As we move to teaching online during this extraordinary time, all instructional personnel must consider copyright issues raised by making certain materials available digitally. Most of our faculty are already well versed in these issues, but out of an abundance of caution this guide will provide basic information and links to more detailed resources.

Many rules for online use mirror the substance of the rules for use in a face-to-face class, but special considerations exist. To reduce the risk, faculty members should follow at least these guidelines:

1.) use only those digital platforms that are supported by the University;
2.) use only platforms that are password protected;
3.) use only platforms that are limited to enrolled students (and faculty and teaching assistants) in the class and are available only for as long as needed for the class;
4.) use only platforms that have reasonable controls in place to prevent dissemination beyond the class session;
5.) Include any copyright notices included with the materials and warnings limiting students to class-related use only;
6.) Post only those materials or portions of materials directly related to and necessary to the class and your pedagogical purpose – Post no more than is really needed; and,
7.) Post only the minimum amount of textbook or reference material required for the assignments, or to be used until April 4, the current date being used for the completion of online education (if this date is extended, only post additional materials for assignments relative to the extended online date).

As you can see most of these guidelines will be satisfied by using only university supported platforms. When in doubt about platforms, please consult https://www.it.miami.edu/continuity.

Many people often think an educational use must be a "fair use" under the law and therefore protected. This is often true, but not always. The fair use doctrine is quite nuanced and consists of four general factors applied by the courts in very fact-specific contexts. Using materials in a non-profit, educational context helps, as does use of only limited portions of the material as opposed to the whole work or most of it, but these are not always determinative of the legal outcome.

For example, if you find it necessary to post a textbook chapter to avoid a crisis with your teaching in this unusual situation, you should do so only with strict adherence to these guidelines and only to the extent necessary.

We also recommend you consult your subject librarian and chair. Linking to the chapter would be better, if that is possible. The TEACH Act for online education generally allows the posting of the same materials one would display in a face-to-face class as part of the instructional activity, provided the safeguards are followed. Please use the resources linked below and when in doubt, ask for help or seek the written permission of or a license from the copyright owner.

The good news is our library has many resources and staff available to assist with these needs. You should contact your subject area librarian with your needs. We may have in our collection a licensed version of what your want to post. Your subject area librarian can help with Blackboard course reserves, with searches, and with obtaining consent, if needed. See the links listed below.

Copyright and access issues will come up in many contexts, but the most common examples include the use of photographs, videography or films, broadcasts, art and graphics, music and other sound recordings, and textual materials such as articles, books, and book chapters. Each of these categories may raise copyright issues. Providing digital copies may violate the owner's copyright. Linking to sources is generally preferred and less risky than posting outright copies. One should never post any work that was designed to be a digital educational work. Please remember, just because you found the material online through a search engine or database that does not mean that it is in the public domain. It may be and some sites, including Creative Commons for example, allow broader use, but always check the terms of use for that material.

As a preliminary matter, one should always check for any copyright notice and the terms of use or any license. Do your research before posting anything created by another person, group, or business entity. The liability can be significant.

Helpful Links and Resources:

At the University of Miami

For additional background on the information we currently provide to faculty via our Course Reserves service, see: https://sp.library.miami.edu/subjects/guide.php?subject=uReserves#tab-1

Copyright Information - Course Reserves: https://sp.library.miami.edu/subjects/guide.php?subject=uReserves#tab-4

Subject Area Librarians: https://sp.library.miami.edu/subjects/staff.php?letter=Subject%20Librarians

Medical School Librarian Resources: https://calder.med.miami.edu/librarianask.html#2

General Resources

Public Statement of Library Copyright Specialists: Fair Use & Emergency Remote Teaching & Research: https://tinyurl.com/tvnty3a

Copyright Clearance Center – THE TEACH Act: https://www.copyright.com/wp-content/uploads/2015/04/CR-Teach-Act.pdf