



# POLICIES & PROCEDURES

Title	TEACH Act Policy
Author	J. Teahen
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Revision Level	
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## 1. SCOPE

- 1.1. The purpose of this policy is to address the “Technology, Education and Copyright Harmonization Act,” referred to as the TEACH Act.

## 2. POLICY

- 2.1. The following works are permitted by the TEACH Act:

- 2.1.1. A performance of a non-dramatic literary work
- 2.1.2. A performance of a non-dramatic musical work
- 2.1.3. A performance of any other work, including dramatic works and audiovisual works, but only in “reasonable and limited portions”
- 2.1.4. A display of any work in an amount comparable to that which is typically displayed in the course of a live classroom session.

- 2.2. The following works are excluded by the TEACH Act:

- 2.2.1. Work produced or marketed “primarily for performance or display as part of mediated instructional activities transmitted via digital networks.” Examples include course cartridges prepared by publishing companies that require institutions to purchase licenses for student access.
- 2.2.2. Work produced “not lawfully made and acquired” under the U.S. Copyright Act if the instructor or the institution know or reasonably should know materials were not lawfully made or acquired.
- 2.2.3. Work originally produced in analog format cannot be digitized except under the following circumstances:
  - 2.2.3.1. The amount converted is limited to the amount appropriate for the instructional activities [consistent with Section 111(2)]; and
  - 2.2.3.2. A digital version of the work is not “available to the institution,” or is secured behind technological protection preventing accessibility in the distance-education program [consistent with Section 111(2)]

- 2.3. The materials may be used under the following conditions:

- 2.3.1. The work or performance used is “at the direction of, or under the actual supervision of an instructor”
- 2.3.2. The work or performance used is “an integral part of a class session offered as a regular part of the systematic, mediated instructional activities” of the college.

### 3. PROCEDURE

- 3.1. Faculty will use the “Teach Act” doctrine for the use of copyrighted work uploaded to online, web-enhanced, and hybrid courses.
- 3.2. Course syllabi must include the following statement: “The materials found in this course are only for the use of students enrolled in this course for purposes associated with this course and may not be retained or further disseminated. For more information is located at <http://www.baker.edu>.”
- 3.3. Works that do not meet the above conditions must qualify as “Fair Use” or permission must be granted from the copyright holder(s).
- 3.4. Please see the “Baker College Online Teach Act Policy” document for further information.