

FARIBAULT PUBLIC SCHOOLS  
Faribault, Minnesota

~~Business Procedures~~  
~~Series 800~~

**USE OF AND REPRODUCTION OF COPYRIGHTED MATERIALS**

Policy No. ~~803.4~~ 625

**I. PURPOSE**

The purpose of this policy is to provide direction for compliance with federal copyright laws.

**II. GENERAL STATEMENT OF POLICY**

It is policy of the school board ~~Independent School District No. 656 seeks~~ to ensure that copyright laws are adhered to by the School District, its employees, ~~and its students,~~ and others providing services on the School District's behalf.

**III. DEFINITIONS**

- A. Copyright is a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression.
- B. Copyrighted Work is the expression of an original creative work and/or the recording, or fixing, of a creative work. Copyright begins with the expression of a created work.
- C. Fair Use is the legal doctrine that allows for the use or reproduction of copyrighted works for the purposes of criticism, comment, news reporting, teaching, scholarship, or research.
- D. Legitimately Owned Copy or Legal Copy is a legally obtained or legally archived copyrighted work from which the work can be perceived, reproduced, or otherwise communicated.
- E. Public Domain Works are creative works that are no longer protected by intellectual property laws such as copyright. Public domain works can be freely used without permission or restriction. Derivatives, additions, and/or new original elements added to public domain work are not considered public domain.

**IV. FAIR USE STANDARDS**

Only legal copies of copyrighted materials may be made on school equipment or used in or by the School District, ~~its staff, its students, or others providing services on the School District's behalf~~. Copyrighted materials, whether they are print or non-print, shall not be duplicated without written permission from the copyright holder unless

such reproduction ~~meets~~; satisfactorily considers:

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 on the potential market for or value of the copyrighted work.

~~A. "Fair use" standards;~~

## **V. EXCEPTIONS FOR SHOWING MOVIES OR FILMS IN A NON-PROFIT EDUCATIONAL INSTITUTION**

The Educational Exemption is a precise activity which allows the legal use of movies or film in certain types of teaching. The legal use of such media requires adherence to all the following criteria:

1. A teacher or instructor is present;
2. the showing takes place in a classroom setting with only the enrolled students attending;
3. the movie or film is use as an essential part of the core, required curriculum; and
4. the movie or film being used is a legitimately owned copy.

~~B. A specific exception for teaching in a non-profit educational institution; or~~

## **VI. REPRODUCTION OF COPYRIGHTED MATERIALS**

Reproduction of copyrighted materials in a non-profit educational setting must meet at least one of the following criteria:

1. A work is in the public domain;
2. Fair Use for teaching applies;
3. reproduction is done by libraries or archives for publicly available, non-commercial preservation or distribution of the work for research; or
4. written consent is obtained from the copyright holder.

~~G. A specific exception for reproduction by libraries.~~

## **VII. SCOPE AND LIMITATION ON LIABILITY**

All ~~District 656~~ School District employees, students, and others providing services on

the School District's behalf are responsible for complying with copyright laws. ~~The administrator of each building is responsible for establishing practices which support this policy for the building which he/she is responsible.~~ Any employee or student with a question regarding whether or not ~~he/she may make a reproduction should contact the~~ the use or reproduction of a copyrighted work is an infringement of copyright or should be considered fair use should contact:

~~District Media Services staff:~~

District Media Specialist or

Director of Educational Technology and Innovation

~~Independent School District No. 656~~ The School District does not sanction illegal ~~duplication~~ reproduction or any other violation of copyright laws. Employees ~~and/or others providing services on the School District's behalf~~ who knowingly and/or willfully disregard ~~the District's copyright policy this policy~~ or ~~otherwise~~ violate copyright laws are in violation of School District policy and assume all liability for such violations, including all legal costs and judgments.

The School District's insurance protection will not extend to employees ~~or others providing services on the School District's behalf~~ who knowingly and/or willfully violate this policy and/or copyright laws. Knowing and/or willful violations may also subject the employee to disciplinary action by the District.

July 29, 1991

Date of Adoption

October 24, 2022

Date of Review and Approval

#### **Legal References:**

17 U.S.C. §107 (1992)

17 U.S.C. §108 (2005)

17 U.S.C. §110 (2005)