

Central Virginia Community College Policies
VI – Academic Services Assisting Instruction
Performances



Policy #:	CVCC0149
Effective:	__/__/__
Last Reviewed/Revised:	08/30/2022
Responsible Dept.:	Library Services
Other Policy References:	NA

Performances

According to U.S. Law, "To 'perform' a work means to recite, render, play, dance, or act it, either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible." School performances are generally considered public performances.

- 1. Dramatic Works.** For plays and musicals, Section 110 of the law provides four criteria to define the only exception to copyright infringement for public performance of dramatic works:
 - (1) When a performance takes place in the course of a face-to-face teaching activity - i.e., instructional performances and displays that are not transmitted; and (2) it is in a nonprofit educational institution; and (3) it is conducted in a classroom or similar place (such as a library) devoted to instruction; and (4) in the case of an audiovisual work, when the copy (e.g., film or videotape) is lawfully made.*
- 3.** No public performance of copyrighted dramatic works (including the showing of films, theatrical productions, etc.) is protected by Fair Use if the performance does not meet the four criteria for exception as defined in Section 110 of the law.
- 4. Non-dramatic Works.** The exemption quoted above for dramatic works also applies to performances of non-dramatic literary or musical works. In addition, performances of non-dramatic works may be (a) transmitted to other classrooms and to handicapped persons who are unable to be present in classrooms if the performance and transmission are part of the instructional program, or (b) open to the public if the performance is not broadcast, the performers are not compensated, there is no admission charge, any proceeds go to educational purposes, and the copyright owner does not object in writing at least seven days before the performance.
- 5. Audiovisual Works.** The rules are the same as those governing any performance.
- 6. Videotapes and Films**
 - **Classroom Use.** Classes with teachers in attendance may view videotapes for instructional purposes, but they must be shown in a face-to-face setting, not transmitted, and the videos must clearly relate to the class.
 - **Entertainment.** Videotapes shown for entertainment purposes are considered public performances. Before showing a film or tape for entertainment, make sure the College purchased public performance rights.
 - **Library Use.** Individuals and very small groups may be permitted to view a videotape in a study carrel or viewing room.
- 7. Off-Air Recording (Television and Radio)**
- 8.** At this time, IT does not provide off-air recording or copying services. The four-factor test should be applied to determine fair use of off-air recordings. Faculty and students recording off-air programs for showing or playing

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in class should read and familiarize themselves with the guidelines included in *Guidelines for Use of Copyrighted Materials*.