

**Policies and Procedures for  
Online & Hybrid Course Development**

*Office of Extended Education*

*SUNY Potsdam*

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## I. Rationale

To establish a foundation of minimum standards and best practices on which to build quality online and hybrid courses. As well, avenues for enforcement and remediation will be clearly defined, to ensure all SUNY Potsdam online and hybrid courses adhere to high standards of quality.

## II. The Distance Learning Curriculum Advisory Committee (DLCAC)

The charge of the DLCAC is to review proposals for online courses, make recommendations for improvement, and for approval. These recommendations are then forwarded to the appropriate curriculum committees, in accordance with the College's online approval process.

Members serve for three-year terms that are renewable by mutual agreement. To be considered for membership, faculty members must have experience teaching online courses. Members are appointed by the Provost, based on recommendations from the Distance Learning Coordinator, deans and directors, and other faculty members.

Proposals are reviewed by subcommittees of three committee members. If a proposal is approved by the subcommittee unanimously it need not be presented to the full committee. Members of the subcommittee may bring any proposal to the full committee for discussion of either the proposal itself or larger principles that may need to be addressed.

## III. Definitions

All *Distance Learning* courses must adhere to the guidelines and standards herein. Online and hybrid courses, defined below, fall under the umbrella of *Distance Learning*. While the percentages to identify each type indicate when a formal review is necessary, *any* course that is intended to be delivered as a distance learning course must adhere to this policy.

**Online Course:** 90-100% delivered online; typically have **no face-to-face** (campus-based; onsite) meetings (excepting proctored exams). A formal review is required through the Online & Hybrid Course Approval Process.

An online or *asynchronous* course is one that is web-based, conducted independently of time and location. Such a course can be taken by a student and given by an instructor from any location with a broadband internet connection and which do not require the student to be online at a certain time of day, with no requirement for face-to-face contact. The design, development, and delivery of online courses involve pedagogy, strategies and technologies that may vary considerably from traditional classrooms.

**Hybrid Course** (aka Blended): 25-89% delivered online; There **is a reduction in seat time**; require some face-to-face (campus-based; onsite) meetings. A formal review is required through the Online & Hybrid Course Approval Process.

A hybrid course blends onsite instruction with online learning. A significant part of course activity and content is online, thereby allowing a reduction in seat time. Note that any *required* onsite visit/activity, other than for exams, will classify the course as a hybrid.

**Web-Enhanced** (aka Supplemental): 1-24% delivered online with **no reduction in seat time**. No formal review required.

A web-enhanced course is a traditional, onsite course utilizing a web-based technology (such as a CMS) that serves as a repository for content and resources that supplement the onsite component.

In plain English – if *no seat time* is given up, it's web-enhanced; if *some seat time* is given up, it's a hybrid; if *all seat time* is given up (with the exception of exams), it's an online course.

#### IV. Procedures for Online and Hybrid Course Development

**Note:** Distance Learning courses that are new (those not yet approved for campus delivery regardless of format) must first go through normal academic approval process prior to being submitted for online course development.

Full and part-time faculty members who wish to develop and/or teach an online or hybrid course must follow these procedures:

##### 1. Application for Online Course Development

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*[Recommended this takes place 9-12 months prior to intended delivery date for online course.]*

1. Complete the *Application for Online or Hybrid Course Development*
2. Submit application to your Department Chair for review/approval.
3. Chair forwards application to appropriate Dean for review/approval.
4. Dean forwards application to Director of Extended Education for review/approval.
5. Director forwards application to Provost for review and approval.
6. Provost notifies applicant of approval or denial to develop proposed online course.

##### 2. Course Development and Academic Approval Process

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*[Recommended this process begins 6-9 months prior to the semester/session that the course will first be delivered.]*

1. Develop the course with assistance of Distance Learning Coordinator, instructional designer, and/or faculty mentor as necessary. If this is the first online course proposed by the faculty member, she or he may find it beneficial to participate in training for first-time developers/instructors..

2. Consult with Library staff if course has an online electronic reference component and consult with other departments that may be contributing academic support.
3. Participate in the *Pedagogy & Technology of Online Learning* seminar and/or other related training as appropriate.
4. Submit the fully developed course to Distance Learning Coordinator for formal review by the Distance Learning Curriculum Advisory Committee (DLCAC). Deadlines for submission are:
  - Fall courses - February 1<sup>st</sup>
  - Winterim and Spring courses - August 1<sup>st</sup>
  - Summer courses - November 1<sup>st</sup>
5. Distance Learning Coordinator returns approval packet with recommendation for approval/denial and detailed analysis to applicant. Developer should address and remedy any elements that do not meet minimum requirements as identified during the review. Failure to do so in a timely manner may affect advertising and marketing of the proposed course.
6. Submit the approval packet to Department Chair for review and signature. Packet will contain one or more of the following:
  - a. The course syllabus
  - b. A BANNER Form
  - c. BANNER Distance Learning Catalog Entry Form (if applicable)
  - d. The recommendations from the DLCAC.
  - e. Appropriate proposal forms (if applicable)
    - i. General Education Program Course Proposal Application, or
    - ii. Shortened Academic Term General Education Proposal Application

Department Chair reviews proposal, indicating approval or denial, and returns application packet to the developer. If not recommended for approval, reasons must be provided to applicant.

7. Applicant presents the approval packet with appropriate forms and content to each of the follows, as applicable:
  - a. Chair of the Arts and Sciences Curriculum Committee\*
  - b. Chair of the General Education Committee\*
  - c. Chair of the Crane Undergraduate Program Committee\*

\* Proposed DL courses already approved for campus (onsite) delivery will be submitted to the Chair of the Arts & Sciences Curriculum Committee, the Chair of the General Education Committee, and/or the Chair of the Crane Undergraduate Program Committee as applicable. At the discretion of the committee Chair, proposed courses may be submitted to committee members before a recommendation for approval is considered.

Committee Chair returns recommendation for approval/denial to developer. If not recommended for approval, reasons must be provided to applicant.

8. Applicant presents the approval packet with appropriate forms and content to their school dean:
  - a. Dean, School of Arts & Sciences
  - b. Dean, School of Education and Professional Studies.
  - c. Dean, Crane School of Music.

Dean returns recommendation for approval/denial to applicant. If not recommended for approval, reasons must be provided to developer.

9. Applicant returns the approval packet with appropriate forms and content to the Distance Learning Coordinator.

Distance Learning Coordinator verifies approval and course is added to BANNER.

## V. Copyright, Intellectual Property and Ownership

Course development must be the original work of the faculty member. Whenever or wherever copyrighted material is incorporated, it is the faculty member's responsibility to secure permission to use the copyrighted work and to abide by the copyright policies set forth by the College.

Faculty developers maintain ownership of their intellectual property incorporated into their online or hybrid course(s) offered by SUNY Potsdam.

Furthermore, the original material contained in the online or hybrid course, regardless of third-party technologies or course/learning management system used, will be considered the property of the faculty member (that is, despite the use of software licensed by, or hardware owned by the College to deliver, display, create, store, or otherwise affect material developed/used by the faculty member, the ownership of such original, intellectual material remains with the author.)

## VI. Quality Assurance for Online and Hybrid Courses

**Quality Assurance Assessment** - To ensure continued and consistent quality, all online and hybrid courses will be subject to re-evaluation every three years from the time each is first approved for delivery. A review by the Distance Learning Coordinator will be carried out with recommendations, if any, for updates being forwarded to the instructor/developer and department Chair. If deemed necessary, the course will undergo a formal review by the Distance Learning Curriculum Advisory Committee; recommendations that result may need to be addressed by the instructor/developer before the course can be delivered again.

**Student Evaluations** - The Distance Learning Coordinator may administer a student survey to determine whether the technical (including design) aspects of the course are satisfactory; e.g., *Were there issues logging in? Did LMS Support respond in a timely manner to questions or request for assistance? What other support services would you like to see available online? Did you find the design user-friendly? If not, suggestions for improvement are encouraged.*

Administration of anonymous student evaluations for each course and instructor will follow the current policy for evaluations.

## VII. Standards of Quality in Distance Education Course Development

Research has provided several essential elements and recommended practices with regard to distance education courses. To ensure SUNY Potsdam offers high-quality courses that address the needs of today's students, the following are identified as essential elements that should be present in all SUNY Potsdam online and hybrid (as appropriate) courses:

- **Comprehensive Syllabus and Complete Schedule** with explicit expectations, requirements, and dates for assignment, activities, projects, and so on.
- **Orientation to the course** and online components (explanation of site layout/navigation, participatory/interaction elements, how to get started, what to do next...)
- **Consistent and complete course** structure modeling effective practices (e.g. chunking content into manageable and logical sections).
- **Meaningful and consistent organization** - section and document titles designed to organize and convey information about the activities, content, and structure of course.
- **An introduction to each course module**
- **Detailed and clear instructions** for each learning activity: expectation, timeframe, navigation, etc.
- **Available and accessible course information** – compatible formats, working links, user-friendly
- **Ample opportunities for interaction** with the instructor and with others in the course.
- **Ample opportunities to actively engage** and interact with the content.

Also integral to the perceived quality of an online course are the characteristics of the instructor that contribute to the atmosphere and community in the online environment:

- Anticipate and address student questions in the design of the course (Where do I get the textbook? Where/how do I start? When are the exams? How do I get help? ...)
- Be responsive and present in the online course environment.
- Use directives, first person voice, and conversational tone throughout your course.
- Be sensitive to the student's perspective.
- Create well-explained online and off-line activities relevant to the course and avoid "busy work."
- Create a sense of community by providing community-building opportunities and venues for interaction (ice-breaker activities, team work, discussion forums, etc.).

The purpose of these standards is to provide a set of guiding principles for instructors who teach online. The standards focus on learning outcomes, elements that constitute a SUNY Potsdam online or hybrid course, and guidelines for quality online instruction.

To ensure quality and consistency among all online and hybrid courses delivered by SUNY Potsdam, the instructional quality guidelines for instructors who develop and/or teach online or hybrid courses are as follows:

#### A. Course Design

- The majority (if not all) of the course requirements and instructor-student communications are completed using the Internet (hybrid courses excepted in certain circumstances).
- On-campus (onsite) activities are not required for online courses (with the exception of proctored exams); Hybrid courses will have a clear schedule of required, onsite attendance established prior to the beginning of the course in any given semester or session.
- Course homepage (initial landing page) must contain a "What to do First" or "How to Get Started" statement to welcome and direct the student.
- Course must contain an *orientation*:
  - An overview of the online learning environment that covers each tool that will be used in the course and explains the site's organization and navigation within the Learning Management System
- All downloadable documents will be in a file format accessible to all types of computer users (PDF is the most compatible format world-wide; the PDF Reader is free, as are conversion utilities).
- Unused tools and content areas (of the LMS/CMS) must be hidden or deleted to reduce potential confusion.
- All courses will follow the *SUNY Potsdam Online and Hybrid Syllabus Guidelines* (outlined below at item B).
- **Interactivity** - Students should be involved in a variety of activities that engage them in interactive exchanges with and among other students, in course content, and between the student and the instructor. Interactive involvement should constitute a significant portion of the course structure (especially for online courses). Student interactivity in a three-credit online course should be equivalent to at least thirty-seven and one-half hours of seat-time in a traditional classroom.

The seat time equivalent in the online environment is measured in terms of time-on-task involving instructional activities with significant, active participation by the instructor.

Examples of technologies that allow for interactivity follow, though not all satisfy the seat time equivalent mentioned above:

- **Threaded Discussion** - A discussion that focuses on a topic where participants respond to the topical question or statement as well as to the replies, questions, and comments of other participants.

- **Instant Messaging** - Either within an LMS or using a common instant messenger program (such as AIM, Yahoo Messenger, etc.). This method is recommended for virtual office hours or one-on-one support sessions; It is not recommended to be used in place of the threaded discussion (*see Chat Room below*)
- **Email** - Often used for private communication with students, and for emergency announcements. Not recommended for class discussions, general questions, or homework submission.
- **Chat Room** (synchronous activity) - Students participate at an established time. Used for virtual office hours or meetings with teams/groups at scheduled times. Not recommended for lectures/discussions.
- **Other Technologies** (synchronous and asynchronous) - Audio/video discussion forum, blogs, wikis, recorded lectures, Podcasts, voice mail, telephone, interactive whiteboard, Skype and other interactive videoconferencing technologies.

**Presentation Strategies** - High-quality courses should be multi-modal by design and should contain more than one of the following instructional methods:

- **Text lessons/lectures** with supporting images and multimedia (charts, tables, graphs, audio). Note: Attaching or embedding document files should, whenever feasible, be a secondary element that complements the on-screen text (content displayed directly in a web browser).
- **Video Elements** - Video elements may be produced to support a course, or copyright permission secured to allow the use of commercial materials. Videotaped materials can be distributed to students via the internet as part of the course package. Video elements should be close-captioned and/or distributed with a text transcript whenever feasible. Internet-hosted videos, such as YouTube, TED Videos, and Vimeo, are increasing in popularity and becoming valuable as a teaching/learning tool. Copyright restrictions must be observed.
- **Interactive Elements** - Activities that involve computer-assisted instructional elements or multimedia presentations; Design and delivery should be considered during development of such resources, including accessibility and format. For example, a PowerPoint presentation designed to be presented by a speaker is not recommended to be posted as a stand-alone element in an online course. The presentation may be enhanced (see section below) or re-designed for effective delivery in the absence of a speaker. Consider your audience and the utilities chosen carefully.
- **Audio-enhanced components** – Included are narration added to PowerPoint presentations, audio w/transcripts for introducing topics/units/modules, Podcasts of lectures, audio discussion replies, etc..
- External Links can encourage research beyond the textbook/notes provided; Can be designed as a guided learning activity (virtual field trip). Links can also provide an avenue to companion web material (from the textbook publisher) that may prove beneficial to the student (self-assessments, practice quizzes, learning games, etc.).
- Textbooks and Study Guides, either electronic (soft copy) or printed (hard copy), are often essential components in distance education courses. Copyright restrictions must be observed.

- Courses should be designed that require students to analyze, synthesize, evaluate, and utilize content.
- Learning activities should correspond to clearly defined learning outcomes.
- Course content, instructional methods, technologies and context should complement each other.
- Outcomes address content mastery and increased learning skills.
- Students with skills in the course subject matter, instructional methods, and technologies may work collaboratively to create learning opportunities (e.g. Moderating a discussion forum, encouraging additional discourse, answering technology-related questions).
- Instructional methods and techniques should be evaluated on a regular basis for effectiveness; results should be utilized for improvement.

## **B. SUNY Potsdam Online and Hybrid Syllabus and Schedule Guidelines**

The syllabus must be included within the course shell (structure), and will include:

- a. Course subject and level (e.g. ANTH350)
- b. Faculty member's name, contact information
- c. Course objectives
- d. Minimum requirements and expectations, such as attendance for required onsite sessions (hybrid courses), online participation, written assignments (acceptable formats), examinations (whether online, on-campus, or proctored off-site), grading criteria, etc.
- e. Technical requirements such as Internet access, type of browser, necessary plug-ins and/or third-party software, computer capabilities, etc.
- f. Required textbooks and supplemental readers or material.
- g. Detailed information regarding how to contact the instructor (forums, email, fax, telephone, instant messaging, etc.), including an expected turnaround time for the instructor's response.
- h. A detailed course schedule that includes:
  - i. Information concerning assignments, due dates, and methods of submission
  - ii. Required readings and/or tasks, projects, research, etc.
  - iii. Activities that require active participation by the students
  - iv. Dates of required examinations (whether online or onsite)

## **C. Teaching and Learning**

- Interaction between faculty and students is an essential characteristic in the online environment that increases retention and student success rate. The most common, and most efficient, method of active involvement by the instructor with his/her students is through the use of discussion forums. *See Interactivity section above.*

- Where privacy is required (i.e. information is not publicly disseminated to the class as a whole), voice-mail, telephone, or email are recommended.
- Feedback on assignments should be conducted individually and in a timely manner. Questions of a general nature (those one would ask openly in a classroom setting) are better addressed in a discussion forum – all students have access to the initial question, all have access to the answer provided. As in a classroom setting, this exchange may potentially benefit the whole class. As well, it reduces the amount of email an instructor has to manage.
- Expectations of learner activities should be understandable to the average student.
- Assessment methods used should be appropriate to the course and the stated learning objectives.
- Flexibility is inherent in the course design to increase the learner's control over the time, place, and pace of instruction within acceptable parameters (for example, courses should allow for a varied pace within a module or unit, but the course overall should not be self-paced).
- Students should have access to current and accurate grade information (such as an online grade book).
- General Education courses must have assignments that can be used to assess the extent to which students have satisfied General Education outcomes.
- Instructor must send a *welcome message* to all enrolled students containing information about logging in to the LMS and a list of the required course materials at least one week prior to the start of the course.

#### **D. Accessibility**

The college will be responsible for acting in a timely manner to make instructional materials and/or other resources used in an online or hybrid course available to students with disabilities. An exception to this is when doing so would significantly alter the nature of the instructional activity.

**Print Material** - Alternatives include Braille, large print, audiotape, and digital sound files.

**The Online Environment** - Developers should make course content usable (understandable and navigable). This includes making language clear and simple as well as providing understandable mechanisms for navigating within and between pages, areas, or tools. Providing navigation tools and orientation information will maximize accessibility and usability.

Not all users can make use of visual cues such as image maps, proportional scroll bars, side-by-side frames, or images (graphics) that guide sighted users. Users also lose contextual information when they can only view a portion of a page, either because they are accessing the page one word at a time (speech synthesis or Braille display), or one section at a time (small or magnified display).

Without orientation information, users may not be able to understand very large tables, lists, menus, etc.

All courses should be designed for compliance with Section 508 accessibility regulations.

## VIII. The TEACH Act

### Introduction

Copyright law provides educators with **a separate set of rights in addition to fair use, to display (show) and perform (show or play) others' works in the classroom**. These rights are in Section 110(1) of the Copyright Act and apply to any work, regardless of the medium.

Until recently, however, when the classroom was remote, the law's generous terms for face-to-face teaching in Section 110(1) shrank dramatically in Section 110(2) -- some would say to the vanishing point!

These severe limitations on what could be performed in distance education received lots of attention. In 1998, Congress directed the Copyright Office to prepare a report recommending what should be done to facilitate the use of digital technologies in distance education.

The Copyright Office prepared its report and recommended significant changes. In March 2001, a bill was introduced closely tracking the Copyright Office's recommendations. It took almost 2 years, but the TEACH Act finally became law in late 2002.

The TEACH Act expands the scope of educators' rights to perform and display works and to make the copies integral to such performances and displays for digital distance education, making the rights closer to those we have in face-to-face teaching. But there is still a considerable gap between what the statute authorizes for face-to-face teaching and for distance education. For example, as indicated above, **an educator may show or perform any work related to the curriculum, regardless of the medium, face-to-face in the classroom** - still images, music of every kind, even movies. There are no limits and no permission required. **Under 110(2)**, however, even as revised and expanded, **the same educator would have to pare down some of those materials to show them to distant students**. The **audiovisual works and dramatic musical works may only be shown as clips** -- "reasonable and limited portions," the Act says.

This disparity, coupled with the considerable number of additional limits and conditions (see **Section 110(2)'s expanded rights**, below) imposed by the statute, may lead some educators to conclude that it's more trouble than it's worth to rely on Section 110(2). This statute's complexity provides a new context within which to think about fair use: compared to the many conditions and limits contained in Section 110(2), the four factor fair use test seems, well, simple and elegant. That's a good thing, because even when we rely on and find 110(2) helpful, fair use will still figure heavily in our exercise of performance rights because putting anything online requires making a copy of it. **The TEACH Act authorizes us to digitize works for use in digital distance education, but only to the extent we are authorized to use those works in Section 110(2)**, and so long as they are **not available digitally in a format free from technological protection**. So, for example, where 110(2) authorizes the use of movie clips and the available DVDs don't permit ripping (a prerequisite to creating a digital "clip"), you can digitize those parts using an analog tape; but you are not authorized by the TEACH Act to digitize the whole movie. **Fair use is almost always going to be the best source of authority for making copies in any context**, but especially in conjunction with statutes like 110(2) that give us specific authorization that may not be sufficient in a particular case.

Fair use also remains important because the activities the TEACH Act authorizes are a small subset of the uses of electronic resources educators may wish to make. It only covers **in class performances and**

**displays, not, for example, digital delivery of supplemental reading materials.** For those activities, as well as many others, we'll need to continue to rely on fair use. This means that, in general, where there is an established market for permissions, there will often be a narrower scope for fair use. In practical terms, this means that where it's easy to get permission, for example, to put text materials on reserve, our reliance on fair use should be limited; on the other hand, where it's near impossible to get permission, for example, for music and movies where those industries are not yet very responsive to the needs of distance educators, the scope of fair use expands to permit reasonable uses of such materials for both local and remote students. So, fair use will likely be very helpful for using music and movies in the classroom and as supplementary materials.

Section 110's role in the balance of interests has always been to permit educators to share works with their students, to show others' works in class. In its exclusion of meaningful rights for digital distance educators, Section 110 was failing to carry its weight, so to speak. It had been, in effect, "written out" of the statute by being permitted to become outdated and obsolete. Now it has been expanded to permit educators to show materials the statute did not cover before; however, new Section 110(2) significantly limits who may display and perform how much of what materials and under what circumstances. "Ready to use the TEACH Act," below, summarizes the 22 (!) prerequisites. Nevertheless, we may be optimistic that, **together with fair use**, this new statute will achieve Congress' goal of facilitating the use of digital technologies in distance education.

#### **Section 110(2)'s expanded rights include the following:**

##### **1. Transmitting performances of all of a non-dramatic literary or musical work**

Non-dramatic literary works as defined in the Act exclude audiovisual works; thus, examples of permitted performances in this category in which entire works may be displayed and performed might include a poetry or short story reading. Non-dramatic musical works would include all music other than opera, music videos (because they are audiovisual), and musicals.

##### **2. Transmitting reasonable and limited portions of any other performance**

This category includes all audiovisual works such as films and videos of all types, and any dramatic musical works excluded above.

##### **3. Transmitting displays of any work in amounts comparable to typical face-to-face displays**

This category would include still images of all kinds.

#### **Exclusions from coverage:**

**Not everyone, nor every work, is covered.** Section 110(2) **applies only to accredited, nonprofit educational institutions.** The rights granted do **not** extend to the use of works **primarily produced or marketed for in-class use in the digital distance education market**; works the instructor knows or has reason to believe **were not lawfully made or acquired**; or **textbooks**, course-packs and other materials typically purchased by students individually.

This last exclusion results from the definition of "**mediated instructional activities**," a key concept within the expanded Section 110(2) meant to limit it to the kinds of materials an instructor would actually

incorporate into a class-time lecture. In other words, the **TEACH Act covers works an instructor would show or play during class**, such as movie or music clips, images of artworks in an art history class, or a poetry reading. **It does not cover materials an instructor may want students to study, read, listen to or watch on their own time outside of class.** Instructors will have to rely on other rights they may have to post those materials, such as the fair use statute.

#### Conditions:

In addition, the statute specifies a **formidable list of circumstances** under which the permitted uses may be made:

##### 1. The performance or display must be:

- a. A regular part of systematic **mediated instructional activity**;
- b. Made **by, at the direction of, or under** the supervision of the **instructor**;
- c. **Directly related and of material assistance to the teaching content**; and
- d. **For and technologically limited to students** enrolled in the class.

##### 2. The institution must:

- a. Have **policies** and provide **information about**, and give **notice** that the materials used may be protected by, **copyright**;
- b. Apply technological measures that **reasonably prevent recipients** from **retaining** the works beyond the class session and **further distributing** them; and
- c. **Not interfere with technological measures** taken by copyright owners that prevent retention and distribution.

#### Authority to make copies:

Finally, a new section was added to the Copyright Act to authorize educators to make the copies necessary to display and perform works in a digital environment. New Section 112(f) (ephemeral recordings) works with Section 110 to permit those authorized to perform and display works under 110 **to copy digital works and digitize analog works** in order to make authorized displays and performances **as long as**:

1. **Such copies are retained only by the institution and used only for the activities authorized by Section 110; and**
2. **For digitizing analog works, no digital version of the work is available free from technological protections that would prevent the uses authorized in Section 110.**

The following page contains a checklist to help you determine compliance with the TEACH Act.

## IX. TEACH Act Compliance Checklist

- My institution is a nonprofit accredited educational institution or a governmental agency
- It has a policy on the use of copyrighted materials
- It provides accurate information to faculty, students and staff about copyright
- Its systems will not interfere with technological controls within the materials I want to use
- The materials I want to use are specifically for students in my class
- Only those students will have access to the materials
- The materials will be provided at my direction during the relevant lesson
- The materials are directly related and of material assistance to my teaching content
- My class is part of the regular offerings of my institution
- I will include a notice that the materials are protected by copyright
- I will use technology that reasonably limits the students' ability to retain or further distribute the materials
- I will make the materials available to the students only for a period of time that is relevant to the context of a class session
- I will store the materials on a secure server and transmit them only as permitted by this law
- I will not make any copies other than the one I need to make the transmission
- The materials are of the proper type and amount the law authorizes:
  - Entire performances of non-dramatic literary and musical works
  - Reasonable and limited parts of a dramatic literary, musical, or audiovisual works
  - Displays of other works, such as images, in amounts similar to typical displays in face-to-face teaching
- The materials are not among those the law specifically excludes from its coverage:
  - Materials specifically marketed for classroom use for digital distance education
  - Copies I know or should know are illegal
- Textbooks, course-packs, electronic reserves and similar materials typically purchased individually by the students for independent review outside the classroom or class session
- If I am using an analog original, I checked before digitizing it to be sure:
  - I copied only the amount that I am authorized to transmit
  - There is no digital copy of the work available except with technological protections that prevent my using it for the class in the way the statute authorizes

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