

**Policy**

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PUBLICATION OF MATERIALS, COPYRIGHT AND INTELLECTUAL PROPERTY

The Alloway Township Board of Education encourages the teaching staff to participate in research, educational projects and other professional opportunities that enhance and support their interests and skills and professional reputation. The staff may seek funding to conduct research, educational projects and other professional opportunities. All research, educational projects and other professional opportunities that involve students or the district name or resources of staff time and facilities shall be approved by the superintendent. Student involvement in research projects shall be allowed only with the permission of parents/guardians and according to law and board policy 6162.5 Research.

Staff members are encouraged to contribute professional articles and news items to local, state and national agencies. As a matter of professional ethics, all professional articles shall be cleared through the office of the superintendent prior to publication or any public advertisement to ensure that the publication presents no conflict of interest. Any mention of the school district and its students, personnel, community or any of its separate departments and programs shall be in compliance with board policies 1110 Media, 1111 District Publications, 1140 Distribution of Material by Pupils and Staff.

The school district reserves the right to assert legal claim on all products created by its employees while on the job and with the assistance of school district funds.

Copyright

The staff of the Alloway Township Board of Education shall adhere to the provisions of the current copyright laws and Congressional guidelines.

The board recognizes that unlawful copying and use of copyright materials contributes to higher costs for materials, lessens the incentives for development of quality educational materials, and fosters an attitude of disrespect for law which is in conflict with the goals of this school system.

The board directs employees adhere to all provisions of Title 17 of the United States Code of Federal Regulations entitled "Copyrights", and other federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials.

The board further directs that:

- A. Unlawful copies of copyrighted material may not be used with district-owned equipment, within district-owned facilities, or at district-sponsored functions;
- B. Unlawful copies of copyrighted material may not be produced on district owned equipment;
- C. The legal and/or insurance protection of the district will not be extended to employees who unlawfully copy and use copyrighted materials.

Employees who make copies of copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use and public display, and are further expected to be able to provide to their supervisor, upon request, the justification under Section 107 or 110 of United States Code 17 for copies that have been made or used.

Employees who use copyrighted materials that do not fall within fair use or public display guidelines will be able to substantiate that the materials meet one of the following tests:

- A. The materials have been purchased from an authorized vendor by the individual employee or the board of

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and a record of the purchase exists;

- B. The materials are copies covered by licensing agreement between the copyright owner and the board or the individual employee;
- C. Materials are being reviewed or demonstrated by the user to reach a decision about possible future purchase of licensing and a valid agreement exists that allows for such use.

Copyright and the Internet

The board recognizes that staff and students can benefit from the wealth of information and materials published by scholars and other experts available on the Internet. Staff and students are encouraged to use the internet as a source of educational materials for research and educational projects. Staff and students shall use the internet and all other materials that are subject to copyright law or the intellectual property of another person according to law and board policy. Students and staff shall:

- A. Clarify ownership and proper usage of intellectual property rights; and
- B. Provide for the equitable distribution of monetary and other benefits derived from intellectual property.

All district staff, students and any other persons employed by the district and to all persons receiving funding administered by the district or receiving other compensation from the district, shall comply with law and board policy concerning copyright and intellectual property for all forms of written, internet published or other media materials.

District Ownership

Subject to the exceptions identified below, the district shall be the sole owner of all intellectual property created through the use of district resources or facilities, supported directly or indirectly by funds administered by the district, developed within the scope of employment by employees, agreed in writing to be a specially commissioned work, or assigned in writing to the district.

- A. The district shall have no ownership rights in the following intellectual property, which shall be owned by its creator:
  1. Regular academic work products, provided that the regular academic work product was not assigned in writing to the district or specifically ordered or commissioned and designated in writing by the creator and district as a specially commissioned work;
  2. Intellectual property created by a student solely for the purpose of satisfying course requirements, unless the student assigns ownership rights in the intellectual property to the district in writing or assignment of such ownership rights to the district is made a condition for participation in a course.

If the intellectual property referred to in (1) or (2) above is a derivative of or otherwise uses pre-existing district-owned intellectual property, this provision shall not prevent the district from asserting its pre-existing rights.

- B. For intellectual property created in the course of or pursuant to external sales, industrial affiliates programs or other contractual arrangements with external (non-district) parties, ownership will be determined in accordance with the terms of the district's agreement with the external party and applicable law.

Software Development

Computer software programs developed by those in the employ of the board, including faculty, staff, and students, become the property of the board if the programs were developed during the hours of employment and/or with the use of district-owned equipment or supplies.

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To encourage employees and students to develop educational computer software materials for public use within and outside the school district, agreements can be initiated between the creators of material and the board, through the superintendent.

The copyright and royalties of computer software materials developed solely at an individual's expense and on his or her own time are the property of the individual.

Adopted: September 23, 2003  
 NJSBA Review/Update: December 2019  
 Readopted:

Key Words

Copyright, Intellectual Property, Publication

**Legal Reference:** N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students

20 U.S.C.A. 1232g – Family Educational Rights and Privacy Act

20 U.S.C.A. 1232h – Protection of Student Rights Amendment

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

United States Code of Federal Regulations, Title 17, Federal Copyright Laws – 1976

Possible

<b><u>Cross References:</u></b> *1312	Community complaints and inquiries
*2224	Nondiscrimination/affirmative action
*4119.22/4219.22	Staff conduct and discipline
*5145.4	Equal educational opportunity
6000	Concepts and roles in instruction
*6010	Goals and objectives
*6121	Nondiscrimination/affirmative action
*6140	Curriculum adoption
*6141	Curriculum design/development
*6161.1	Evaluation and selection of materials
*6161.2	Complaints regarding instructional materials
*6162.5	Research
*6163.1	Media center/library

\*Indicates policy is included in the Critical Policy Reference Manual.