

Interactive Television Network
Instructors Guide



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ARIZONA WESTERN COLLEGE **ITN Personnel**

Yuma (Main Campus)

ITN Control Room–AC 110

(928) 317-6466

FAX (928) 317-6467

ITN Control Room–AC107

(928) 317-6447

FAX (928) 317-6458

Zeke Torres

ITN Coordinator

Office AC 121

(928) 317-6414

Pager (928) 539-6497

Career Center

Vladimir Gurrola

Technology Support

(928) 317-6039

Pager (928) 376-3817

Control Room

(928) 317-6155

(928) 317-6156

(928) 317-6157

FAX (928) 317-6158

La Paz County Center

Pam Boyd

Coordinator of Technology

(928) 314-9555

Pager 1-888-296-5992

Control Room

(928) 314-9560

(928) 314-9556

(928) 314-9557

FAX (928) 314-9579

South Yuma County

Victor Mata

Coordinator of Technology

(928) 314-9430

Pager (928) 376-4880

Control Room

(928) 314-9431

(928) 314-9432

FAX (928) 314-9433

East Yuma County Center

Antelope High School

Josie Uriarte

East Campus Center Assistant

(928) 920-0887



Additional Resource Personnel

Stephanie Covey

Office Technical Assistant, Distance Learning
Phone (928) 317 6137
email stephanie.covey@azwestern.edu

Angie Creel-Erb

Director of Library Services
(928) 344-7776
email angie.creelerb@azwestern.edu

John Ringland

Instructional Video Production Engineer
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Instructional Management

Enrollment

The enrollment process for an Interactive Television Network course is equivalent to the procedures employed for traditional classroom courses. All established policies pertaining to registration, drop/ add, and student withdrawals are applicable to ITN courses. Registration dates and times may vary, however, at the remote sites.

Attendance

Attendance requirements are to be similar to other courses taught by the instructor and offered through the college.

Handouts

Student handouts for an ITN course are the same as those for the traditional class inclusive of the course outline (syllabus), quizzes, tests, work sheets, and any instructional support materials.

- **Preparation/Duplication**—Faculty are responsible for the design, preparation, and duplication of all handouts. Technicians are not responsible for the duplication of handouts at the distant sites.
- **Distribution of Print Material**—All distance learning print materials may be delivered by courier to the distance site when received within three (3) working days. Exams and homework are distributed and collected by the off campus technician at the distance site and returned to the host campus ITN control room. All materials can be made available to students on-line via Blackboard. (*Appendix: Blackboard and ITN courses—A Great Learning Combination!*)

Testing

Testing policies are to be determined by each faculty member. The assigned faculty member must be present during testing at the home site and be available for responding to questions during testing. Multi-site proctoring will be conducted on the Interactive Television Network. In the event of system down time or technical problems, tests will be proctored by the ITN classroom technician at each site. The distribution and collection of tests, quizzes, and other assigned materials will be done by the ITN class technicians at the remote sites.

If a student at a remote site requires a make-up test, the instructor should complete the Make-up Testing Form (*Appendix: Make-up Testing Form*) and email or fax it to the remote site. The operator will forward the form and test to the site testing center. The instructor should tell the student to make an appointment with the testing center. Upon completion of the test, the site testing center will return the test to the instructor. Use of the testing center is limited to make-up testing.

Support Media

- **Copyright Clearance**—Faculty are to secure the necessary copyright clearance for all audio-visual media. Once permission has been granted, it is the instructor's responsibility to provide a copy of the completed clearance form to the ITN technician prior to the broadcast date.
- **Projected Media**—The initial design of the distance learning system may not allow for filmstrips, slide tapes or film media to be adequately transmitted to off campus sites; therefore, it may be necessary to transfer each format to electronic media. Permission to do so must be granted from the publisher. A faculty member will need to arrange for conversion of the media in advance. This can be done with the help of the ITN staff.
- **Projected Graphics**—All graphic materials must be designed within the 3:4 ratio of television. The resolution of the television requires that graphics be simple and concise for the most effective communication. A faculty member may also want to provide students with a printed copy of the original graphic.

Student Orientation

- **Technical**—The ITN classroom aide or technician will be available to assist students in becoming familiar with the ITN. During the first class meeting, it will be important for the instructor to orient and familiarize student at all sites with the equipment. (*Appendix: ITN Operator Responsibilities*)
- **Course Requirements**—A faculty member is to conduct the usual course orientation through the system to introduce student to



the testing philosophy, grading policy, syllabi, attendance requirements, and other course requirements.

- **System Explanation**—It is necessary to humanize the system during the first class period. Even though in current teaching, faculty practice the communication and personal skills that foster a sense of group belonging, it is necessary to conduct orientation exercises to this type of delivery during the first class period.

Office Hours

Remote site students not only need the same access to faculty as main campus students but may require additional personal contact time to promote a sense of learning community. Faculty may provide, and ensure, access for ITN students by reserving time during specified office hours for personal contact. A phone located in the Control Room is available for private conversation with a student, if needed, during or after class time.

Faculty may also conduct office hours over the Interactive Television Network. This optional use of the system must be scheduled in advance with Zeke Torres, Coordinator, ITN, AC121, telephone 317-6414.

Faculty Rotation to Campus Sites

ITN faculty are encouraged to visit the distant site(s) at least once per semester. It is recommended that this visit occur during the first five weeks of the semester. Travel reimbursement is available through your division office.

Faculty Evaluation

The expected student outcomes for ITN classes and traditional classroom offerings are assumed to be equal. Because faculty will be employing traditional communication techniques, the standard faculty appraisal process will be administered when appropriate.

ITN Taping Policy

All AWC classes taught over the Interactive Television Network will be taped to ensure receipt of transmission at the remote site. When a class session is completed, the tape will either be retained for a two-week period or erased immediately.

Another purpose of the taping is to provide class sessions for those students who miss a class session or wish to review classroom material a second time.

The tapes will be kept in the AWC Library and at the remote site(s) for a period of two weeks only. During this time they may be viewed in the Library or at the site, but may not be checked out or copied. At the end of the two-week period, the tapes will be returned to the ITN control room on site and recorded over. Instructors may purchase a copy of the tapes of their classes, paying the cost of the blank tapes. Selected segments may be included in AWC promotional materials.

Presentation Tips

Teaching over the Interactive Television Network can be a different type of experience and requires some thought and preparation that is different from the traditional classroom. The following is a compilation of suggestions offered by individuals who have taught via the system. The tips are listed to help you create a classroom environment that utilizes the technology to enhance student learning. The Center for Teaching Effectiveness is available to help you in any way needed to make this experience successful for you and for the students.

- Be sure that the students are all seated so that they are within camera range. This promotes a sense of class belonging and unity.
- Because your students may be reviewing the tapes at a later date, it is important to state the topic of the lesson and other important information such as associated reading assignments within the first few minutes.
- Refer to ALL students by name. Using nameplates (folded paper) placed in front of each student is one useful technique.
- Encourage the students to identify themselves and their location each time they speak into the microphone. This helps to learn everyone's name at all locations and helps those at the remote site(s) to feel like they are recognized as an individual and not as items on the TV screen.



- Repeat each student's question prior to answering to ensure that ALL students hear the question and understand your response.
- When talking to the remote site be sure to look at the monitor in the back of the room instead of the big TV screen.
- To encourage an active participation in the learning process, design handouts that require student involvement with the information.
- During long lectures, students become restless and lose interest; especially when watching the lecture on a television screen. Try to break lectures up into 12–15 minute segments by asking questions of the remote and/or home site students.
- Color code handouts to facilitate the distribution process at classroom sites. This will allow you to identify and refer to handouts accurately and permit students rapid access to the material.
- Make sure your *handouts and tests are delivered to the ITN Coordinator three (3) working days before the class meeting*. This lead-time is necessary so materials can arrive in time for distribution. Materials will be handed out by the technician the designated day of class and should be available to the student on Blackboard.
- You are able to move about the room, however you will be somewhat limited in movement in that the camera does not move quickly.
- When writing on the board it is important to place the information in an area readily seen without moving the camera. The camera does not pan across the board easily. Writing the information in columns will make it possible for the camera to focus on the entire message. The best way to communicate may be by using the pad camera or computer instead of the board.
- Encourage student discussion groups.
- Encourage the formation of study groups through the exchange of telephone numbers.
- During your first television teaching experience reveal your own anxiety, exhilaration, and confidence to the students.
- Design a “get-to-know-you” handout for your students. This may include hobbies, special interests, work place, a short biography, and the reason for taking the course.
- Do not hesitate in cueing your technician during a lesson. Request a close up or medium shot, or switch to the pad camera.
- If there are any guest speakers be sure to notify the technician in advance so that the needed preparations can be made to make the presentation run smoothly.
- The instructor and the technician should meet regularly to discuss upcoming presentations and class sessions. A well-informed technician will help the instructor look all that much better. If there is a last minute change the instructor needs to know how to communicate that to the technician.
- When interacting with the class it is advisable to alternate questions and comments between the various sites so that all students stay involved during the class.
- Do not wear a white shirt or blouse without a jacket or sweater because it will cause the camera to adjust to the brightness and may make the rest of you look too dark. Likewise, it would be important to avoid narrow stripes because they appear to move and can be distracting to the eye.
- Remember you are part of a team. The Distance Education Staff includes instructional designers, graphic artists, and media production specialists who are available to assist you in producing the very best possible product.

Adapted from:**Metropolitan Community College. (2001).****Distance Learning:** Handbook for Television Classrooms. Omaha, NE.

Lesson Planning

Lesson planning for ITN courses is similar to that of traditional courses. ITN faculty must be more flexible, however, and prepared to alter their lesson in the event of system failure.

Because ITN courses may be used in other venues, such as telecourses or packaged curricula, it is essential to maintain a high level of production quality.

- Begin and end class on time.
- Give a professional appearance to graphics and visuals.
- Let your professionalism show through dress and adequate course preparation.

With appropriate lead time, video lessons can be shot at remote sites, supplementary lessons can be pre-produced, guest speakers can transmit from other sites on the NAU IITV Network, and special graphics can be prepared in collaboration with the ITN staff. In addition, the ITN staff can assist you in procuring or preparing Learning Objects.

It is very important that each lesson be well organized. Consider using the five components of a well organized lesson that include the following:

1. **Objective:** A statement to the students describing what it is that they are to learn, preferably in written form.
2. **Bridge-In:** An explanation to the students of why they need to learn the objective (motivation)
3. **Pre-Test:** A quick check of what the students know in terms of the objective (written or oral questioning)
4. **Activity:** The lesson itself
5. **Post-Test:** A brief affirmation that the students mastered the lesson objective (written, as in the "1-Minute Paper," or oral questioning, or demonstration)

Continuous, open communication with the control room operator will help ITN lessons run smoothly. One format for communication with the operator is by providing a lesson plan similar to the following:

Page: 1 of 6

Session: 1

Course: Arizona Constitution

Instructor: John Doe

Visuals	Lecture/Discussion/Activities	Time
Graphic 1 POS 221 Arizona Constitution		
Graphic 2 Dr. John Doe, Instructor		
Graphic 3 Introduction, Orientation and History–Session 1		
	Orientation: Format of Course	15 minutes
	Intro to Course Content	14 minutes
Video	Video: State and Local Government	16 minutes
Graphic 4	Think/Pair/Share activity "In what ways do you benefit from services provided by your state and local government?"	15 minutes



Student Involvement in the ITN Classroom

Active learning is just as important in the ITN classroom as it is in the traditional classroom. Students at remote sites may feel isolated and consequently become passive “watchers” rather than active participants in their learning. In addition to a first day orientation to the course, many students will need an introduction to the ITN system of cameras and microphones and an understanding of “ITN Etiquette.” The following suggested activities may help in creating a personal class atmosphere that encourages group unity and a sense of belonging.

- **Personalize**—choose activities that allow the student to have a one-to-one relationship with the instructor.
 - Ask students to use name cards.
 - Call students by name more often than in a face to face class
 - Request regular feedback from students via postings on Blackboard or email “postcards.”
 - Ask students to complete a questionnaire about their reasons for taking the course, previous experience in similar courses, and concerns they may have about the course.
 - **Humanize**
 - Post an introduction about yourself on Blackboard that includes your interests and background. Let your personality show.
 - Remember to introduce the operators at all sites and give them an option of telling about themselves.
 - **Socialize**
 - Give the students time to meet each other with a first day introduction activity.
 - Encourage group work inside and outside of class; suggest forming study groups and phone number exchanges.
 - Try an “information gap” exercise where groups at one site have information needed by the other group.
- Both on-site and remote site students benefit from “a change of pace” made several times during a class session. The following are ideas to actively involve students.
- **Collaborative Groups**
 - **Expert or Crisscross Groups**—students group to answer a question or do a portion of an assignment and then regroup to share information.
 - **Brainstorming**—using a time limit, students problem solve a carefully defined problem or objective.
 - **Critical Incident**—presented a scenario, students work together to solve a problem or conflict.
 - **Listening Teams**—divide the class into listening teams that will ask questions or give reactions to their specific listening task.
 - **Test Writing**—students group to write questions on information from an area to be tested.
 - **Role Playing**
 - **Guest Interviews**—students prepare questions and interview a guest speaker.
 - **Predicting**—Before presenting new data, ask students to predict based on previous knowledge or information gleaned from the text and after presenting the ask them to compare their prediction to the actual results.
 - **Student Produced Videos**
 - **Formative Evaluations**—Use the “One Minute Paper” to assess how students are progressing. Students write about what is clear, unclear as well as what they found important in the class that day.

References

- Schlenker, Jon A., & Klivens, Jeffrey D. (nd). *Teaching Strategies/Student Motivation Skills for the Distance Education Teacher*. unpublished paper.
- Cross, K. P. (2002). *The Role of Class Discussion in the Learning-centered Classroom: Cross Paper #6*. Phoenix, AZ: League for Innovation in the Community College.



Copyright Issues

Copyright Clearance

Faculty are responsible for identifying all audio-visual media they wish to use in their ITN course(s) and for securing appropriate copyright clearance. A list is maintained in the library and ITN office of media sources that have already been granted copyright clearance. The suggested copyright clearance form for new audio-visual media is also available through these sites. (*Appendix: Sample Permission Form.*)

The college is unable to broadcast AV material to other off campus sites without copyright clearance and the needed documentation on file. Plan to allow approximately six to eight weeks for this process to be completed. Without the copyright clearance other instructional plans will need to be made.

Suggestions for Using Audiovisuals

- When you wish to use AV materials over the ITN, always seek permission from the copyright holder. There is a good chance that permission will be willingly granted as long as proper recognition is given to the holder.
- Audiovisual works to be used in the classroom, whether it be ITN or in a regular classroom setting, should be listed clearly in the course syllabus at the beginning of the term. This will remove all doubt as to the educational intent of the usage.
- Do not use unauthorized copies of videos or other literature in the classroom. Do not use campus equipment or personnel to make unauthorized copies of AV materials.

Video Copyright Clearance

When preparing to teach an ITN class, it is always important to remember that any videos broadcasted over ITN must have copyright clearance. Here are some questions you may have concerning obtaining copyright clearance:

What is copyright clearance?

Copyright clearance is a statement from the video distributor stating that the video in question is allowed to be broadcasted over the closed-circuit microwave link for college credit courses.

How do I obtain copyright clearance?

The first step to obtaining clearance is to determine which videos you would like to show. If they are located in your personal collection, bring them to the copyright contact person. If they are located in the library collection, provide the call numbers (from the OASIS online catalog at <http://www.azwestern.edu/library>) to the copyright contact person. The contact person will then find the addresses; fax numbers, telephone numbers, or whatever contact information is available. Then, the copyright contact person will call you or your division secretary with the video distributor contact information and the proper forms (see back of this sheet). You will then be responsible for picking up the forms and sending them off or contacting the distributor. The distributor will then send or fax to you the proper documentation stating that the videos have clearance. Please send a copy of the clearance to the library so that we may file it for further use.

When do I need to obtain copyright clearance?

As with many things, the sooner the better. Sometimes it takes a while for the company to get back in touch with you with the proper documentation. Sometimes, the company will not give you clearance and you must find another video. And sometimes, the original distributor may have gone out of business since distributing the video in question. Some videos have already obtained clearance. ***Check the binder at the Circulation desk in the library first to see if the video has already been cleared.***

Who is the copyright clearance contact?

To obtain information concerning the video distributors, i.e. address, fax, or telephone numbers, and clearance forms, contact Angie Creel-Erb at ext. 47776. For all other copyright questions contact Tim Shove at ext. 49545.



Appendix

Blackboard and ITN courses— A Great Learning Combination!

By Ernest Yates, Instructional Technologist,
Arizona Western College

What is Blackboard?

Blackboard is a secure, powerful, yet easy-to-use authoring tool designed to help faculty build, manage, and deliver course content online—without the need to learn HTML.

How can an ITN course instructors use Blackboard?

Instructors can:

- Post their syllabus online.
- Create online quizzes that provide immediate feedback to students.
- Communicate with students via e-mail, file exchange, virtual chat, and a threaded discussion board.
- Post student grades using the online gradebook.
- Create an enhanced “virtual community” to encourage student-to-student interactions using the discussion board, chat, group work areas for collaborative assignments, and student Web pages.
- Provide links to “real world” sites on the Web for research, case studies, and up to date relevant information on their subject matter.
- Easily upload handouts, worksheets, or PowerPoint presentations for student review.
- Utilize Video clips
- Access it twenty-four hours per day, seven days a week

How can an ITN course students benefit from using Blackboard?

Blackboard allows:

- Students flexible access to course materials so that they may work from their home, library, work, or on campus.
- Students to work independently at their own

pace, by studying course handouts, lecture notes, PowerPoint presentations, and other materials or Web sites online.

- Students to apply what they have learned through online quizzes, and asynchronous or synchronous discussions between the instructor and the students.
- Students to use their critical thinking skills to work through case studies using relevant “real world” examples on the Web.
- Students to become part of a team working collaboratively on a project or assignment.
- Students to use the Internet as a research tool to create a report using their creative, analytical, and writing skills.
- Students to feel like part of a community of learners, providing them the opportunity to communicate with other students as they would in a “regular” on campus course.
- Utilize video clips
- Access it twenty-four hours per day, seven days a week

Blackboard Support

- Dedicated Blackboard Hotline for students
- One-on-one faculty training and content support
- Monthly training seminars (also available on video)
- AWC online Website for both students and instructors
- Advertising and marketing of classes
- Camp Yuma training
- Flexibility in course structure for instructors.

Conclusion

In summary, Blackboard provides an engaging and flexible learning environment that is available to students and instructors 24 hours a day, empowering students to take an active role in their learning process!



ITN Mailing System Information

Courier Schedule

Parker

Courier: Stephanie Covey

Day	Leave Parker	Arrive Yuma (ITN)	Leave Yuma (ITN)	Arrive Parker
Monday	7:30 A.M.	9:30 A.M.	7:00 P.M.	7:30 P.M. (next day)
Tuesday	7:30 A.M.	9:30 A.M.	7:00 P.M.	7:30 P.M. (next day)
Wednesday	7:30 A.M.	9:30 A.M.	7:00 P.M.	7:30 P.M. (next day)
Thursday	7:30 A.M.	9:30 A.M.	7:00 P.M.	7:30 P.M. (next day)

San Luis

Courier: Jose Barrios

Day	Leave San Luis	Arrive Yuma (ITN)	Leave Yuma (ITN)	Arrive San Luis
Monday	9:00 A.M.	10:00 A.M.	10:30 A.M.	11:30 A.M.
Tuesday	9:00 A.M.	10:00 A.M.	10:30 A.M.	11:30 A.M.
Thursday	9:00 A.M.	10:00 A.M.	10:30 A.M.	11:30 A.M.

Career Center

Courier: Jose Barrios

Career Center is a stop between the main campus and San Luis on Mondays, Tuesdays and Wednesdays.

East Yuma County Center

Courier: Jose Barrios

Materials will be picked-up and delivered on an as needed basis.

Color-coded, Reusable, Tamper-evident Mailbags:

Red—from instructors. Each instructor will find all mailing supplies in the ITN mailing room (AC 114, *marked storage*).

Green—from students. Each remote site will be given a supply of Green bags, routing tags, cable ties and cable tie cutters to send student materials throughout the semester.

Blue—for ITN use **only**.

A supply of extra colored bags, routing tags, cable ties and cable tie cutters will be kept in the mail room on the main campus (AC 114, *marked storage*).

If any remote site runs low on bags or supplies, please contact any ITN staff person on duty and these items will be sent via an ITN courier.



Routing Codes:

Each ITN site is assigned a 3 digit number:

000	Main Campus
001	Parker
002	San Luis
003	Career Center
004	Wellton

Each class has a designated code.

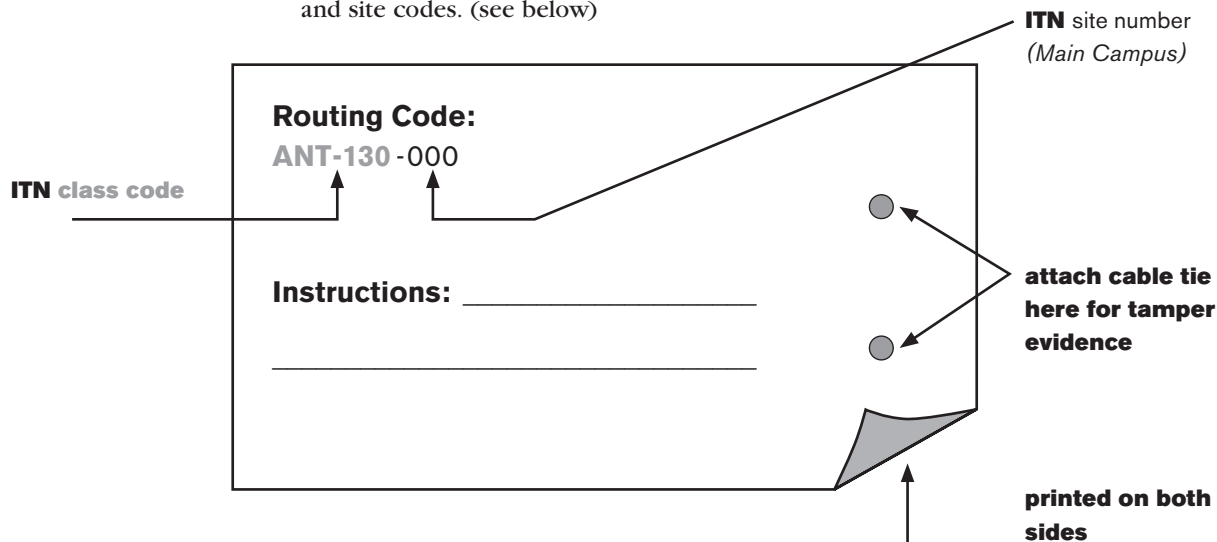
For example:

ANT 130 = ANT 130: Cultural Anthropology

PHI 105 = PHI 105: Introduction to Ethics

Please follow these steps when sending materials:

1. Select the appropriate color mailbag.
2. Insert materials and zip shut.
3. Fill out a routing tag with the proper class and site codes. (see below)



4. Insert routing tab into the plastic sleeve on the mailbag, aligning all the holes.
5. Insert cable tie through the holes and tie off.
6. Place the bag in the appropriate out-going mailbox.

All in-coming mail will be filed in the instructor's ITN mail slot.



Sample Permission Form



Date: _____

Dear Sir/Madam:

We are requesting authorization to transmit the following copyrighted material for use over Arizona Western College's closed circuit interactive microwave system. The intent is to offer simultaneously, at all campus locations, live interactive instruction with distant site students receiving the same educational experience as home campus students. Faculty are currently using these materials as instructional aids in their traditional classroom presentations. The material will be used only for instructional purposes, not for commercial use or resale.

Title: _____

Format: _____ **Copyright Date:** _____

Producer: _____

Please let us know what conditions, if any, apply to this use. A self-addressed envelope and a file copy of this letter are enclosed for your convenience.

Instructor Name: _____ **Title:** _____

Phone: () _____ **email:** _____

Permission granted: _____

Conditions, if any: _____

Signature: _____ **Date:** _____

Enclosure(s):



Online Testing: **Testing Center Request**



Instructor: To insure students are tested under the conditions you desire, please answer all questions on this form and attach a list of all the students that need to be tested. A copy of the test must be included for each student listed.

Please share the Testing Center's hours of operation with students before testing.

Hours: *M, T,* and *Th*—7:00 A.M.-5:00 P.M.

W—7:00 A.M.-8:00 P.M.

Allow sufficient time to test before closing.

Date: _____

Instructor Name: _____ **Title:** _____

Phone: () _____ **email:** _____

Dates: *(students can take the exam)* _____

Desired Testing Conditions:

Timed test? **Yes** **No** How Long? _____

Allow Notes? **Yes** **No** Comment: _____

Allow Books? **Yes** **No** Comment: _____

Allow Calculator? **Yes** **No** Comment: _____

Other? _____

Special Instructions: _____

Test to be picked-up by _____

Picture Identification Checked: _____



ITN Operator Responsibilities

It is the responsibility of the ITN Operator to send the best possible video and audio signal from your classroom to the remote sites.

Operators duties include the following:

1. Open the classroom and turn on all equipment 10 minutes before class.
2. Make sure that all participating sites are connected with both audio and video.
3. Make sure that the student mics and the instructor mic are operating properly. Put a fully charged battery in the instructor mic.
4. Test the live connection working with the operator at each participating site.
5. Make sure that audio and video will be recorded on the pre-labeled tape for that class.
6. Operate cameras, VCRs, and switching equipment (the professor may utilize the computer, document camera, calculator display system or other presentation equipment)
7. Assist the professor with operation of presentation equipment as needed.
8. Report any technical problems to the supervisor or engineer on call.
9. Shut down the equipment and lock the room when appropriate.
10. Remember you are part of a team. Try to help the instructor any way you can to deliver the best possible product.



The Teach Act

New Copyright Law for Distance Education:

The Meaning and Importance of the TEACH Act

Original: September 30, 2002

Revision: November 10, 2003

Prepared by:

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www.copyright.iupui.edu

Prepared for: The American Library Association in furtherance of a project to develop and disseminate information resources related to copyright and distance education.

Introduction: The New Legislation

Of great importance to the use of new technologies in innovative education, on October 4, 2002 Congress enacted the “Technology, Education and Copyright Harmonization Act,” commonly known as the “TEACH Act.” Long anticipated by educators and librarians, the new law will demand a full reconsideration of the ability to use existing copyright-protected materials in distance education. The law is a complete revision of the current Section 110(2) of the U.S. Copyright Act, and one of its fundamental objectives is to strike a balance between protecting copyrighted works, while permitting educators to use those materials in distance education. If educators remain within the boundaries of the law, they may use certain copyrighted works without permission from, or payment of royalties to, the copyright owner—and without copyright infringement.

The new law offers many improvements over the previous version of Section 110(2), but in order to enjoy its advantages, colleges, universities, and other qualified educational institutions will need to meet the law’s rigorous requirements. Educators will not be able to comply by either accidental circumstances or well-meaning intention. Instead, the law calls

on each educational institution to undertake numerous procedures and involve the active participation of many individuals.

This paper principally summarizes the new standards and requirement established by the TEACH Act. The statutory language itself is often convoluted and does not necessarily flow gracefully. This paper accordingly isolates the various requirements and benefits of the new law and organizes them in a manner that may be helpful to educators and others seeking to understand and comply with the law. This paper will also suggest strategies and implementation methods that an educational institution may choose to follow. In general, this paper will outline the benefits of the TEACH Act and organize the law’s requirements into three groups of duties that may be assigned to three divisions within a college or university for implementation: duties of institutional policymakers; duties of information technology officials; and duties of faculty members or other instructional staff. In this multifaceted process, librarians will also find an important role.

Background of Copyright Law

To understand the magnitude of the issues at stake, one needs to comprehend not only the growth of distance education, but also the expansion of copyright protection. Much of the material used in educational programs—in the classroom or through “transmission”—is protected under copyright law. Copyright protection vests automatically in nearly all works that are “original works of authorship” and “fixed in any tangible medium of expression” (Section 102(a)). Hence, most writings, images, artworks, videotapes, musical works, sound recordings, motion pictures, computer programs, and other works are protected by copyright law. That protection applies even if the work lacks any form of “copyright notice” and is not registered with the U.S. Copyright Office. Some works are in the “public domain” and do not have copyright protection. For example, works of the U.S. government are generally barred from copyright protection, and the copyrights on other works eventually expire. Copyrights today usually last through the life of the author, plus seventy years. Quite simply, the law protects vast quantities of works for many, many years.



When educators use any of these works in their teaching, they are using copyright-protected materials. Among the rights of copyright owners are rights to make copies and rights to make public performances and public displays of the works. An assembled—or even dispersed—group of students may well constitute the “public” under the law. Consequently, educators frequently incur possible violations of owners’ rights whenever they copy materials as handouts, upload works to websites, “display” slides or other still images, or “perform” music, videos, and other works. In the context of traditional, face-to-face teaching, educators long have debated the application of “fair use” to making copies, and the Copyright Act since 1976 has included a relatively simple and broad provision allowing “performances” and “displays” in the face-to-face classroom setting (Section 110(1)). The rules for distance education, however, are significantly different. Both the meaning of fair use and the details of the specific statute (Section 110(2)) become much more rigorous when the materials are uploaded to websites, transmitted anywhere in the world, and are easily downloaded, altered, or further transmitted by students and other users—all posing possible threats to the interests of copyright owners.

Context of Distance Education

Comprehending the practical implications of the new legislation also requires understanding the congressional vision of “distance education” and the relationship between educators and the institution. The TEACH Act is a clear signal that Congress recognizes the importance of distance education, the significance of digital media, and the need to resolve copyright clashes. The new law is, nevertheless, built around a vision that distance education should occur in discrete installments, each within a confined span of time, and with all elements integrated into a cohesive lecture-like package.

In other words, much of the law is built around permitting uses of copyrighted works in the context of “mediated instructional activities” that are akin in many respects to the conduct of traditional classroom sessions. The law anticipates that students will access each “session” within a prescribed time period and will

not necessarily be able to store the materials or review them later in the academic term; faculty will be able to include copyrighted materials, but usually only in portions or under conditions that are analogous to conventional teaching and lecture formats. Stated more bluntly, this law is not intended to permit scanning and uploading of full or lengthy works, stored on a website, for students to access throughout the semester—even for private study in connection with a formal course.

The TEACH Act suggests another general observation: Many provisions focus entirely on the behavior of educational institutions, rather than the actions of instructors. Consequently, the institution must impose restrictions on access, develop new policy, and disseminate copyright information. The institution is allowed to retain limited copies for limited purposes, but the statute indicates nothing about whether the individual instructor may keep a copy of his or her own instructional program. Most important, educational institutions are probably at greater risk than are individuals of facing infringement liability, and individual instructors will most likely turn to their institutions for guidance about the law. These circumstances will probably motivate institutions to become more involved with oversight of educational programs and the selection and use of educational materials. This substantive oversight may raise sensitive and important issues of academic freedom.

One consequence of these developments is apparent: The pursuit and regulation of distance-education programs will become increasingly centralized within our educational institutions. Because the law calls for institutional policymaking, implementation of technological systems, and meaningful distribution of copyright information, colleges and universities may well require that all programs be transmitted solely on centralized systems that meet the prescribed standard. Because the law permits uses of only certain copyrighted materials, institutions will feel compelled to assure that faculty are apprised of the limits, and some colleges and universities will struggle with whether to monitor the content of the educational programming.

Some news announcements anticipating the TEACH Act have suggested that the use of materials in distance education will be on a par with the broad rights of performance and display allowed in the face-to-face classroom. This characterization of the law neglects the many differences between the relevant statutes. In the traditional classroom, the Copyright Act long has allowed instructors to “perform” or “display” copyrighted works with few restrictions (Section 110(1)). By contrast, both the previous and the new versions of the statute applicable to distance education are replete with conditions, limits, and restrictions. Make no mistake: While the TEACH Act is a major improvement over the previous version of Section 110(2), the law still imposes numerous requirements for distance education that reach far beyond the modest limits in the traditional classroom.

Benefits of the TEACH Act

The primary benefit of the TEACH Act for educators is its repeal of the earlier version of Section 110(2), which was drafted principally in the context of closed-circuit television. That law permitted educators to “perform” only certain types of works and generally allowed transmissions to be received only in classrooms and similar locations. These restrictions, and others, usually meant that the law could seldom apply to the context of modern, digital transmissions that might utilize a range of materials and need to reach students at home, at work, and elsewhere. The new version of Section 110(2) offers these explicit improvements:

Expanded range of allowed works. The new law permits the display and performance of nearly all types of works. The law no longer sweepingly excludes broad categories of works, as did the former law. However, a few narrow classes of works remain excluded, and uses of some types of works are subject to quantity limitations.

Expansion of receiving locations. The former law limited the transmission of content to classrooms and other similar location. The new law has no such constraint. Educational institutions may now reach students through distance education at any location.

Storage of transmitted content. The former law often permitted educational institutions to record and retain copies of the distance-education transmission, even if it included copyrighted content owned by others. The new law continues that possibility. The law also explicitly allows retention of the content and student access for a brief period of time, and it permits copying and storage that is incidental or necessary to the technical aspects of digital transmission systems.

Digitizing of analog works. In order to facilitate digital transmissions, the law permits digitization of some analog works, but in most cases only if the work is not already available in digital form.

None of these benefits, however, is available to educators unless they comply with the many and diverse requirements of the law. The rights of use are also often limited to certain works, in limited portions, and only under rigorously defined conditions. The remainder of this paper examines those requirements.

Requirements of the TEACH Act

This paper groups the law’s many new requirements according to the unit within the institution that will likely be responsible for addressing or complying with each.

Duties of Institutional Policymakers

1. **Accredited nonprofit institution.** The benefits of the TEACH Act apply only to a “government body or an accredited nonprofit educational institution.” In the case of post-secondary education, an “accredited” institution is “as determined by a regional or national accrediting agency recognized by the Council on Higher Education Accreditation or the United States Department of Education.” Elementary and secondary schools “shall be as recognized by the applicable state certification or licensing procedures.” Most familiar educational institutions will meet this requirement, but many private entities—such as for-profit subsidiaries of nonprofit institutions—may not be duly “accredited.”



2. Copyright policy. The educational institution must “institute policies regarding copyright,” although the language does not detail the content of those policies. The implication from the context of the statute, and from the next requirement about “copyright information,” suggests that the policies would specify the standards educators and others will follow when incorporating copyrighted works into distance education. For most educational institutions, policy development is a complicated process, involving lengthy deliberations and multiple levels of review and approval. Such formal policymaking might be preferable, but informal procedural standards that effectively guide relevant activities may well satisfy the statutory requirement. In any event, proper authorities within the educational institution need to take deliberate and concerted action.
3. Copyright information. The institution must “provide informational materials” regarding copyright, and in this instance the language specifies that the materials must “accurately describe, and promote compliance with, the laws of United States relating to copyright.” These materials must be provided to “faculty, students, and relevant staff members.” Some of this language is identical to a statutory requirement that educational institutions might already meet regarding their potential liability as an “online service provider.” In any event, the responsibility to prepare and disseminate copyright information is clear; institutions might consider developing websites, distributing printed materials, or tying the information to the distance-education program, among other possible strategies.
4. Notice to students. In addition to the general distribution of informational materials, the statute further specifies that the institution must provide “notice to students that materials used in connection with the course may be subject to copyright protection.” While the information materials described in the previous section appear to be more substantive resources detailing various aspects of copyright law, the “notice” to students may be a brief statement simply alerting the reader to copyright implications. The notice

could be included on distribution materials in the class or perhaps on an opening frame of the distance-education course. Taking advantage of electronic delivery capabilities, the educational materials may include a brief “notice” about copyright, with an active link to more general information resources.

5. Enrolled students. The transmission of content must be made “solely for . . . students officially enrolled in the course for which the transmission is made.” The next session will examine the technological restrictions on access, but in addition, the law also requires that the transmission be “for” only these specific students. Thus, it should not be broadcast for other purposes, such as promoting the college or university, generally edifying the public, or sharing the materials with colleagues at other institutions. Educators might address this requirement through technological restrictions on access, as mentioned in the following section.

Duties of Information Technology Officials

1. Limited access to enrolled students. The new law calls upon the institution to limit the transmission to students enrolled in the particular course “to the extent technologically feasible.” Therefore, the institution may need to create a system that permits access only by students registered for that specific class. As a practical matter, the statute may lead educational institutions to implement technological access controls that are linked to enrollment records available from the registrar’s office.
2. Technological controls on storage and dissemination. While the transmission of distance education content may be conducted by diverse technological means, an institution deploying “digital transmissions” must apply technical measures to prevent “retention of the work in accessible form by recipients of the transmission . . . for longer than the class session.” The statute offers no clarification about the meaning of a “class session,” but language throughout the statute suggests that any given transmission would require a finite amount of time,

and students would be unable to access it after a designated time. Also, in the case of “digital transmissions,” the institution must apply “technological measures” to prevent recipients of the content from engaging in “unauthorized further dissemination of the work in accessible form.” Both of these restrictions address concerns from copyright owners that students might receive, store, and share the copyrighted content. Both of these provisions of the statute call upon the institution to implement technological controls on methods for delivery, terms of accessibility, and realistic abilities for students to download or share copyrighted content. The controls, however, need not be perfect. Indeed, some experts have questioned whether any controls might work in all situations. The law accordingly requires that the technological controls be “reasonable.” In other words, do your best, and keep checking for the latest innovations.

3. **Interference with technological measures.** If the content transmitted through “digital transmissions” includes restrictive codes or other embedded “management systems” to regulate storage or dissemination of the works, the institution may not “engage in conduct that could reasonably be expected to interfere with [such] technological measures.” While the law does not explicitly impose an affirmative duty on educational institutions, each institution is probably well advised as a practical matter to review their technological systems to assure that systems for delivery of distance education do not interrupt digital rights management code or other technological measures used by copyright owners to control their works.
4. **Limited temporary retention of copies.** The statute explicitly exonerates educational institutions from liability that may result from most “transient or temporary storage of material.” On the other hand, the statute does not allow anyone to maintain the copyrighted content “on the system or network” for availability to the students “for a longer period than is reasonably necessary to facilitate the transmissions for which it was made.” Moreover, the institution may not

store or maintain the material on a system or network where it may be accessed by anyone other than the “anticipated recipients.”

5. **Limited long-term retention of copies.** The TEACH Act also amended Section 112 of the Copyright Act, addressing the issue of so-called “ephemeral recordings.” The new Section 112(f)(1) explicitly allows educational institutions to retain copies of their digital transmissions that include copyrighted materials pursuant to Section 110(2), provided that no further copies are made from those works, except as allowed under Section 110(2), and such copies are used “solely” for transmissions pursuant to Section 110(2). As a practical matter, Congress seems to have envisioned distance education as a process of installments, each requiring a specified time period, and the content may thereafter be placed in storage and outside the reach of students. The institution may, however, retrieve that content for future uses consistent with the new law. Incidentally, the TEACH Act did not repeal the earlier language of Section 112 that generally allowed educational institutions to keep some copies, such as videotapes, of educational transmissions for a limited period of time.

Duties of Instructors

Thus far, most duties and restrictions surveyed in this examination of the TEACH Act have focused on responsibilities of the institution and its policymakers and technology supervisors. None of the details surveyed so far, however, begins to address any parameters on the substantive content of the distance-education program. Under traditions of academic freedom, most such decisions are left to faculty members who are responsible for their own courses at colleges and universities. Consequently, to the extent that the TEACH Act places restrictions on substantive content and the choice of curricular materials, those decisions are probably best left to the instructional faculty. Faculty members are best positioned to optimize academic freedom and to determine course content. Indeed, the TEACH Act does establish numerous detailed limits on the choice of content for distance education. Again,



the issue here is the selection of content from among copyrighted works that an instructor is seeking to use without permission from the copyright owner.

1. Works explicitly allowed. Previous law permitted displays of any type of work, but allowed performances of only “nondramatic literary works” and “nondramatic musical works.” Many dramatic works were excluded from distance education, as were performances of audiovisual materials and sound recordings. The law was problematic at best. The TEACH Act expands upon existing law in several important ways. The new law now explicitly permits:

- Performances of nondramatic literary works;
- Performances of nondramatic musical works;
- Performances of any other work, including dramatic works and audiovisual works, but only in “reasonable and limited portions”; and
- Displays of any work “in an amount comparable to that which is typically displayed in the course of a live classroom session.”

2. Works explicitly excluded. A few categories of works are specifically left outside the range of permitted materials under the TEACH Act. The following materials may not be used:

- Works that are marketed “primarily for performance or display as part of mediated instructional activities transmitted via digital networks”; and
- Performances or displays given by means of copies “not lawfully made and acquired” under the U.S. Copyright Act, if the educational institution “knew or had reason to believe” that they were not lawfully made and acquired.

The first of these limitations is clearly intended to protect the market for commercially available educational materials. For example, specific materials are available through an online database, or marketed in a format that may be delivered for educa-

tional purposes through “digital” systems, the TEACH Act generally steers users to those sources, rather than allowing educators to digitize the upload their own copies.

3. Instructor oversight. The statute mandates the instructor’s participation in the planning and conduct of the distance education program and the educational experience as transmitted. An instructor seeking to use materials under the protection of the new statute must adhere to the following requirements:

- The performance or display “is made by, at the direction of, or under the actual supervision of an instructor”;
- The materials are transmitted “as an integral part of a class session offered as a regular part of the systematic, mediated instructional activities” of the educational institution; and
- The copyrighted materials are “directly related and of material assistance to the teaching content of the transmission.”

The requirements share a common objective: to assure that the instructor is ultimately in charge of the uses of copyrighted works and that the materials serve educational pursuits and are not for entertainment or any other purpose. A narrow reading of these requirements may also raise questions about the use of copyrighted works in distance-education programs aimed at community service or continuing education. While that reading of the statute might be rational, it would also be a serious hindrance on the social mission of educational institutions.

4. Mediated instructional activities. In perhaps the most convoluted language of the bill, the statute directs that performances and displays, involving a “digital transmission,” must be in the context of “mediated instructional activities.” This language means that the uses of materials in the program must be “an integral part of the class experience, controlled by or under the actual supervision of the instructor and analogous to the type of performance or display that would take place in a live classroom setting.” In the same provision, the statute specifies

that “mediated instructional activities” do not encompass uses of textbooks and other materials “which are typically purchased or acquired by the students.” The point of this language is to prevent an instructor from including, in a digital transmission, copies of materials that are specifically marketed for and meant to be used by students outside of the classroom in the traditional teaching model. For example, the law is attempting to prevent an instructor from scanning and uploading chapters from a textbook in lieu of having the students purchase that material for their own use. The provision is clearly intended to protect the market for materials designed to serve the educational marketplace. Not entirely clear is the treatment of other materials that might ordinarily constitute handouts in class or reserves in the library. However, the general provision allowing displays of materials in a quantity similar to that which would be displayed in the live classroom setting (“mediated instructional activity”) would suggest that occasional, brief handouts—perhaps including entire short works—may be permitted in distance education, while reserves and other outside reading may not be proper materials to scan and display under the auspices of the new law.

5. Converting analog materials to digital formats. Troublesome to many copyright owners was the prospect that their analog materials would be converted to digital formats, and hence made susceptible to easy downloading and dissemination. Some copyright owners have held steadfast against permitting digitization in order to control uses of their copyrighted materials. The TEACH Act includes a prohibition against the conversion of materials from analog into digital formats, except under the following circumstances:
 - The amount that may be converted is limited to the amount of appropriate works that may be performed or displayed, pursuant to the revised Section 110(2); and

- A digital version of the work is not “available to the institution,” or a digital version is available, but it is secured behind technological protection measures that prevent its availability for performing or displaying in the distance-education program consistent with Section 110(2).

These requirements generally mean that educators must take two steps before digitizing an analog work. First, they need to confirm that the exact material converted to digital format is within the scope of materials and “portion” limitations permitted under the new law. Second, educators need to check for digital versions of the work available from alternative sources and assess the implications of access restrictions, if any.

Role for Librarians

Nothing in the TEACH Act mentions duties of librarians, but the growth and complexity of distance education throughout the country have escalated the need for innovative library services. Fundamentally, librarians have a mission centered on the management and dissemination of information resources. Distance education is simply another form of exactly that pursuit. More pragmatically, distance education has stirred greater need for reserve services and interlibrary loans in order to deliver information to students in scattered locations. Librarians are also often the principal negotiators of licenses for databases and other materials; those licenses may grant or deny the opportunity to permit access to students located across campus or around the world.

Within the framework of the TEACH Act, librarians may find many new opportunities to shape distance-education programs, such as:

- Librarians may participate in the development of copyright policy, including policies on fair use that long have been of central importance to library services.
- Librarians may take the lead in preparing and gathering copyright information materials for the university community. Those materials may range from a collection of books to an innovative website linking materials of direct relevance.



- Librarians may retain in the library collections copies of distance-education transmissions that the institution may make and hold consistent with the law. In turn, the librarians will need to develop collection policies, usage guidelines, and retention standards consistent with limits in the law.
- Many materials used in distance education will come from the library collections, and librarians may be called upon to locate and deliver to educators proper materials to include in the transmissions. Librarians may need to evaluate materials based on the allowable content limits under the law.
- Librarians often negotiate the licenses for acquisition of many materials. To the extent that the law imposes undesirable restrictions, the librarians are in a position to negotiate necessary terms of use at the time of making the acquisition.
- Librarians have many opportunities for offering alternative access to content that cannot be included lawfully in the distance-education programming. When materials may not be lawfully scanned and uploaded, the library may respond with expanded reserve services, or enhanced database access, or simply purchasing alternative formats or multiple copies of needed works.
- Librarians long have recognized the importance of fair use and often have the best grasp of the doctrine. Librarians are usually best positioned to interpret and apply fair use to situations and needs not encompassed by the rigorous details of the TEACH Act.
- Librarians may research and track developments related to the TEACH Act, including policies, information resources, and operating procedures implemented at other educational institutions. That effort can allow one university to learn from others, in order to explore the meaning of the law and to consider options for compliance.

Conclusion

The TEACH Act is an opportunity, but it is also a responsibility. The new law is a benefit, but also a burden. Implementing the law and enjoying its benefits will be possible only with concerted action by many parties within the educational institution. Because of the numerous conditions, and the limitations on permitted activities, many uses of copyrighted works that may be desirable or essential for distance education may simply be barred under the terms of the TEACH Act. Educators should seek to implement the TEACH Act, but they should also be prepared for exploring alternatives when the new law does not yield a satisfactory result. Among those alternatives:

- Employing alternative methods for delivering materials to students, including the expansion of diverse library services, as noted above.
- Securing permission from the copyright owners for the use of materials beyond the limits of the law.
- Applying the law of fair use, which may allow uses beyond those detailed in the TEACH Act.

One objective of the TEACH Act is to offer a right of use with relative clarity and certainty. Like many other such specific provisions in the Copyright Act, the new statutory language is tightly limited. An ironic result is that fair use—with all of its uncertainty and flexibility—becomes of growing importance. Indeed, reports and studies leading to the drafting and passage of the new law have made clear that fair use continues to apply to the scanning, uploading, and transmission of copyrighted materials for distance education, even after enactment of the TEACH Act. A close examination of fair use is outside the scope of this particular paper, but fair use as applied to distance education will be the subject of further studies supported by the American Library Association

From the website: www.copyright.iupui.edu

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Selected Copyright Resources on the WEB

Copyright Clearance Center (CCC)—A not-for-profit organization created at the suggestion of Congress to help organizations comply with U.S. copyright law.

<http://www.copyright.com/>

Copyright Issues Related to Distance Learning and Multimedia Development

<http://www.lib.siu.edu/regional/copyright.html>

United States Copyright Office

<http://www.loc.gov/copyright>





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