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**1056**

## **Copyright Policy**

It is the policy of the Blue Mountain Union 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. Sections 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.

The administration shall maintain a procedure to implement this policy. Implementation procedures should take into consideration the "Guidelines for Classroom Copying in Not-for-Profit Educational Institutions," the "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) and the "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.

Staff members posting materials electronically for classroom use should follow the copyright guidelines representing minimum fair use.

The Principal 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**

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.

Student Work: Staff members shall obtain a student’s permission prior to distributing his/her work to parties outside of 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 disciplinary policy.

Legal Reference(s): 17 U.S.C. Sections 101-120 (Copyright Act of 1976 as amended)

Verified by: \_\_\_\_\_

Date: \_\_\_\_\_