

Copyrighted Materials and Intellectual Property

District Obligations

The purpose of this policy is to describe the responsibilities of employees and students with respect to the use of copyrighted material. The Fargo Public School District (“District”) and its employees and students must adhere to all provisions of copyright law related to the duplication, retention, and use of copyrighted materials.

Responsibilities

- Unlawful copies of copyrighted materials may not be produced or distributed on District-owned equipment, including, but not limited to photocopiers, scanners, computers, and video and sound recording devices.
- Unlawful copies of copyrighted materials may not be used with District-owned equipment, on District property, or at District-sponsored functions.
- The legal and insurance protection of the District will not be extended to employees who unlawfully copy or use copyrighted materials.
- Employees who use copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use, public display, and technological use guidelines. Employees are further expected to be able to provide their supervisor, upon request, the justification based on their fair use, public display, or technological use guidelines, as specified in copyright law.
- Employees who use copyrighted materials that do not fall within fair use, public display, or technological use guidelines, must be able to substantiate that the materials meet one of the following tests:
 1. The employee or the District purchased the materials from an authorized vendor and a record of the purchase exists.
 2. The materials are copies covered by a licensing agreement between the copyright owner and the District or the employee.
 3. The materials are being previewed or demonstrated by the user to reach a decision about future purchase or licensing and a valid agreement exists that allows for such use.

Questions regarding the application of the test should be directed to the District’s library media department and/or information technology department.

Creative Commons

There are a number of digital resources that offer videos, music, pictures, and other media under a Creative Commons license, which generally requires only proper attribution for use. Employees should consult with a library media and/or technology staff member for assistance in identifying these ever-evolving resources.

Multimedia Content Guidelines

- Streaming of music and movies from personal accounts (e.g. Amazon, Hulu, Netflix) is generally not permitted in the classroom according to the license agreement you signed when creating your account. Employees must read the license agreement carefully prior to using this content in the educational setting.

- The same rules governing fair use apply to multimedia content.
- Creative Commons music, pictures, and other media are highly encouraged for use in multimedia projects.

Intellectual Property

Any copyrightable work produced by a District employee within the scope of their duties is considered “works for hire” as defined by copyright law. The District owns all copyrightable rights to these items. Employees have no right to use such work outside the scope of their District duties without the District’s permission. “Works for hire” remain the property of the District upon separation of employment.

The Board authorizes the Superintendent to sell “works for hire” products to other school districts, organizations, or commercial firms. The Board, upon the advise of legal counsel, shall be responsible for determining whether to relinquish any or all District intellectual property rights to the creator.

Violations

Administration shall investigate all complains of alleged copyright violations.

Students and employees who willfully disregard the District’s copyright position are in violation of District policy and may be subject to disciplinary action in accordance with applicable policies and law. In addition, employees who disregard this policy do so at their own risk and assume all liability. The District may also deem employees who violate copyright laws to be acting outside the scope of their employment.

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