

Best Practices for Using Media in the Classroom

This guide should be used in conjunction with your university's existing Copyright Policies and not as a replacement. This guide is limited in scope to audiovisual media materials used by the instructor in the classroom or as part of an out of class assignment.

1) What is a Copyright & What does it do?

Copyright protects original works of authorship that are fixed in a tangible medium. Original works show a minimal amount of creativity – it need not be extensive. Slogans, names, titles, tweets, and other short or uncreative works are not protected. Copyright protection gives an author important rights, including exclusive rights to sell, reproduce, license, and display the work.

Copyright protection emerges once created. However, the work must be registered with the US. Copyright Office in order to recover statutory damages.

2) What Media is covered by Copyright?

Generally, most media (sound recordings, motion pictures, and other audiovisual works) is protected by copyright as they meet the minimum threshold requirement of creative expression. If the media is produced for television, film, radio – it is safe to assume the media has been registered with the U.S. Copyright Office.

3) How can I use Copyright protected materials in my classroom?

Sections 110(1) and 110(2) of the US Copyright Law create a special exemption. This exemption can only be used for classroom instruction at nonprofit educational institutions. Instructors can use clips or even show an entire work during class. However, this exemption is strictly limited to use in the physical classroom. You cannot make the media available to students through a website or send a link through email. To do this, please see #4.

Important Note: this exemption does not apply to distance learning.

4) How can I use Copyright protected materials as part of an assignment outside of the classroom?

The Fair Use Doctrine allows instructors to use Copyright protected materials for educational purposes. Fair Use is not a blanket exemption. To meet Fair Use, you should consider the following factors.

- The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
- The nature of the copyrighted work;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole;

- The effect of the use upon the potential market for, or value of, the copyrighted work;

You do not need to meet all four factors to qualify for Fair Use. At minimum, you should always use the media in connection with an educational purpose, use only a portion of the work, and share it through the means discussed below to limit any adverse effects on the value of the work.

Best Practices for use outside of the classroom:

- Always share the link on your course website instead of circulating an email. This will prevent students or others from forwarding the media outside of the educational setting and potentially violating Copyright law. Please follow the rules listed in #5.
- Always link to a legitimate site. Avoid illegal, offshore hosting sites that stream videos in violation of Copyright law. If the media is part of review or article on another website, please link to that URL.
 - For example, news and blogs will use excerpts or clips from other media as part of their article or post. Linking to the website that shows the clip and has the article is acceptable.
- Remember – under Fair Use, it is always safer to use only a clip or portion of the media. Be sure to edit the material to use only the portion that is relevant to the assignment as opposed to the entire movie/show.

5) Sharing Copyright protected material on your courseware, blackboard, TWEN, or similar course website.

Please follow these best practices when sharing materials on your course website:

- Make sure your course website is password protected and limited to currently enrolled students. Be sure to remove permissions from previous students and regularly change your website password. These measures prevent you from violating the Fair Use exception to copyright law.
- Obtain the media legally by borrowing it from a library or linking to a legitimate website. You should check your university’s library for materials. Libraries often obtain broad licenses on a variety of media.
- Ensure students cannot download the file, but can only stream it from your course website. This will prevent them from downloading and sharing the media in violation of Copyright law.
- Remember – under Fair Use, it is always safer to use only a clip or portion of the media. Be sure to edit the material to use only the portion that is relevant to the assignment as opposed to the entire movie/show.

What if you can only find the material on You Tube? Please see #6.

6) Using clips from YouTube.

Generally you can use clips from YouTube in the classroom or as part of an assignment under the Fair Use exception. However, if you are showing a YouTube clip, follow these best practices:

- Share the YouTube material only in class or
- Follow the instructions for sharing materials out of class listed in #5.
- Do Not:
 1. Download the media;
 2. Make the file available to students or others for download;
 3. Use media in its entirety from YouTube; show only a clip or portion.

Be sure to play it safe and send the URL through your courseware site as opposed to by email.

7) Additional Resources:

- If you would like to ensure you are using Fair Use correctly in the classroom, the following worksheet from Columbia University can be a helpful tool:
 - <http://copyright.columbia.edu/copyright/fair-use/fair-use-checklist/>
- If you would like an interactive training on Copyright and Media use in the classroom, Baruch College has created one:
 - <http://www.baruch.cuny.edu/tutorials/copyright/Reader.html>