

Book	Policy Manual
Section	2000 Program
Title	USE OF COPYRIGHTED MATERIALS
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2531 - **USE OF COPYRIGHTED MATERIALS**

The Federal copyright law (U.S.C. Title 17) governs the duplication, distribution, use and display or performance of all copyrighted materials, including printed matter, audiovisual materials, television programs, computer software and the Internet. Violation of the law can subject the violator to legal action by the copyright holder resulting in the levying of fines and/or compensatory damages as well as criminal penalties.

Our status as a school district does not provide exemption from the law; public schools are subject to its provisions just as are other agencies and businesses. It is the intent of the Board to promote respect for the rights of copyright owners, knowledge of the Copyright Law, education of students in those legal and moral issues, and strict compliance with the Copyright Laws in all activities of the District.

Therefore, the Board adopts the following policy regarding use of copyrighted materials by District employees:

- A. The District shall abide by all provisions of the copyright laws.
- B. Copyrighted materials, whether traditional printed material, audiovisual media or computer software, may not be duplicated without prior written permission from the owner or copyright holder unless that duplication falls under the exception in the law for "Fair Use" in instruction.
- C. The Board does not sanction or condone illegal duplication in any form, the use of illegally duplicated materials or the improper use of commercially duplicated materials.
- D. In specific, copyrighted tests and answers or state test materials are not to be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or through any information storage and retrieval system.
- E. Procedures, guidelines, or other assistance in determining the legality of duplication of materials for instructional purposes may be obtained online in Board policies.
- F. Employees who infringe upon copyright laws shall be subject to disciplinary action by the school board, up to and including termination, in addition to the civil and criminal penalties provided under the United States Copyright Law.
- G. The principal is responsible for informing the faculty regarding copyright laws. Each faculty and staff member is responsible for compliance with copyright law, and for assuring compliance with copyright law by students under their supervision.
- H. Each teacher and appropriate staff member shall receive information and/or training in copyright laws. The District shall further provide current printed and electronic resources, and the media specialist shall be responsible for facilitating access to and encouraging the use of such materials for faculty, staff and students to gain a greater understanding of their responsibilities under the Copyright Law.
- I. Each faculty member will educate students as to the legal and ethical issues regarding copyright, and assure that students read and understand the policies of the District related to the use of copyrighted material.
- J. Enforcement of copyright laws at a school site is the responsibility of everyone who has knowledge of a violation. In the event of suspected copyright law violation, the situation should be brought to the principal, who may wish to contact the

Superintendent or the Director of Communications for additional assistance.

Brief Statement on "Fair Use" of copyrighted materials in instruction:

The Board recognizes that there are exceptions to United States Copyright Law that provide some latitude for the use of copyrighted materials for instructional purposes, that fall under the doctrine known as "Fair Use." The Board understands the doctrine to have the following four "tests", but beyond those "tests" the "Fair Use" exception also always presupposes good faith and fair dealing.

The courts use the following four criteria to determine "Fair Use:"

- A. the purpose and character of the use - the use of materials for teaching or research is acceptable according to "Fair Use" guidelines;
- B. the nature of the copyrighted work - if the material is designed primarily for educational use, it is more likely to fit the "Fair Use" guidelines; these "Fair use" exemptions do not apply to non-instructional purposes;
- C. the amount of the work used - if only a small percentage of a work is used, "Fair Use" guidelines are more likely to apply; and
- D. the effect of the use upon the potential market value of the copyrighted work - if future sales of the work are negatively impacted by modification, "Fair Use" does not apply.

It is the intention of the Board that any instructional use of materials under the "Fair Use" exception to the Copyright Law be conducted:

- A. thoughtfully, by staff who have educated themselves regarding the four "tests";
- B. in compliance with both the letter and the spirit of this law;
- C. in a way that models to students respect for ownership;
- D. by seeking permission of the author(s) whenever possible; and
- E. in such a manner that if any faculty, staff or students are unsure if "Fair Use" covers a particular proposed use, they seek assistance from the media specialist or the Director of Communications.