

WARREN COUNTY SCHOOL DISTRICT	SECTION 10000
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9900 Miscellaneous Instructional Policies

9905 Copyright

On January 1, 1978, Public Law 94-533, the new Copyright Law, went into effect in the United States. It is the intent of the District Directors to adhere to the provisions of this law. The Board recognizes that violations of copyright law contribute to higher costs and/or lessen incentives for the development of good instructional materials. Though there continues to be controversy regarding interpretation of copyright law, this policy represents a sincere effort to operate legally and to maintain the highest possible ethical standard in the District's use of copyrighted materials for administrative and instructional purposes.

While the District encourages its staff to enrich learning programs by making proper use of instructional materials, it is the responsibility of District personnel to abide by the District's copying procedures and obey the requirements of the law. Under no circumstances shall it be necessary for employees of the District to violate copyright requirements in order to perform their duties properly. The Board does not sanction or condone illegal duplication in any form and any employee violating the school district's copyright position does so at his/her own risk and assumes all liability and responsibilities.

Under the fair use doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. In order for the duplication or alteration of a product to fall within the bounds of fair use, four (4) standards must be met:

1.Purpose And Character Of The Use – The use must be for such purposes as teaching or scholarship and must be nonprofit.

2.Nature Of The Copyrighted Work – Staff may make single copies of: book chapters for use in research, instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals or newspapers.

3.Amount And Substantiality Of The Portion Used – Copying the whole of a work cannot be considered fair use; copying a small portion may be considered fair use if appropriate guidelines are followed.

4. 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, making even a single copy of certain materials may be an

1 **infringement; and making multiple copies presents the danger of greater**
2 **penalties.**

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4 **The illegal use of copyrighted materials is strictly prohibited. Any data uploaded to**
5 **or downloaded from the network shall be subject to fair use guidelines and**
6 **applicable laws and regulations and, in addition to applicable law, shall be**
7 **considered to be a violation of the District's policies pertaining to Acceptable Use of**
8 **Technology; Student Discipline and Staff Discipline.**

9 In an effort to discourage violation of the copyright law and to prevent such illegal
10 activities from occurring in facilities utilizing equipment under the Board's control, the
11 following policy shall be applied:

- 12 1. The Superintendent or his/her designee, working through the appropriate
13 administrators, has the responsibility of informing district employees that the
14 copyright law, subsequent Congressional amendment, "fair use" clarified by case law,
15 and the district policy and procedures herein outlined, shall guide employee use of
16 copyrighted material. Employees shall also be informed that violation of copyright is
17 a felony and that the law allows a court to hold individuals personally responsible for
18 infringing the law. Employees shall inform students that violation of copyright is a
19 felony and that the law allows a court to hold individuals personally responsible for
20 infringing the law.
- 21 2. Administrators with responsibility for equipment such as photocopy machines,
22 audio and video tape recorders, microcomputers, and any other technology capable of
23 reproducing copyrighted material shall take responsible steps to inform staff of the
24 appropriate and legal application of the equipment's use. When practical, appropriate
25 copyright notices shall be placed on or near all district equipment capable of making
26 copies.
- 27 3. Information about copyright law and policies shall be distributed to employees
28 through a printed publication which addresses all issues of copyright law. Ignorance
29 of the law is no excuse for violation.
- 30 4. No District hardware, software or facilities may be used to violate copyright laws,
31 regulations, or guidelines.
- 32 5. Legal or insurance protection and indemnification shall not be extended to
33 employees who willfully violate copyright law and policies.
- 34 6. Appropriate copyright records, including but not necessarily limited to site licenses
35 and notices of rights expiration, shall be developed and retained by District staff
36 designated by the Superintendent or his/her designee.

1 7. Illegal copies of District owned copyrighted programs may not be duplicated or
2 used on school equipment nor can copies of District or school licensed programs be
3 duplicated on employee or student owned equipment.

4 8. Willful infringement of the law by an employee or student may result in
5 disciplinary action.

6 **Staff may make copies of copyrighted school district materials that fall within**
7 **established administrative regulations. Where there is reason to believe the material**
8 **to be copied does not fall within the administrative regulations, prior permission**
9 **shall be obtained from the building principal.**

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11 **Staff members who fail to adhere to this policy may be held personally liable for**
12 **copyright infringement.**

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14 **Staff members shall be responsible for instructing students in fair copyright**
15 **practices and academic integrity, including guidance on citing resources**
16 **appropriately.**

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19 **Policy References:**

20 Legal Reference - 17 USC 107