

ORGANIZATION, PHILOSOPHY, AND GOALS

Philosophy and Goals

Reproduction and Use of Copyrighted Materials

This regulation supersedes Regulation 1425.

I. PURPOSE

To provide guidelines for the fair use of information that is used for educational purposes. This includes the reproduction and use of copyrighted materials such as: print, print music and sound recordings, off-air video recordings, prerecorded video programs, and electronic resources available via the Internet or self-contained software.

II. COPYRIGHT AND FAIR USE PRINCIPLES

The reproduction and use of copyrighted materials are under the control of federal law. In general, copyright owners have the exclusive right to use, reproduce, and modify their materials. Federal law also provides a "fair use" exception, which allows limited use of copyrighted materials by educators. This exception permits teachers, librarians, researchers, scholars, writers, and others to use copyrighted works without asking for permission and without compensating the copyright owner.

This exception allows the fair use of a copyrighted work, including reproduction for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, and such use will not infringe the copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include:

- A. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
- B. The nature of the copyrighted work.
- C. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
- D. The effect of the use upon the potential market for or value of the copyrighted work.

This Fairfax County Public Schools (FCPS) regulation, in conjunction with the guidelines on the companion FCPS copyright web site <http://fcpsnet.fcps.edu/is/copyright/index.htm>, regulates the reproduction and use of copyrighted materials by FCPS employees. It

specifies the types of works that are covered by fair use; the circumstances under which educators may use or copy these works; the number of copies that may be made; the amount of a given work that may be used; and the frequency with which the same work may be used. The web site guidelines will be updated regularly to ensure compliance with new legislation and/or case law.

III. RESPONSIBILITIES OF STAFF MEMBERS AND DEPARTMENTS

A. Responsibilities of Teachers and Other Users

Teachers, librarians, and other users of copyrighted materials are responsible for the following:

1. Review and compliance with this regulation and the fair use guidelines listed on the web site.
2. Use and copying of copyrighted materials only with permission, except as provided in the fair use guidelines.
3. Consultation with principals, cluster offices, and the Department of Information Technology (IT) for guidance in situations in which it is unclear whether a proposed use falls within a license (or other permission) or constitutes fair local school responsibilities.

B. Local School Responsibility

The principal of each school is responsible for the following:

1. Provision of information to educational staff members and students regarding the legal, ethical, and practical problems caused by copyright infringement.
2. Establishment of practices for enforcing this regulation at the local school level.

C. Cluster Office and Department Responsibility

The cluster and department assistant superintendents, or their designees, are responsible for the following:

1. Provision of information to cluster offices, department staff members, and principals regarding the legal, ethical, and practical problems caused by copyright infringement.
2. Establishment of practices for enforcing regulations throughout the clusters and departments.

D. Department of Information Technology

In conjunction with staff members from the Instructional Services Department, IT staff members shall be responsible for the following:

1. Monitoring of the literature and professional practice in regard to fair use by educators, and the updating of this regulation and these guidelines as necessary.
2. Provision of technical assistance to teachers and other staff members, principals, and cluster officers regarding interpretation of fair use principles.
3. Assistance in the negotiation of licenses and other agreements for use of works owned by others and interpretation of such documents for staff members using the copyrighted works.

IV. NONCOMPLIANCE

Violation of copyright law or FCPS guidance regarding copyright may result in discipline up to and including termination. In addition, the legal or insurance protection of Fairfax County Public Schools will not be extended to employees who knowingly violate copyright laws.