

1st READING: May 13, 2013

2nd READING/ADOPTED: June 10, 2013

USE OF COPYRIGHTED WORK

Policy

It is the policy of the Barre City School District to respect the personal property of others, whether tangible or intangible, in accordance with the Copyright Act of 1976 as amended (17 U.S.C. §§101-120).

Background

Federal law protects the control of the distribution of intellectual property, including copyrighted materials. The law provides that the use of copyrighted material, under certain circumstances, is not copyright infringement and the permission of the copyright holder is not required. Duplication of copyrighted materials without written prior permission from the owner is prohibited except under the fair use doctrine articulated in Section 107 of the Act. Assessing fair use is a highly subjective process and for this reason, the Congress has published concrete guidelines for the copying of various media for educational purposes.

Implementation

1. The Superintendent or his or her designee shall develop procedures to implement this policy which may include the federal guidelines published by Congress and other groups with expertise in this area.
 - "Guidelines for Classroom Copying in Not-for-Profit Educational Institutions"
 - "Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes" (developed by the Kastenmeier Subcommittee of the U.S. House Judiciary Committee in 1979)
 - "Guidelines for Educational Uses of Music" published by the Media and Technology Services Area of the North Carolina Department of Public Instruction in 1979.
 - "Procedures for the protection of microcomputer software should take into consideration the guidelines developed by the International Council for Computers in Education (University of Oregon, Eugene, Oregon).

The Congressional guidelines represent the minimum fair use. Should a staff member or student want to use copyrighted materials in a manner that exceeds the guidelines, that individual shall seek permission from the copyright holder using the designated Board-approved permission form.

Another option a district may offer - if it has the appropriate resources to carry it out -

is to have staff or students pose additional requests for use outside the Congressional guidelines to an individual within the district or to legal counsel to evaluate compliance with fair use.

2. The Superintendent, or designee will assure that students and staff are advised of this policy at least annually and are educated about the use of this policy and its accompanying procedures.

Student and Staff Responsibilities

All students and staff members are responsible for complying with this policy and its accompanying procedures. Any student or staff member who willfully fails to seek permission from the copyright owner prior to using copyrighted materials in a manner that exceeds the fair use guidelines shall be considered personally liable for any results of their actions and shall be considered to have acted in violation of this policy.

Ownership of Work

1. Employee work: All work completed by employees as part of their employment shall be considered works made for hire. The School Board on behalf of the District shall own any and all rights to such works including any and all derivative works, unless there is a written agreement to the contrary. All work owned by the Board shall be accompanied by a standard copyright notice as set forth in the administrative procedures.
2. Student Work: All work completed by students as a part of the regular instructional program is owned by that student as soon as it is created, unless such work is created while the student is acting as an employee of the school system or unless such work has been paid for under a written agreement with the school system. Such work shall be considered a work made for hire and shall be the property of the School Board. All student work that is owned by the student shall be accompanied by a standard copyright notice. Staff members shall obtain a student's permission prior to distributing his/her work to parties outside the school.

Violations

Staff members who violate the provisions of this policy shall be considered to have committed misconduct while employed and such misconduct shall be grounds for disciplinary action.

Students who violate the provisions of this policy shall be disciplined in accordance with the student discipline policy.