Remote Teaching and Copyright Considerations

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Although copyright in relation to online teaching materials has long been a topic of conversation at Penn, the rapid transition to remote teaching and learning in recent semesters has sparked newer fair use questions for navigating a socially distanced educational landscape.

There are a number of requirements in the online course realm that do not apply to face-to-face teaching, and many of these are outlined in the Penn Libraries' Copyright and Teaching Guides, the Penn Almanac, and related resources. This article serves to summarize the major points pertaining to teaching online and sharing various forms of multimedia content with students, as both synchronous and asynchronous lecture recording access, file sharing, and image distribution are now widespread across the university.

1. **Video Recordings:** According to Penn Almanac's Policy for Guidance on Recording Classes, all students must have the ability to access lecture recordings after the class sessions have concluded, as difficulties with stable Internet connection, time zone differences, and other barriers can impact the quality of synchronous remote learning.
   Access CTL's guidance on video recordings in classes.

   "*Instructors who have other concerns about recording their class should contact their program director, department chair, or Dean.*"
   Quote from https://almanac.upenn.edu/#guidance-on-recording-classes

2. **Published Articles/Readings:** As numerous articles, text excerpts, and additional reading materials are referenced throughout Canvas courses at Penn, it is important to first determine whether the material is under copyright and, if so, to determine the copyright restrictions. To make a fair use case, according to Penn Libraries' Copyright Resources Guide, instructors should do the following before posting copyrighted materials to Canvas:
   -Use brief quotes from the literature when possible
   -Use diverse content, including that pulled from the public domain or open-access repository
   -Utilize content that is factual rather than creative in nature
   -Highlight particular elements of the work that stand out in order to use the content in a different way from the original creator's intended purpose

   "*Distribution of more text than a short quotation, however, likely does require the permission of the publisher (not necessarily the author) of the work.*"
   Quote from https://almanac.upenn.edu/#guidance-on-recording-classes

3. **Content from Outside the United States:** According to the Penn Almanac, some countries and regions regulate online content that violates certain political, cultural, or moral values or is otherwise deemed offensive. Instructors with courses that could reference this content should consider including a statement to prospective students warning them of potential law violations. More details can be found in Penn Almanac's Policy for Guidance on Recording Classes under "Risks related to accessing certain online content from outside the United States."

4. **Other Copyrighted Materials:** Images, audio files, or short video clips are often utilized to supplement course content. For this reason, it is best to first identify the source of the media content and determine whether or not it is part of the public domain. Before redistributing any online content, always make sure there is a link between the material and the point you wish to make as part of your teaching plan. According to Penn Libraries' Copyright Resources Guide:

   "*If you are unable to use public domain or openly licensed (e.g., Creative Commons) materials AND are unable to make a good fair use argument or use another copyright exception, you may need to get permission to reuse all or part of a work.*"
   Quote from https://almanac.upenn.edu/#guidance-on-recording-classes

In closing, there are many resources provided by Penn that detail copyright, fair use, and ownership models. Please reference these materials prior to posting your content in order to make an informed decision regarding copyright in a remote environment.