Copyright in the Classroom
(for graduate students employed by UA)

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FGSR Session
August 29, 2018
What do instructors need to know about copyright in the classroom?
pollev.com/copy
What do instructors need to know about copyright in the classroom?
Learning Objectives

By the end of this session, students should be able to:

1. locate copyright-related UAPPOL policy, procedures, and Fair Dealing Guidelines
2. help students and other instructors create stable urls to UAL-licensed resources
3. explain the difference between re-use considerations for UAL-licensed resources and all other copyright-protected works
4. define open educational resources (OER) and describe how they can be beneficial to both students and faculty
5. differentiate between materials that are suitable for sharing in a course content aggregator from materials that are not suitable for sharing in a course content aggregator (e.g., OneClass, CourseHero, etc.)
2 high-level takeaways

**Copyright** is a set of limited rights established by law (attempts balance).

UA interpretation of copyright law is communicated to employees through UA Policies and Procedures (e.g., Fair Dealing Guidelines).

UA Libraries purchase **access** to digital materials for use in teaching and research activities at UA. The **terms and conditions** of the negotiated contracts guide employees’ use of these materials.
Copy(ies) need(s) to be made at the UofA.

Licensed resource?

Yes

Negotiated terms of use govern copying, distribution, etc.

No

Student / library user?

Yes

Staff member?

No

Institutional policies (e.g., fair dealing guidelines)

Institutional risk tolerance / institutional management office / legal counsel

Canadian copyright law (legislation and case law)

Decide if copy(ies) should be made.
True or False? UA copyright policy applies to employees, not students.

True.

False.
Licensed Library Resources

http://guides.library.ualberta.ca/linking-to-library-online-resources

Linking to Library Online Resources

Let the library do it

Direct Links to Articles
Use ‘Get it’ for Linking
Use ‘RefWorks’ for Linking
Linking to Articles from Databases
Linking to eBooks
Linking to Databases, Library Guides, ERA, Google Scholar
Adding a Library Resources Block to eClass

Linking to Library Licensing Online Resources

The Library provides access to numerous online resources that we license from online vendors/publishers, and it makes sense for instructors to provide links to these resources on their course reading lists/outlines. However, due to our vendor/publisher licensing requirements, links to online resources must include a prefix that prompts for authentication for off-campus access.

The Library uses an application called EZProxy to manage off-campus authentication to our resources. To facilitate off-campus access to our online resources, the EZProxy prefix http://login.ezproxy.library.ualberta.ca/login?url= should be added to any links you provide to your students.

For example, the following is a URL for an online article:

http://pubs.acs.org/doi/pdf/10.1021/bi8006143

Once the EZProxy prefix is included, the link will appear as follows:


While making use of the Reading List Service is the easiest way to ensure that the EZProxy prefix is included in links to licensed online resources on your course reading lists, if you prefer to provide links yourself, this guide provides tips on the various methods for ensuring your links include the EZProxy prefix.
Library Reading List Service

Library staff will create a reading list or place material on reserve
https://web.library.ualberta.ca/reserverequest/readinglist/embeddedlinks/index.cfm

TIP: If UAL doesn’t have access to the eresource and it’s not available open access, contact your subject librarian for assistance (they might know of other access points or have you recommend an ebook purchase).
Other works protected by copyright

Distribute resources to students under the fair dealing exception as interpreted by UA.

3. Users may reproduce the following “short excerpts” from copyright-protected works:
   a) up to ten (10) percent of a copyright-protected work (including a literary work, musical score, sound recording or an audiovisual work) [Note: in cases where the work is an anthology or collection that includes complete works that are otherwise available in separate volumes, this may not be applicable. In such cases, please contact the Copyright Office for clarification];
   b) an entire chapter from a book;
   c) an entire article from a periodical publication;

4. Users may NOT reproduce the following:
   a) unpublished works;
   b) proprietary workbooks, work cards, assignment sheets, tests and examination papers;
   c) instruction manuals;
   d) newsletters with restricted circulation intended to be restricted to a fee paying clientele;
   e) business cases which are made available for purchase; or
   f) multiple short excerpts from the same copyright-protected work, with the intention of reproducing or communicating substantially the entire work.

The Copyright Office can provide assistance with questions about the implementation or interpretation of these Guidelines.

Use of Copyright Materials Policy

Overview
The University of Alberta is committed to respecting copyright materials.

All individuals at the University Act and related laws, which include user rights in relation to copyright.

This policy does not deal with usage by any person who is subject to ownership rights, refer to the University of Alberta Act for more information.

Purpose
The policy outlines the University's position on copyright.

- state the University's position
- state the University's position

Scope:
- serve to limit the potential legal liability of the University and its members for copyright infringement through the exercise of due diligence when using copyright material;
- be the basis to identify and implement specific procedures to effect compliance with copyright laws.

Office of Accountability: Provost and Vice President (Academic)
Office of Administrative Responsibility: Vice-Provost (Learning Services)
Approver: Board of Governors
Scope: Academic Staff and Colleagues and Support Staff as outlined and defined in Recruitment Policy (Appendix A and Appendix B) in addition to research and academic employees, third party contractors, professor emeriti, post-
Presentation of Course Materials

- Section 29.4 of the Copyright Act allows for the display of images for instructional purposes so long as the images are not commercially available in a format suitable for this use.

- Section 29.5 of the Copyright Act allows for the playing of a non-infringing sound recording or movie for educational purposes.

- Always check the terms of use for conditions, restrictions, or limitations when using resources accessible via licence or personal subscription (e.g., Netflix, Spotify, etc.).
How well do you feel you understand what we have discussed so far?

I totally get this stuff.

I’m feeling pretty confident.

I’m following along ok.

I’m a little lost but mostly staying with you.

I am confused.
Case Study: Uploading Content to eClass

You have been assigned to TA a course one week before the start of classes. Students expect to access their readings through eClass / LMS. How do you handle the following items, all of which are important to the course objectives?

2. Article available via a UofA Libraries (UAL) database (e.g., accessed via the main library search interface).
3. Lecture slides created by the previous course instructor. The slides include images (with attribution) copied and pasted from the open Internet.
Case study 1. How do you handle a paper copy of a book chapter?

Scan it and upload the PDF to eClass/LMS.

Scan it and upload the PDF to Google Docs.

Distribute paper copies and sell it as, “kickin’ it old school.”
Case study 1. How do you handle an article available via a UAL database?

Take screen captures of each page and upload those images into eClass/LMS.

Google the title and provide the top article URL in eClass/LMS.

Follow instructions on library website to generate and provide a stable URL to the article in eClass/LMS.

Provide students with the article citation and instruct them find the full-text on their own.
Case Study: Uploading Content to eClass

How can you provide access to the following items via eClass / LMS?

   ○ Scan amount within Fair Dealing Guidelines and upload to eClass/LMS. Assumption: book was legally obtained (e.g., UAL collection). Note limits to further distribution (see website).

2. Article available via a UofA Libraries (UAL) database (e.g., accessed via the main library search interface).
   ○ Provide stable link to the article (UAL can provide the link) or upload if the conditions of the licence / contract allow for this type of use.

3. Lecture slides produced by the last person who taught the course. They include images (with attribution) copied and pasted from the open Internet.
   ○ Display in the classroom but share via eClass/LMS only if images allow for this type of use or you have completed a fair dealing assessment. Model good practice by including distribution justification in the references (e.g., CC licence, terms of use, fair dealing assessment).
Practical Points

- You can provide students with links to UA Libraries’ licensed digital resources.
- UA has a Use of Copyright Materials Policy and Fair Dealing Guidelines.
- The instructor/course coordinator must submit a copyright review request form if using a course package.
- Basic questions about copyright in the classroom can be sent to copyright@ualberta.ca.
For Instructors

University of Alberta Policies and Procedures
- Use of Copyright Materials Policy
- Use of Copyright Materials Procedure
- Information Documents

Fair Dealing Guidelines

Course Readings
- Providing Print and Digital Copies
- Production and Sale of Printed Course Materials
- Posting to a Learning Management System

Instructional Materials
- Creating Teaching Tools
- Presentation Slides
- Showing a Movie

Review and Permissions
- Copyright Clearance Service
- Payment of Permission Fees
- Seeking Permission
- Copyright Review Request Form

Resources
- Copyright in the Classroom (Fall 2017)
- New Professor Teaching Orientation - Copyright Information (Summer 2017)
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Consider This: Why Open Educational Resources in the Classroom Matter to Students Like Me

Akanksha Bhatnagar—Vice President (Academic), University of Alberta Students’ Union

Akanksha Bhatnagar is the 2018–19 Vice President Academic of the University of Alberta Students’ Union and the Chair of the Open Educational Resource Advocacy Group. She is a fourth-year Sociology and Political Science student, and is a Peter Lougheed Leadership student. In her spare time, Akanksha enjoys spending time with her friends, traveling, and volunteering.

https://blog.ualberta.ca/consider-this-why-open-educational-resources-in-the-classroom-matter-to-students-like-me-c4329aaa1235

Despite various digital advancements, it is difficult to imagine a university education without textbooks—or without the costs of textbooks. But, as my predecessor pointed out last year, there are in fact a number of ways to keep your textbook costs down for students. This year I’d like to suggest that there are even more ways to re-imagine the university experience without textbooks... or at least, without traditional textbooks.

This can be done by integrating an existing Open Educational Resource (OER) into your course; alternatively, you could even consider developing one yourself. Here are just a few benefits for students...

- It creates an accessible, affordable and inclusive classroom environment,
- OERs are a dynamic learning tool that can adapt to modern times,
- OERs can augment your already chosen classroom materials,
- Students can receive the readings early in the course, setting us up for success.
- It is a sustainable option for the environment,
- OER’s are a personalized option for you and your students and,
- OER databases allow for your work to be part of a larger academic network.
Open Educational Resources (OER): “... any type of educational materials that are in the public domain or introduced with an open license. The nature of these open materials means that anyone can legally and freely copy, use, adapt and re-share them. OERs range from textbooks to curricula, syllabi, lecture notes, assignments, tests, projects, audio, video and animation.” (UNESCO)
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OER at UA

University of Alberta Libraries

UA Centre for Teaching and Learning

Open Educational Resources

Copyright Office

Developing OERs

What are Open Educational Resources (OERs)?

Open Educational Resources (OERs) are any type of educational materials that are in the public domain or introduced with an open license. The nature of these open materials means that anyone can legally and freely copy, use, adapt and re-share them. OERs range from textbooks to curricula, syllabi, lecture notes, assignments, handouts, images, audio, video and other "UNESCO".

What are the copyright issues in developing new OERs?

Copyright in your new OERs: As the author of a work is generally the copyright owner, you must have the original work in order to copyright it. However, if the work is created in the course of employment, then the copyright in the work would normally be owned by the employer, unless there is an agreement to the contrary. In the case of employment, you must obtain the consent of the employer via a copyright assignment agreement. For the work of employees, you may not copyright the work unless the employee signs a copyright assignment agreement. For the work of other employees, the work must be prepared for the employer.

The copyright in a work created by an employee is in the work itself, except when the employee has signed a copyright assignment agreement. If you want to copyright your work, you must also secure the assignment of copyright from your employer, which is true in the case of an agreement to the contrary.

The importance of copyright ownership in OERs: In order for a copyright-protected work to be made "open", the copyright holder(s) in the work must agree to make the work open. For collaborative works, all the contributors should be in agreement regarding how the work is to be made available, and the agreement should be in writing. Where some contributions have been made by university employees such that the university holds copyright in those contributions, then the university should also be a party to that agreement.
Peer-reviewed. Openly licensed. 100% free.

And backed by additional learning resources. Review our OpenStax textbooks and decide if they are right for your courses. Simple to adopt, free to use. We make it easy to improve student access to higher education.

https://openstax.org/subjects
3 questions

What do students need to know about materials distributed in the classroom?

- Who owns it?
- What can others do with it?
- Did they need to ask permission to use it?
Case Study : Course Content Aggregator

You receive an email from a student asking you if they can buy a copy of last year’s exam directly from you instead of paying CourseStuffPlus*, a course content aggregator. You sign up for an account on CourseStuffPlus and discover that the course coordinator’s lecture slides, course notes, and the examination from a class they taught last year are available for sale via this online service.

1. What are the copyright issues in this scenario?
2. Should you have the content removed?
   If so, how?
   How do you prevent this from happening again?

*fictitious service/company*
Case Study: Course Content Aggregator

...lecture slides, course notes, and the examination from a class taught last year are available for sale via a course content aggregator.

1. What are the copyright issues in this scenario?
   ○ Who owns the content? UofA faculty members normally hold the copyright in teaching materials they create. Course content services usually require uploading by the rights holder (but don’t review content).
   ○ Is this an infringement scenario?

2. Should you have the content removed? If so, how? How do you prevent this from happening again?
   ○ If relevant, contact the service provider and ask that the content be removed. Each service has its own protocol for this type of request.
   ○ Make your preferences clear to students. For example, inform them that you hold the copyright in course materials that you create and distribute and that these are provided solely for the use of students registered in the class and that they are not for wider distribution.
### How often do you use course content aggregators?

<table>
<thead>
<tr>
<th>Frequency</th>
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<tbody>
<tr>
<td>Every day or so.</td>
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<td>Every week or so.</td>
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<tr>
<td>Every month or so.</td>
</tr>
<tr>
<td>Maybe twice a year.</td>
</tr>
<tr>
<td>Never but I've heard of them.</td>
</tr>
<tr>
<td>Never heard of them until today.</td>
</tr>
</tbody>
</table>
What do you think of now when you hear the word, "copyright?"
Questions?

copyright@ualberta.ca

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