

MSP Guidelines for online course syllabi and copyright¹

July 25, 2020

As faculty prepare to deliver more instruction remotely, we are providing this brief review of rules on copyright, both for protecting your own copyright, and respecting the rights of others. Faculty own their course content under the University of Massachusetts Intellectual Property policy as well as the U.S. Copyright Act and TEACH Act. Student conduct is covered by the UMass Code of Student Conduct and UMass Acceptable Use of Information Technology, as well as the U.S. Copyright Act.

Course Materials

Faculty own all copyrights to the course materials they create and “fix” by writing down, pre-recording, putting into a PowerPoint, or similar. This includes lectures, lecture notes, materials, syllabi, study guides, and all web-ready content. (The only exception is if the faculty member has a prior signed agreement that they received payment to create specific course content for the university, if the agreement specifies that the university owns their work product.) Only the faculty member, and anyone to whom the faculty member explicitly grants permission, may reproduce, distribute, upload, or display their own course materials. See the UMass Intellectual Property Policy (T96-040) [here](#).²

Recordings of Course Presentations

Recorded lectures, audio or video recordings, faculty notes or photographs of class presentations are protected by the faculty member’s copyright as well as the privacy rights of students under FERPA. Students and others cannot sell or give away faculty materials to others, except to other students enrolled in the course.

- If a faculty member records their own lecture, the verbal lecture content is copyrighted, along with pre-existing material such as slide decks or handouts.

¹ Roughly based on University of California Santa Cruz guidelines: <https://news.ucsc.edu/2020/03/intellectual-property-and-copyright-in-course-materials-during-covid-19-remote-teaching.html>

² Not all materials are copyrightable. Facts, ideas, methods and procedures may not be copyrighted, and faculty therefore do not have a copyright in the underlying factual content of their course materials, only in their particular expression of those facts. Extemporaneous oral presentations are also not protected by copyright unless they are pre-scripted, or “fixed” in a recording. Copyright holders can authorize reproductions, distributions, public performances and displays, and can file a simple 17 USC 1201 “takedown notice” to legally claim infringement and have their content removed from third-party websites. Copyright also includes a wide variety of exceptions and limitations such as fair use (17 USC 107), classroom performance rights (17 USC 110(1)), and the TEACH Act for distance education (17 USC 110(2)), that apply to students as well as to faculty. Because of the complex balance of rights and limitations, copyright by itself is insufficient for a faculty member to control all uses of their materials.

- A faculty recording of an Echo360 or Zoom lecture is considered “classroom presentation and instruction” which is categorized as “exempted scholarly work” and protected by the UMass intellectual property policy.
- Students who take notes from a lecture have a copyright in their own notes, and they are permitted to share their own notes with other students or anyone else.
- Faculty may use their own recordings in compliance with University policy but cannot be asked to share their materials with anyone outside of the course.
- Disability Services may grant the accommodation of providing course notes or recordings to any student with a disability.

Steps You Can Take to Protect Your Materials

1. Post your materials only on Moodle or Blackboard, which are password-protected and accessible only to registered and enrolled students. Please be sure to post class recordings only in sites restricted to your class.
2. Advise students verbally and in writing that your course materials and all course presentations are protected by your copyright, other students’ privacy rights, and the campus Code of Student Conduct. Tell students specifically that they may not share course materials and recordings with anyone outside of the class. You should share this information with students in your first class, on your course website, and in your syllabus. You may use this language:

“My lectures and course materials, including PowerPoint presentations, videos, assignments, tests, outlines and similar materials, and all course recordings, are protected by U.S. copyright laws and by university policy. I am the exclusive owner of the copyright in materials I create.

You may take notes and make copies of course materials for your own use in this class. You may also share those materials with another student who is registered and enrolled in this course.

You may NOT reproduce, distribute, upload, or display any lecture notes or recordings or course materials in any other way — whether or not a fee is charged — without my express written consent. If you do so, you may be subject to disciplinary action under the UMass Code of Student Conduct.

Similarly, you own the copyright to your original papers and exam essays. If I am interested in posting your answers or papers on the course web site, I will ask for your written permission.”

3. Include language on every page of your course materials (in a header or footer, on PDFs and online) that they are protected by copyright: “© [Faculty Name] 2020” If you also include your UMass email address, people who want to ask your permission to use your materials will be able to contact you easily.

4. If you are concerned about students posting materials to CourseHero, StudyBlue, or similar sites, you can include language in a header or footer to label your content. CourseHero (but not necessarily other sites) has a filtering tool to prevent the upload of materials that include this sentence in a header or footer:
“This content is protected and may not be shared, uploaded or distributed.”

If you find that your material has been uploaded to a third-party website, you can send a copyright takedown notice (17 USC 512). Once a valid takedown notice is submitted via the portal, the website has a duty to act “expeditiously” – usually in 2-3 days. If you request takedown of content that is actually the student’s own content, however, or if the student can demonstrate it is fair use, you may be liable for damages.

CHEGG: <https://www.chegg.com/copyright/>

CourseHero: <https://www.coursehero.com/copyright-infringement/>

StudyBlue: <http://www.studyblue.com/about/legal/terms/#DMCA>

Copyright of others

Please respect the copyrights of others. Many materials can be used under the doctrine of Fair Use (17 USC 107). Much remote teaching will include asynchronous and possibly synchronous sharing of handwritten notes, slides, images and documents, course readings, audio and video clips. Recorded materials should be posted in a restricted location, such as your class Moodle or Blackboard. By not making recordings available to the general public, you limit your risk of violating the copyrights of others. Your [liaison librarian](#) or the [copyright librarian](#) can help you understand copyright and fair use. More information about copyright is here: <https://blogs.umass.edu/copyright/>.

Guidelines for specific content

- Open Access and Open Educational Resources - Talk to [your liaison librarian](#)! They can help you find open-access materials, [including no-cost Open Education Resources and textbooks](#) that will work for your students.
- Slide images — You can post your own content online, but consider copyright and fair use if you are using material from other sources.
- In-lecture use of audio or video — Playing audio or video off of physical media during an in-person class session is protected under the “classroom performance” provision of the Copyright Act (17 USC 110(1)). However, the provision governing “distance education” (17 USC 110(2), also called the TEACH Act) works differently. Fair use may apply in either situation and would generally favor playing shorter clips for your students. However, making a digital copy by “ripping” DVDs (extracting content for classroom use) or capturing streaming media may raise issues under the Digital Millennium Copyright Act (DMCA).

Consider linking to preexisting content, contacting the Library [reserves](#) program, or ask students to independently access the content outside of your lecture videos.

- Video and audio — The UMass Libraries license [audio collections](#) and [video collections](#) that you can use in your classes or have students view on their own. Students should be reminded to log into the Libraries' [website](#) before accessing library content. Wherever possible, streaming media sources should be used. Reach out to [your liaison librarian](#) for help selecting and linking to video/audio collections.
- Ebooks — Check out the library's [ebook collections directory](#). Some ebook collections, for example those on the JSTOR or Project Muse platforms, can be used in classes via the [Libraries](#). In other ebook collections, such as those on the ProQuest or Ebsco platforms, publishers limit access to a small number of users or cut off access after a certain number of uses. If you plan on using an ebook as a required reading, contact [Course Reserves](#) and they will confirm if a multi-user license can be obtained, or they will work with you to identify alternate resources.
- Course Readings – For instructor-provided resources posted in Moodle or Blackboard, follow the same practice that you use for in-person courses. The Libraries' [Course Reserves](#) department can help. For library-licensed online content, talk to [your liaison librarian](#) who can help you locate permanent links for library content that will work from off-campus for enrolled UMass students. Students should start on the [Libraries' home page](#) to access library content.