



Serving Student Access Needs As We Rapidly Shift to Online Course and Exam Delivery: Copyright Considerations

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Pedagogical and technical issues may make the shift from in-person to online teaching a challenge but copyright concerns should not be a significant barrier!

Key points to remember:

1. Most of the legal issues are the same whether the teaching is done in person or online/ via [Sakai](#).
2. If it was okay to do in class, it is often okay to do online – especially when your online access is limited to the same enrolled students (for example via [Sakai](#)).
3. You can continue to apply the [Fair Dealing Policy and Guidelines](#)

Recording video of yourself, live-casting lectures, etc.

Slide Images

Just as it is legal to show slides with images in class, it is generally legal to show them to students using live video conferencing or recorded videos, as long as your new course video is being shared through a password protected course website ([Sakai](#)).

Many instructors routinely post a copy of their slides as a file for students to access after in-person course meetings. In most cases, faculty will own the copyright in or have license to use their slides. However, if you are incorporating third-party materials into your lessons, they should be in keeping with the [Fair Dealing Policy and Guidelines](#) or other license agreements associated with this content.

In-lecture use of audio or video

Here, the differences between online and in-person teaching can be a bit more complex. Playing audio or video of legally-obtained physical media (music or audio visual materials like DVDs or CDs for example) during an in-person class session is permitted under [Section 29.5 of the Copyright Act](#). However, that exemption generally doesn't cover playing the same media online.

If you can limit audio and video use for your course to relatively brief clips, you may be able to include those in lecture recordings or live-casts using your institution's fair dealing guidelines in the *Copyright Act*. At Brock University we have the [fair dealing policy and guideline](#) that allows you to use up to 10% of a copyrighted work to be distributed to students in your class only. For media use longer than brief clips, you may need to have students independently access the content outside of your lecture videos. Some further options are outlined below.

Where to post your videos

There may be some practical differences in outcomes depending on where you post new course videos. Find more details from CPI on [the 'Share video from my computer' page](#). Echo360 provides storage and streaming of videos and can be restricted to the students in your class only. You can also post videos within your [Sakai site](#). If you already use services like Youtube to teach, remember to continue to be copyright compliant. Please note that it is more likely that videos posted on YouTube may encounter some automated copyright enforcement, such as a takedown notice, or disabling of included audio or video content. These automated enforcement tools are often incorrect when they flag audio, video, or images included in instructional videos. If you encounter something like this that you believe to be in error, you can contact [Brock University Copyright](#)

Course readings and other resources

As always, Reserve@brocku.ca can help with getting things online - linking to Libraries' licensed resources, finding ebooks where available, and much more. If you want to share additional materials with students yourself as you revise instructional plans, or if you want students to share more resources with each other in an online discussion board, keep in mind some simple guidelines below.

It's always easiest to link!

Linking to publicly available online content like news websites, existing online videos, etc. is rarely a copyright issue (Better not to link to existing content that looks obviously infringing itself - Joe Schmoe's YouTube video of the entire "Avengers: Endgame" movie is probably not a good thing to link to). But linking to most Youtube videos, especially ones that allow sharing and embedding, should be fine. Linking to subscription content through [Brock University Library](#) is also a great option. Much of the library's licensed content will have DOIs, PURLs, or other "permalink" or "persistent link" options, all of which should work even for off-campus users. Consult the [Centre for Pedagogical Learning's Flexible Teaching Guide](#) or contact the library directly for assistance via reserve@brocku.ca or through the [ask us chat](#) or general reference email, libhelp@brocku.ca.

Sharing copies and scanning

Making copies of new materials for students (by downloading and uploading files, or by scanning from physical documents) can present some copyright issues, but they're not different from those involved in deciding whether to share something online with your students when you are meeting in-person.

At Brock University, faculty and instructors are encouraged to read and apply the [fair dealing policy and guideline](#) when they are making decisions about when they think they can make copies for students to post to [Sakai](#). Library staff members are available to help faculty understand the relevant issues (contact reserve@brocku.ca for more help).

Some app tools that you can use to easily digitize fair dealing amounts of material from your phone to post to [Sakai](#) are [Genius Scan](#), [Adobe Scan](#). Please keep in mind that you can make any scanned PDF files more accessible for your students by using an online [optical character recognition \(OCR\) online tool](#) that can be used to convert "non-selectable" text files into machine-readable or recognized text.

When an instructor needs to make more copyrighted material available to students than the [fair dealing policy and guidelines](#) allows, library staff at reserve@brocku.ca can assist faculty in making these determinations and can also help you seek formal copyright permissions to provide copies to students – but there may be some issues with getting permissions on short timelines. An alternative way to find course materials is to look online for free to use teaching resources like [Open Educational Resources](#). Just remember to attribute!

You can also search [Brock University Library](#) which has a large collection of journals and many ebooks that can support on-line learning. In fact, many content providers [have recently increased access](#) to a variety of materials to ensure broader access by campuses. Your [Liaison Librarian](#) can also help!

Multimedia viewing/listening

Showing an entire movie or film or musical work online does represent more of a copyright issue than playing it in class – but there may be options for your students to access it independently online. [Brock University Library](#) already has quite a bit of licensed streaming video content [Criterion](#) and [Kanopy](#), which you are welcome to use in your online course. Remember you can still link to content!

We may be able to purchase streaming access for additional media, but as this takes time, standard commercial streaming options like commonly subscribed to services like Netflix, Crave or Disney Plus that students may also subscribe to and can access using their own accounts may sometimes be the easiest option – though some students may not have access to those services. (For exclusive content, the commercial services may be the only option.)

What can you do if you have a scheduled screening for a film that is not available online?

If you have a scheduled film screening and the film is not available digitally through one of our electronic databases, you may be able to conduct a virtual screening using the distance education exception in the Copyright Act (Section [30.01](#)). This exception is not widely used as it includes a variety of requirements, such as:

- You must not break a technical protection measure (Section [41.1](#)) when you make the copy. The easiest way to make a copy without breaking a TPM is to use screen capture software that enables the copying of DVD content after the content has been lawfully decrypted by a licensed computer DVD player.
- You must delete the copy in the Learning Management System, or password protected location you posted the audiovisual material, within 30 days after course evaluations have been issued.
- You must clearly post that the copy is being made using this exception. For example: “You are receiving access to this teaching resource under [s. 30.01](#) of the *Copyright Act*, for use in this class only. If you retain a copy, delete the copy 30 days after you have received the final evaluation for the course.”

One way to meet the requirements of this section may be to live-stream the screening (accessible only to your students). If you do make a recording, please contact the [Copyright Advisory Office](#) to ensure that you meet the requirements above.

Ownership of online course materials

[The Collective Agreement with BUFA](#) affirms that faculty members own the copyright in their academic works, including instructional content. Some units and departments have different policies around ownership of course materials at the unit level, but you would likely already be aware of that if it is applicable. Some units may also have some shared expectations of shared -access- to course video for continuity of educational experiences, without those expectations affecting the ownership of the materials. Instructors may want to include [language](#) in their course management site or course syllabus that makes it clear that students cannot reuse or re-post their instructor’s course materials without permission.

University policies also affirm that students own the copyright in their own coursework. Instructors can require them to submit it in particular formats, but the students continue to own their works unless a separate agreement is signed by the student. Please note that students should be aware that posting instructors content from your course to on-line course sharing sites like OneClass or Course Hero can be perceived as an academic integrity issue, for more information see [Brock University’s Copyright Guidelines for Faculty-Owned Resources](#)

Consult the [Brock University’s Copyright Resources](#) or email copyright@brocku.ca if you have other questions about copyright.



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