

INSTRUCTION

Copyright Compliance

The board 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 using of printed and audiovisual materials and computer software, unless the copying or using conforms to the "fair use" doctrine. In general, the doctrine states that the notice of copyright must appear on each copy made and that copies must not be created to replace consumable materials or merely to avoid purchasing works. 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.
2. The 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, music, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines;
3. The Amount and Substantiality of the Portion Used - 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 or Value of the Copyrighted Work - If resulting economic loss to the copyright holder can be shown, even making 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. Whenever possible, staff members are encouraged to seek written permission for use of copyrighted material.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the district's procedures or is permissible under the law should contact the Instructional Materials Center. The staff will assist employees in obtaining proper authorization to copy or use protected material when such authorization is required.

The superintendent/designee or copyright compliance officer shall file his/her designation as the district's agent with the Federal Copyright Office and post the same information on the district's web site in order to receive notification of claimed infringement. Upon receipt of any notifications of claim, the superintendent/designee shall notify users of the district's Internet network who have infringed on copyright, and the designee shall take appropriate disciplinary action.

Cross reference: Policy 2314 Student Access and Use of Networked Information Resources and Communications

U.S. Copyright Office, Circular #21, Reproduction of Copyrighted Works by Educators and Librarians
Legal reference: PL 94-553 Federal Copyright Law of 1976 (U.S. Code, Title 17)
PL105-304 Digital Millennium Copyright Act of 1998