

## SOFTWARE LICENSE AND APPROVAL POLICY

It is the legal obligation of New Hanover County Board of Education and its employees to comply with copyright laws and respect intellectual property rights of others. Unless expressly authorized to do so, the New Hanover County School System has no right to make copies of the software except for backup or archival purposes. The Copyright Act, Title 17 of the US Code, provides that the unauthorized duplication of software constitutes copyright infringement regardless of whether it is done for free distribution or for the copier's own use. The Software Rental Amendments Act of 1990 (Public Law 101-650), prohibits the rental, leasing, or lending of original copies of any software without the express permission of the copyright owner. The purpose of this Policy is to prevent copyright infringement and to protect the integrity of the New Hanover County School System's computer environment.

The Chief Technology Officer and site-based management are charged with the responsibility of monitoring these guidelines. New Hanover County School System employees may not duplicate any licensed software or related documentation for use either on school premises or elsewhere unless the New Hanover County School System is expressly authorized to do so by agreement with the licensor or under Fair Use.

- Unauthorized duplication of software may subject employees and/or the district to both civil and criminal penalties under the United States Copyright Act.
- All employees shall follow the software, application, or subscription services terms and conditions.
- The legal or insurance protection of the district shall not be extended to employees who intentionally violate copyright law.
- Employees shall not give software to any other employee or non-employee.
- New Hanover County School System employees shall use software in accordance with applicable license agreements.
- To purchase and/or utilize software or subscription services within the New Hanover County School System, school sites are required to submit a software approval form for technical and instructional evaluation.
- Individual schools shall have through the Media Technology Advisory Committee a written procedure in place to manage the purchase and installation of applications (apps) regardless of the funding source.
- A written license agreement shall be obtained from the copyright holder before placing software programs on a local area network or disk sharing system.
- Each school using licensed software shall have a signed copy of the software agreement. The Chief Technology Officer of the New Hanover County School System is designated as the only individual who may sign district-wide software license agreements for schools in the district. When individual schools purchase software

license agreements, the principal or designee is responsible for signing that school's agreement.

### **Fair Use**

Unless allowed as "fair use" under federal law, permission shall be acquired from the copyright owner prior to copying copyrighted material. Fair use is based on the following standards:

- The purpose and character of the use, including whether such use is for a commercial nature or is for nonprofit educational purposes;
- The nature of the copyrighted work;
- The amount of and the substantiality of the portion used in relation to the copyrighter work as a whole; and
- The effect of the use upon the potential market for, or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such a finding is made upon consideration of all the above factors.

All software shall be subject to review and approval by site-based management, the District Media Technology Advisory Committee (DMTAC) and the Technology Department.

LEGAL REFS: U.S. Copyright Law Title 17, Computer Software Rental Act of 1990

Adopted: 05/01/06

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