



Sampson-Livermore Library
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TEACH ACT STATEMENT

The following information is provided to explain the difference between the [TEACH Act](#) and [Fair Use](#) as it is applied to the use of library resources and services, namely in regards to course reserves.

The [Technology, Education, and Copyright Harmonization \(TEACH\) Act \(2002\)](#) allows authorized persons to copy digital works and digitize analog works for use in distance education as long as the amount that may be converted is limited, that no other digital version is available to the institution or, if one is, it is so technologically protected as to restrict its use to distance education situations. As explained in [The Teach Act Finally Becomes Law](#), from which the quoted material contained in this document is derived, **the Act does not cover “materials an instructor may want students to study, read, listen to, or watch on their own time outside of class.** Instructors will have to rely on other rights that they may have to post those materials, such as the [Fair Use Statute.](#)” **This includes materials placed in course reserves.** Course reserve materials are subject to [Fair Use](#) compliance, as the [TEACH Act](#) does not apply.

UNCP Faculty requesting the digitization of audio/video clips for use by UNCP distance education students, shall follow the guidelines set forth in the Sampson-Livermore Library [Course Reserves Policy](#), as well as the Sampson-Livermore Library [Audiovisual Materials Policy](#). All audio/video clips will be submitted to the Access Services/Reference Librarian, who will test them against [Fair Use](#) criteria. **Any clips not meeting the standards set forth in the [Fair Use](#) guidelines will not be processed for reserves.**

The [TEACH Act](#) **does** extend classroom exemptions to include, for the first time, the transmission of audiovisual works from one location to another in distance education courses. It permits the performance and display of nearly all types of works in their entirety, as long as they follow the guidelines below.

- They are lawfully made.
- The transmission is supervised by the instructor and technologically limited to students enrolled in the class.

- The amount transmitted is comparable to what might be displayed in a live classroom setting.
- The performance or display is related directly to the instructional activities of the classroom and forms an integral part of the class session offered.
- The transmission is only available for a specified period of time, as in a traditional classroom session. The Act does not permit scanning and uploading full or lengthy works to be stored on a website for students to access throughout the entire semester. Nor does it allow an instructor to scan and upload chapters from a textbook in lieu of having the students purchase the material for their own use.
- The institution provides “notice to students that materials used in connection with the course may be subject to copyright protection.” This may be a brief statement included on materials distributed in the class or on an opening frame of the distance education course.
- The institution puts into place technological controls limiting the ability of students to download or share copyrighted content.
- The performance or display is non-dramatic. Non-dramatic literary works might include a poetry or short story reading. Non-dramatic musical works might include all music other than opera, music videos, and musicals. Transmission of dramatic clips in “reasonable and limited portions” and transmission of displays (still images) in “amounts comparable to typical face-to-face displays” is permitted.

For more information concerning TEACH, please visit the TEACH Act Toolkit available from North Carolina State University at <http://www.lib.ncsu.edu/scc/legislative/teachkit/>.

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Works Cited

Harper, Georgia. 2002. *The Teach Act Finally Becomes Law*. Austin, TX: University of Texas System. On-line. Available from Internet, <http://www.utsystem.edu/OGC/IntellectualProperty/teachact.htm>, accessed 26 January 2007.