

Boston University Henry M. Goldman School of Dental Medicine Distance Learning Policy and Protocol

(Approved by Executive Committee May 12, 2009)

Introduction

With the opening of the Boston University Institute for Dental Education in Dubai, we are becoming more involved in the Distance Learning Environment. Progress in communications technology has created exciting educational programming opportunities both nationally and internationally.

In December 2007, The Office for Advanced Education and International Programs purchased licenses for the Apreso distance education product for the purpose of having Interdisciplinary Curriculum courses taped and placed on CourseInfo for use by not only our GSDM Postdoctoral students but also the students at Boston University Institute for Dental Research and Education Dubai. The Office for Advanced Education and International Programs also coordinated with York Telecom the installation of hardware, including cameras, computers and podiums in classrooms G302 and G701. The interdisciplinary course directors were encouraged to use the product and student feedback has been positive.

As we increasingly “surf the net” and create our own websites, we should be cognizant that a large amount of material has become readily accessible to us which are protected by copyright. There is a significant body of information about copyright that exists online; however, our common sense should provide us with sufficient guidance in this area. In the broadest terms, if you find something that you did not create and you want to reproduce it, ask the creator and/or acknowledge the creator. More often than not the author would welcome both the exposure and appreciate the fact that you asked. You should consider all material copyrighted unless it specifically states otherwise. GSDM is liable for what appears on its Website, even if it has been compiled by students.

Copyright Issues and Distance Learning

To be proactive in this regard, Boston University Henry M. Goldman School of Dental Medicine is developing Copyright Guidelines and Best Practices as described below:

It is the policy of Boston University to comply with the United States Copyright Act of 1976, as amended (17 U.S.C.)¹ The making of either a paper or an electronic copy of a copyrighted work constitutes reproduction that is governed by the copyright law. Copyright infringement is a violation of both law and University policy. The computer privileges of University faculty, students, and employees may be terminated for repeated infringement of copyright laws.

The copyright principles governing educational use of copyrighted works in electronic environments such as CourseInfo or WebCT are the same as those that apply to the creation of

¹ See Faculty Handbook <http://www.bu.edu/handbook/policies/ethics/copyright.html> , Digital Millennium Copyright Act guidance <http://www.bu.edu/copyright/> , Personnel Policy 404, http://www.bu.edu/hr/policies_procedures/manual/400_general.shtml#404

course packs and other paper copies. Use of copyrighted electronic course content that would require permission from the copyright owner if the content were part of a photocopied course pack normally requires the owner's permission when made available in electronic format as well.

Boston University supports the full exercise of the rights accorded to users of copyrighted works under the "fair use" provisions of the Federal Copyright Law, which expressly provide that certain uses of copyrighted works for teaching, scholarship and research, including multiple copies for classroom use, are not an infringement. It must be remembered, however, that the law of fair use does not allow free use of copyrighted materials in all instances. Fair use is a judgment call, made on a case-by-case basis. The application of fair use principals, particularly in borderline cases, is neither simple nor definitive.²

Most of the time, however, a reasonable approach can be devised. The following best practices are provided to guide the assessment of whether fair use applies to the educational use of copyrighted materials. As dictated by your educational objectives:

- Use your own original works, government works and public domain works to the greatest degree feasible
- In websites and on CourseInfo/WebCT, link to the owner's site rather than providing a copy of the work
- Display/project/play a single copy of any work, without limitation, in face-to-face teaching
- If you rely on fair use, limit handouts or online postings to short, single chapters, single articles, a few photos, etc.
- If third party materials are used online, limit access to students registered in the course through a password-protected site
- Terminate online access to third party materials at the end of the term
- When possible and appropriate to your objectives, copy-protect course materials posted online
- Include copyright notices and other appropriate attribution
- Provide notice to students: "Posted materials are for educational use only. Do not copy or distribute."

WARNING SIGNS

Although it is inaccurate to declare any of the below as categorically improper regardless of the circumstances, you are well advised to be wary of:

- Using the same third party materials year after year -- check availability for license

² See, e.g., discussion by offered by the University of Texas <http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm> and Stanford http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter9/index.html

- Posting multiple chapters from the same book or multiple articles from the same journal or magazine
- Posting multiple photos or graphics from one textbook
- Posting any third party materials to sites accessible to the internet at large
- Using more than 10% or 3 minutes of a video
- Using more than 10% or 30 seconds of a musical work
- Failure to provide proper attribution

Remember that posting third party materials, even for purely educational uses, on the internet where they can be accessed and copied for free by anyone in the world, can be particularly damaging to an author or publisher who normally licenses such materials for a fee or otherwise manages distribution in some way.

Ethical Issues

Be familiar with the Copyright Act of 1976 (“Copyright Act” or “Act”) and the Technology, Education, and Copyright Harmonization (TEACH) Act signed by President Bush on November 2, 2002. It is wrong to say that someone else’s work is yours when it is not. In an inventive society, the notion of acknowledging someone else’s work protects the work of people. It is also recommended that faculty/students be familiar with the Academic Code of Conduct, including such areas as plagiarism.

Security

IDC Curriculum that is videotaped at GSDM will be secure on CourseInfo by the Boston University Office for Information Technology. When recorded material is included on a University web page, such as CourseInfo, it will be password protected and accessible only to course instructors and students registered in the course with a valid Kerberos password.

If you wish additional information about Copyright Guidelines on CourseInfo follow the following link: www.courseinfo.bu.edu/ click on Introduction- click on Copyrighted Materials in Course Websites.

Protocol for recording and use of recorded presentations

In order to accommodate the recording of lectures, the dental school has developed the following procedures:

1. Audio or Audiovisual recording of lectures, presentations or reproduction of any electronic material presented by students or faculty should be done only with the written permission of the presenter. The school worked with the Boston University Office of General Counsel to develop a "Faculty Consent Form". This form (Appendix A) is attached and will be available for instructors to sign before the start of his/her lecture.

2. Dental School classes may be recorded by the School or by designated students for purposes including, but not limited to, use by students enrolled in the course for review, student illness, absences associated with religious holidays, and disability accommodations.
3. Recording devices are prohibited in a classroom except with the instructor's permission.
4. The following notice shall be included in each course syllabus:
This class may be recorded by the School or by designated students for purposes including, but not limited to, podcasting to students enrolled in the course for review, student illness, absences associated with religious holidays and disability accommodations. Recording devices are prohibited in the classroom except with the instructor's permission.

The above language is premised upon the recording being available only through CourseInfo or a similar password protected site.

5. In general, recorded course material should not be saved to disk. If saved to disk, recorded material should not be publically accessible or loaned or distributed to students.
6. In general, course material, whether recorded or in the form of written material, will not be accessible on CourseInfo after the semester in which the course ends. The material will be archived by the Boston University Office of Information Technology and will be available to the author only.

According to the Boston University e-learning website:

Faculty can place copyrighted materials (articles, excerpts from books, images, etc.) in their course website, provided that they comply with fair-use guidelines. While these guidelines do not have force of law, they are used by many institutions, and they are endorsed by many major publishers and the [U.S. Copyright Office](#).

Faculty should use these guidelines to determine fair-use:

1. The purpose (commercial or nonprofit educational).
2. The nature of the copyrighted work.
3. The amount of the portion used.
4. The effect of the use upon the potential market value of the work.

Faculty should read the [Summary of Multimedia Fair-Use Guidelines](#), published by Georgia Harper of the [University of Texas System](#) and supported by the General Counsel's Office at Boston University.

In addition to meeting the four criteria above, faculty placing copyrighted materials in their course website must also:

1. Restrict access to the copyrighted materials to only those students in their class.

If you use [WebCT](#), all the materials are automatically restricted to just those students in your class.

If you use [CourseInfo](#), you must restrict the access yourself. The following instructions assume that you will put your materials in the Course Documents section of your course.

1. From the Control Panel, under Site Management, select Course Options. A new Course Options menu will appear.
2. Under Change Button Availability, you will see Course Documents listed.
3. Select S (for secure), meaning only those students enrolled in your course can view the materials that you put in the Course Documents section of your course.
4. Click Submit. That's it.

If your course is on the Web outside these products, you must restrict access yourself. On the BU Web, you can restrict access to specific groups (like BU faculty, staff, or students) or to individual users. Using a single file, called an .htaccess file, you can control who can access directories within your site.

2. Regulations mandate that copyrighted materials that are not copy protected be online for only 15 days.

If you use WebCT, you can set a release from start date to end date.

If you use CourseInfo, you must either make the materials unavailable or remove them. The following instructions assume that you will put your materials in the Course Documents section of your course.

1. From the Control Panel, under Page Editors, select Course Documents. A list of the items in your Course Documents folder will appear.
2. To remove an item, click Remove Item next to it, then click OK. The item is removed.

To make an item unavailable, click Modify Item. On the new page, under item 2 (Availability), select No, then Submit.

3. You should indicate source, copyright, etc., on all copyrighted materials.

Health Insurance Portability and Accountability Act (HIPAA) Requirements

Just as applicable for classroom teaching, distance education must comply with HIPAA requirements as follows:

De-Identification under HIPAA

It may be possible to “de-identify” certain items. For example, “black boxes” may be placed over the eyes in full-face photographs to de-identify the individual if the remaining visible portions of the face do not enable identification. De-identified material is no longer “Protected Health Information” and no authorization (as described below) for its use is required.

Patient Authorization under HIPAA for Use or Disclosure of Unique Identifying Items

If you plan to use or disclose such items in a presentation or format accessible to persons outside of GSDM, you must obtain HIPAA-compliant Patient Authorization. This also applies to such use inside GSDM for any purpose other than clinical training or education.

Faculty Consent Form

The attached consent form was developed by GSDM in cooperation with Kathleen Farrell of the Boston University Office of General Counsel.

FACULTY CONSENT TO RECORDING

PERMISSION TO RECORD CLASS LECTURES*

I hereby give my permission for GSDM or its designee to make an audio/video recording of my class lecture(s) or presentation(s). I further agree that BUGSDM may, for the educational purposes of GSDM only, make all or part of the recording accessible to students enrolled in the class online on a website restricted to GSDM staff and students only.

Print Name of faculty member _____

Signature of faculty member _____

Course Name/Number _____

Date: _____

*Approved by Boston University Office of General Counsel