

**BOARD POLICY**

**No. 904**

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TITLE: Guidelines for Fair Use and Reproduction of Copyrighted Material

DATE ADOPTED: January 15, 2019

EFFECTIVE DATE: January 15, 2019

SUPERSEDES: February 17, 1998

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**PURPOSE:**

This policy specifies the guidelines utilized by the College in regard to the fair use and reproduction of copyrighted media.

**FAIR USE DOCTRINE:**

The reproduction or duplication of copyrighted media under the "Fair Use" doctrine explicitly refers to situations where time constraints do not allow for permission by the copyright holder to be given. It does not include any instance where there is planned use of material for which permission can and must be requested.

**DEFINITION OF MEDIA:**

Media includes, but is not necessarily limited to, books and periodicals, music, off-air recording of broadcasts, multimedia, distance learning, digital images and software.

**DETERMINATION OF "FAIR USE":**

In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include the following:

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.

Applications of these factors are not intended to place unreasonable limitations on the variety of situations and combinations of circumstances that can arise in individual cases relating to the fair use of copyrighted media. It is the position of the College, however, that the applications of these factors should not be taken lightly since they reflect statutory stipulations (Title 17 of the United States Code. Public Law 94553. 90 Stat. 2541). As a means of insuring compliance with public law, all members of the College community are obliged to consult with the Dean of Learning Resources for an interpretation of statutory restrictions governing “Fair Use.”

#### IMPLEMENTATION GUIDANCE:

1. The Dean of Learning Resources is responsible for providing implementation guidance to College employees. It is the responsibility of College employees to seek such guidance.
2. Due to the continual advancements and changes in media and the evolution of fair use guidelines, the Dean of Learning Resources or her/his designee will remain current in fair use guidelines. Written guidelines will be issued and posted next to all photocopying machines in the College. These guidelines will stress the importance of prior consultation with the Dean of Learning Resources or her/his designee. However, such guidelines will not serve as a substitute for actual copyright laws.

#### RESPONSIBILITY FOR COPYRIGHT VIOLATIONS:

Rowan College at Burlington County assumes no responsibility for copyright violation of any form of media. The onus of this responsibility clearly lies with the individual requesting or making copies.

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President

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Date:

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Chairman

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Date: