

The board recognizes and supports the limitations on unauthorized duplication and use of copyrighted materials. The board does not condone any infringement on the property rights of copyright owners.

Employees, students and visitors are prohibited from the use or duplication of any copyright materials not allowed by copyright law, fair use guidelines sanctioned by Congress, licenses or contractual agreements. Willful or serious violations also are considered to be in violation of expected standards of behavior for employees and students and may result in disciplinary action in accordance with board policy. Any employee violating the Board's Copyrighted Materials Policy does so at his/her own risk and assumes any and all liability.

I. REGULATIONS

- A. Copyrighted materials (printed or non-printed) may not be duplicated, adapted, distributed, displayed, or performed without prior written permission from the owner except under provisions of the "Fair Use Exemptions."
- B. Copyright guidelines are outlined in the Buncombe County Administrative Guidelines, "Duplication of Copyrighted Materials." These guidelines shall be maintained, updated and made available to all schools as follows:
 - 1. Copies of the Administrative Guidelines shall be placed in the principal's office, media center and will be made available on the Buncombe County Schools website.
 - 2. The principal shall review this policy and guidelines with his staff each year.
 - 3. The Lead Media Specialist for Buncombe County Schools will update the Administrative Guidelines periodically.
- C. Principals shall work with their Media/Technology Advisory Committee to establish and maintain procedures consistent with this policy and the Buncombe County Administrative Guidelines, "Duplication of Copyrighted Materials."

II. FAIR USE

- A. Unless allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to reproducing the particular material. Fair use is based on the following standards:
 - 1. the purpose and character of the use;
 - 2. the nature of the copyrighted work;
 - 3. the amount of and the substantiality of the portion used in relation to the

4. copyrighted work as a whole; and
the effect of the use upon the potential market for, or value of, the copyrighted work.
- B. The superintendent or designee shall provide information and training to personnel and students, as appropriate, on the fair use of copyrighted materials, including in the following circumstances:
1. single and multiple copying for instructional purposes;
 2. copying for performances and displays;
 3. off-air recording of copyrighted programs;
 4. use of "for home use only" videotapes or DVDs;
 5. computer software;
 6. copyrighted materials on the Internet and databases; and
 7. reproduction and loan of copyrighted materials by school media centers.

III. BUDGET

The budget recommended by the superintendent to the board must include sufficient funds for purchasing copyrighted materials as a necessary budget expense.

Legal References: 17 U.S.C. 101, 102, 106, 108, 110, 117

Cross References: Technology in the Educational Program (policy 3220), Technology Acceptable Use (policy 3225/4312/7320), Integrity and Civility (policy 4310), Network Security (policy 6524), Staff Responsibilities (policy 7300), Budget Planning and Adoption (policy 8100), Copyright and Fair Use Fundamentals Exhibit A (3230)

Replaces Board Policy 647

NCSBA wording and revisions replacing Policy 647 were adopted: January 9, 2014

History of Policy 647

Adopted: May 2, 2002