

Oberlin College & Conservatory

Face-to-Face Teaching Exemption

Policy Title: Face-to-Face Teaching Exemption

Responsible Position for Policy: Libraries Todd Masman

Office/Department Responsible for Policy: Libraries

Division Responsible for Policy: Libraries

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Last Revision Date: 05/2020

Log of Previous Revisions: 01/2020,

I. Policy Purpose:

II. Policy Procedures: Use of a copyrighted film in classroom teaching, other than educational broadcasting, is a public performance which is exempt from the licensing requirement if all of the following conditions are met:

- A. The “performance” (showing of the film) must be by the instructor or pupils.
- B. The performance must be a part of face-to-face teaching activities. The teacher and students need not actually be able to see each other, but they must be present simultaneously in the same general area. Although one needs to be flexible about indirect delivery of a film to a single classroom, in general, the exemption does not include remote transmission of any sort, including closed circuit or cable originating from another part of the school. (An educational broadcasting exemption exists, but does not apply to movies.)
- C. The performance must be a part of the teaching activities of a non-profit educational institution. The teaching activities must involve systematic instruction rather than recreation or entertainment (regardless of the cultural value or intellectual appeal of “high-concept” pictures). The presenting location must be a non-profit school of some sort. Foundations or associations or other non-profit “educational” institutions are not exempted. Neither the recreational film series presented by a faculty advisor of a college nor a face-to-face classroom instruction using The Red Shoes at a commercial dance studio are exempt under this provision.
- D. The performance must occur in a classroom or similar place devoted to instruction. The exemption is for classroom, not school performances. Performances during school assembly, graduation ceremony or other general school event are not exempt.
- E. The performance must not use a film copy which was illegally made and which the person responsible knew or had reason to believe was not lawfully made.
- F. Please remember that showing a film without first obtaining the copyright puts the university, college,

your organization and yourself at risk of liability which can include fines, penalties, court costs, and legal fees upwards of \$50,000 per abuse.

- G. Copies of the "Copyright Public Performance Rights" document are available from T.Todd Masman for persons interested in receiving a copy. If you have questions regarding this policy and practice on our campus, please don't hesitate to contact T.Todd Masman at x5273.

II. "FACTS ABOUT VIDEO PROGRAMMING ON CAMPUS"

- A. The following are examples of public screenings and are illegal unless the film title being shown is a copy which was obtained with "Public Performance Rights":

- in residence hall floor lounges
- in the cafeteria/HUB via radio or television
- in common rooms open to residence hall populations
- in the campus library

- B. A public performance license is needed when using videotape programming in any public or private location where the audience extends beyond the scope of a single family and close friends.

- C. It is illegal to conduct a public showing without first obtaining the necessary license for the program. Without such license, the public showing becomes a copyright infringement and the violators can be prosecuted and held liable for fines, penalties, court costs, and legal fees upwards of \$50,000 per abuse. The copyright laws apply whether you charge admission or not. There are no distinctions between profit and non-profit groups. Ownership of an individual video tape does not give one the right to show it in a public place; it is for HOME USE ONLY.

- D. Not having the budget to pay for the license (and thus the royalties) is not an acceptable reason for renting from a local distributor and showing a video in a public area.

- E. Authors, producers, studios and lawful distributors are the copyright holders and are due rightful compensation for the public showings of their creations.

- F. Anyone connected with the illegal showing of a copyrighted film can be named in a copyright infringement suit. This includes student organizations, academic departments, organization advisors, and college officials as well as the individual who knowingly operated the equipment at the illegal showings.