



POLICIES & PROCEDURES

Title	Fair Use Policy
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Approval Required	Approved by Presidents' Council (April 30, 2004)
Revision Level	
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1. SCOPE

1.1. This policy addresses the issue of using copyrighted materials in an academic setting.

1.1.1. To explain why the issue of "fair use" is of importance to faculty.

1.1.2. To provide faculty with guidelines in the use of copyrighted materials in the classroom.

2. POLICY

2.1. Section 107 of the copyright law commonly known as the doctrine of "fair use" provides the opportunity to make use of copyrighted materials without authorization from the copyright holder. This includes such use as news reporting, comment, criticism, teaching, research, and other scholarship.

2.2 Since its inception, the "fair use" statute has provided teachers and educational institutions the opportunity to utilize copyrighted materials in educational settings.

2.3. Section 107 sets out four factors that should be collectively considered in determining whether or not a particular use is fair:

2.3.1. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;

2.3.2. The nature of the copyrighted work;

2.3.3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

2.3.4. The effect of the use upon the potential market for or value of the copyrighted work. (www.copyright.gov/fls/fl102.html)

3. PROCEDURE

- 3.1 Faculty will use the provisions of the “fair use” doctrine in determining the extent to which copyrighted material will be used in the classroom.
- 3.2. Course syllabi will include a statement that “materials used in connection with the course may be subject to copyright protection.” The link to the Baker Copyright Policy will also be provided.
- 3.3. For the use of copyrighted work uploaded via digital networks, see Baker College TEACH Act Policy.