

COPYRIGHT POLICY

363

It is the policy and practice of the School District of Phillips to adhere to the requirements of the U.S. Copyright Law (Title 17, United States Code, Sect. 101, et seq. and the Technology, Education and Copyright Harmonization Act Amendments of 2002) and the Digital Millennium Copyright Act of 1998. The board of education prohibits employees and students from duplicating copyrighted materials not specifically allowed by (1) the copyright laws, (2) fair use guidelines, (3) licenses or contractual agreements, or (4) other permission. Employees and students who violate the copyright law do so at their own risk and assume all liability for their actions. They may also be subject to disciplinary action for willful infringement of the law or for using District equipment for duplication that is prohibited.

The School District of Phillips will establish and implement appropriate procedures, prepare and distribute copyright guidelines and provide for resources to assure that all District personnel and students are advised of current copyright law interpretations so that they can perform their duties and complete their assignments within the intent of the law.

CROSS REFERENCE: Copyright Kiosk, EGAA, & IIBGC-R

LEGAL REFERENCE: P.L. 94-553 Federal Copyright law of 1976 U.S. Code, Title 17, Digital Millennium Copyright Act of 1998, & TEACH Act Amendments of 2002

Approved: 12/21/09

COPYRIGHT PROCEDURES

Rule 363

It is the intent of the School District of Phillips, its board of education, staff, and students, to adhere to the provisions of current copyright laws and congressional guidelines. Employees and students are to adhere to all provisions of Title 17 of the United States Code, titled "Copyrights", and other relative federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials.

Specifically:

- Unlawful copies of copyrighted materials may not be produced on District owned equipment.
- Unlawful copies of copyrighted material may not be used with District owned equipment, within District owned facilities, or at District-sponsored functions.
- The legal and insurance protection of the District will not be extended to employees who unlawfully copy and use copyrighted materials.
- Employees who make or use copies of copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use and public display. They are also expected to be able to provide to their supervisor, upon request, the justification under sections 107 or 110 of USC 17 for materials that have been used or copied. The District will maintain copyright resources for employee reference.
- Employees who use copyrighted materials that do not fall within fair use or public display guidelines will be able to substantiate that the materials meet one of the following tests:
 - The materials have been purchased from an authorized vendor by the individual or the District and a record of the purchase exists.
 - The materials are copies covered by a licensing agreement between the copyright owner and the District or the individual employee.
 - 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.
 - The materials are being used with the express permission of the copyright holder.

Approved: 12/21/09