



Copyright and Privacy

**CONSIDERATIONS FOR
E-LEARNING**

During the Spring, 2020 outbreak of COVID-19, many schools were faced with long-term closures which impacted student learning. To address this challenge, schools began quickly implementing e-Learning initiatives. These included both asynchronous and synchronous online learning (eLearning), as well as take-home packets and other non-technology based solutions.

However, there has been little in the way of legal discussions surrounding the inadvertent ramifications of moving to eLearning solutions. This quick reference guide is meant as a starting points for educators who are moving to eLearning initiatives and need to know some basics surrounding copyright and privacy concerns. This guide does not go into legal matters surrounding human resources or other legal issues beyond the scope of copyright and privacy.

Copyright Basics

As a general rule of thumb, anything that has been published which does not contain creative commons, public domain, or are outside of fair use cannot be used without permission. Yes - this does include reading books aloud over a synchronous online meeting. It also includes most images, videos, audio files, or written word.

Many teachers think that if you are using something for educational purposes, you do not need to ask for permission. This is not true, particularly when it comes to eLearning. Fortunately, in our experience most content producers are very kind when you ask for permission to use their content. Simply share that what content you would like to use and how exactly you will use it. From there, wait for the content producer to confirm or deny the request in writing. Also, keep in mind that "royalty-free" doesn't mean the music is free. It means you'll need to pay a 1-time license for use.

If you are looking for content which is freely useable, try these sources:

IMAGES	MUSIC
unsplash.com	freemusicarchive.org
pixabay.com	https://www.youtube.com/audiolibrary/music
burst.shopify.com	http://audionautix.com/

Copyright and Fair Use Quick Check

So how do you know what you can use and what's a violation? Since most things generally fall under copyright, it's important to understand fair use. In general terms, fair use is utilizing any copyrighted material for a limited and "transformative" reason. This could include a way to comment, reflect, or criticize a copyrighted work. That means that you can use a portion of the work for a specific purpose.

Here's a quick chart to help you navigate what is considered fair use and what is considered a violation of copyright.

MEDIUM	FAIR USE	VIOLATION/TERMS OF USE
Short Printed Material	<ul style="list-style-type: none"> Teachers may make multiple copies for classroom use, and incorporate into multimedia for teaching classes. Students may incorporate text into multimedia projects. 	<ul style="list-style-type: none"> Copies used multiple times without permission, not to exceed nine occurrences per class term. Copies made with the intent to avoid purchase of the selected work.
Printed Material (Archives)	A librarian may make up to three copies "solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen."	<ul style="list-style-type: none"> Copies made with the intent to avoid purchase of the selected work. Copies used multiple times without permission Workbooks and consumables may not be copied.

MEDIUM	FAIR USE	VIOLATION/TERMS OF USE
Illustrations & Photos	<ul style="list-style-type: none"> • Five images, or fewer, of an artist/photographer in one program or printing and not more than 10% or 15% of images from published collective work, whichever is less. • Copyright and attribution provided. 	<ul style="list-style-type: none"> • Alteration of image into another form, for other than temporary purposes. • Although older illustrations may be in the public domain and don't need permission to be used, sometimes they're part of a copyright collection. Copyright ownership information is available at www.loc.gov or www.mpa.org.
Video (for viewing)	<ul style="list-style-type: none"> • The material must be legitimately acquired or purchased by the school. • Must be for instructional classroom use, not entertainment. • Copyright and attribution provided. 	<ul style="list-style-type: none"> • Multiple copies prohibited. • Alteration of video into another form, for other than temporary purposes.
Video (for integration into powerpoint or other multimedia)	<p>Up to 10 percent of a copyright musical composition may be reproduced, performed, and displayed as part of a multimedia program produced by an educator or students.</p>	<ul style="list-style-type: none"> • The video must be a legitimate copy, not rented or bootleg. • Copyright works included in multimedia projects must give proper attribution to copyright holder.
Music	<p>Up to 10 percent of a copyright musical composition may be reproduced, performed, and displayed as part of a multimedia program produced by an educator or students.</p>	<ul style="list-style-type: none"> • A maximum of 30 seconds per musical composition may be used. • Multimedia program must have an educational purpose.

MEDIUM	FAIR USE	VIOLATION/TERMS OF USE
<p>Computer Software</p>	<ul style="list-style-type: none"> • Library may lend software to patrons. • Software may be installed on multiple machines, and distributed to users via a network. • Software may be installed at home and at school. • Libraries may make copies for archival use or to replace lost, damaged, or stolen copies if software is unavailable at a fair price or in a viable format. 	<ul style="list-style-type: none"> • Only one machine at a time may use the program. • The number of simultaneous users must not exceed the number of licenses; and the number of machines being used must never exceed the number licensed. A network license may be required for multiple users. • Take aggressive action to monitor that copying is not taking place (unless for archival purposes).
<p>Internet Sources</p>	<ul style="list-style-type: none"> • Images may be downloaded for student projects and teacher lessons. • Sound files and video may be downloaded for use in multimedia projects (see previous restrictions in audio/video area). 	<ul style="list-style-type: none"> • Resources from the Web may not be reposted onto the Internet without permission. However, links to legitimate resources can be posted. • Any resources you download must have been legitimately acquired by the Website.
<p>Broadcast Television</p>	<ul style="list-style-type: none"> • Single copy of broadcast may be made, but shown to multiple teachers. • Copy should be shown during the first ten days from air date, up to forty-five days after recording date. • Copyright notice required. • PBS offers extended recording rights of up to one year on most programs. 	<ul style="list-style-type: none"> • May not be altered. • May not be recorded at the request of an administrator or district. • Multiple copies prohibited.

Sources: <https://www.mabankisd.net/upload/page/0075/FairUse.pdf> , https://www.xavier.edu/library/about/documents/Copyright_9-23-08.pdf and <https://fairuse.stanford.edu/overview/fair-use/what-is-fair-use/>

Privacy Concerns

As more and more educators are moving to online platforms such as Zoom, Google Meet, and Microsoft Teams for synchronous learning, privacy concerns begin to arise. While we are all focused on trying to get our students connected, learning, and engaged, it can be easy to forget some general privacy rules.

In general, remember that FERPA (The Family Educational Rights and Privacy Act) laws require us to protect personally identifiable information from students' education records from unauthorized disclosure. This means:

- NO screenshots or videos of your screen that show student faces, chats, or their names.
- NO sending a link to your online meeting room via a public source (such as Twitter, a public webpage, etc). Instead, post the link to your session in your password-protected LMS (learning management system) such as Blackboard, Google Classroom, etc. This way, it is only accessed by the students enrolled in your class.
- If a lesson must be recorded, teachers should record only the parts where they are speaking and refrain from capturing any audio or video of students. ANY recording of a student's face or audio is considered an "education record".

Additional Resources for Privacy Best Practices:

- [Protecting Student Privacy While Using Online Educational Services](#)
- [How to Keep the Crashers Out of Your Zoom Event](#)
- [6 Tips to Deter Zoom-Bombers](#)

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