

## EDUCATIONAL PROGRAM

Code No. 605.8

Policy Title: COPYRIGHT POLICY

It is the intent of the Northeast Community School, its Board of Directors, staff, and students to adhere to the provision of current copyright laws and congressional guidelines. Employees and students are to adhere to all provisions of Title 17 of the United States Code, entitled "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.
- Appropriate copyright warning notices shall be placed on or near copying equipment.
- Employees who make copies and/or use copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use and public display, and are further expected to be able to provide their supervisor, upon request, the justification under sections 107 or 110 or USC 17 for materials that have been used or copies.

17 - United States Code  
(Section 107 - Limitations on Exclusive Rights, Fair Use)

Notwithstanding the provisions of Sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phone records or by any other means specified by that section, for purposes such as criticism, comment, new reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

Employees who use copyrighted materials that do not fall within fair use of 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.

CROSS REFERENCE: 605.7 Use of Information Resources

Approved: June 21, 2000

Revised: September 22, 2009

Reviewed: June 18, 2014

