

Using Copyright Protected Materials in Distance Education

I. Purpose

The Technology, Education and Copyright Harmonization Act (TEACH Act) defines the terms and conditions through which accredited, nonprofit institutions can use copyright protected materials in distance education without direct permission of the copyright owner or payment of royalty fees.

II. Scope

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

III. Policy

In accordance with the TEACH Act, DSCC allows the use of the following copyright protected materials in distance education courses without direct permission of the copyright owner, provided the required conditions are met:

- Performances of nondramatic literary works
- Performances of nondramatic musical works
- Performances of any other type of work, including dramatic and audiovisual works, in “reasonable and limited portions”
- Displays of any work “in an amount comparable to that which is typically displayed in the course of a live classroom session.”

The assigned instructor is responsible for their participation in the planning and oversight of the distance education experience transmitted to students. Any instructor planning to use materials under the protection of the TEACH Act must ensure the following conditions are met:

- The performance or display “is made by, at the direction of, or under the actual supervision of an instructor”
- The materials are transmitted “as an integral part of a class session offered as a regular part of the systematic, mediated instructional activities” of the educational institution
- The copyright protected materials are “directly related and of material assistance to the teaching content of the transmission”

The TEACH Act explicitly excludes the use of the following categories of materials without direct permission of the copyright owner:

- Works that are specifically marketed “primarily for performance or display as part of mediated instructional activities transmitted via digital networks”
- Performances or displays given by means of copies “not lawfully made and acquired” under the U.S. Copyright Act, if the educational institution “knew or had reason to believe” that they were not lawfully made and acquired.

The TEACH Act also prohibits the conversion of copyright protected materials from analog to digital formats, except under the following circumstances:

- The amount of a work that may be converted is limited to the amount of appropriate works that may be performed or displayed
- A digital version of the work is not “available to the institution” or, if a digital version is available, it is secured by technological protection measures that prevent the work from being performed or displayed in the distance education experience

IV. Compliance

Notifications of claimed infringement from a copyright owner should be sent to the Vice President for Information 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 Academic Affairs & Student Success for disciplinary action.

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

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

V. Definitions

Distance Education: a formal educational process that uses one or more types of technology to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor synchronously or asynchronously. Courses are considered distance education if all of their instructional portions can be completed remotely. Non-instructional in-person requirements (e.g. orientation, proctored testing) do not exclude a course from being classified as distance education.

VI. Revision History

Policy written 4/7/11 by Internal Auditor; approved by Administrative Council on 04/29/2011.
Updated 4/27/2023.