

Copyright

The District 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 audio, visual or printed materials and computer software, unless the copying or using conforms to the "fair use" doctrine.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. "Fair use" is determined by analyzing the four factors set forth in Section 107 of the Copyright Act of 1976, namely: (a) the purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes; (b) the nature of the copyrighted work; (c) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (d) the effect of the use upon the potential market for or value of the copyrighted work. There are no hard-and-fast rules concerning "fair use." The attached Checklist for Fair Use should be completed before making any decision about reproducing copyrighted materials and should be maintained in your files as documentation of your decision-making process. Also available are Guidelines for Classroom Copying of Books and Periodicals (www.publishers.org/home/abouta/highered/guide.htm), Guidelines for Educational Uses of Music (www.musiclibraryassoc.org/Copyright/guidemus.htm), and Guidelines on Photocopying under Interlibrary Loan Arrangements (www.cni.org/docs/infopols/CONTU.html). For hard copies of the guidelines, please contact the Superintendent. You are strongly encouraged to consult these guidelines whenever applicable to your situation.

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. Under 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.

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 Superintendent. The Superintendent shall assist staff in obtaining proper authorization to copy or use protected materials when such authorization is required.

Legal Reference: P.L. 94-553 Federal Copyright Law of 1976.

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