

Copyright for ACC Instructors



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Copyrighted Works Okay to Use for Teaching

(both FTF and Distance Learning)

- works produced by federal government (not necessarily state governments, however)
- linking, or providing URLs to, a work on a website, even if that work is copyrighted (site itself must be legitimate). Remember, better to link to video/sound in lieu of using downloadable formats:

“An inkling for linking is a good thing” *Greg Reid, 2022*

- using works you created, unless you transferred your copyright elsewhere
- works from the ACC library “TexShare” databases (use a “permalink”) – these are licensed resources
- works from licensing/public domain repositories such as “Creative Commons” (ask library)
- works in public domain; these can be works with expired copyright, or works unprotected by any copyright (very rare), or works deliberately entered by copyright holder in public domain

(note – distance learning in this context is considered to be online-delivered, and can be synchronous or asynchronous)

Copyright Q&A – for FTF Teaching Only

May I show an entire copyrighted movie to a FTF class?

Doable, so long as movie is relevant to curriculum and persons beside enrolled students are not present (a movie showing that is open to public, on the other hand, requires securing of public performance rights)

May I use a copyrighted work from a website?

Doable, but to display or distribute such fair use compliance is the only option

May I use my own copy of a copyrighted movie, all or part, for teaching FTF?

Doable, but:

- ✓ *a rented movie can be shown so long as an agreement prohibiting such has not been entered into by you with rental source*
- ✓ *can buy a movie and use that, so long as students enrolled in the class are the sole audience and the movie relates to curriculum*

May I digitize a personal VHS copy of a movie/TV show and play it within a FTF class?

Doable, but this relegates instructor to fair use compliance (in application, only portions, and not an entire movie, would likely be in reasonable fair use compliance)

May I display a copyrighted image/picture in a FTF class?

Doable in these ways:

- ✓ *if from printed works or web, need to be fair use compliant or need to ask permission from owner*
- ✓ *copying an article as a FTF lecture handout – need to be fair use compliant*

Copyright Q&A – for Distance Learning Only

May I play a movie or music?

Doable, but with a “reasonable” portion of it only (much different from FTF teaching, where the entirety may be used). Utilize stream technology to best control prospective “downstreaming” by distance learning students afterward

May I digitize a movie from nondigital format?

Doable, so long as no digital version is otherwise available or an available digital version is encrypted. Still, only a “reasonable” portion (not all) can be used for distance learning instruction

May I make a DVD of online clips that I can just give to students?

Avoid; fair use may apply, but this practice introduces significant potential student downstreaming issues. Best to find another provision

May I display a copyrighted image/picture within a distance learning class?

Doable, if it is something you would show in an FTF version of same class. Problematic though with the potential of downstreaming by students

May I use journal articles and book chapters?

Doable, but only post online the amount you would show in a FTF version of same class. Best to use linking, gain copyright holder permission or to consult fair use provisions for compliance

May I use a poem or newspaper clipping?

Doable; can digitize these if otherwise unavailable digitally. Otherwise the answer is the same as that of the previous question

May I use works for more than one semester?

Yes

May students post works?

Doable, but they must also follow copyright guidelines when so doing

May I stream, for class use, works housed within personal services such a Netflix, Spotify or Amazon Instant Video?

No

What copyrighted resources are not permissible for me to draw from, as tools for instructing a distance learning course?

- *works that are commercially marketed, specifically for distance learning application*
- *knowingly performing/displaying works that are unlawfully generated or acquired*

What copyrighted resources are permissible for me to draw from, as tools for instructing a distance learning course?

- *performances of nondramatic literary works*
- *performances of nondramatic musical works*
- *performances of any other work, including dramatic works and audiovisual works, but only in "reasonable and limited portions"...*

Big-Picture Copyright FAQs Worth Noting

Is copyright for distance learning just like copyright for FTF instruction?

Principle for both is the same, yes, but some applications greatly differ – the distance learning inflections of copyright law may surprise. The federal TEACH Act (2002) amended a number of copyright considerations regarding online distance learning applications

What is instructor role in copyright compliance?

Where choice exists within substantive pedagogical content of a class, comes this instructor responsibility

Does instructor copyright compliance then conflict with academic freedom?

No. The two concepts interrelate logically. About academic freedom specifically, the college faculty handbook in part states: The partner of academic freedom is academic responsibility. The responsibility to be professionally competent, professionally behaved, professionally accountable, and professionally respectful falls upon all faculty members. Instruction must adhere to state mandated requirements and outcomes for the course. Faculty should be aware that individual independence is to be exercised with judicious and responsible consideration of the situation. (ACC Faculty Handbook 2021-22, p10)

Please also remember that copyright compliance goes beyond constituting suggestion or best practice. Copyright is law

Short of obtaining permission from the copyright owner in some instances, what are the key considerations for instructors in drawing from copyrighted materials, for instruction of a distance learning course?

- **what** instructor wishes to utilize (some materials are off limits – see next question)
- **how much** - of what is permitted in the first place – instructor wishes to utilize

So, even the use of permitted materials is far from unlimited. Can you tell me more about my distance learning instructor compliance responsibilities?

- *any copyrighted work performed or displayed for a distance learning class must be integral to the teaching itself (and not, for example, to entertain students in the class, or for supplemental/optional class activities)*
- *works for instruction of a distance learning class are to be utilized no more extensively than they would be within an onsite, face-to-face version of the same class - in terms of both length and substance*
- *access to said works needs to be limited to students enrolled in the class, and only during a class session*
- *students in the class must be notified that copyright protection is in place for some of the class instructional materials*

- *please check with campus copyright officer before utilizing, within the teaching of a distance learning class, any hardcopy works that have been digitized. Doing such carries a number of its own unique restrictions*

What is “perform” or “performance” for this purpose?

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.

(<https://www.copyright.gov/title17/92chap1.html>)

What is “display” for this purpose?

...show a copy...either directly or by means of a film, slide, television image, or any other device or process or, in the case of a motion picture or other audiovisual work, to show individual images nonsequentially. (<https://www.copyright.gov/title17/92chap1.html>)

May I use bootlegged/pirated materials?

Don’t; further, one is expected to make a reasonable effort to discern that works indeed are bootlegged/pirated, before using them

Who is the campus copyright officer?

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Copyright Consultation Tools

- **obtaining specific written permission from a copyright owner (FTF/distance learning)**
 - ✓ can be difficult
 - ✓ if problematic ask library for assistance in doing this
- **“fair use” provisions (FTF/distance learning)**
 - ✓ purpose, nature, amount, market effect of a copyrighted work used for teaching
- **Teach Act of 2002 (distance learning only)**
 - ✓ work used must be supervised by you
 - ✓ must be integral to teaching content of a class
 - ✓ work must have been lawfully generated
 - ✓ work must not otherwise be marketed
 - ✓ access to work must be restricted to students enrolled in the class for which used
 - ✓ prospective, subsequent (“downstream”) transmission of the work, by students, must be mitigated to best extent