

DRAFT UPDATE

General Personnel

Copyright

Works Made for Hire

The Executive Director shall manage the development of instructional materials and computer programs by employees during the scope of their employment in accordance with State and federal laws and Board policies. Whenever an employee is assigned to develop instructional materials and/or computer programs, or otherwise performs such work within the scope of his or her employment, it is assured the Cooperative shall be the owner of the copyright.

Copyright Compliance

While staff members may use appropriate supplementary materials, it is each staff member's responsibility to abide by the Cooperative's copyright compliance procedures and to obey the copyright laws. The Cooperative is not responsible for any violations of the copyright laws by its staff or students. A staff member should contact the Executive Director or designee whenever the staff member is uncertain about whether using or copying material complies with the Cooperative's procedures or is permissible under the law, or wants assistance on when and how to obtain proper authorization. No staff member shall, without first obtaining the permission of the Executive Director or designee, install or download any program on a Cooperative-owned computer. At no time shall it be necessary for a Cooperative staff member to violate copyright laws in order to properly perform his or her duties.

Copyright Infringement: Designation of District Digital Millennium Copyright Act (DMCA) Agent

The employee listed below receives complaints about copyright infringement within the use of the District's online services. The Superintendent or designee will register this information with the federal Copyright Office as required by federal law.

District DMCA Agent:

Name Nancy Sporer
Address 1304 Rouzheimmer, St. Charles MO 63044
Email nancy.sporer@d303.org
Telephone 331-228-4873

*Copyrighted
Unapproved*

Commented [APowell1]:
Option: An optional subhead is added for districts that are *online service providers* (OSP) under the DMCA. The DMCA is an amendment to 17 U.S.C. §101 et seq. that provides limitations on OSP liability for storage of copyrighted material residing on a system or network controlled or operated by or for the OSP. This liability limitation is called the *Safe Harbor Provision* (SHP).

If a district is an OSP, the SHP provision will not apply if the district does not designate, publicize, and register a DMCA Agent with the federal Copyright Office (at publication time, registration was \$105).

Districts that may benefit from the SHP are those that operate or contract to operate the following types of websites: file and information sharing sites; blogs that allow guests to post content; social media sites; and other sites that accept, publish or host content created and submitted by other parties. For further steps to designate a DMCA agent, see 5:170-AP4, *Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process*.

Before adopting this section, consult the board attorney to first identify whether the District is an *online service provider* (OSP) under the DMCA.

LEGAL REF.: Federal Copyright Law of 1976, 17 U.S.C. §101 et seq. 105 ILCS 5/10-23.10.

CROSS REF.: 5:125 (Personal Technology and Social Media; Usage and Conduct), 6:235 (Access to Electronic Networks)

ADOPTED: April 4, 2012

John