

Board of Education Policy

COPYRIGHT LAW COMPLIANCE

The Board of Education acknowledges the necessity of complying with federal copyright laws and Congressional guidelines governing the use of copyrighted material. Employees and students are to adhere to all provisions of Title 17 of the United States Code, entitled “Copyrights,” and other relevant federal legislation, regulations and guidelines related to the duplication, retention, and use of copyrighted materials.

Copyright law does allow limited copying, distribution, and display of copyrighted works without the author’s permission under certain conditions known, as “fair use.” Fair use of a copyrighted work including such use by reproduction in copies or by any other means specified for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. Fair use does not encompass wholesale copying and distribution of copyrighted work for educational or any other purpose without permission. Copying for educational or scholarly purpose is not per se a “fair use.”

Standards for fair use include:

1. The purpose and character of the use.
Duplicating and distributing selected portions of copyrighted materials for specific educational purposes falls within fair use guidelines, particularly if the copies are made spontaneously, for temporary use, and not as part of an anthology.
2. The nature of the copyrighted work.
Fair use applies more readily to copying paragraphs from a primary source than to copying a chapter from a textbook. Fair use applies to multimedia materials in a manner similar if not identical to print media.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
Copying extracts that are short relative to the whole work and distributing copyrighted segments that do not capture the “essence” of the work are generally considered fair use.
4. The effect of use on the potential market for or value of the work.
If copying or distributing the work does not reduce sales of the work, then the use may be considered fair. Of the four standards, this is arguably the most important test for fair use.

Employees and students are responsible for conducting themselves in a manner consistent with the spirit and intent of the District Copyright Policy, specifically:

1. Unlawful copies of copyrighted materials may not be produced on District-owned equipment;
2. Unlawful copies of copyrighted materials may not be used with District-owned equipment, within District-owned facilities, or at District –sponsored functions;

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3. Employees who make copies and/or use copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use, public display, and computer guidelines. Employees are further expected to be able to provide their supervisor, upon request, the justification for such copying and/or use based on fair use, public display, or computer guidelines as specified in the Federal copyright laws;
4. Employees who use copyrighted materials that do not fall within fair use, public display, or computer guidelines must be able to substantiate that the materials meet one of the following tests:
 - The materials have been purchased from an authorized vendor by the employee or the District and a record of the purchase exists;
 - The materials are copies covered by a licensing agreement between the copyright owner and the District or individual; or
 - The materials are being previewed or demonstrated by the user to reach a decision about future purchasing or licensing and a valid agreement exists that allows for such use.
 - Guidelines for the use of copyrighted materials shall be readily available from media specialists and/or from District media services.
 - All school employees will have access to the policy and be educated about its implementation. The relevant copyright laws in their entirety shall be available for reference through District media services.

Infringement of copyrighted material, whether prose, poetry, graphic images, music, video or computer code, is a serious offense against Federal law and contrary to the ethical standards required of employees and students alike. Willful infringement of the law by employees may result in disciplinary action, up to and including termination, pursuant to the applicable State and Federal laws. Legal or insurance protection will not be extended to employees who willfully violate copyright law and/or policies.

Adopted: 12/12/1996
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