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Copyright Compliance for the Busy Professor: Best Practices for Streaming Media Distilled

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<http://libguides.unco.edu/streamingmediaposter>

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Genesis of the Project

UNC leased *Ensemble*, a streaming media server enabling faculty to request that video and audio materials be uploaded for use in on-campus and distance courses.



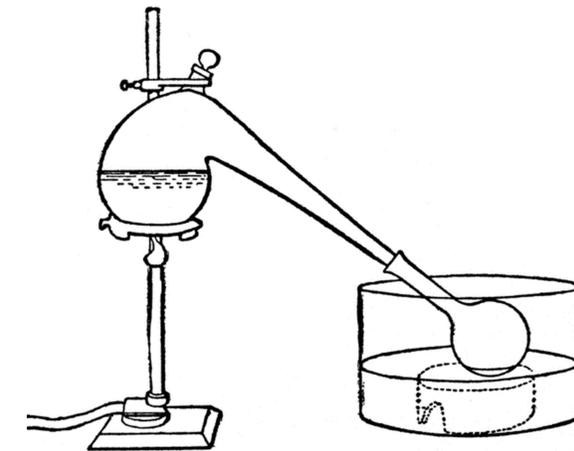
Content is uploaded to the server by the Instructional Design Department (IDD). IDD sought concrete guidelines that could help IDD staff and UNC faculty members make more confident decisions about what materials can be legally uploaded.



After an initial meeting of UNC's IT Department, Libraries and Counsel, it was agreed that the Libraries would be a good intermediary for faculty and should draft a set of guidelines. As members of the Libraries' Scholarly Communication Committee, we accepted this challenge.

Copyright Compliance for the Busy Professor: Best Practices for Streaming Media Distilled

The challenge: to educate faculty and encourage compliance with copyright law by creating a concise, easy-to-follow system for vetting streaming media upload requests



Scope, Summary, and Crucial Questions

Scope and Summary:

- Research: Studied examples of 24 institutions, gathered expertise from 8 groups and individuals
- Collaboration: Held 12 meetings
- Writing: Created 12 drafts and two final documents: FAQ and Faculty Certification
- Dissemination: Dean's office awaits approval from Counsel; meanwhile, we plan to add the FAQ and protocol to our Copyright LibGuide



Crucial Questions Asked During the Distillation Phase:

- What constitutes a reasonable portion of a streaming video and what portion is officially allowed?
- Does copy protection stop us in our tracks (DMCA)?
- When do we apply the TEACH Act and when do we apply Fair Use?
- What is our institution's risk tolerance level?
- Who will be copyright information points of contact within the Libraries?

Protocol Distilled in Six "Easy" Steps

Our Six-Step Protocol:

- Use freely available materials
- Use licensed materials already owned by Libraries
- Ask Libraries to purchase the license
- Ask permission from copyright holder
- If using smaller portion, follow the TEACH Act
- If using larger portion, rely on Fair Use and fully document your justification

Caveat: Do not override copyright encryption software

Excerpted Questions from the 12-Part FAQ (Six Easy Steps Augmented with Six Pages of Explication):

- Aren't materials adequately protected from copyright infringement when they are uploaded into a secure system like Blackboard?
- Is there an easy, step-by-step protocol I can follow to fulfil my responsibility to vet the materials?

To Reconstitute Just Add FAQ

Excerpted Questions from the 12-Part, Six-Page FAQ (cont'd):

- Re Step 1—what does "use freely available materials" mean? Can't I just link to content I've found online?
- Re Step 2—how do I find "licensed materials" already purchased by the Libraries?
- Re Step 3—who in the Libraries can help me purchase a license? If you own the DVD, can't I just upload a copy?
- Re Step 4—how does one ask permission?



- Re Step 5—how do I strictly follow the TEACH Act?
- Re Step 6—how do I go about relying upon Fair Use and fully documenting this?
- I have old VHS tapes that I want to copy to DVD; I don't have to go through all these hoops, do I?

Outcome and Feedback

What We Learned:

- It is essential to work through the steps with real-life examples
- It takes a village: Libraries' departments are interdependent; acquisitions, subject liaisons, and administrators are all critical to the success of the endeavor
- Best practices in copyright compliance can be distilled, but only up to a point; every situation is unique
- Organizational culture (risk tolerance, intra-campus relations, etc.) is very important
- No matter what the administrative outcome, we valued the process and added to our knowledge of copyright



May We Have Your Feedback?

- Did we get it right?
- What did we overlook?
- What is your experience at your library or workplace?