

ADMINISTRATIVE RULE NO: 4030-01
RELATED TO POLICY SERIES NO: 4030

TITLE: COPYING EDUCATIONAL MEDIA AND TECHNOLOGY (INCLUDING AUDIOVISUAL WORKS AND OFF-AIR RECORDING)

It is the intent of Linn-Benton Community College to adhere to the provisions of copyright laws related to educational media. The guidelines outlined here are guidelines only and should be used in conjunction with the copyright law of the United States of America, specifically Section 107: Fair Use, in determining what is and is not permitted.

Educators use a wide range of educational media for classroom use. It is the responsibility of the Library/Media Department to preview, acquire, catalog, and distribute all audiovisual materials including video, owned by Linn-Benton Community College. As the copyright law clearly protects these audiovisual works, it must be stated that the rights of copyright include the rights of reproduction, adaptation, distribution, public performance, and display. However, these rights are subject to "fair use," so the instructional staff must make every effort to keep their practices within the legal guidelines of fair use.

Each director or dean is responsible for establishing practices that will enforce the college copyright policy at the department level. Each person will be held individually responsible for following the established copyright policy and administrative rules.

At Linn-Benton Community College, the Library and Media Services have additional permissive uses of copyrighted audiovisual materials. These provisions are contained in Section 108 of the Copyright Law, and eligibility for these provisions is determined by the following:

- A. the LBCC Library collection is open to the public;
- B. the copying is not done for commercial advantage; and
- C. copies include a notice of copyright.

EFFORTS TO PREVENT COPYRIGHT INFRINGEMENT

- A. Copyright warning notices will be placed on all media equipment capable of duplicating materials. In no case will any district employee or student use district equipment for duplication that would prevent or circumvent sale of copyrighted materials.
- B. The media specialist will be responsible for obtaining and maintaining license agreements and permissions of copyrighted media held in Library/Media Services

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and for assisting in negotiations to provide legal use.

- C. The media specialist will secure appropriate licenses that will enable the college to routinely record and hold for preview certain specified categories of off-air programming.
- D. Permission will be secured in writing to reproduce any part of a work specifically prohibited from reproduction.
- E. Every effort will be made to place a notice of copyright on all copies located in the Library/Media Services.

AUDIOVISUAL WORKS

Permitted

- A. Using a lawfully made video recording or sound recording, in a classroom setting, for direct instruction to students. A lawfully made video recording or sound recording, in this context, is one that has been purchased or rented from standard commercial sources, or one loaned from the Library.
- B. Creating a slide or overhead transparency series from multiple sources as long as creation does not exceed 10 percent of photographs in one source (book, magazine, filmstrip, etc.) unless the source forbids photographic reproduction.
- C. Creating a single overhead transparency from a single page of a "consumable" workbook.
- D. Reproducing selected slides from a series if reproduction does not exceed 10 percent of total nor excerpt "the essence."
- E. Narrating stories or literary excerpts on tape and duplicating, as long as similar material is not available for sale.
- F. Creating single copies of copyrighted video or sound recordings from the Library collection for archival purposes.
- G. A permitted use remains a permitted use if images are electronically transmitted to a receiving site that otherwise conforms to use requirements. For example, a lawfully made video recording can be transmitted to distant classroom settings for direct instruction to students.

Prohibited

- A. Duplication of sound and video tapes unless reproduction rights were given at time of purchase or secured at a later date.
- B. Reproduction or conversion of one media format to another (e.g., film to videotape) unless permission is secured.
- C. Reproduction of any audiovisual work in its entirety without permission or license.

OFF-AIR RECORDING

Permitted

- A. A broadcast program may be recorded off air simultaneously with transmission and retained by a nonprofit educational institution for 45 calendar days after date of recording.
- B. Off-air recordings may be used by educators for relevant classroom activities and repeated once for instructional reinforcement when necessary during the first 10 consecutive days after recording.
- C. After the first 10 instructional days, recordings may be used up to the end of the 45-day retention period for educator/media specialist evaluation purposes only (e.g., to determine if the program should be purchased for the curriculum).
- D. Recordings may be made only at the formal request of and used by individual educators. No broadcast program may be recorded more than once for the same educator.
- E. Recordings need not be used in their entirety but may not be altered or edited and must include the copyright notice on the program as recorded.

Prohibited

- A. Using the recording for instruction after the 10-day use period.
- B. Holding the recording for longer than 45 days because:
 - 1. units needing the program concepts are not taught within the 10-day use period;
 - 2. an interruption or technical problem delayed use; and
 - 3. another educator wishes to use the recording...or any other supposed "legitimate" educational reason.

DATE OF ADOPTION: 04/06/93

DATE(S) OF REVISION(S): 11/14/00

DATE OF LAST REVIEW: