

## **Core Course Content Available via Adobe Connect on Blackboard**

Email Message from Associate Dean Linda Schaffner, November 28, 2012

With the permission of the instructors, we are in the process of making Adobe Connect recordings of most of the 501 core classes (Bio., Chem, Geo, Phys) available to students who are enrolled in these classes. Although I have been unable to track down any existing policy guidelines for the posting and use of online content at W&M, useful guidelines are readily available via the web (links below). To be consistent with U.S. copyright law these materials are being made available via Blackboard, the College's password-protected platform for delivering course content. The materials are exclusively for use by instructors, TAs and students who are enrolled in each course (i.e. those who have access to the Blackboard content for the semester).

The following statements are supported by what I have read:

The instructor is the copyright owner of the lecture material, except for specific figures, tables, photos, etc. from journals or other sources that are being used as examples to illustrate lecture materials. Use of copyrighted materials is covered by the "fair use legal doctrine that allows the public to make limited use of copyrighted works without permission" (Columbia University website, link below). This fair use doctrine also applies to journal articles and book chapters.

Making assessments on what constitutes "fair use" is context specific. A number of universities have posted checklists that may be used to assess the likelihood that a specific usage would be judged to be "fair use."

From the Columbia University website (and see their checklist for more detail):

### **"Purpose of the Use**

- Materials should be placed online only for the purpose of serving the needs of specified educational programs.
- Materials should be placed online only at the specific request of the instructor.
- Access to materials should be limited by password or other means to deter unauthorized access beyond students enrolled in the specific course for which the materials are needed.
- Students should not be charged a fee specifically or directly for access to materials placed online, and no person or unit at the university should benefit monetarily from the use of the material.

### **Nature of the Original Work**

- The selected work should be relevant to the educational objectives of the course.
- The law of fair use applies more narrowly to highly creative works; accordingly, avoid substantial excerpts from novels, short stories, poetry, modern art images, and other such materials.
- Instructors should carefully review uses of "consumable" materials such as test forms and workbook pages that are meant to be used and repurchased.

### **Amount of the Work Used**

- Materials placed online should generally be limited to brief works or brief excerpts from

- longer works. Common examples: a single chapter from a book, a single article from a journal, or individual news articles.
- The amount of the work placed online should be related directly to the educational objectives of the course.

#### **Effect of the Use on the Market for the Original**

- Materials placed online should include a citation to the original source of publication and a form of a copyright notice. If the original work has a copyright notice (e.g., "Copyright 2009, Jane Smith"), copying that notice with the materials is probably a good idea. The instructor should also advise students that the materials are made available exclusively for use by students enrolled in the course and must not be distributed beyond that limited group.
- Access to materials should be limited by password or other means to deter unauthorized access beyond students enrolled in the specific course for which the materials are needed. (Password control or other limited access is also important to the "purpose" factor, as noted above.)
- The CMS or a course website should include only material for which the instructor, the library, or another unit of the educational institution possesses a lawfully obtained copy.
- Materials placed online should not include works that are reasonably available and affordable for students to purchase—whether as a book, as a coursepack, or in other format."

Websites for further information and the checklists:

- <http://copyright.columbia.edu/copyright/fair-use/practical-applications/posting-course-materials-online/>
- <http://copyright.columbia.edu/copyright/files/2009/10/fairusechecklist.pdf>
- <http://library.duke.edu/about/depts/scholcomm/copyright-and-fair-use.pdf>