexts and raising practical problems of detection and enforcement, as well as concerns over intrusion (e.g., home audio and video recording; intracorporate photocopying; program and data base appropriation).

4. It has created innovative means of unauthorized use (e.g., data base bleed-offs from broad or high-speed inquiries, or downloading).

5. It has distorted traditional roles played by "publishers" and "consumers" of copyrighted works; the consumer is now capable of serving as the publisher, creating copies as and when needed, on demand (e.g., photocopying; audio and video recording; software duplication).

6. It has called into question the applicability of conventional copyright principles to new contexts (e.g., the limits on protection of "fact works" as applied to data bases; and the provisions of proposed chip protection bills).

7. It has created an enormous public appetite for immediate access to copyrighted works, one having little patience for the niceties of property and contributing to resurrection of the old misguided shibboleths of copyright (e.g., as a "monopoly or obstacle" to dissemination) as well as to new ones (e.g., equating "public air waves" with "public domain," and creating a false dichotomy between the private interests of authors and publishers and a higher public good). (pp. 21, 22)

As new technological developments easily exceed the ability of lawmakers to formulate appropriate copyright protection, communications and data processing industries continually produce new forms of copyrightable intellectual property and new methods of exploiting existing works, without reliable assurance that protection is available under the Copyright Law (Toohey, 1984).

According to the United States Register of Copyrights, technological change poses central questions and challenges related to adaptation, yet the rate of technological change

now presents copyright with particularly troublesome problems of adoption (Ladd, 1981). During an address to the International Copyright Society in Toronto in September of 1981, Ladd emphasized the universal features of the problem:

In the area of new technologies and elsewhere, domestically and internationally, copyright is pressed to keep pace with changes for the benefit of authors and proprietors; and, in some quarters, questions are raised about whether copyright can keep pace at all. (p. 266)

According to Baumgarten (1983) for copyright to survive, a number of steps must be taken. These include promoting education regarding the value of the copyright system and the dignity of intangible property, encouraging copyright owners' own reexamination of the existing permissions and marketing systems, using litigation when necessary, and improving efforts for innovative legislation (p. 22).

Baumgarten (1983) cited the alternative as a diminishing of creative commitment and investment; a minimizing of alternative, even beneficially redundant, channels for expression; and the substitution of some institutional, central or official authority in the process of creation, selection and publication (p. 22).

### Resource Sharing

In 1977, a task force was appointed by the National Commission on Libraries and Information Science to evaluate the position of the school media program within the national

library resource sharing network by studying the concept, problems, and benefits of such participation. According to Adams (1986), a very strong rationale was developed for the inclusion of school media centers in multitype library networks. A report published by the American Association of School Librarians (AASL) and the Association of Educational Communication and Technology (AECT) in 1988 (AASL 1988) recommended resource sharing arrangements. Resource sharing through networking systems, interlibrary loans, telecommunications, and distance learning sites can provide access to information and ideas not available in the school library media center. Further, the report recommended that cooperative programs at all levels further the principle of equal access to materials and assure the variety of resources needed to meet the individual learning needs of the students.

This report, entitled Information Power, (1988) identified five challenges related to the mission of school library media centers. One was stated as follows: "To participate in networks that enhance access to resources located outside the school" (p. 12).

### Interlibrary Loan

The owners of copyrights (principally the publishers) and the institutional users of copyright material (principally through libraries) have different interests and view copyright from different perspectives. An in-depth

look at the interpretation and practices of both groups was gained through a report entitled Libraries, Publishers and Photocopying by King Research, Inc. The survey, conducted for the U.S. Copyright Office under a \$262,869 contract awarded by the Library of Congress, followed a period of widespread effort by the American Library Association (ALA) and other national organizations to alert the library community and the educational community regarding the rights and responsibilities under the law (Marshall, 1983, p. 481).

According to the King research project report, more than 600 million impressions were made annually on library photocopying machines, and less than 38% of all public libraries posted the required copyright warning notices on their photocopiers (Bailey, 1982, p. 144). Regarding the posting and payment records, public libraries, reported to be the worst offenders, were followed distantly by academic libraries. According to the King report, corporate libraries had the best posting and payment records (p. 144).

On the basis of the King data, the American Association of Publishers (AAP) contended that the provisions intended to "balance" the needs of library patrons and the rights of publishers were not being observed as envisioned; Bailey (1982) cited five specific failures:

1. Huge amounts of copying of copyrighted material are done by libraries without permission on library controlled machines.
2. Multiple copies are made without permission in a very large number of copying "transactions" (interlibrary loan as well as local).

3. Much of the unauthorized copying by libraries, and particularly by special for profit libraries is systematic.

4. Much of the unauthorized copying that is done exceeds fair-use which, in most cases, permits single copies only.

5. Much of the unauthorized copying by government agencies exceeds permissible limits. (p. 144)

In a formal reaction to the Register of Copyrights on the King Report, a 1983 document prepared by the American Library Association (ALA) included the following points:

1. The evidence demonstrates that the law is serving the interests of the people.

2. Most photocopying done by or in libraries falls within the protection of Section 107 (Fair Use) and Section 108 (Library and Archives Use) of the law.

3. The accusation that there is a causal link between reductions in library periodical subscriptions and photocopying practices is unfounded.

4. Libraries have not reduced the size of their collections due to the availability of photocopying, and both book and serial expenditures have increased.

5. Librarians should not be required to monitor the photocopying activities of their patrons other than the posting of warnings. (Marshall, 1983, p. 482)

In a summary of her assessment of the project, librarian Marshall (1983) contended, "If the King data are correct, the rights of libraries and users to photocopy under the current provisions of the law have not infringed on publisher or author rights" (p. 484). Concerned with the recommendation of the ALA in planning for new technologies, Marshall (1983) presented the following forecast: "As providers of information and as users of new technologies, all interested parties will have to rethink many of the concepts and precepts of current copyright law, which simply will not be valid in the near future" (p. 484).

If secondary school libraries have developed systems of interlibrary loan, they do not seem to be reported in the literature. As with the university libraries, when new technologies provide increased communication potential, resource sharing vehicles are expected to follow. Participation in systems designed to deliver documents off site will be encouraged with the widespread use of computers, modems, and fax machines. A study of the experiences of the university libraries presents an appropriate focus into the array of considerations accompanying systems of resource sharing.

Following the widespread use of the photocopier and the establishment of resource sharing networks for the remote delivery of photocopies between university libraries, the Office of Management Studies (OMS) of the Association of Research Libraries (ARL) presented the findings of a survey in the System and Procedures Exchange Center (SPEC) Flyer #138 in 1987. Data were gathered through initial requests for copies of relevant copyright policies and guidelines from library directors and legal counsel officers of the 93 American universities belonging to the ARL in October of 1986. More than 150 responses were received by June of 1987. Seventy-eight were from libraries and others were from legal counsel, media centers, research directors and other university offices. Many responses indicated that copyright policies were being reviewed and revised. One-



fourth of the responding libraries indicated some form of policy or guideline change since the beginning of 1984 (University Copyright Policies in ARL Institutions, 1987).

The report entitled University Copyright Policies in ARL Institutions supplemented the March 1984 report, Copyright Policies at ARL Institutions (SPEC Kit #102). While the earlier kit focused primarily on library policies, arranging them by specific issues, such as interlibrary lending, reserve room copying, and the use of archives and manuscripts, this newer publication included the full text of two introductory brochures, four comprehensive or general copyright policies, three specialized policies, two general ownership policies, and two ownership policies for specific materials.

#### Fax Machines

Telefacsimile, facsimile, and fax are used to reference an application of technology which enables the transmission of photocopies to remote units using telephone lines. The sending and receiving locations can be only a few feet or thousands of miles apart. Telefacsimile is a turnkey technology--once connected, it is ready for business (Brown, 1989, p. 343).

In order to send or receive a copy, a machine (or fax computer card and printer) is needed at each "end" of the transaction. The sending and receiving stations are connected by a telephone line. Fax may be viewed as a cross

between a telex machine and a copier since it can transmit anything that the telex can and many things it cannot, such as graphs, charts, photographs, and signatures ("What is Facsimile," September-October 1988, p. 615).

The first facsimile mechanism was developed in 1842 by Alexander Bain, a Scottish physicist. One of the earlier practical applications of the technology was realized during World War II when maps, orders, photographs, and weather charts were delivered between military installations. The Caterfone court decision of the late 1960s stimulated document transfer by fax when it was ruled that telephone companies must allow access to public dial-up lines by non-telephone communication devices ("What is Facsimile," p. 615).

According to Brown (1989), the 1980s have seen a striking increase in studies, trials, and installations of telefacsimile in library settings. This increase may be attributed to the following developments:

1. The universal aspects of a new generation of telefacsimile machines (Group III) the installation of which achieves network participation with no required coordination.
2. The increased speed of scanning and transmission, which decreases long-distance telephone charges and results in greater efficiency as well as economy.
3. The widespread use of fax units resulting in greater accessibility and lower cost. (p. 344)

In some regions, library fax machines are rare.

According to Brown (1989), network growth testifies to the potential value of fax to libraries and, at the same time,

makes the technology look more attractive to libraries that lack it. As the equipment becomes more affordable, more libraries, including school libraries, will have opportunities to experiment with resource sharing with fax.

In order to influence copyright compliance in resource sharing operations, formal systems for payment for the use of copyrighted material were developed. Libraries, whose users request photocopies beyond those which are legally allowed, may use centralized services which were established to collect payment and compensate owners. Permission is obtained from copyright owners by those doing systematic copying, or copying not permitted under the fair use provision of the law, and payment is collected and disseminated.

#### Courts and Copyright

According to Troost (1983), copyright court cases should be followed because their level of legal assertiveness is very high--especially relative to the guidelines. Troost further recognized that a difficulty with court cases is that the decisions are often limited to the specific circumstances that caused the legal action to be initiated, and usually cannot be generalized to other unique situations (p. 216).

The Federal Bureau of Investigation (FBI) enforces Copyright Law. The courts of the federal judicial system review cases and render decisions in challenges of copyright

infringement. Penalty for violation may include injunction, impounding and disposition of infringing articles, damages and profits, court costs, and attorneys' fees. An infringer of the copyright law may be held liable for the copyright owner's actual damages plus any profit gained by the infringer, and/or statutory damages where civil damages are not less than \$250 or more than \$10,000 per infringement. For willful violation for financial gain, criminal penalties can be assessed, including imprisonment and larger monetary fines (Vlcek, 1987, p. 3).

According to Vlcek (1987), when a complaint is brought against an institution, the document names the following: (a) the alleged infringer, (b) the legal entity responsible for the institution, (c) the chief executive, and (d) contributory infringers (p. 3). Contributory infringers may include colleagues who assist in an infringement or administrators who know of an infringement and fail to take appropriate steps to stop it (p. 4).

An innocent infringer provision was provided for educators upon proof that they were not aware that the action was an infringement; however, this does not exempt the court costs and attorney fees, which can be substantial (Vlcek, 1987, p. 3). Dynacomp, a company billed as a provider of quality software for microsystems, announced the company's exhaustion with philosophical discussions about what is regarded as stealing copies of copyrighted software.

The following announcement was posted in the Dynacomp Catalog No. 34:

We will give a 25% reward to anyone who supplies us sufficient evidence to prosecute a copyright infringer. This reward will be based on the cash damage settlement to Dynacomp. . . . We have been working with the FBI and will make every effort to keep your identity confidential. If you would prefer to contact the FBI directly, direct your information to Mr. Gil Cooper, Federal Bureau of Investigation, 100 State Street, Room 300, Rochester, New York 14614. (Dynacomp, p. 228)

A final note was included to remind readers that ignorance of the Copyright Law is not a good defense. According to the report, a school district which recently paid \$300,000 thought the infringement was innocent (Dynacomp, 1989).

According to Veliotis (1989), another serious challenge for American publishers is posed by those who would use the right of sovereign immunity granted the states under the 11th Amendment to the Constitution to subvert the integrity of copyright (p. 4). The 11th Amendment has served to prevent suits for damages filed by citizens of one state against another state from being brought to trial in federal courts. The 11th Amendment states "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of a foreign state" (Fields, p. 321). Several states have cited the 11th Amendment as protecting them from the usual requirement of having to limit copying of copyrighted materials and from having to pay royalties

for the use of those materials. According to Fields, the issue has been an important one to publishers because if states were exempt from the Copyright Act, their universities also would be exempt (p. 321). Veliotis (1989) contended that the integrity of all manner of copyrighted works will be compromised and the economic interests of their creators and disseminators will be seriously eroded if the law proves states entirely immune from damages for copyright infringement (p. 4).

During the past year, the Supreme Court refused to hear three copyright cases involving state institutions. Veliotis (1989) termed the damage to American publishers of employing the 11th Amendment to grant states and state universities immunity to liability for copyright infringement as staggering (p. 4).

Members of the judiciary, active in administering copyright law, attribute many weaknesses of the protection system to the lack of attention to the law by Congress. In the famous Betamax case, the majority noted that "one may search the Copyright Act and find no indication that it is unlawful to copy a program for later viewing at home." Justice Stevens, writing for the majority said, "It is not our job to apply laws that have not yet been written" (Toohey, 1984, p. 28). According to Toohey, the four dissenting justices also had words for Congress. Justice Blackmun observed in his final paragraph for the minority

that, like so many problems created by the interaction of copyright law with a new technology, "there can be no really satisfactory solution until Congress acts" (p. 28).

As universities have been somewhat protected by sovereign immunity, cases involving off-campus copy services continue to escalate. A case receiving national attention in 1982 resulted in an out-of-court agreement among nine major publishers who filed suit against New York University (NYU), ten faculty members, and an off-campus copy center for alleged copyright infringement. The suit, financed and coordinated by the Association of American Publishers (AAP) and filed in the United States District Court, Southern District of New York, alleged that the university, professors, and the Unique Copy Center violated the Copyright Act of 1976. The suit charged the defendants with exceeding the limit of duplication permitted under the law.

AAP considered the suit necessary to curtail what the director of the college division of the organization considered increased incidence of copyright infringement which have escalated over the past few years ("Publishers charge copyright violations," 1983, p. 12). The AAP did not negotiate with the university before bringing suit, and the organization expressed interest that news of the suit would shock other schools and professors into compliance ("Copywrongs," 1982, p. 49). Carol Risher, director of AAP's Copyright Division, contended that universities must

recognize that they have a responsibility for what their employees and faculty members do, and faculty members must recognize their individual responsibility ("Publishers charge copyright violations," 1983, p. 12).

The terms of the out-of-court settlement of the infringement case between NYU and AAP included a pledge from the university to distribute copies of the revised policy to faculty and to post it at all university copying facilities. Under more stringently controlled photocopying practices, an additional agreement required members of the faculty to file requests for permission to use protected works and responses from copyright owners granting permission with the NYU office of legal counsel ("Publishers withdraw lawsuit," 1983, p. 813).

Although the NYU suit was the first to name a university and faculty members, the AAP previously forced two chains of near-campus copy shops to stop duplicating anthologies ("Copywrongs," 1982, p. 49). During the first quarter of 1980, seven publishers filed the first civil suit involving commercial photocopying by initiating action against The Gnomon Corporation and its president, Adam Carley, alleging the company produced multiple copies of textbook materials without publisher permission and sold compilations of photocopied chapters to students for a profit (Cheatham, 1984, p. 27).



During a press conference, Alexander Hoffman, chairman of the AAP and vice president of Doubleday, spoke of the lack of consensus on reasonable guidelines to accompany the broad principles in the Copyright Law. Despite the guidelines and efforts to interpret standards of fair use, Hoffman contended that because the law and guidelines were widely and flagrantly disregarded, legal action could no longer be avoided ("Publishers Sue Commercial Copier," 1980, p. 76).

In 1989, eight publishers sued Kinko's Graphics Corporation for copyright violation, claiming that two of the chain's photocopying stores had illegally reproduced substantial portions of twelve books and included the copies in anthologies made for the professors at Columbia University, New School for Social Research, and New York University (Turner, 1989). According to Sheldon E. Steinbach, vice-president and general counsel of the American Council on Education, the lawsuit represented another warning shot across the bow for copy shops directly, and for higher education indirectly, to remind everybody that there is a copyright law (Turner, 1989, p. A1). Kurt Koenig, vice-president and copyright and trademark counsel for Kinko's, considered the issues of the case to have significant effects on faculty members and their ability to teach and to use new technologies in their teaching (Turner, 1989, A21).

The increasingly complex issue of the legality of videotaping brought implications for librarians who continually face complex copyright problems. In January of 1984, the U.S. Supreme Court issued a decision in the Betamax case, filed in 1982 by the Sony Corporation against Universal City Studios and Walt Disney Productions. The Court ruled (5-4) that copyright law is not violated when consumers use VCRs to record TV programs off air, and that manufacturers of video recorders do not violate the law by making the equipment available (Cheatham, 1984, p. 28).

This ruling overturned a 1981 decision by a California Appeals Court that taping off-air was a violation of copyright. Although the ruling classified home taping as fair use, Kenton Pattie of the International Communications Industries Association cautioned that the Sony decision does not give teachers and librarians permission to copy programs at home for use in school (Cheatham, 1984, p. 28).

The first litigation brought against a school agency for unauthorized off-air taping of educational films for classroom, under the attention of the courts at the same time as the Sony vs. Universal City Studio case, was a 5 year lawsuit against the Erie County, New York, Board of Cooperative Educational Services for the First Supervisory District (BOCES I) and 10 officers of the Educational Cooperative. In a decision handed down on June 21, 1982, in the case of Encyclopedia Britannica vs. Crooks, known as the

BOCES case, Judge Curtin dismissed the argument that the BOCES' off-air taping, copying, and disseminating 19 programs of Britannica Learning Corporation and Time-Life were protected by the First Amendment. Curtin further held that the Guidelines for Off-the-Air Recording of Broadcast Programming for Educational Purposes, formulated in 1981 by a Congressional subcommittee appointed by Congressman Kastenmeier, (CONTU), did not apply ("Damages," 1983, p. 10). These guidelines provide that a broadcast program may be taped without permission of the copyright owner, and retained for a period of up to 45 days for teachers' use before being erased. BOCES sought a ruling permitting tapes to be kept for a temporary use period of up to 10 days, but Judge Curtin ruled that any temporary use of the copyrighted works "would interfere with the market ability of these works, and the cumulative effect of the works." He further stated that the cumulative effect of this temporary video taping would "tend to diminish or prejudice the potential short term lease or rental market" (p. 10). The court awarded damages of \$78,515 to the plaintiffs of the case and ordered BOCES to work out an agreement to license the 19 videotapes within 30 days or erase the tapes (p. 10).

Two crucial factors of the BOCES case should be noted. First, the copying was done at a copying center whenever it was determined that a program of educational value was broadcast on television, and the copies were then offered to

the teachers in the various schools by use of listings in a catalog. Secondly, the copy center did not require that the copy be returned or erased after use (Ladd, 1981, p. 269).

Despite the deceptively simple definition of copyrightable works, the United States Courts have spent countless hours hearing arguments regarding the copyrightability of computer programs and read only memory (ROM) (Collins, 1987). Much debate centered on whether computer program expression directed to a machine (operating programs) should receive the same protection as expressions directed to the user (application programs) (Collins, 1987). Two commissioners who served on the Committee on New Technological Uses (CONTU) voiced doubts about the appropriateness of granting copyright protection to operating programs. While one commissioner concurred with the majority, but wrote a separate opinion, the other commissioner dissented altogether (Collins, 1987).

A 1982 case which challenged infringement of ROMs was settled in favor of Apple Computer, Inc., and overturned by a higher court in the 1984 decision of the appeal. In *Apple Computer, Inc. vs. Formula International*, courts decided there was no reason to make distinction between ROMs and application programs (Collins, 1987).

According to Collins (1987), the following points have emerged regarding copyright of computer programs:

1. Computer programs, whether embedded in ROM or printed on paper, are proper subject matter for copyright protection regardless if the program is written for the machine (object code) or a human (source code).

2. The computer program and the audiovisual output are two different works and should be copyrighted separately. Protecting the instructions in ROM will not protect the visually perceptible output (p. 98).

This review located no court action resulting from copyright infringement with regard to the use of computer software in schools. Vlcek (1987) reported two cases in the Pacific Northwest whereby FBI agents entered schools to investigate alleged copyright infringements. No details were given except that, in both instances, the charges were settled out of court. In one instance, the media director was reported to have lost her job as a result of the settlement.

Rumors that the FBI raided two Oklahoma schools for copyright infringement were reported in Miller's Copyright Newsletter, No. 4. It was stated that the FBI had no records of the raids, and the superintendents of both districts denied the rumor. The alleged incident between a representative of Broderbund was denied by Ingrid Wallace, Broderbund's Educational Channel Marketing Manager (p. 2).

### Copyright Legislation

The framers of the U.S. Constitution delegated the authority to enact copyright laws to the national government. This copyright power, found in Article I, Section 8, Clause 8, of the United States Constitution, empowered Congress "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries" (Nimmer, 1986, p. 504).

The first copyright statute was passed on May 31, 1790, during the second session of Congress (Miller, 1979, p. 5). Based on the Statute of Anne with some parts drawn from state laws, the act was appropriately entitled "AN ACT for the encouragement of learning by securing copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned" (Miller, p. 5). The law, as amended in 1802, extended protection to prints and required the proper copyright notice in each work. Four general revisions of the copyright laws were enacted in 1831, 1870, 1909, and 1976 (p. 6).

The first U.S. Copyright Law provided copyright protection for a duration of 14 years, renewable for 14 more years. The 1831 revision increased this to 28, plus 14 (Miller, 1979, p. 6). The second complete revision of the law was passed in 1870 when depository collections of the

Department of the Interior and the Smithsonian Institution were transferred to the Library of Congress (p. 6).

In 1905, President Theodore Roosevelt transmitted a message to Congress which called for a "complete revision" of existing copyright law "to meet modern conditions" (New York Law School, 1977, p. 373). Congress responded by initiating a 3 year effort to formulate a complete revision. The culmination of this effort became realized on March 4, 1909, when the Copyright Act of 1909 was signed into law (p. 373). This third general revision extended the copyright duration to 28 years, renewable for an additional 28 years. For a work to receive protection under federal law, it had to be published with a notice of copyright and registered with the Copyright Office in Washington, D.C. When the rights of an author were violated under the federal copyright law, the owner could sue the violator, or infringer, in federal court.

Although the 1909 Act dealt primarily with published books, it introduced compulsory licenses for mechanical reproductions of musical works. The law required producers of recordings to pay a royalty fee of "two cents per part" for the recordings they produced, and established the American Society of Composers, Authors, and Publishers (ASCAP) to handle the collection and distribution of the fees (Miller, 1979). During this time, unpublished works were copyrighted under the jurisdiction of the state. Thus,

the act of publishing a work provided a practical division between federal and state (common law) copyright. Common law afforded protection to unpublished literary, artistic, dramatic and musical works. A common law copyright was indefinite or of perpetual duration, continuing with the owner who could seek redress in court against unauthorized publication.

With the revolution in communication technologies during the 20th century, the revision of the Copyright Law was delayed by the impossibility of writing a law sufficiently specific for the problems at hand yet general enough to protect the newly emerging forms of communication (Toohey, 1984, p. 27). With a grant from Congress, and under the auspices of the Copyright Office, researchers conducted a comprehensive study of state copyright laws. This study resulted in 35 drafts. These documents, which were published in 1963 and circulated among copyright practitioners for comment and revision, were made available in the two-volume work entitled Studies on Copyright (New York Law School, 1977, p. 376).

On October 19, 1976, President Gerald R. Ford signed the bill for the General Revision of the United States Copyright Law, which became Public Law 94-553 7 (90 Statute 2541), the revision which superseded the Copyright Act of 1909. With particular exceptions, these legal provisions entered into force on January 1, 1978.



In a handbook to address copyright questions, the ALA included the following statement: "the new law has enormous implications for teachers, librarians, researchers, and scholars" (New Copyright Law, 1977, p. 7). In order to preserve the integrity of copyright and influence the quality of future works of authorship, the educational community is encouraged to support rights of authors, many of whom are teachers and librarians. The position of the library organization was to enable teachers and students to have access to information at the time when they need it most (p. 8).

According to Toohey (1984), by the time this new statute was enacted into law, the old law was exhausted from having been pulled and twisted to fit applications never dreamed of by its authors.

#### Copyright Law and Guidelines

The 1976 Copyright Law, PL 94-553, which was enacted on January 1, 1978, is divided into eight major categories:

- 101 - Subject matter and scope of copyright
- 201 - Copyright ownership and transfer
- 301 - Duration of copyright
- 401 - Copyright notice, deposit, and registration
- 501 - Copyright infringement and remedies
- 601 - Manufacturing requirements and importation
- 701 - Copyright office
- 801 - Copyright Royalty Tribunal

This review examines sections of the aforementioned law which are relevant to media utilization in the school. The following sections were included in this review:

- 106 - Exclusive rights of owners
- 107 - Limitations on exclusive rights
- 108 - Reproduction by library
- 110 - Performances and displays for nonprofit
- 117 - Computers and similar information systems

The guidelines to address the new technologies and related copyright issues were formulated by the Commission on New Technological Uses of Copyrighted Works (CONTU), an ad hoc committee appointed by Congress. These guidelines represented a compromise between the objectives of protecting the interests of the copyright owners and of providing access to media.

#### Section 106

The copyright law reserved five fundamental and exclusive rights to copyright holders. As listed in Section 106, these included the following:

1. Reproduce the work in copies or phono records
2. Prepare derivative works
3. Distribute copies or phono records publicly
4. Perform the work publicly
5. Display the work publicly

Exemptions to the exclusive rights of owners are expressly defined in the fair-use section of the law

(Section 107). Additional limitations on the exclusive rights of copyright owners are provided by Sections 108 reproduction by library or archives, Section 110 performances and displays for nonprofit, and the 1980 amendment to Section 117, computer and similar information systems.

### Section 107

Copyright provides a system for the author, or heirs, to benefit from intellectual property by reserving the exclusive right to the creative work for the owner. While only authors may be granted copyright in the first instances, once granted, copyright is transferable by an author to others (Nimmer, 1986, p. 505). While Congress clearly has the power to grant authors the exclusive right to exploit their works, the doctrine of fair-use contradicts this exclusiveness by conferring rights to use the work when certain criteria are met. Section 107 describes the concept of fair-use, one of the most difficult and contrary concepts in the corpus of copyright law (Miller, 1979, p. 11).

The 1976 Copyright Law provided the fair-use doctrine, making law of the case law which had been developed over the years. Although a fair-use doctrine had been a part of copyright law as a judicial interpretation for many years, the 1976 General Revision represents the first formal statement of it in U.S. copyright legislation (Johnston, 1982, p. 85).

The development of fair-use was influenced by some tension between the direct aim of the copyright privilege to grant the owner a right from which he can gain financial benefit and the fundamental purpose of the protection. Since a determination that use is fair or unfair based on an evaluation of complex individual and varying factors bearing upon the particular use, there has been no exact or detailed definition of the doctrine.

According to Miller (1979), many scholars have attempted to define fair use, and none has quite succeeded (p. 12). Ball (1944) defined it as a privilege for those other than the owner of the copyright to use the copyrighted material in a reasonable manner without consent, not withstanding the monopoly granted to the owner of the copyright. Sinofsky (1988) termed fair use "an equitable rule of reason the courts developed to help balance a copyright owner's exclusive rights with the public's need for information" (p. 38). According to Sinofsky (1988), each case is judged on its own facts. The Senate report calls it an "equitable rule of reason," which by its nature defies definition (p. 38).

The determination of fair-use involves judgments directed by fair-use factors presented in Section 107 of the New Copyright law. These four factors are listed and defined:

1. Nature of the copyrighted work. While some types of works invite fair-use, other types almost implicitly contain a warning that fair-use should proceed with caution.

2. Character and purpose of the use. The type and the reason of the use are considered in making determinations.

3. Amount used and extent of use. Except for the fair-use in education guidelines, there are no mathematical formulas to determine how much may be fairly used. The amount and extent allowed depends on circumstances and context.

4. Effect on the copyrighted work. The more likely the fair use will adversely affect the market, the less likely fair-use will be available.

Sinofsky (1988) listed additional factors defined by Sanchez which may be considered in determining fair-use:

1. Degree of exposure--a single use before a small audience rather than multiple use before a large public audience.

2. Level of premeditation--a spontaneous use rather than a systematic, continuing use.

3. Honesty of use--the use is in good faith with no deception or dishonesty. (Sinofsky, 1988, p. 44)

The bill endorses the purpose and general scope of the judicial doctrine of fair-use, but there is no disposition to freeze the doctrine in the statute, especially during a period of technological change. Beyond a broad statutory explanation of what fair-use is and some of the criteria applicable to it, the courts must be free to adapt the doctrine to particular situations on a case-by-case basis.

In judgments to determine fair-use, Sinofsky summarized nine statements termed "Sinofsky's Rules of Thumb" which are presented in detail in Copyright Primer (1988):

1. Material copyrighted in one medium may be infringed by transferring the material to another medium.
2. Educational use is NOT synonymous with fair-use.
3. Nonprofit, educational entities may have difficulty claiming fair-use.
4. Commercial, for-profit entities will have more difficulty claiming fair-use.
5. License and contract clauses are negotiable.
6. When in doubt, consult a copyright knowledgeable lawyer.
7. It is cheaper to buy a license than settle out of court.
8. Users of copyrighted materials have some rights, but DON'T abuse them!
9. The only certain things in life are death, taxes, and claims of copyright infringement. (p. xii)

### Section 108

Since the Section 107 has no restriction as to who may utilize it, patrons are permitted to use library resources and equipment to make copies within the guidelines of fair-use. The charge for photocopies made by patrons are legal if they do not exceed the actual cost of producing the copy. The Library and Archives Section, Section 108, addressed issues related to media dissemination by libraries.

Section 108 may be exercised by libraries with collections available to the public. Section 108 specifies that the library staff is required to post copyright warning notices on the user operated photocopiers. Requirements of library employees acting within the scope of their duties

also involves replacing lost, damaged, or stolen media. The law states that the library may copy only when a reasonable effort is made to determine that a replacement cannot be obtained for a fair price (Miller, 1979, p. 72).

Interlibrary loan, an arrangement of borrowing and lending between libraries, is the most controversial part of the Copyright Law. An antisystematic clause to restrict the continuation and development of networks and other arrangements involving the transfer of photocopies was developed to discourage repeated borrowing and lending to substitute for the purchase of a work protected by copyright. The statute stated that the exclusion of systematic copying and distribution did not discourage a library from participating in an interlibrary loan arrangement (Johnston, 1982, p. 105).

Miller (1979) presented 10 basic elements or requirements distilled from Section 108 regarding libraries and reproduction of copyright media:

1. Photocopies are made and distributed without direct or indirect commercial advantage.
2. The collection is open to the public or open to researchers from outside the sponsoring firm or institution.
3. The reproduction includes a copyright notice.
4. Copying is limited to a single copy or an article from a periodical or to a small part of other works.
5. The copy remains the property of the patron for private study or research.
6. The library displays a notice at each user operated copy machine and at the place where orders are taken for copies.

7. A library cannot knowingly help a patron copy a large part of a work or make multiple copies of a work by means of single or repeated copying.

8. A library may not enter into arrangements for the systematic duplication of single or multiple copies of a work.

9. The copyright law does not affect contractual obligations assumed at any time by the library or archives when it obtained a copy or phono record of a work in its collections.

10. With certain exceptions, a library may not reproduce or distribute copies of musical, pictorial, graphic, sculptural, or audiovisual works. (p. 65)

### Section 110

Limitations of Section 106, the exclusive rights of copyright owners, are provided by Section 110, performances and displays in not-for-profit settings. Although the new copyright law was not confined to printed text and music, the use of video recorders, video networks, computer software, computer networking, and remote delivery of magnetic and optical media were not available at the time the 1976 law was enacted. The Committee on New Technological Uses (CONTU) was directed to address questions and formulate guidelines to be helpful in making determinations regarding the legal uses of copyrighted media. A primary objective of the work of the committee was to promote increased understanding of the use of new forms of copyrighted media within educational communities.

In order to understand the legal uses under Section 110, the two words "publicly" and "perform" must be defined. Section 101 states that to "perform" a work "means to show its images in any sequence or to make the sounds



accompanying it audible." An audiovisual work is thus "performed" by running it through a projector or recorder. The showing of a video tape constitutes a performance.

Another definition, "public," becomes central to the determination of accessibility of video tapes, films, and other audiovisual media within school settings (Helm, 1986, p. 12). Considering the exclusive right of copyright owners to "publicly" perform their works, Congress incorporated special, limited exceptions for schools with Section 110. These provisions include important exemptions for educators using copyrighted media in face-to-face teaching. Although school librarians are in the vanguard of concern over print and video copyright violations, terms like "fair-use," "Section 110," and "contributory infringement" often mean little beyond the library door (Richie, 1989, p. 114). According to Troost (1983), librarians should be aware of Section 110 (1) which specifies the following:

The playing of lawfully made video tapes/discs of copyrighted motion pictures in a classroom setting is exempt from copyright control where the performance is in the course of face-to-face teaching activities in a nonprofit educational institution. Performance must be for a specific educational purpose (not for cultural or entertainment value) and must take place in a setting devoted to instruction (such as a classroom). (p. 214)

Although the ambiguities of section 110(1) and the House report are undeniable, it is understood to be permissible to display (perform) audiovisual works in nonprofit educational institutions under the following considerations:

1. They must be shown as part of the instructional program--not for entertainment, recreation, or even for their intellectual or cultural value if unrelated to a specific teaching activity.
2. They must be shown by students, instructors, or guest lecturers--not transmitted by TV (closed or open circuit) from an outside location.
3. They must be shown either in a classroom or other school location devoted to instruction such as a studio, workshop, library, gymnasium, or auditorium if it is used for instruction.
4. They must be shown either in a face-to-face setting or where students and teacher(s) are in the same building or general area.
5. They must be shown only to students and educators--not to outside groups or even mixed groups of students and community people.
6. They must be shown using a legitimate (i.e., not illegally reproduced) copy with the copyright notice included. (Helm, 1986, pp. 12-13)

Under the provisions of the law, school libraries can safely allow videotapes to be viewed by teachers or students to the extent that such viewing meets the conditions requiring the direct relationship to instruction. This applies to the viewing by small groups as a class. Other more generalized, random viewing in the library or media center not directly related to instruction may be questionable unless a license or contract to use the videotape is secured (Helm, 1986, p. 14). According to Richie (1989) although most library media specialists are reasonably clear regarding the face-to-face teaching exemption, the practice of allowing individual viewing in the library constitutes an illegal act which not only renders a disservice to the profession but also places a school librarian in a position of considerable risk of legal action (p. 114).

Section 117

At the time of the copyright revision, the bill did not adequately address the problems associated with new technologies, especially computer works. Rather than delay enactment of the legislation, the drafters inserted Section 117 which effectively delayed the computer copyright legislation, granting no greater or lesser rights than those available prior to the 1976 Act (Collins, 1987, p. 96).

Information in the form of computer data and programs written in magnetic media were subject to ownership protection and use regulation. Congress created the National Commission on Uses of Copyright Works (CONTU) to study the problem and formulate appropriate recommendations.

Section 117 of the Copyright Law was amended by Public Law 96-517 in December of 1980. A summary of the amendment follows:

1. A computer program was defined as a set of statements or instructions to be used directly in a computer in order to bring about a certain result.
2. The owner of a copy of a computer program was authorized to making a copy or an adaptation of that program under the following conditions:
  - a. That the new copy or adaptation was created in order to be able to use the program in conjunction with the machine. The copy was not to be used in any other machine.

b. That the new copy or adaptation is for archival purposes only and that archived copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

c. That copies prepared or adapted may not be leased, sold or otherwise transferred without the authorization of the copyright owner.

The 1980 Amendment to Section 117 of the Copyright Law adequately responded to the need for a user of a computer program to make a backup copy to protect an original investment in software. The practice of purchasing one copyrighted computer program and reproducing it for use with several computer systems, and/or loading it into multiple machines for simultaneous usage or using it in a network without the express written permission of the copyright owner violates the law.

### Guidelines

Although the Committee on New Technological Uses (CONTU) guidelines addressed the application of current technology, the availability of new media and equipment continued to create considerable complexity in designing, enacting, and enforcing appropriate legislation. In 1986, the Office of Technological Assessment (OTA) published a report entitled Intellectual Property Rights in an Age of Electronics and Information. The OTA recognized that the emerging

technologies and the legal issues related to these developments were not keeping pace with each other. The enumerated findings included the following:

1. The application of a uniform system of intellectual property principles, such as that embodied in copyright and patent law, to divergent types of information based products may no longer be possible.
2. The assumption of intellectual property law that intellectual property rights can be determined and remain stable over time may no longer be possible.
3. Some of the technological impacts may only appear in the long term when technologies for creating and disseminating information become more widely used.
4. Some of the effects of technology on the adequacy of intellectual property law, however, have already begun to undermine its usefulness as a policy tool. (Goldstein, 1986, p. 59)

Two interesting experimental programs currently underway are using the new technologies to provide their own answers to the copyright problems they create. These are identified as follows:

1. Adonis--a consortium of journal publishers who are exploring the possibilities of supplying their own publications in machine readable form to document delivery centers which print the documents on demand.

2. An experimental system of University Microfilms International (UMI) provides integrated information system to the library which has an index and abstract data base system which is extended into full text (Veliotes, 1989, p. 6).

The OTA noted that existing copyright laws failed to address adequately the problems inherent in the widespread use of computer software. Because of the abstract nature of

this intellectual property, precise definitions which are necessary to establish legal uses are critical yet difficult to obtain. The OTA defined intellectual property rights as "a bundle of rights attached to the intangible form of intellectual, scientific, and/or artistic creation"

(Goldstein, 1986, p. 60). Further, the OTA explained that

an intellectual property right is the exclusive prerogative to make tangible objects in particular forms. At its simplest, a copyright is the exclusive right to make copies of particular tangible expressions of information, and a patent is the exclusive right to make, use, or sell a particular application of an idea. (Goldstein, 1986, p. 61)

The CONTU guidelines were designed to help interpret Sections 107, 108 and 110 of the 1976 Copyright Law. The work of the commission was directed by the following objectives:

1. To clarify the minimum standards of educational fair-use set forth in Section 107 of the copyright law.
2. To provide the application of Section 108 with particular regard to photocopying and interlibrary loan by libraries and archives.
3. To examine educational performances and displays of works under Section 110 with particular regard to the educational uses of music including permissible and prohibited uses and legal uses of off-air recording by nonprofit institutions.

The presidential appointed commission CONTU, studied, compiled data, and recommended changes in copyright law and

procedure relating to the reproduction and use of copyrighted works. August W. Steinhilber (1977), the member representative of the National School Boards Association on CONTU, viewed the report of the committee as a valuable resource to enable schools to approach copyright questions with greater certainty and broader insulation against unwarranted liability (p. 32). According to Steinhilber, the usage compromise, falling between the complete prohibition urged by some owners and the carte blanche sought by some educators, served as the basis for the fair-use guidelines.

The library organizations considered the CONTU guidelines a reasonable interpretation of the law and recommended no legislative changes. With more sophisticated text storage and retrieval systems on the horizon, the library organization reported a need for a declaration regarding off-air use of recorded videotapes as well as to address major issues generated by the new delivery systems. According to Troost (1983), Chairman Kastenmeier himself has suggested that the revision of the guidelines may be required in the future.

The four subcommittees of CONTU addressed activities related to photocopying, computer software, computer data bases, and computer-created works. Members compiled data on new technologies, reproduction, and using works of authorship in conjunction with automatic systems. A report

of findings and recommendations was submitted in December 1977. CONTU was terminated in 1978.

According to Sinofsky (1988) two basic problems exist regarding these CONTU guidelines:

1. They are not "the law." Being read into the Congressional Record is not the same as being incorporated into an act passed by Congress.

2. Some educators and some producers have repudiated the guidelines (p. 39).

In spite of the development of the 1976 Copyright Act, within 2 years after its enactment various parties were clamoring for major revisions. According to Toohey (1984), this rapid obsolescence of copyright law is not an indictment of Congress; it demonstrates that the widening scope of property rights under copyright protection cannot be contained in a static federal law (p. 28). Recent federal legislation has made copyright a pressing concern for all media professionals (Adams, 1986, p. 86). According to Adams (1986), media professionals must know both the content of the legislation and about current issues and activities.

Many school officials have made the guidelines available. According to Troost (1983), research surveys to determine how the guidelines are serving student education needs, as well as the needs of copyright proprietors, are needed.



### ICCE Policy Statement

In 1983, the International Council for Computers in Education (ICCE) responded to an apparent need for software guidelines by formulating and disseminating a document entitled "ICCE Policy Statement on Network and Multiple Machine Software." First appearing in the September 1983 issue of The Computing Teacher, this statement called for the inclusion of software in school copyright policy.

Building on the 1983 policy statement developed by the ICCE, a statement to recommend district policy of software use guidelines, "1987 Statement on Software Copyright: An ICCE Policy Statement" appeared in the March 1987 issue of The Computing Teacher, a journal published by ICCE. This statement is presented in Appendix A.

Under the ICCE proposal, each school district would prepare a written, formally approved statement defining its responsibilities (Adams, 87). An additional recommendation was that school children be offered instruction in copyright.

The plan proposed by the ICCE included the following:

1. The ethical and practical implications of software piracy will be taught to educators and school children in all schools in the district (e.g., covered in fifth grade social studies classes).
2. District employees will be informed that they are expected to adhere to Section 117 of the 1976 Copyright Act as amended in 1980, governing the use of software (e.g., each building principal will devote one faculty meeting to the subject each year).
3. When permission is obtained from the copyright holder to use software on a disk sharing system, efforts will be made to secure this software from copying.

4. Under no circumstances shall illegal copies of copyrighted software be made or used on school equipment.

5. [Name of job title] of this school district is designated as the only individual who may sign license agreements for software for schools in the district. Each school using licensed software should have a signed copy of the software agreement.

6. The principal at each school site is responsible for establishing practices which will enforce this district copyright policy at the school level. (Official Fair-Use Guidelines, 1987, p. 16)

While neither the CONTU guidelines nor the ICCE policy statement is law, in the absence of clear legislation, legal opinion, and case law, these guidelines provide support for educators seeking to increase their knowledge of copyright and working to promote the legal use of media in the school.

#### Summary

Complex copyright considerations accompany the use of the photocopier, the computer, and the video tape recorder in the secondary school. School copyright policy can create increased awareness of the law which may discourage illegal practices with regard to the utilization of media. The achievement of copyright compliance within the school represents a reasonable and appropriate objective. While the utilitarian objectives and altruistic motives associated with dissemination may be well intended, copyright compliance provides additional opportunities to positively influence the quality of the intellectual property available in the future.

## CHAPTER 3

### Methods and Procedures

A 40 item questionnaire was developed, pilot tested, validated, and disseminated. This data instrument consisted of two 20 item sections. The first section defined the variables used to organize the data, to test the hypotheses, and to address the research questions of the study. Part 2 of the questionnaire was a 20 item test used to determine the copyright knowledge of respondents.

The copyright knowledge of each respondent was determined by the number of correct responses to the 20 copyright test items. The categories of position, experience, involvement in litigation, and participation in a law class or workshop since the enactment of the 1976 Copyright Law were used to organize the data for the testing. The copyright test scores of the principal and the librarian respondents were ranked by state.

The extent of exposure to 1976 Copyright Law was determined by responses to item 5 of the questionnaire. Additional queries of the study included the level of respondents' awareness of major court decisions in the area of copyright, the actual and expected use of interlibrary loan in the schools of the respondents, the actual and expected availability of fax machines in the school libraries of the respondents, and the availability and accessibility of school photocopiers.

This chapter contains a description of the research design, the sample, and the questionnaire. The procedures used in acquiring, preparing, and analyzing the data are presented.

### Research Design

The techniques of descriptive research were used in this study. Descriptive research is concerned with describing conditions that exist and making inferences from these descriptions. As with all non-experimental research, no effort was made to manipulate variables or influence the findings of this study.

### The Population

The population of this study consisted of secondary schools with membership in the regional accrediting agency, the Southern Association of Colleges and Schools (SACS), during 1988. The list of SACS accredited secondary schools was available in the annual publication of the organization entitled Proceedings (1988).

Schools from the following 11 states with membership in SACS were eligible for selection: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. In addition to accreditation, requirements for sample selection included the following: (a) school must be public, (b) program must include a grade 12, (c) 100 or more students must be

enrolled. Schools with names to indicate a special program focus, such as occupational schools or schools for the handicapped, were not included. After applying the additional qualifiers, the population of SACS schools was adjusted to approximately 2,500 secondary institutions.

#### The Sample

The population schools were entered into a data base file. A computer generated list of random numbers was used to identify 20% of the population as sample schools. Five hundred four schools were identified. The principal and the librarian of each selected school constituted the study sample. A total of 1,008 educators, 504 principals and 504 librarians, was selected to participate in the study.

#### Questionnaire

A questionnaire was used as the source of data for the study. The questionnaire consisted of 40 items which were divided into two sections. The first 20 item section was used to provide data about the respondent, the school, and the sources of copyright information. The second part of the questionnaire was a 20 item copyright test.

Principal and librarian responses to the 20 multiple choice copyright test yielded an overall score of copyright knowledge. The content of the test questions, items 21 through 40 of the questionnaire, was taken from sections of the 1976 Copyright Law and the 1987 ICCE Statement on

Software Copyright. Questions 23 through 28 and 33 through 40 were used with permission from Wertz, who originally developed the items for a dissertation that was completed University of South Carolina in 1984. A letter granting permission for the use of these questions in this study is located in Appendix C.

### Pilot Study

A pilot study was conducted to establish the relevance of the content of the questionnaire to the secondary school. The items were also examined by pilot participants for clarity. A convenience sample of 12 schools with membership in SACS, but not selected for the sample, was identified. Twelve principals and 12 librarians were contacted to participate in the pilot study.

Envelopes containing the proposed data instrument, a pilot cover letter, and a structured response sheet were mailed to 12 principals and 12 librarians of the pilot schools. These contents are located in Appendix D. To insure anonymity of pilot participants, no distinction was made between the response sheets of the principals and the librarians. The recipients of the mailing were addressed as educators.

The cover letter requested recipients to complete the questionnaire, to provide input using the structured opinionnaire, and to offer additional comments. Respondents were instructed to complete the 20 item copyright test

without referring to the copyright law or guidelines. An additional request was that the approximate time spent responding to the questionnaire be recorded. A final request was that the educators complete the opinionnaire.

The instructions for the opinionnaire directed respondents to classify each question as acceptable (A), unacceptable (UA), or needing improvement (NI) by circling one of the abbreviations. Feedback regarding the format and legibility of the document was sought with three direct questions regarding the length of the test, the print of the test, and the difficulty of the test. Space for additional comments was provided at the bottom of the opinionnaire sheet. Respondents were requested to place additional suggestions on the back of the opinionnaire response sheet.

Fourteen pilot questionnaires were returned by the deadline. Follow-up by telephone stimulated an additional return, for a response rate of 63%.

The following data were tabulated:

1. Approximate time spent completing the questionnaire: Ten respondents reported 10 minutes, three reported 15 minutes, two reported 20 minutes. Mean time was 12 minutes.

2. All respondents reported that instructions were clearly stated and the format was acceptable.

3. Each respondent indicated the items were acceptable in regard to clarity and relevance and the length of the

test was considered acceptable; however, two respondents suggested that a shorter document would be favored. One respondent reported a dislike of tests.

4. Four respondents questioned the inclusion of the interlibrary loan questions, due to the low relevance of related activities to secondary school libraries. Two respondents suggested the inclusion of copyright software due to the high relevance of related copying practices.

The proposed questionnaire items were examined for relevance and clarity using the structured opinionnaire. Pilot participants were requested to take the test as well as to offer additional suggestions.

Each of the 15 educators responded to the copyright test; however, not all respondents selected a response for each question. The number of correct responses ranged from 4 to 17. The mean number of correct responses was 10. The standard deviation of the group was 3.52. A summary of the raw copyright test scores of the pilot educators is presented in Table 1.

Table 1

Pilot Copyright Test

$n$	Mean	Minimum score	Maximum score	St. Dev.
15	10	4	17	3.52



Each pilot respondent reported that copyright information had been received from the local education agency; six reported receiving information from the State Education Agency (Tennessee). Other organizations which were identified as having communicated information regarding copyright included SACS, National Education Association (NEA), and the American Library Association (ALA).

The pilot study provided input for the revision of the questionnaire. In the revised copyright test, questions which were based on interlibrary loan were replaced by questions regarding the copying of computer disks with content based on the 1980 Amendment to Section 117 of the Copyright Law and the ICCE 1987 Policy Statement.

#### Validation of Copyright Test

The revised 20 question copyright test, part 2 of the questionnaire, was administered as a pretest-posttest to two classes of students enrolled in a graduate course which included instruction in copyright. Students were pretested prior to instruction in copyright. Both classes of students were tested following the copyright instruction. The pretest and posttest scores of both groups of students were unmatched.

The first class tested, hereafter identified as Class 1, consisted of 16 students, each of whom reported no previous instruction in copyright. Pretest scores of the 16 students ranged from one to eight correct responses with

missing responses tabulated as wrong responses. The mean score of this class was four correct responses.

Seventeen students of the second class tested, hereafter identified as Class 2, participated in the pretest. Three students indicated they had received previous instruction in copyright. Scores of the students ranged from a low of two to a high of nine correct responses with a mean score of six.

The  $t$  test for independent groups was used to test the difference in the pretest scores of the two classes for statistical significance. Table 2 provides a report of this testing.

Table 2

Pretest Copyright Test Scores of Class 1 and Class 2

Group	n	Mean Score	St.Dev.
Class 1	16	4.06	2.14
Class 2	17	6.88	1.87
$t = - 4.04*$		$df = 31$	

\* $p < .05$

The difference in the mean pretest scores of Class 1 and Class 2 was significant at the .05 level.

Instruction in copyright was a part of the content of the course. Class 1 and Class 2 were rotated in the middle of the term. The same instructor presented the copyright instruction to both groups at different times during the term.

By the end of the term, the students of both classes had received instruction in copyright. Twelve students of Class 1 and 17 students of Class 2 completed the posttest.

The range of scores of Class 1 was from 8 to 13 correct responses. The mean score of Class 1 on the posttest was 10 correct responses. Posttest scores of Class Two ranged from a low of 5 to a high of 18 of the 20 items correct. The mean posttest score of Class Two was 11. Table 3 presents the results of this testing.

Table 3

Posttest Copyright Test Scores of Class 1 and Class 2

Group	n	Mean Score	St. Dev.
Class 1	12	10.17	1.53
Class 2	16	11.13	2.99
$t = - 1.01^*$		$df = 26$	

\*p > .05

The mean difference in the posttest scores of Class 1 and Class 2 was not significant at the .05 level

The  $t$  test for two independent groups was used to test for differences in the pretest and posttest means within each class. While a  $t$  test for two dependent groups would have been a more appropriate statistical test of change, it was not possible to collect identifying information and subjects' scores were not matched. The difference in pretest and posttest means was significant at the .05 level within both The Class One and Class Two groups, indicating that posttest performance was higher than pretest performance. These data are presented in Tables 4 and 5.

Table 4

Pretest and Posttest Copyright Test Scores of Class 1

Group	n	Test	Mean Score
Class 1	16	Pretest	4.06
	12	Posttest	10.17
$t = - 8.80*$		$df = 26$	

\* $p < .05$

Table 5

Pretest and Posttest Copyright Test Scores of Class 2

Group	n	Test	Mean Score
Class 2	17	Pretest	6.88
	16	Posttest	11.13

$$t = - 4.86^*$$

$$df = 31$$

\*p < .05

The mean difference in the pretest-posttest scores of both Class 1 and Class 2 was significant at the .05 level. The mean scores of Class One and Class Two on the posttest represented 150% and a 57% increase over the pretest group mean scores, respectively. Table 6 displays these data.

Table 6

Mean Scores and Percent Change of Class 1 and Class 2

	N	Mean score Pretest	n	Mean score Posttest	Percent Change
Class 1	16	4	12	10	150%
Class 2	17	7	17	11	57%

### Summary

The difference between the mean pretest and mean posttest scores of both classes was significant at the .05 level. The mean copyright test scores of Class 1 and Class 2 increased 150% and 57% respectively following the copyright instruction. In the pretest administration, prior to the copyright instruction, there was a significant difference in the mean pretest scores of the two classes. Following the instruction in copyright, the difference in the mean posttest scores of the two classes was not significant at the .05 level. These findings supported the content validity of the test by showing that instruction in copyright was related to an increase in group means from pretest to posttest.

### Procedures Used to Acquire the Data

Research questions and hypotheses were formulated. An instrument was developed to provide the data for testing the hypotheses and addressing the research questions. The data instrument was pilot tested, validated, and disseminated.

Packets were prepared for the principal and the librarian of each of the 504 schools of the sample. Each packet included the following enclosures: a cover letter, a sheet of instructions, a copy of the data instrument (hereafter termed the questionnaire), a thank you note, and a stamped return envelope. Also enclosed in each packet was a custom prepared return postcard. With the exception of

the postcard and the color of the questionnaire, packet contents were identical. Packet contents are located in Appendix E.

The cover letter requested that the respondents identify their states. The instructions then requested the educators to respond to the 40 questionnaire items. Both the cover letter and the instruction sheet requested that the respondents react to the test items without reference to copyright information sources.

To help insure the required anonymity of respondents, while maintaining a record of those having returned a questionnaire, a postcard addressed to the researcher was custom prepared. The card was included in the packet with instructions that the card be returned separately.

A follow up mailing was directed to each non-respondent as determined by the absence of a returned postcard. A copy of the questionnaire, a follow-up cover letter, and a stamped, addressed envelope were mailed to each principal and each librarian from whom a postcard had not been received. A copy of the follow up cover letter is located in Appendix F.

#### Procedures Used to Organize the Data

The data of this study were generated by educators of the randomly selected schools who completed and returned questionnaires. Each questionnaire provided a copyright

test score determined by the number of correct responses to the 20 item multiple choice test questions. These scores provided interval level data representing the copyright knowledge of the respondents.

The questionnaire provided data about the respondent. Five variables were declared to identify respondent groups. Three of these variables required no definition or division by the researcher. These were position, involvement in job-related litigation, and participation in a law class or workshop since the enactment of the 1976 Copyright Law.

The variable years of experience, a continuous data set expressed in whole numbers, was assigned an artificial dichotomy coded as 0 and 1. For the purpose of testing, the dichotomy was defined as follows:

0 = 15 or fewer years experience

1 = more than 15 years of experience

The responding educators identified the extent to which they had been exposed to the actual wording and interpretations of the 1976 Copyright Law. Five mutually exclusive hierarchical categories of exposure ranged from no exposure to the actual wording of the law and interpretations to having read and studied the entire law. A similar question identified the extent of exposure to which respondents considered themselves knowledgeable regarding major court decisions in the area of copyright.



Responses to the first four questionnaire items were used to group respondents by professional groups, experience groups, litigation groups, participation groups, and exposure groups. Institutional data were duplicated when both the principal and librarians from the same school returned questionnaires. Since these institutional data were used to provide focus on the primary inquiries of this study, only the librarian responses were used in the report regarding the school, library and the media operation. Data bridging the interpersonal and institutional dimensions, the actual and expected uses of interlibrary loan and fax, were also reported. These data were included in the findings but were not statistically tested.

A checklist of five organizations which were identified by pilot participants as having provided copyright information included the following: (a) local education agency, (b) state education agency, (c) National Education Association, (d) Southern Association of Colleges and Schools, and (e) American Library Association. A blank line labeled "other" was provided, with the request that the name(s) of organization having provided copyright information be recorded. These responses were tabulated and summarized.

#### Procedures Used to Analyze the Data

The hypotheses, presented in research format in Chapter 1, were tested in the null format in Chapter 4. The

$t$  test was used to test the copyright test mean scores of groups for differences. The  $t$  test requires the following three general assumptions about the scores obtained in causal-comparative research: scores from an interval or ratio form of measurement, populations normally distributed, and equal score variances for the populations under the study (Borg, 1983, p. 544). Having satisfied these requirements, these data were tested and analyzed at the .05 level of significance.

The  $t$  test was used to test the difference of the mean copyright test scores of respondent groups. In testing the first four hypotheses, respondents were classified according to the following categories: position, experience, involvement in litigation, and participation in a law class or workshop since the enactment of the 1976 Copyright Law.

Chi-square, a non-parametric statistical test used for research data in the form of counted categorical data, was used to test the difference of copyright exposure, as determined by the coded values to item 5 of the questionnaire. The chi-square test was used to test the difference of exposure to the 1976 Copyright Law of educator groups. For the purpose of these testings, three respondent groups were defined as follows: professional position, experience group, and participation in a law class or

workshop since the 1976 Copyright Law was enacted. An alpha level of .05 was employed for all hypothesis testing. The analysis of the research questions employed descriptive statistics.

#### Summary

This chapter included the methods and procedures used in this descriptive study. The objectives of the study were defined, the research questions and hypotheses were formulated, and the data instrument was developed. The questionnaire, the data source of the study, was pilot tested, revised, and validated. The data were collected, organized, and prepared for reporting. Statistical tests which were used included the  $t$  test and chi-square.

## CHAPTER 4

### Presentation of Data and Analysis of Findings

#### Introduction

This study investigated the knowledge of and exposure to copyright of secondary school principals and librarians. The data of the study were provided by respondents who completed and returned questionnaires.

The primary issue of the study was the knowledge issue. The copyright knowledge was determined by responses to a 20 item copyright test, part 2 of the questionnaire mailed to the principal and the librarian of each of the 504 randomly selected schools.

The exposure to the 1976 Copyright Law was also examined. Additional data related to school copyright policy were gathered. Other queries provided information about the respondents and the schools. The availability and application of photocopiers in the secondary school and the status of resource-sharing activities with particular regard to actual and planned use of fax in the school library were investigated. A list of organizations identified by pilot participants as sources of copyright information was included. Respondents were requested to identify all of the organizations from which copyright information had been received.

Data were gathered over a period of 3 months. Although the questionnaires were anonymous, respondents were

requested to identify their state and professional group.<sup>a</sup>  
 Table 7 presents the record of returned questionnaires.

Table 7

Responses by State

State	Mailed	Returned	Rate
Alabama	74	33	44.51%
Florida	112	67	59.82%
Georgia	126	68	53.97%
Kentucky	44	27	61.36%
Louisiana	84	45	53.57%
Mississippi	48	21	43.75%
North Carolina	116	61	52.59%
South Carolina	74	50	67.57%
Tennessee	82	46	56.10%
Texas	154	72	46.75%
Virginia	94	56	59.57%
<b>TOTAL</b>	<b>1,008</b>	<b>546</b>	<b>54.51%</b>

The size of the original sample was reduced from 1,008 to 1,000 potential respondents. Respondents from two different schools returned their packets with notes attached to the blank questionnaires advising the researcher that the

school was no longer a member of SACS. Two additional respondents advised the researcher that the questionnaires were delivered to middle schools in buildings which were formerly secondary schools. These two completed responses from middle school librarians were not tabulated. The removal of the two no longer accredited schools and the two middle schools reduced the total number of schools of the sample to 500 and reduced the total number of potential respondents to 1,000. This report includes a total of 546 questionnaire returned by 206 principals and 340 librarians. This represented a 41.2% response rate from principals and a 64% response rate from librarians.

### Presentation and Analysis of Data

#### Hypotheses

Seven hypotheses were stated in the research format in Chapter 1. These were stated in the null for statistical testing. The  $t$  test was used to statistically test null hypotheses 1 through 4 using the mean copyright test scores of respondent groups. The chi-square statistic was used to test hypotheses 5, 6, and 7 to determine the observed and expected frequencies of reported levels of exposure to copyright between selected respondent groups. The alpha level for testing all hypotheses was .05.

Respondents were categorized by professional position. Response groups were also defined by experience, involvement

in job related litigation, and participation in a law class or workshop since the enactment of the 1976 Copyright Law. Differences in the copyright knowledge of respondent groups, as determined by the number of correct responses to the copyright test, were statistically tested. Null hypotheses 1, 2, 3, and 4 tested group mean scores on the 20 item copyright test using the following categorical variables: position, experience, litigation, and participation.

The mean score of the 546 respondents on the copyright test was 9.92. Scores ranged from no correct responses to 19 correct responses. The standard deviation of scores was 3.15. The seven null hypotheses and the statistical testing follow.

Hypothesis 1. There will be no significant difference in the copyright knowledge of principals and librarians as determined by scores on the copyright test.

The  $t$  test for independent groups was used to analyze the data. The mean score of the principal respondents was 8.88, and the mean score of the librarian respondents was 10.54. This difference was statistically significant  $t(544) = -6.15$ . The null hypothesis was rejected. The difference in the mean test scores of principal and librarian groups was statistically significant, with librarians performing at a higher level. The report of this testing is presented in Table 8.

Table 8

Mean Copyright Test Scores by Professional Group

Group	n	Mean score	Sd. Dev.
Principal	206	8.88	2.84
Librarian	340	10.54	3.08

$t = - 6.15^*$        $df = 544$

\*p &lt; .05

Hypothesis 2. There will be no significant difference in the scores on the copyright test of respondents reporting 15 or fewer years of experience and respondents reporting more than 15 years of experience.

The  $t$  test for independent groups was used to detect differences between the experience groups. The mean test score of the respondent group with 15 or fewer years of experience was 10.13 and the mean test score of the respondent group with more than 15 years of experience was 9.76. This difference was not statistically significant  $t(544) = 1.33, p > .05$ . Thus, the null hypothesis was retained. There were no significant differences between groups. Table 9 presents these results.



Table 9

Mean Copyright Test Scores by Experience Group

Experience group	n	Mean score	Sd. Dev.
15 or fewer years	232	10.13	3.11
More than 15 years	314	9.76	3.18

$t = 1.33^*$

$df = 544$

\* $p > .05$

Hypothesis 3. There will be no significant difference in the scores on the copyright test of respondents who report having been involved in litigation related to the responsibilities of their positions and the respondents reporting no involvement in litigation.

The mean score of the respondent group reporting no involvement in job related litigation was 10.00 and the mean score of the respondent group reporting involvement was 8.37. This difference was statistically significant  $t (544) = 2.77, p < .05$ . The null hypothesis was therefore rejected. There was a statistically significant difference between the two groups, indicating that those who had not been involved in litigation performed better on the test. Table 10 presents these data.

Table 10

Mean Copyright Test Scores by Litigation Group

Litigation Group	n	Mean score	Sd. Dev.
No job related litigation	517	10.00	3.14
Job related litigation	29	8.38	3.14

$t = 2.77^*$

$df = 544$

\* $p < .05$

Hypothesis 4. There will be no significant difference in the test scores of respondents who reported participation in a law class or workshop since the 1976 Copyright Law was enacted and respondents with no law class or workshop participation since the enactment.

The mean copyright test score of the respondent group reporting participation in a law class or workshop since the enactment of the 1976 Copyright Law was 10.34 and the mean score of the group of respondents reporting no participation was 9.41. This difference was statistically significant,  $t(543) = -3.41$ ,  $p < .05$ . The null hypothesis was rejected. Those who participated in law classes or workshops performed at a higher level. Table 11 presents these data.

Table 11

Mean Copyright Test Scores by Law Class/Workshop  
Participation Group

Participation group	n	Mean score	Sd. Dev.
No law class/workshop	279	9.41	3.18
law class/workshop	266	10.34	3.22

$$t = - 3.41^* \quad df = 543$$

\*p < .05

Hypotheses 5, 6, and 7 tested professional groups, experience groups, and law class or workshop participation groups for significant difference in exposure to copyright law. Exposure was determined by responses to item 5 of the questionnaire. When more than one response was selected, the highest level response was coded. Coded responses ranged from high to low as follows: 4, 3, 2, 1, 0.

Hypothesis 5. There will be no significant difference in exposure to the 1976 Copyright Law reported by principals and librarians.

Chi-square was used to test the reported frequency of exposure for significance at the .05 level. The difference of exposure between the principal and the librarian respondents resulted in a chi-square value that was not

significant at the alpha level of .05,  $X^2 (4, N=546) = 8.39$ ,  $p > .05$ . The null hypothesis was retained. Table 12 presents the observed frequencies and row and column percentages.

Table 12

Exposure to the 1976 Copyright Law Reported by Professional Groups

Coding	Principals	Librarians	Total
4	14	27	41 ( 7.5%)
3	15	24	39 ( 7.1%)
2	74	116	190 (34.8%)
1	76	151	227 (41.6%)
0	27	22	49 ( 9.0%)
Total	206 (37.7%)	340 (62.3%)	546 (100%)

Chi-square = 8.39\*      df = 4

\* $p > .05$

Hypothesis 6. There will be no significant difference in the exposure to the 1976 Copyright Law of respondents who reported 15 or fewer years experience and those who reported more than 15 years experience.

Chi-square was used to test the experience groups for difference of exposure to copyright between respondents who reported fifteen or fewer years of experience and respondents reporting more than fifteen years experience.

The calculated chi square value was not significant at the .05 level,  $X^2 (4, N = 546) = .87, p > .05$ . Therefore, the null hypothesis was retained. Table 13 displays the frequencies and percentage of the total respondent group.

Table 13

Exposure to the 1976 Copyright Law Reported by Experience Groups

Coding	15 or fewer	More than 15	Total
4	18	23	41 ( 7.5%)
3	18	21	39 ( 7.1%)
2	80	110	190 (34.8%)
1	93	134	227 (41.6%)
0	23	26	49 ( 9.0%)
Total	232 (42.5%)	314 (57.5%)	546 (100%)

Chi-Square = 0.87\*      df = 4

\*p > .05

Hypothesis 7. There will be no significant difference in the exposure to the 1976 Copyright Law of respondents who reported having participated in a law class or workshop since the enactment of the law and those who reported no law class or workshop participation since the enactment.

Respondents were requested to indicate if they had participated in a law class or workshop since the enactment of the 1976 Copyright Law. The difference of the exposure to copyright between the groups was tested using chi-square at the .05 level of significance.

The calculated chi-square value was statistically significant at the .05 level,  $X^2 (4, N=545) = 29.86, p > .05$ . The null hypothesis was rejected. There was a difference between the exposure to the 1976 Copyright Law of respondents who reported having participated in a law class or workshop and respondents reporting no law class or workshop participation. An examination of the frequency of responses revealed less exposure among the group that had not participated in courses or workshops. The frequencies and the percentages are presented in Table 14.

Table 14

Exposure to the 1976 Copyright Law Reported by Law Class or Workshop Participation Groups

Coding	No law class	Law class	Total
4	17	24	41 ( 7.5%)
3	19	20	39 ( 7.2%)
2	94	95	189 (34.7%)
1	106	121	227 (41.7%)
0	43	6	49 ( 9.0%)
<b>Total</b>	<b>279 (51.2%)</b>	<b>266 (48.8%)</b>	<b>545 (100%)</b>

Chi-square = 29.86\*      df = 4

\*p < .05

Research Questions

Fourteen research questions were formulated and included in the design of the survey instrument to meet the objectives of the study. The data used in addressing questions 1, 2, 3, 4, and 5 were based on the total number of 546 responses.

Question 1. How many of the respondents will report having been involved in litigation as a result of professional responsibilities?

Of the 546 respondents, a total of 29 or 5.3%, (26 principals and 3 librarians) reported involvement in job related litigation.

Question 2. How many respondents will report having participated in a law class or workshop since the enactment of the 1976 Copyright Law?

A total of 266 (48.7%) of the 546 respondents, 122 principals and 144 librarians, reported having participated in a law class or workshop since the enactment of the 1976 Copyright Law.

Question 3. What will be the respondents' reported exposure to the 1976 Copyright Law?

This range of exposure was hierarchial. When more than one response was selected, the highest level response was coded. Forty-nine (9.0%) of the respondents reported that they had no exposure to the actual wording of the law or to professional interpretations of the 1976 Copyright Law, 227 (41.6%) reported having read or heard professional interpretations of the law, 190 (34.8%) reported having read portions of the law, 39 (7.1%) reported they had read the law in its entirety, and 41 (7.5%) reported having read the law in its entirety and studied accompanying documents. Table 15 presents these data by professional group.



Table 15

Exposure to the 1976 Copyright Law

Respondent group	Principals N = 206 (%)	Librarians N = 340 (%)	Total N = 546 (%)
<b>Copyright law</b>			
Read & studied	14 ( 6.8%)	27 ( 7.9%)	41 ( 7.5%)
Read the law	15 ( 7.3%)	24 ( 7.4%)	39 ( 7.1%)
Read portions	74 (35.9%)	116 (34.1%)	190 (34.8%)
Interpretation	76 (36.9%)	151 (44.4%)	227 (41.6%)
No exposure	27 (13.1%)	22 ( 6.5%)	49 ( 9.0%)

Question 4. What will be the respondents' reported awareness of major court decisions in the area of copyright?

A total of 113 (20.7%) of the 546 respondents reported they had no exposure to major court decisions involving copyright, and 204 (37.4%) considered their knowledge somewhat lacking. Nineteen (3.5%) of the respondents indicated they were very knowledgeable of copyright court decisions while 210 (38.5%) reported a fair knowledge. Table 16 presents these data by professional group.

Table 16

Knowledge of Major Copyright Court Decisions

Respondent group	Principals N = 206 (%)	Librarians N = 340 (%)	Total N = 546 (%)
<b>Court decisions</b>			
Very knowledgeable	8 ( 3.9%)	11 ( 3.2%)	19 ( 3.5%)
Fair knowledge	75 (36.4%)	133 (39.1%)	210 (38.5%)
Lacking	79 (38.3%)	125 (36.8%)	204 (37.4%)
No exposure	44 (21.4%)	69 (20.3%)	113 (20.7%)

Question 5. What will be the respondents' assessment of the importance of school and/or school system copyright policy?

A total of 343 (62.8%) of the 546 respondents considered school copyright policy essential, 95 (17.4%) rated policy as beneficial, 59 (10.8%) considered policy appropriate, and 14 (2.6%) regarded policy as not appropriate. Thirty-three (6%) of the respondents indicated they had no opinion about school copyright policy.

Since data about the schools were duplicated when the librarian and the principal of a school each returned a questionnaire, only the responses of the librarians (n = 340) were used in reporting questions 6, 7, 8, 9, and 10.

Question 6. How many librarian respondents will report a school/school system copyright policy present and current?

A total of 107 (31.5%) of the 340 librarians reported that their schools had up-to-date copyright policies, 66 (19.4%) reported school policies of more than 2 years old in their schools, and 13 (3.8%) indicated their copyright policies were currently being developed. A total of 77 (22.6%) indicated that their school had no copyright policy and 71 (20.9%) were not sure if their school had a copyright policy. Six (1.8%) of the returned questionnaires did not provide a response to this question.

Question 7. How many photocopiers and self-service photocopiers will be available in the schools of the librarian respondents?

The 340 librarians reported that photocopiers were available in their schools. A total of 180 (52.9%) of the librarian respondents reported four or more copiers and 79 (23.2%) reported three school copiers. Sixty-one (17.9%) reported two copiers in their school, 20 (5.9%) reported their school had one photocopier, and 33 reported one photocopier available in the school.

The librarians reported the availability of self-service photocopiers as follows: 73 (21.5%) of the respondents reported the school had no self-service copier,

61 (17.9%) of the respondents reported one self-service copier in the school, 69 (20.3%) reported two school self-service copiers, 53 (15.6%) reported three self-service copiers, and 84 (24.7%) reported that four or more self-service copiers were available in the school. Two of the librarians did not report.

Question 8. Will the librarians report that the required copyright warning notices are posted on or near the self-service photocopiers?

A total of 156 (45.9%) librarians reported that they either had no self-service copiers in their school or no warning notices were posted. A total of 73 librarians had previously reported their schools did not have a self-service copier leaving 83 (24.4%) who reported no posting of warning notices. A total of 78 (22.9%) of the librarians reported that the notices were posted on some of the self-service copiers in their school, and 81 (23.8%) reported that notices were placed on all of the self-service copiers in the school. Twenty-three (6.8%) of the respondents did not know if the notices were posted.

Question 9. What will be the charge to students for photocopies reported by the librarians?

Forty-five (13.2%) of the librarians reported that the school did not charge students for photocopies. Of the 289

(85.0%) of the librarians who reported that students paid for photocopies, the following amounts were reported: (a) 25 (7.4%) 5 cents or less, (b) 72 (21.2%) more than 5 cents but not more than 10 cents, and (c) 175 (51.5%) more than 10 cents. A total of 17 (5.0%) of the respondents reported they did not know if students were charged for photocopies. A total of 6 librarians (1.8%) did not report.

Question 10. How will the librarians report the presence and accessibility of photocopiers in the school libraries?

A total of 85 (25.0%) of the librarians reported no photocopier in the school library while 255 (75.0%) of the librarians reported a photocopier in the library. The librarians reported the accessibility of library copiers as follows: 148 (43.5%) indicated the machine was operated by staff, teacher, and students, 51 (15.0%) reported that the library photocopier was operated by teachers and staff, and 51 (15.0%) reported that the library photocopier was operated by the staff. Five (1.5%) of the respondents were not sure who operated the school library photocopier.

Questions 11 and 12 report the actual and expected use of interlibrary loan and fax machines. Only the librarian responses ( $n=340$ ) were used in reporting the actual use. In presenting the expected use, an abbreviated review of the librarian and the principal ( $n=206$ ) responses was included.

Question 11. What will be the reported use of, or the expected use of, interlibrary loan by school libraries?

Twenty-five percent of the librarians and 45% of the principals either had no opinion of interlibrary loan or indicated they did not expect it in the school library.

A total of 121 (35.6%) of the librarians reported that interlibrary loan was now being used by the school library, 98 (28.8%) felt that these resource sharing networks would be used within the next 10 years, and 35 (10.3%) expected interlibrary loan after the turn of the century. Sixty (16.7%) librarians indicated that they did not expect interlibrary loan and 25 (7.4%) had no opinion.

Question 12. What will be the reported use of, or expected use of, fax machines by school libraries?

A total of 22 (6.5%) of the librarians reported they had a library fax machine which they were using or preparing to use. Twenty-seven (7.9%) of the librarians expect to have a fax machine in the school library within 2 years, and 148 (43.5%) expect to add a fax machine after 2 years. A total of 119 (35.0%) did not expect a library fax to be added to the school library, while 22 (6.5%) had no opinion.

A total of 28 (13.6%) of the principals expect a fax in the school library within two years. Forty-eight (30.1%) of the principals and 141 (41.5%) of the librarians either did not expect to add a fax to the library or had no opinion.

Question 13. Will respondents report having received copyright information from organizations?

The mean number of organizations which were identified by the respondents as sources of copyright information was 1.96. A total of 56 (10%) of the respondents identified at least one organization in addition to, or in lieu of, the five which were listed. In addition to those listed, the following were frequently identified: universities, state and regional media associations, and educational television, Phi Delta Kappa (PDK), the National Association of Secondary School Principals (NASSP), and the Association for Educational Communications and Technology (AECT).

Sixty-nine (12.6%) of the respondents did not select or identify an organization from which copyright information had been received. The local education agency was identified by 193 (35.3%) of the respondents, the state education agency by 121 (22.2%), the SACS by 7 (1.0%), the American Library Association by 123 (22.5%), and the National Education Association by 43 (7.9%).

Question 14. How will the copyright test scores of the respondents of the eleven states rank?

The mean score of the 546 respondents on the 20 item copyright test was 9.92. The scores are displayed by state and professional group in Table 17.

Table 17

Mean Copyright Test Scores and State Rank of Respondent Groups

State	Principal (Rank)	Librarian (Rank)	Total (Rank)
Alabama	9.27 ( 3)	8.32 (11)	8.64 (11)
Florida	9.24 ( 4)	11.69 ( 2)	10.78 ( 2)
Georgia	8.61 ( 8)	12.36 ( 1)	11.08 ( 1)
Kentucky	8.30 (10)	11.18 ( 5)	9.74 ( 6)
Louisiana	8.83 ( 6)	8.88 (10)	8.86 (10)
Mississippi	9.50 ( 2)	9.13 ( 9)	9.24 ( 8)
North Carolina	8.93 ( 5)	11.25 ( 4)	10.14 ( 4)
South Carolina	10.44 ( 1)	10.18 ( 6)	10.26 ( 3)
Tennessee	8.75 ( 7)	9.69 ( 8)	9.28 ( 7)
Texas	8.41 ( 9)	9.70 ( 7)	9.22 ( 9)
Virginia	8.19 (11)	11.29 ( 3)	10.13 ( 5)
Mean ( $\bar{n}$ )	8.88 (206)	10.54 (340)	9.92 (546)



### Summary

The 40 item questionnaire provided data used to identify the variables, test the hypotheses, and to address the research questions formulated to accomplish the objectives of this study. Seven null hypotheses were tested. The difference of mean copyright test scores of the principal and librarian groups was significant. Differences in the mean copyright test scores of the litigation and non-litigation groups, and the law class workshop participation and non-participation groups were significant at the .05 level. The reported exposure to the 1976 Copyright Law between the law class or workshop participation and non-participation group was significant at the .05 level. The other hypotheses developed for the study were retained. The research questions were tabulated and reported. The findings, conclusions, and recommendations of the study were prepared.

## CHAPTER 5

### Summary, Findings, Conclusions, and Recommendations

#### Introduction

This chapter presents the summary of the research and the presentation of the findings of this study. Also included are the conclusions and recommendations drawn from analysis of the data.

#### Summary

The problem of this study was that, with the impact of new media and related delivery systems, principals and librarians must maintain knowledge of the law and exposure to related issues in order to remain informed about the copyright law and the legal use of copyrighted media. A questionnaire was developed to gather and evaluate responses of principals and librarians to copyright related issues.

In November, 1989, 1,008 questionnaires were mailed to the principal and the librarian at each of the of 504 randomly selected SACS accredited secondary schools. In January, 1990, a follow-up mailing was conducted to provide a second copy of the questionnaire. The data of the study were provided by the 546 respondents of regionally accredited secondary schools.

The  $t$  test and chi-square were used to test seven hypotheses for statistical significance at the .05 level.

Data used to address the 14 research questions were tabulated and reported.

The study investigated the copyright knowledge of respondent groups. The  $t$  test was used to test the difference of the mean copyright test score of respondent groups for significance. Respondent groups were defined by position, experience, involvement in litigation, and participation in a law class or workshop since the enactment of the 1976 Copyright Law.

Differences in observed and expected frequencies of five exposure levels, as determined by responses to questionnaire item 5, were statistically tested using chi-square. For these testings, respondents were grouped by professional position, experience, and participation in a law class or workshop.

Additional data were provided by responses to questions regarding school copyright policy, school photocopiers, resource sharing, and the identification of organizations from which copyright information had been received.

### Findings

The findings of this study were based on data provided by responses to questionnaires returned by 340 librarians and 206 principals of the randomly selected sample schools. The findings of the study were as follows:

1. The difference in the mean test scores of the principal and librarian groups was statistically significant with the librarians performing at the higher level.

2. Only 5% of the educators reported involvement in litigation related to the responsibilities of their positions. Only one in ten of the respondents who reported involvement in litigation was a librarian.

3. Educators who reported no job-related litigation have more copyright knowledge than those who reported involvement in job-related litigation.

4. The group of educators having participated in a law class or workshop since the enactment of the 1976 Copyright Law had a significantly higher mean copyright knowledge score than that of the group reporting no participation.

5. Educators having participated in a law class or workshop since the enactment of the 1976 Copyright Law reported a significantly higher level of exposure to the law than educators reporting no participation in a law class or workshop since the law was enacted.

6. All librarians reported that at least one photocopier was available in the school while more than one half of the librarians reported four or more school photocopiers.

7. While 21.5% percent of the librarians reported no self-service copiers in the school while 78.5% of the

librarians reported to have at least one self-service photocopier in the school.

8. Librarians reported the absence of the copyright warning notice on the self-service copiers more frequently than they reported the presence of the required notices.

9. A total of 23 (6.8%) of the responding librarians reported they were unaware if copyright warning notices were posted on the self-service copiers in their schools.

10. Of the librarians reporting from schools with library copiers, 148 (43.5%) reported the machine was operated by students as well as teachers and staff.

11. More than one half of the librarians indicated that students of their schools were charged for photocopies.

12. Of the 37 respondents who reported a fax in the school library, 76% were from Virginia. More than one half of the educators indicated that they expect a fax machine to be added to the school library. One fifth of the respondents expect their school libraries to have a fax machine within 2 years.

13. Thirty-seven respondents had no opinion about school library fax machines. The opinion of 30% of the respondents was that a fax machine would not be used in the school library.

14. Two-thirds of the respondents indicated that their school libraries were either using interlibrary loan or they

expected to participate in a resource sharing network at some time in the near future.

15. One-third of the respondents either do not expect interlibrary loan participation to be added to their school libraries in the future or had no opinion about it.

16. Librarians of the schools of Virginia reported above average use of the sharing media and new delivery systems, but the below average availability of library photocopiers. The group of Virginia librarians reported the use of interlibrary loan and fax machines more frequently than any of the other 10 study states, yet almost one third of the Virginia respondents reported no photocopier in their school libraries.

17. Although a majority (69.4%) of librarians considered school copyright policy essential, only slightly more than one half (50.9%) of the librarians reported that their schools had copyright policies, and 22.6% of the librarians reported that their school had no copyright policy.

18. More than one-third of the respondents identified the local education agency as a source of copyright information making it the most frequently reported source. The second most frequently identified source of copyright information was the American Library Association (ALA).

### Conclusions

The following conclusions were based on the findings of this research:

1. Although the principals and librarians reported similar exposure to the copyright law, librarians are more knowledgeable about copyright than are principals.

2. Participation in a law class or workshop is related to knowledge of copyright law.

3. Principals are more likely to be involved in job-related litigation than are librarians, but neither are involved very often.

4. Although almost all secondary schools have photocopiers, many schools do not provide copiers which are self-service.

5. Some accredited secondary schools do not have a photocopier in the school library, and the presence of a fax machine in the secondary school libraries of the southeastern states is still very limited.

6. The most frequently identified organization having provided copyright information to the respondents was the local education agency. The regional accreditation agency either does not provide information related to copyright or the source of the information is not recognized by the principals and librarians of member schools.

### Recommendations

The following recommendations were formulated on the conclusions of this research:

1. As new media and related delivery systems continue to increase the complexity of copyright and the diversity of the secondary school library operation escalates, increased effort may be required to achieve legal utilization of media in the school. The duty incumbent upon the principal, who is primarily responsible to see that practices conducted within the school are legal, and the librarian, who is primarily responsible for the promotion of appropriate media utilization, should be interpreted as a joint responsibility.

2. Secondary school principals and librarians should seek opportunities to sustain and increase their awareness of, interest in, exposure to, and knowledge of copyright.

3. Although it is important that the local education agency, as well as professional educators, avoid the legal entanglement which may result from copyright infringement, it is also critical that educators maintain an awareness of the importance of legal utilization of media in the school. The motivation for the achievement of legal practices which constitute copyright compliance resides in accomplishing increased awareness of and exposure to copyright as well as in avoiding copyright challenge.



4. Local education agencies should promote and provide opportunities for educators with responsibilities related to the legal utilization of media to increase their knowledge of, and exposure to, copyright. Resources should be allocated to stimulate participation in law classes and workshops as well as to provide in-service meetings on the subject of copyright.

5. Each school should devote one faculty meeting or in-service meeting to copyright each school year. The principal and the librarian should work together on this and other related activities such as policy development.

6. A school copyright policy should be formulated, enacted, and disseminated by the local education agency of each public school system. This policy should be revised periodically in order to maintain relevance to new media and related delivery systems such as the sending and receiving of copyrighted media on the school fax equipment.

7. Principals and librarians should study the copyright policies of their systems and incorporate the content into copyright policy handbooks for the school faculties.

8. Principals' professional organizations in each state should provide in-service professional development activities on copyright to insure that their member principals remain informed regarding related issues.

9. The copyright policy should address the copyright information needs of and services to students. A review of, or instruction in, the legal use of media should be included in the library orientation for students each school year. Media services provided to students should be conducted within the legal guidelines. Charges for photocopy services should not exceed the cost of producing the copy.

10. School principals should employ strategies to influence the legal use of media in the school. Principals should have increased interest in maintaining legal practices in the school because of the extent to which they are accountable.

11. The school librarian should keep a copy of the copyright warning notices on file and maintain the placement of notices on or near all school copy equipment: photocopiers, computers, video tape recorders, and fax machines.

12. State departments of education should examine university courses and certification requirements to insure that copyright content is included in the educational programs required of librarians and principals.

13. Since there were differences in the copyright knowledge and exposure of respondents of the 11 study states, additional investigation into copyright resources such as communication, education, knowledge, and

exposure should be directed to states with the highest reports.

14. Regional accreditation agencies should provide member and candidate schools with sample copyright policies, encourage copyright policy development, and sponsor and encourage communication on copyright related issues. Member schools should be expected to work to accomplish copyright compliance through the legal utilization of media. The value of ethical, as well as legal, practices in the use of copy equipment, copyrighted media, and media utilization services to teachers and students should be emphasized.

15. Organizations directing copyright information to educators should evaluate their dissemination systems and determine if the information is being received. In planning improved systems, the value of educator participation in the on-going effort to increase knowledge of, exposure to, and compliance with copyright within schools should be recognized.

16. Additional study should be conducted on issues related to the legal utilization of media in the schools. The copyright knowledge of teachers and students, as well as principals and librarians, should be included. Research should be conducted to identify the factors which promote copyright compliance in schools. This study should be replicated to strengthen the credibility of the conclusions.

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**APPENDICES**

APPENDIX A  
ICCE--1987 POLICY STATEMENT



## 1987 Statement on Software Copyright An ICCE Policy Statement

Permission to reprint all or part of this document is granted. Please acknowledge the ICCE Software Copyright Committee.

### Background

During 1982-83, educators, software developers, and hardware and software vendors cooperated to develop the ICCE Policy Statement on Network and Multiple Machine Software. This Policy Statement was adopted by the Board of Directors of the International Council for Computers in Education (ICCE) in 1983, and was published and distributed. It has received support from hardware and software vendors, industry associations and other education associations. One component of the Policy Statement, the "Model District Policy on Software Copyright," has been adopted by school districts throughout the world.

Now, three years later, as the educational computer market has changed and the software market has matured, ICCE has responded to suggestions that the policy statement be reviewed by a new committee and revisions be made to reflect the changes that have taken place both in the marketplace and in the schools.

The 1986-87 ICCE Software Copyright Committee is composed of educators, industry associations, hardware vendors, software developers and vendors, and lawyers. All the participants of this new Committee agree that the educational market should be served by developers and preserved by educators. To do so requires that the ICCE Policy Statement be revisited every few years while the industry and the use of computers in education are still developing.

### Responsibilities

In the previous Policy Statement, lists of responsibilities were assigned to appropriate groups: educators; hardware vendors; and software developers and vendors. The suggestion that school boards show their responsibility by approving a district copyright policy was met with enthusiasm, and many districts approved a policy based on the ICCE Model Policy. The suggestion that software vendors adopt multiple-copy discounts and offer lab packs to schools was likewise well received; many educational software publishers now offer such pricing. It is therefore the opinion of this committee that, for the most part, the 1983 list of recommendations has become a *fait accompli* within the industry, and to repeat it here would be an unnecessary redundancy.

Nevertheless, the Committee does suggest that all parties involved in the educational computing market be aware of what the other parties are doing to preserve this market, and that the following three recommendations be considered for adoption by the appropriate agencies.

### School District Copyright Policy

The Committee recommends that school districts approve a District Copyright Policy that includes both computer software and other media. A Model District Policy on Software Copyright is enclosed.

Particular attention should be directed to item five, recommending that *only one person in the district* be given the authority to sign software licensing agreements. This implies that such a person should become familiar with licensing and purchasing rights of all copyrighted materials.

### Suggested Software Use Guidelines

In the absence of clear legislation, legal opinion or case law, it is suggested that school districts adopt the enclosed Suggested Software Use Guidelines as guidelines for software use within the district. The recommendation of Guidelines is similar to the situation currently used by many education agencies for off-air video recording. While these Guidelines do not carry the force of law, they do represent the collected opinion on fair software use for nonprofit education agencies from a variety of experts in the software copyright field.

### Copyright Page Recommendations

The Committee recommends that educators look to the copyright page of software documentation to find their rights, obligations and license restrictions regarding an individual piece of software.

The Committee also suggests that software publishers use the documentation copyright page to clearly delineate the users' (owners' or licensees') rights in at least these five areas:

1. How is a back-up copy made or obtained, how many are allowed, and how are the back-ups to be used (e.g., not to be used on a second machine at the same time)?
2. Is it permissible to load the disk(s) into multiple computers for use at the same time?
3. Is it permissible to use the software on a local area network, and will the company support such use? Or is a network version available from the publisher?
4. Are lab packs or quantity discounts available from the publisher?
5. Is it permissible for the owner or licensee to make copies of the printed documentation? Or are additional copies available, and how?

### ICCE—Suggested Software Use Guidelines

The 1976 U.S. Copyright Act and its 1980 Amendments remain vague in some areas of software use and its application to education. Where the law itself is vague, software licenses tend to be much more specific. It is therefore imperative that educators read the software's copyright page and understand the licensing restrictions printed there. If these uses are not addressed, the following Guidelines are recommended.

These Guidelines do not have the force of law, but they do represent the collected opinion on fair software use by nonprofit educational agencies from a variety of experts in the software copyright field.

**Back-up Copy:** The Copyright Act is clear in permitting the owner of software a back-up copy of the software to be held for use as an archival copy in the event the original disk fails to function. Such back-up copies are not to be used on a second computer at the same time the original is in use.

**Multiple-loading:** The Copyright Act is most unclear as it applies to loading the contents of one disk into multiple computers for use at the same time. In the absence of a license expressly permitting the user to load the contents of one disk into many computers for use at the same time, it is suggested that you *not* allow this activity to take place. The fact that you physically can do so is irrelevant. In an effort to make it easier for schools to buy software for each computer station, many software publishers offer lab packs and other quantity buying incentives. Contact individual publishers for details.

**Local Area Network Software Use:** It is suggested that before placing a software program on a local area network or disk-sharing system for use by multiple users at the same time, you obtain a written license agreement from the copyright holder giving you permission to do so. The fact that you are able to physically load the program on the network is, again, irrelevant. You should obtain a license permitting you to do so before you act.

### Model District Policy on Software Copyright

It is the intent of [district] to adhere to the provisions of copyright laws in the area of microcomputer software. It is also the intent of the district to comply with the license agreements and/or policy statements contained in the software packages used in the district. In circumstances where the interpretation of the copyright law is ambiguous, the district shall look to the applicable license agreement to determine appropriate use of the software [or the district will abide by the approved Software Use Guidelines].

We recognize that computer software piracy is a major problem for the industry and that violations of copyright laws contribute to higher costs and greater efforts to prevent copying and/or lessen incentives for the development of effective educational uses of microcomputers. Therefore, in an effort to discourage violation of copyright laws and to prevent such illegal activities:

1. The ethical and practical implications of software piracy will be taught to educators and school children in all schools in the district (e.g., covered in fifth grade social studies classes).
2. District employees will be informed that they are expected to adhere to section 117 of the 1976 Copyright Act as amended in 1980, governing the use of software (e.g., each building principal will devote one faculty meeting to the subject each year).
3. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure this software from copying.
4. Under no circumstances shall illegal copies of copyrighted software be made or used on school equipment.
5. [Name or job title] of this school district is designated as the only individual who may sign license agreements for software for schools in the district. Each school using licensed software should have a signed copy of the software agreement.
6. The principal at each school site is responsible for establishing practices which will enforce this district copyright policy at the school level.

The Board of Directors of the International Council for Computers in Education approved this policy statement January, 1987. The members of the 1986 ICCE Software Copyright Committee are:

Sueann Ambron, American Association of Publishers  
 Gary Becker, Seminole Co. Public Schools, Florida  
 Daniel T. Brooks, Cadwalader, Wickersham & Taft  
 LeRoy Finkel, International Council for Computers in Education  
 Virginia Helm, Western Illinois University  
 Kent Kehrberg, Minnesota Educational Computing Corporation  
 Dan Kunz, Commodore Business Machines  
 Bodie Marx, Mindscape, Inc.  
 Kenton Pattie, International Communications Industries Association  
 Carol Rither, American Association of Publishers  
 Linda Roberts, US Congress—OTA  
 Donald A. Russ, Microcomputer Workshops Courseware  
 Lary Smith, Wayne County Int. Schl. Dist., Michigan  
 Ken Wasch, Software Publishers Association

For more information write to the ICCE Software Copyright Committee, ICCE, University of Oregon, 1787 Agate St., Eugene, OR 97403. ☎

**APPENDIX B**  
**LETTER OF REQUEST**



**East Tennessee State University  
College of Education**

Department of Supervision and Administration • Box 19000A • Johnson City, Tennessee 37614-0002 • (615) 929-4415, 4430

Dr. Sandra Wertz  
205 Wexford Court  
Columbia, SC 29212

Dear Dr. Wertz:

I received a copy of your 1984 dissertation from the University of South Carolina Library. I read your study and am writing to request permission to use the application portion of your data instrument. I would like to use these multiple choice questions in a dissertation.

I am enclosing a copy of the questions from your dissertation which I am requesting to use. I will credit the development of these items as your work in the text of my document and will append your letter of permission to my study.

I am looking forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Koleta Tilson".

Koleta Tilson  
Doctoral Candidate  
Department of Supervision and Administration  
East Tennessee State University

APPENDIX C  
LETTER OF PERMISSION

Ms. Koleta Tilson  
Department of Educational Leadership/Policy Analysis  
East Tennessee State University  
Johnson City, TN 37617

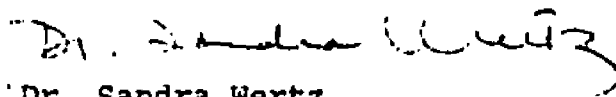
Dear Ms. Tilson:

I received your request for permission to use the application questions from the dissertation which I completed at the University of South Carolina in 1984.

You have my permission to incorporate the multiple choice questions which you identified into your data instrument provided that you credit the source. Please identify the questions which you import in the text of your study as having been taken from my dissertation.

You seem to have an interesting study. Best wishes to you.

Sincerely,



Dr. Sandra Wertz



**APPENDIX D**  
**PILOT PACKET**

Koleta B. Tilson  
3833 Skyland Drive  
Kingsport, TN 37664  
August 25, 1989

Dear Educator:

I am a doctoral student in the Department of Educational Leadership and Policy Analysis of East Tennessee State University. The proposed title of my dissertation is "Principals' and Librarians' Knowledge regarding the Application of PL 94-553: Guidelines to the 1976 Copyright Act."

With the use of new technologies and related delivery systems in the secondary school library, principals and librarians need copyright knowledge and information about copyright related issues. One purpose of this study will be to determine if educators in positions of legal responsibility with regard to media utilization have knowledge of and exposure to copyright.

The purpose of this letter to you is to request your participation in the pilot study to improve the questionnaire which will serve as the source of data of the copyright study. I hope you will respond to each item on the enclosed pages and place them in the return envelope to me today.

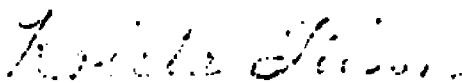
The two-part questionnaire and one-page opinionnaire require only a few minutes to complete. Questions 1-20 are about your school, library, and organizations which have provided information to you about copyright. Questions 21-40 are multiple-choice test items on copyright guidelines. You are requested to complete this test without referring to the copyright law or guidelines.

The responses received from this mailing are anonymous. Since your suggestions for the improvement of the instrument are needed to revise the instrument for use in the actual study, would you please offer any additional comments which you consider beneficial and place the completed documents in the mail to me by September 7?

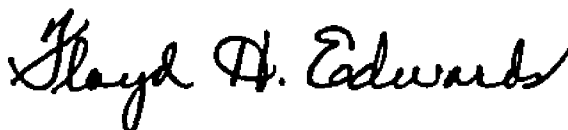
If you have any questions regarding participation in this pilot study, please feel free to contact me at (615) 245-6572 or (615) 323-5119.

Thank you for your time and assistance.

Sincerely,



Koleta Tilson  
Doctoral Candidate



Floyd Edwards  
Dissertation Director

**PILOT QUESTIONNAIRE-You are requested to complete the following 3 documents:**

- I. This page of 20 short items ( 1 - 20)
- II. The 20-item copyright test (21 - 40)
- III. The Opinionnaire Response Sheet ( A - G )

1. Do you consider a **SCHOOL COPYRIGHT POLICY** an appropriate document for your school?

Yes       No       No opinion

2. Does your school have a **COPYRIGHT POLICY**?

Yes       No

3. If yes, please enter the year it was adopted (if known) \_\_\_\_\_

4. Are **COPYRIGHT WARNING NOTICES** placed on or near the school photocopiers?

Yes       No

5. Do you use **INTERLIBRARY LOAN** in your school library?

Yes       No

6. Do you expect to start using a **FAX** machine in your school library?

Yes       No

7. How many **PHOTOCOPIERS** are available in your school?

1       2       3       4+

**IF YOU HAVE RECEIVED COPYRIGHT INFORMATION FROM ANY OF THE FOLLOWING ORGANIZATIONS, PLACE AN "X" ON THE LINE. WRITE IN SOURCES NOT LISTED.**

- 8. Local education agency (central office)
- 9. State education agency (Tennessee Department of Education)
- 10. Southern Association of Colleges and Schools (SACS)
- 11. US Department of Education
- 12. American Library Association (ALA)
- 13. Association of Educational Communication and Technology (AECT)
- 14. National Education Association (NEA)
- 15. Music Educators National Conference (MENC)
- 16. American National Theater Association
- 17. National Public Radio (NPR)
- 18. International Council for Computers in Education (ICCE)
- 19. Public Broadcasting System (PBS)
- 20. School Administrators Organization

**I HAVE RECEIVED COPYRIGHT INFORMATION FROM:** \_\_\_\_\_

Would you please help me decide if the following 20 multiple choice items (c1984 Vertz) can be used to determine the copyright knowledge of secondary school principals and librarians?

The first time: TAKE THE TEST!

SELECT ONE RESPONSE FOR EACH OF THE 20 ITEMS.

PLACE AN "X" ON THE LINE BEFORE THE LETTER TO INDICATE YOUR SELECTED RESPONSE.

The second time: IF YOU DO NOT CONSIDER THE CONTENT OF AN ITEM RELEVANT TO MEDIA USE IN YOUR SCHOOL, CROSS OUT THE ITEM!

21. A single copy may be made by a teacher for scholarly research or use in teaching of all of the following EXCEPT:
- a. an article from a periodical
  - b. a short story
  - c. a book
  - d. a drawing or diagram
22. Multiple copies may be made by or for a teacher for classroom use in discussion if the copies do not exceed:
- a. the average class size
  - b. more than 25
  - c. more than one copy per student
  - d. more than 50
23. Multiple copies for classroom use may be made provided that the copying:
- a. meets the test of brevity & spontaneity
  - b. meets the cumulative affects test
  - c. includes a copyright notice
  - d. all of the above
24. Multiple copies of a complete work of prose is "fair use" provided the complete article, story or essay is less than:
- a. 500 words
  - b. 1000 words
  - c. 1500 words
  - d. 2500 words
25. Multiple copying of copyrighted works is allowed by a teacher for use in one course not more than \_\_\_\_\_ time(s) during a term:
- a. 1
  - b. 2
  - c. 9
  - d. 10
26. Copying of works from consumable products such as workbooks, exercises, standardized tests, or answer sheets is:
- a. allowed
  - b. not allowed
  - c. allowed only with permission of the author
  - d. not covered by the guidelines
27. The most frequently encountered interlibrary case in copying involves one library obtaining from another library:
- a. copies of books from the library
  - b. copies of articles from relatively recent issues of periodicals
  - c. copies of periodicals published within the last five years
  - d. copies of books on loan from another library
28. The words "such aggregate quantities as to substitute for a subscription to or purchase of such work" means filled requests by a borrowing library exceeding in a calendar year a total of:
- a. 6
  - b. 8
  - c. 10
  - d. 12
29. No request for a copy of any material to which these guidelines apply may be fulfilled unless the requesting entity:
- a. obtains permission from the publisher
  - b. shows representation that the request was made in conformity with the guidelines.
  - c. includes a notice of copyright in the book or periodical
  - d. obtains permission from the author of the book

30. The requesting entity of a library or archives shall maintain records of all transactions for copies and phonorecords until the \_\_\_ calendar year following the requests:
- a. second
  - b. third
  - c. fourth
  - d. fifth
31. For academic purposes (other than actual performance), a single copy of an entire performable unit may be made, but in no case more than \_\_\_ of the work.
- a. 10%
  - b. 15%
  - c. 25%
  - d. 50%
32. Under the guidelines for the educational uses of music, emergency copying to replace purchase copies is:
- a. permissible
  - b. not permissible
  - c. not mentioned in the guidelines
  - d. permissible if reasonable attempt is made to obtain permission of the copyright owner
33. Printer copies of music which have been purchased may be edited or simplified provided that:
- a. the copyright notice which appears in the printed copy is included
  - b. the fundamental character of the work is not distorted
  - c. no multiple copies of the new version are made
  - d. the copyright owner is notified within a reasonable period of time
34. The following are prohibited educational uses of music EXCEPT:
- a. copying to replace or substitute for anthologies, compilations or collective works
  - b. copying for the purpose of performance
  - c. copying without the inclusion of the copyright notice which appears on the printed copy
  - d. copying of a single copy or sound recording to be retained by an individual teacher
35. A broadcast program may be recorded off-air simultaneous with broadcast transmission and retained by a non-profit educational institution for a period not to exceed \_\_\_\_\_:
- a. 7 days
  - b. 10 days
  - c. 30 days
  - d. 45 days
36. "Broadcast programs" are television programs transmitted by stations for reception by:
- a. nonprofit educational institutions
  - b. the general public without charge
  - c. the general public with charge
  - d. none of the above
37. All of the following statements about off-air recordings are true EXCEPT:
- OFF-AIR RECORDINGS:
- a. made only at the request of the individual teacher
  - b. made only once regardless of the number of times the program may be broadcast
  - c. regularly recorded in anticipation of requests
  - d. reproduced in limited numbers
38. Off-air recordings may be used once (and, if needed, once for reinforcement) within \_\_\_ days following the broadcast:
- a. 2
  - b. 5
  - c. 10
  - d. 120
39. The appendices of the 1976 General Revision of the Copyright Law are intended to state:
- a. minimum standards of fair use
  - b. maximum standards of fair use
  - c. recommended standards of fair use
  - d. permissible standards of fair use
40. Appendix A refers ONLY to the copying of:
- a. musical works
  - b. books and periodicals
  - c. musical and audiovisual works
  - d. audiovisual works

Thank you for taking the test! REMEMBER TO GO OVER THE ITEMS THE SECOND TIME!

## Opinionnaire - Response Sheet

- A. Approximately how many minutes did it take you to complete the questionnaire? \_\_\_\_\_

In regard to the Items 1 - 20, circle the appropriate response:

- B. Were the instructions clear? YES NO  
If no, how to improve: \_\_\_\_\_

- C. Was the format of the document acceptable? YES NO  
If no, how could it be improved? \_\_\_\_\_

D. Would you please evaluate the CLARITY of each of the first 20 items of the questionnaire, then evaluate the RELEVANCE of each of the first 20 items by circling the appropriate responses which are coded as follows:

A=ACCEPTABLE UA=UNACCEPTABLE NI=NEEDING IMPROVEMENT

	C L A R I T Y			R E L E V A N C E			
1.	A	UA	NI	1.	A	UA	NI
2.	A	UA	NI	2.	A	UA	NI
3.	A	UA	NI	3.	A	UA	NI
4.	A	UA	NI	4.	A	UA	NI
5.	A	UA	NI	5.	A	UA	NI
6.	A	UA	NI	6.	A	UA	NI
7.	A	UA	NI	7.	A	UA	NI
8.	A	UA	NI	8.	A	UA	NI
9.	A	UA	NI	9.	A	UA	NI
10.	A	UA	NI	10.	A	UA	NI
11.	A	UA	NI	11.	A	UA	NI
12.	A	UA	NI	12.	A	UA	NI
13.	A	UA	NI	13.	A	UA	NI
14.	A	UA	NI	14.	A	UA	NI
15.	A	UA	NI	15.	A	UA	NI
16.	A	UA	NI	16.	A	UA	NI
17.	A	UA	NI	17.	A	UA	NI
18.	A	UA	NI	18.	A	UA	NI
19.	A	UA	NI	19.	A	UA	NI
20.	A	UA	NI	20.	A	UA	NI

II. Regarding the COPYRIGHT TEST (ITEMS 21-40), circle ONE response:

- E. Which best describes the length of the test? (circle one)  
 \_\_\_\_\_ too short      \_\_\_\_\_ too long      \_\_\_\_\_ about the right length
- F. Which best describes the print?  
 \_\_\_\_\_ acceptable      \_\_\_\_\_ marginal      \_\_\_\_\_ unacceptable
- G. Which best describes the level of difficulty of the test?  
 \_\_\_\_\_ too easy      \_\_\_\_\_ too difficult      \_\_\_\_\_ ok
- H. Additional comments/suggestions: (PLEASE USE THE BACK OF THE PAGE)

**APPENDIX E**  
**STUDY PACKET**

Dear Educator:

Complex copyright considerations accompany the use of the photocopier, the computer and the videocassette in the secondary school. An awareness of copyright law can provide a critical influence in achieving the desired legal utilization of copyright media.

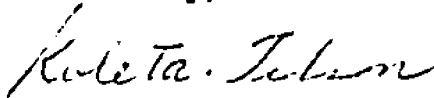
Your school was one of 500 SACS accredited secondary schools randomly selected to participate in this study. The principal and the librarian of each school are receiving the enclosed 40 item questionnaire - the data instrument of this dissertation.

Would you please take a few minutes to respond to the accompanying questionnaire? Your response is anonymous. Please leave no item blank. Respond to each item even if you simply guess. You are requested to select the answers without referring to the copyright law or guidelines.

Pilot participants reported spending an average of 12 minutes on the questionnaire. Would you please spend the few minutes responding to the questions, fold the document, and place it in the envelope today?

Thank you.

Sincerely,



Koleta Tilson



**READ THESE INSTRUCTIONS BEFORE RESPONDING TO THE QUESTIONS**

**Please detach this page and discard when finished**

**DO NOT RETURN THIS PAGE WITH THE QUESTIONNAIRE**

**Please complete each item**

**Do not skip items      Do not omit items**

**Questions 0, 1, 2, 3, & 4 Circle or enter responses**

**PLACE AN "X" IN THE BLANK TO INDICATE THE SELECTED RESPONSE**

**Please select one response to each item**

**COPYRIGHT LAW - Questions 5 & 6**

**COPYRIGHT POLICY - Questions 7 & 8**

**SCHOOL PHOTOCOPY SERVICE - Questions 9, 10, 11, 12, & 13**

**RESOURCE SHARING NETWORKS - Questions 14 & 15**

**ORGANIZATIONS - Questions 16, 17, 18, 19, & 20**

**Place an "x" in the blank if the organization if you have received information about copyright from the publications, meetings, etc. sponsored by the organization. If you have not received communication through the organization, leave the item blank.**

**Please write in the name of any organization(s) having provided information about copyright to you in the past.**

**TWENTY ITEM COPYRIGHT TEST - Questions 21 - 40**

**Indicate which of the four choices is the best response to each item and place an "x" to indicate the selected response**

**Select only one response to each question.**

**Please guess if you are not sure which response is correct**

**IMPORTANT**

**DO NOT REFER TO THE COPYRIGHT LAW,**

**GUIDELINES, OR OTHER SOURCE(S) OF INFORMATION**

**WHILE PREPARING YOUR RESPONSES!!**

- In which state are you employed?  
(circle appropriate response)  
AL FL GA KY LA MS NC SC TN TX VA
1. To which professional group do you belong? (Circle one)  
Principal Librarian
2. Total number of years in this profession: \_\_\_\_\_
3. Have you been involved in litigation as a result of your professional responsibilities?      yes    no
4. Have you participated in a law class/workshop since the enactment of the 1976 Copyright Law?    yes    no



5. Which best describes your exposure to the 1976 Copyright Law?
- \_\_\_ a. have read (or heard read) the law in its entirety and studied accompanying documents
- \_\_\_ b. have read (or heard read) the law in its entirety
- \_\_\_ c. have read or heard read portions of the law
- \_\_\_ d. have read or heard professional interpretations of the law
- \_\_\_ e. have had no exposure to the actual wording of the law or to professional interpretations of it
6. Which best describes your awareness of major court decisions in the area of copyright?
- \_\_\_ a. very knowledgeable
- \_\_\_ b. fair knowledge
- \_\_\_ c. somewhat lacking
- \_\_\_ d. I have had virtually no exposure to litigation in copyright

- 7. Which of the following statements is the closest assessment of your opinion of an up-to-date copyright policy?
- \_\_\_ a. it is an essential document for every school
  - \_\_\_ b. it is a beneficial document but not essential
  - \_\_\_ c. it is appropriate but not necessarily beneficial
  - \_\_\_ d. it is not appropriate for schools
  - \_\_\_ e. I have no opinion about copyright policies for schools
- 8. Does your school system and/or school have a copyright policy?
- \_\_\_ a. yes, one written/revised within the past two years
  - \_\_\_ b. yes, one written/revised two or more years ago
  - \_\_\_ c. our first copyright policy is currently being developed
  - \_\_\_ d. no, our school system does not have a copyright policy
  - \_\_\_ e. I am not sure if there is a copyright policy

## PHOTOCOPYING

- 9. How many photocopiers are available in your school?
- \_\_\_ a. none
  - \_\_\_ b. one
  - \_\_\_ c. two
  - \_\_\_ d. three
  - \_\_\_ e. four or more
- 10. How many of these are "self-service"?
- \_\_\_ a. none
  - \_\_\_ b. one
  - \_\_\_ c. two
  - \_\_\_ d. three
  - \_\_\_ e. four or more
- 11. Is a photocopier available in the school library?
- \_\_\_ a. yes (staff, teacher and/or student operated)
  - \_\_\_ b. yes (staff and/or teacher operated)
  - \_\_\_ c. yes (staff operated only)
  - \_\_\_ d. yes, but I am not sure who operates it
  - \_\_\_ e. no copier in the school library

- **12. Are Copyright Warning Notices displayed on or near the self-service copiers?**
- a. we have no self-service copiers/or no notices are posted on our copiers
- b. notices are posted on some of the copiers
- c. notices are posted on all of the copiers
- d. I do not know
- **13. How much are students charged for each photocopied page?**
- a. no charge
- b. five cents or less
- c. > five but < or = to ten cents
- d. > ten cents
- e. I do not know

## Resource Sharing Networks

- **14. In the future, do you expect to develop a system of interlibrary loan between your school library and other libraries?**
- a. yes, after the year 2000 (distant future)
- b. yes, within the next 10 years (by 2000 or before)
- c. no
- d. we are doing this now
- e. no opinion
- **15. Do you think "FAX" (telefacsimile machines) will be used in your secondary school library?**
- a. we have a fax machine in our library now and are using or planning to use it
- b. I predict this will happen here within the next two years
- c. I predict a fax machine will be used but do not know when
- d. I do not think a fax machine will be used in this library
- e. no opinion

## Organizations with information about copyright

Place an X before the name of the organization if you have received information about copyright from a meeting, publication, or other communication resource under sponsorship of the group.

16. Local Education Agency/Central Office  
 17. State Education Agency  
 18. SACS (Southern Association of Colleges and Schools)  
 19. ALA (American Library Association) or AASL (School Librarians)  
 20. NEA and Affiliate Organizations

Others (Specify) \_\_\_\_\_

## The Copyright Test

Choose one answer to each question without referring to the Copyright Law/guidelines.

Do not omit questions - Answer each question even if you guess.

21. Which of the following rights does the law reserve for the owner of a copyright?
  - a. to prepare derivative works
  - b. to reproduce the work
  - c. to perform/display the work
  - d. all of the above
22. The owner of a computer program is justified in making a copy when which of the following conditions are met?
  - a. the new copy (or adaptation) is created to enable use on the machine and the program is used only on that machine
  - b. the new copy is for archival purposes & will be destroyed if & when the possession of the program is no longer lawful
  - c. the copy that is prepared (or adapted) is not leased, sold, or otherwise transferred without authorization of the copyright owner
  - d. all of the above

- o 23. A single copy may be made by a teacher for scholarly research or use in teaching of all of the following EXCEPT:
- a. an article from a periodical
  - b. a short story
  - c. a book
  - d. a drawing or diagram
- o 24. Multiple copies may be made by or for a teacher for classroom use if the copies do not exceed:
- a. the average class size
  - b. more than 25
  - c. more than one copy per student
  - d. more than 50
- o 25. Multiple copies for classroom use may be made provided that the copying:
- a. meets the test of brevity & spontaneity
  - b. meets the cumulative affects test
  - c. includes a copyright notice
  - d. all of the above
- o 26. Multiple copies of a complete work of prose is "fair use" provided the complete article, story or essay is less than:
- a. 500 words
  - b. 1000 words
  - c. 1500 words
  - d. 2500 words
- o 27. Multiple copying of copyright works is allowed by a teacher for use in one course not more than \_\_\_\_\_time(s) during a term:
- a. 1
  - b. 2
  - c. 9
  - d. 10
- o 28. Copying of works from consumable products such as workbooks, standardized tests, or answer sheets is:
- a. allowed
  - b. not allowed
  - c. allowed only with permission of the author
  - d. not covered by the guidelines

- 29. Copying of copyright media shall NOT result from:**
- a. limiting the number of purchased copies of a work
  - b. doing so because of a directive by a higher authority
  - c. using the same supplementary material during subsequent school terms
  - d. all of the above
- 30. In regard to computer and similar information systems, an amendment to the law makes specific use determinations on which of the following issues:**
- a. using software on local area networks
  - b. multiple loading of a disk into computers for simultaneous usage
  - c. making a back-up copy of a disk for archival purposes
  - d. all of the above
- 31. The International Council for Computers in Education (ICCE) 1987 Policy Statement and Guidelines addressed which of the following:**
- a. using software on local area networks
  - b. multiple loading of a disk into computers for simultaneous usage
  - c. making a back-up copy of a disk for archival purposes
  - d. all of the above
- 32. The ICCE 1987 Policy Statement recommended:**
- a. that every school district adopt a copyright policy
  - b. that software vendors adopt multiple copy discounts for schools
  - c. that special pricing be offered for lab packages of disks
  - d. all of the above
- 33. For academic purposes (other than actual performance), a single copy of an entire performable unit may be made, but in no case more than \_\_\_\_ of the work.**
- a. 10%
  - b. 15%
  - c. 25%
  - d. 50%

34. Under the guidelines for the educational uses of music, emergency copying to replace purchase copies is:
- a. permissible
  - b. not permissible
  - c. not mentioned in the guidelines
  - d. permissible if reasonable attempt is made to obtain permission of the copyright owner
35. Printer copies of music which have been purchased may be edited or simplified provided that:
- a. the copyright notice which appears in the printed copy is included
  - b. the fundamental character of the work is not distorted
  - c. no multiple copies of the new version are made
  - d. the copyright owner is notified within a reasonable period of time
36. The following are prohibited educational uses of music EXCEPT:
- a. copying to replace or substitute for anthologies, compilations or collective works
  - b. copying for the purpose of performance
  - c. copying without the inclusion of the copyright notice which appears on the printed copy
  - d. copying of a single copy or sound recording to be retained by an individual teacher
37. A broadcast program may be recorded off-air simultaneous with broadcast transmission and retained by a non-profit educational institution for
- a. 7 days
  - b. 10 days
  - c. 30 days
  - d. 45 days
38. "Broadcast programs" are television programs transmitted by stations for reception by:
- a. nonprofit educational institutions
  - b. the general public without charge
  - c. the general public with charge
  - d. none of the above



- 39. All of the following statements about off-air recordings are true EXCEPT:
- a. OFF-AIR RECORDINGS may be made only at the request of the individual teacher
  - b. OFF-AIR RECORDINGS may be made only once regardless of the number of times the program may be broadcast
  - c. OFF-AIR RECORDINGS may be made regularly recorded in anticipation of requests
  - d. OFF-AIR RECORDINGS may be reproduced in limited numbers
- 40. Off-air recordings may be used once (and, if needed, once for reinforcement) within \_\_\_ school days following the broadcast:
- a. 2
  - b. 5
  - c. 10
  - d. 120

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questions 23-28 and 33-40

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THANK YOU FOR YOUR PARTICIPATION IN THIS STUDY

Your participation is essential to the success of the study!

Would you please place the completed questionnaire  
inside the enclosed stamped, addressed envelope  
and drop it in the mail to me today?

Also enclosed is a postcard addressed to me to enable you to advise me that you have returned your questionnaire.

The card should be mailed separately to preserve the desired anonymity of respondents.

Please make certain that the name of your school and your position is on the postcard that you return to me.

When I receive the card, I will be notified that you have returned your questionnaire and will remove your name from any list for subsequent mailings.

If you would like to request a copy of the findings of the study, please use the card to request a report.

---

(Postcard form)

GREETINGS from

\*school name\* HIGH SCHOOL  
(a member of SACS since 19\*year\*)

I am the \*position\* of  
\*school name\* High School of  
\*city\*, \*st\* \*zip\*  
who returned the questionnaire

Please send me a report of the  
findings of the study YES NO

**APPENDIX F**  
**FOLLOW-UP COVER LETTER**

January 31, 1990

150

Dear Principal:

If you completed and returned the copyright questionnaire which I mailed to you, I would like to thank you for your support.

If you have not returned the questionnaire, I would greatly appreciate it if you would complete the enclosed copy and place it in the mail as soon as possible.

I must have all questionnaires returned to me by February 16. Thank you for your time.

READ THESE INSTRUCTIONS BEFORE RESPONDING TO THE QUESTIONNAIRE

Please detach the instructions for ease of use.  
DO NOT RETURN THESE INSTRUCTIONS WITH THE QUESTIONNAIRE

Please answer each question as you read it  
Do not skip items  
DO NOT OMIT ITEMS

Questions 0, 1, 2, 3, & 4 Circle/enter the appropriate responses

Please respond to the items numbered 5 - 15 by placing an "X"  
in the blank preceding the appropriate response

COPYRIGHT LAW - Questions 5 & 6

COPYRIGHT POLICY - Questions 7 & 8

A document developed and adopted to influence copyright compliance

SCHOOL PHOTOCOPY SERVICE - Questions 9, 10, 11, 12, & 13

Self-service photocopiers are copiers operated by those using the copies.  
(Machines that are partially user operated are self-service)

RESOURCE SHARING NETWORKS - Questions 14 & 15

These systems provide for the exchange of media between libraries.  
(They may or may not utilize electronic equipment or devices)

ORGANIZATIONS - Questions 16, 17, 18, 19, & 20

Place an "X" in the blank before the name of each organization  
from which you have received information about copyright.  
This may include publications, meetings, etc. sponsored by the group.  
(Please write in the name of any organization(s) having provided  
information about copyright to you in the blank labeled OTHERS (specify).

TWENTY ITEM COPYRIGHT TEST - Questions 21 - 40

1. Select only one response for each question.
2. Please guess if you are not sure which response is correct.
3. Do not leave any question without placing an "x" before one of the letters.

**I M P O R T A N T**  
DO NOT REFER TO THE COPYRIGHT LAW,  
GUIDELINES,  
OR SOURCE(S) OF INFORMATION  
WHILE PREPARING YOUR RESPONSES!!

VITA

Koleta Baker Tilson

Personal Data: Date of Birth: July 2, 1939  
Place of Birth: Nashville, Tennessee  
Marital Status: Married

Education: Public Schools, Tennessee  
Tennessee Technological University  
Cookeville, Tennessee  
Education, B.S., 1961

East Tennessee State University  
Johnson City, Tennessee  
Library Service, M.A., 1974

University of Tennessee  
Knoxville, Tennessee

East Tennessee State University  
Johnson City, Tennessee  
Ed.S. Educational Administration, 1980

East Tennessee State University  
Ed.D. Educational Supervision, 1990

Professional Experience: Teacher, Notre Dame High School  
Chattanooga, Tennessee, 1961 - 1963

Teacher, Hamilton County Schools  
Chattanooga, Tennessee, 1963 - 1968

Teacher, Sullivan County Schools  
Blountville, Tennessee, 1974 -