

SALEM SCHOOL DISTRICT
Salem, Connecticut

INSTRUCTION

COPYRIGHT/USE OF COPYING DEVICES

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

Fair Use:

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

1. **THE PURPOSE AND CHARACTER OF THE USE.** The use must be for such purposes as teaching or scholarship and must be nonprofit.
2. **THE NATURE OF THE COPYRIGHTED WORK.** Staff may make single copies of the following for use in research, instruction or preparation for teaching in accordance with Fair Use Guidelines:
 - book chapters
 - articles from periodicals or newspapers
 - short stories, essays or poems
 - charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers
3. **THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED.** In most circumstances, copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
4. **THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK.** If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

While the District encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of District staff to abide by the District’s copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for

District staff to violate copyright requirements in order to perform their duties properly. The District cannot be responsible for any violations of the copyright law by its staff.

Any staff member who is uncertain as to whether reproduction or use of copyrighted material complies with the District's procedures or is permissible under the law should contact the Superintendent or his/her Designee.

It is the intent of the Board of Education that all work produced by the school organization shall remain the property of the Salem School System. As such, the School District will retain all rights and privileges attendant to that ownership, including the right to distribute and copyright materials produced by the school and its organizations, consistent with state and federal law.

(cf. 6161.7 - Use of Proprietary Software Products)

Legal Reference: Public Law 94-553, Federal Copyright Law of 1976, 17 U.S.C. 101 et. seq. Public Law 105-304 Digital Copyright Millennium Act, 112 Stat. 2827.

1st Reading: March 20, 2006
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