

The Transylvania County Board of Education (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 and The Board requires that all employees adhere to copyright laws protecting copyrighted materials. The Board neither sanctions nor condones illegal use or duplication of copyrighted materials in any form.

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. Further, any employee violating the Board's Copyrighted Materials this policy does so at his/her own risk and assumes any and all civil and/or criminal liability associated with the violation.

~~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."~~

A. FAIR USE

1. Unless allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to duplicating, adapting, distributing, displaying, or performing copyrighted material. Fair use is based on the following standards:
 - a. The purpose and character of the use;
 - b. The nature of the copyrighted work;
 - c. The amount of and the 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.
2. The Superintendent of designee shall provide information and training to personnel and students, as appropriate, on the fair use of copyrighted materials, including in the following circumstances:
 - a. Single and multiple copying for instructional purposes;
 - b. Copying for performances and displays;
 - c. Off-air recording of copyrighted programs;
 - d. Use of "for home use only" videotapes or DVDs;
 - e. Computer software;
 - f. Copyrighted materials on the Internet and on-line databases; and
 - g. Reproduction and loan of copyrighted materials by school media centers.

B. DISSEMINATION OF COPYRIGHT GUIDELINES

Copyright guidelines are outlined in the Transylvania County Media Guidelines, “Duplication of Copyrighted Materials.” These guidelines shall be maintained, updated, and made available to all schools as follows:

1. Copies of the Media Guidelines shall be placed in the principal’s office and media center and will be made available on Transylvania County Schools’ website.
2. The principal shall review this policy and related guidelines with faculty and staff members each year.
3. The Superintendent or designee will shall review and update the Transylvania County Media Guidelines periodically in order to ensure that they accurately reflect current legal standards and practices.

C. IMPLEMENTATION

1. Principals shall work with their schools’ Media and Technology Advisory Committees to establish and maintain procedures consistent with this policy.
2. 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

APPROVED BY BOARD
AND EFFECTIVE 10/17/05
REVISED _____