

## **GUIDELINES FOR USE OF MATERIALS ON CAMERA AND IN A BROADCAST OR STREAMED-VIDEO CLASS OVER THE INTERNET**

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The following guidelines should be followed when using materials in courses on TV and the Internet. In all cases, the users of the information are assumed to be only students registered for the course.

### **1. Use of materials from sources not required for the course.**

The copyright notice and the author or creator of the document, presentation, image or other material must be incorporated into the display, if this information is reasonably available.

Material is considered “incorporated” if it is attached to the display and appears (is viewable) on the screen (TV or PC monitor).

### **2. Fair Use.**

Although a copyright grants the holder the exclusive right to use and to authorize others to use the copyrighted material, exceptions to this exclusive right exists. (Of course, securing the permission of the copyright holder is always preferable to relying on an exception, and exceptions should only be used when permission is not feasible.) The most relevant exception to colleges and universities is the “fair use” doctrine. Specifically, the fair use of a copyrighted work includes use for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research. The fair use doctrine does not render all educational uses “fair use.” In determining whether the use made of a work in any particular case is a fair use, the following factors must be considered:

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

These factors do not provide for a bright line definition of whether a particular use constitutes fair use. The following examples are intended to illustrate the contours of the fair use doctrine; however, fair use is a fact specific determination, with each use being evaluated on a case-by-case basis.

#### **Example A**

A faculty member reads an article in the newspaper that is relevant to the subject matter of a class being held in a couple of days, and not enough time exists for the member to obtain permission to make copies for students. Under these facts – the spontaneous nature of the discovery, its relevance to classroom instruction and its distribution to students only, this likely is an acceptable application of the “fair use” doctrine, and the member may make the copies for his/her students.

**Example B**

During and as part of a class presentation, the faculty member accesses, in realtime, a website related to the subject matter of the presentation. The member shares the contents of the website with students.

Again, for the same reasons set forth in Example A, the presentation likely qualifies as a fair use. (Faculty members should always assume all materials on the Web are copyrighted unless a disclaimer or waiver is stated specifically.)

**Example C**

A faculty member records (on VCR or DVD) a program that the member watched at home. The subject matter relates to a class scheduled for later in the week. Under these circumstances, the member may play the recording during the class, provided that he/she only shows a limited portion of the work. In general, a limited portion means not more than 10% of the recording. Even if fair use applies, a faculty member must adequately identify the source and give a full bibliography (author, title, publisher, place and date of publication) if available; for video material, the channel, program name and all credits should be included. Please note, the foregoing examples which demonstrate likely instances of fair use pertain only to use during the current term. If a faculty member is gathering information for a future term's class or is re-offering (or re-using) material from one term to another, he/she must obtain specific publisher/author permission.

### **3. Guest speakers and student presentations.**

Prior to engaging a guest speaker for a course, the faculty member should (i) make the speaker aware of the mode of distribution for his/her presentation (i.e., TV, Internet), (ii) provide the speaker a copy of the Best Practices for Presenting on Camera, and (iii) ask him/her to complete a Consent Form. These materials are at <http://www-iit-online.iit.edu/faculty>. Other than courses designated as videoconferencing, which implies two-way video and audio, all persons, including students, but not the instructor, appearing on camera must complete a Consent Form. No one should be permitted to appear on camera until such Form has been completed. Consent Forms must be maintained within the Department.

### **4. Copies of video materials.**

IIT Online maintains all broadcast and Internet video materials after they are removed from the Blackboard system. The materials are copyrighted to IIT and are archived by IIT. No one is authorized to make an analog or digital copy or reproduction of or to use any material without first obtaining the written permission of IIT. IIT may grant permission in its sole discretion and may impose a fee in condition therewith. Examples of when permission will likely be granted include: (i) the making of a copy of a lecture for a student who missed the lecture and received a grade of Incomplete due to illness, and (ii) re-use at the Department's request.

**If faculty members have any questions about the use of copyrighted materials, they should contact the Office of the General Counsel at 7-3034.**