

AACC

AMERICAN ASSOCIATION OF COMMUNITY COLLEGES

May 15, 1997

Peter Fowler
Attorney-Advisor
Office of Legislative and International Affairs
U.S. Patent and Trademark Office, Box 4
Washington, D.C. 20231

Dear Mr. Fowler:

I write as president of the American Association of Community Colleges (AACC), which represents 1,100 public and private associate degree-granting institutions. We thank you for your hard work and foresight in convening the Conference on Fair Use, CONFU, to create educational fair use guidelines for educational multimedia, digital images and distance learning.

These meetings, and the guidelines that have resulted, have recognized the increased use of distance learning technologies to deliver educational materials to students who cannot attend traditional on-campus classes for whatever reason. Technology also makes it easier for teachers to pick and choose what they like from existing educational material, incorporate excerpts from various works and create their own tailored multimedia presentations.

It is important to note that educational institutions are both users and producers of copyrighted material. Consequently, we are interested in maintaining a balanced approach to the concept of fair use when creating fair use guidelines for use by educators in the new digital environment. As the preamble to the guidelines states that "only the courts can authoritatively determine whether a particular use is fair use," we believe fair use guidelines can provide educators with a useful tool to help them determine whether their particular use of copyrighted material is fair or not.

We have received a great deal of support from community colleges for endorsing the *Fair Use Guidelines for Educational Multimedia* and would like to restate our support for these guidelines as a part of CONFU. AACC feels these guidelines are a positive development that provide a sense of direction in an area of technology that has become such an important part of the teaching and learning process.

We would like to withhold our endorsement or opposition for the *Educational Fair Use Guidelines for Distance Learning* and the *Fair Use Guidelines for Digital Images* pending further discussion among the participants. The *Educational Fair Use Guidelines for Distance Learning* certainly make great headway when they allow educators to transmit audiovisual works

over synchronous, non-digital distance learning networks. *The Educational Fair Use Guidelines for Digital Images* give educators greater freedom to digitize and use the images they hold in their image collections for traditional and distance learning. However, we feel further negotiations could resolve certain elements of the guidelines that could prove difficult for our member institutions.

For example, many of our members feel that asynchronous delivery of distance learning over a computer networks should be a part of these guidelines. This type of learning addresses one of the major benefits of distance education -- the use of technology to transmit educational material to students so they have the opportunity to learn at their own pace, at a time and place that works for them. Allowing colleges to retain copies of the transmitted material for 15 days will certainly increase student access to the material. However, many of our colleges responded that in practice this limitation will prove difficult for many distance learning students who are unable to come to campus during regular class hours for various reasons, such as work or family responsibilities, disabilities, or physical location. We also recommend that any fair use guidelines be technology neutral since distance learning technologies are changing so rapidly.

We appreciate having the opportunity to be part of CONFU and would like to thank you and all of the other participants who were involved in this important process. We hope this collaboration among different sectors will continue and look forward to working with you and others in the future.

Sincerely,



David Pierce
President

AACC

AMERICAN ASSOCIATION OF ~~August 12, 1996~~ COLLEGES

77th Annual Convention — April 12-15, 1997 — Anaheim, California

Ivan Bender/Lisa Livingston
Co-Chairs, Educational Multimedia
Fair Use Guidelines Development Committee
City College/City University of NY
5/220 North Academic Center
138th Street at Convent Avenue
New York, NY 10031

Dear Mr. Bender and Ms. Livingston:

I write as president of the American Association of Community Colleges (AACC), which represents 1,100 public and private associate degree-granting institutions. For the past eighteen months, staff from AACC have worked with you and representatives from other associations representing educators and copyright owners to create fair use guidelines for educational multimedia. These guidelines are designed to be used by educators and students when they create their own multimedia projects.

AACC feels these guidelines are a positive development that, if adopted broadly, will provide a sense of direction in an area of technology that has become such an important part of the teaching and learning process. Educational institutions are often both users and creators of multimedia products, and this document will provide our members a tremendous sense of freedom and encouragement to both use and produce multimedia programs for their students.

We appreciate having the opportunity to be part of the negotiating committee and are pleased to add our association's name to the list of organizations that formally approve of the *Fair Use Guidelines For Educational Multimedia*. The Instructional Telecommunications Council, AACC's affiliated council that deals with higher education instructional telecommunications and distance learning, also endorses these guidelines.

Sincerely,



David Pierce
President