

03:05:05:00 Using Copyrights in Distance Education

Purpose:

The TEACH Act (Technology, Education and Copyright Harmonization Act of 2002) allows faculty members at accredited, nonprofit education institutions to use copyrighted works, without obtaining copyright permission, in their distance education courses if certain conditions are met.

Scope:

The Dyersburg State Community College (DSCC) Distance Education policy applies to all faculty teaching distance education courses.

Policy:

According to the provisions of the TEACH act, DSCC allows the following copyrighted works to be used in distance education courses without obtaining copyright permission if the conditions listed below have been met:

- Transmission of performances of entire non-dramatic literary or musical works;
- Transmission of performances or “reasonable and limited portions” of other works, including dramatic works and audiovisual works, such as videotapes;
- Transmission of still images, etc. “in an amount comparable to that which is typically displayed in the course of a live classroom session”;
- Digitization of portions of analog works if a digital version is not available or if the digital version which is available is technologically protected to prevent uses allowed by TEACH.

Conditions that must be met in order to use these copyrighted works are:

- The educational institution must be nonprofit and accredited.
- The performance, etc. transmitted must be an integral part of a class session, related directly to the content of the course.
- The transmission of a performance, etc. must be at the direction of or supervised by the class instructor.
- Transmission of the performance, etc. is limited to students officially enrolled in the course.

The following copyrighted works are **not** to be used in distance education courses unless copyright permission is obtained:

- Transmission of works marketed or produced “primarily for performance or display as part of mediated instructional activities transmitted via digital networks”;
- Transmission of performances, etc. from copies “not lawfully made and acquired” under the U.S. Copyright Act.

Compliance:

Notification of claimed infringement from a copyright owner should be sent to the Vice President of Technology who has been appointed as Dyersburg State Community College’s Digital Millennium Copyright Agent. Faculty found to be in violation of this policy will be referred to the Vice-President of the College for disciplinary action.

Allegations can be mailed, phoned, or faxed to the DSCC agent at:

Vice President of Technology
Dyersburg State Community College
1510 Lake Road
Dyersburg, TN 38024
(731) 286-3338
FAX: (731) 288-7774

Definitions:

Distance Education: a formal educational process in which the majority of the instruction (interaction between students and instructors and among students) in a course occurs when students and instructors are not in the same place. Instruction may be synchronous or asynchronous. A distance education course may use the internet; one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices; audio conferencing; or video cassettes, DVD’s, and CDROMs if used as part of the distance learning course or program. For DSCC purposes, this would include on-line, hybrid, Interactive Television (ITV) and RODP courses.

TEACH Act: name for the Technology, Education and Copyright Harmonization Act of 2002. This act allows faculty members at accredited, nonprofit education institutions to use copyright works, without obtaining copyright permission, in their distance education courses if certain conditions are met.

Fair Use Provisions: see Stanford University Copyright Pages at <http://fairuse.stanford.edu>.
Copyright: for frequently asked questions, see U.S. Copyright website at <http://www.copyright.gov>.

Copyright laws and regulations: further information can be found at the following websites:

<http://www.nolo.com>, <https://www.lib.lsu.edu/services/copyright/teach/index>, and www.stanford.edu/dept/legal/Worddocs/Teachart.pdf

Revision History:

Policy created May, 2005. Policy updated by HEOA committee June 2011; approved by Administrative Council on 6/21/11.

Dyersburg State Community College

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