

### Intellectual Property Rights And Copyright

Both WASC and the Chancellor's Office of the California Community Colleges identify copyright and fair use issues in relation to distance education as areas of policy that should be addressed.

The ACCJC lists two specific issues of concern in relation to "intellectual property rights" and accreditation.

1. The preparation of distance learning instructional materials ... rais[es] questions about ownership, fair use, and copyright.
2. Faculty and administrative personnel will need to develop policies that both address issues of copyright, ownership, and faculty compensation but do not undermine faculty rights or the learning/teaching process. (*Distance Education Guidelines*, 2008 Omnibus Version, p. 5)

Furthermore, WASC poses this basic question regarding the evaluation of Curriculum and Instruction intellectual property rights issues:

"How clear and effective are the institution's distance learning policies concerning ownership of materials, faculty compensation, copyright issues, and the utilization of revenue derived from the creation and production of software, telecourses, or other media products?" (p.10).

An intellectual property rights policy should encourage and promote excellence and innovation in teaching by identifying and protecting the rights of the institution, its faculty, students and staff (derived from Cornell University Copyright Policy).

The institution's distance learning policies concerning intellectual property rights and copyright, in relation to the development and use of instructional materials for an online course and the use of educational technology, should be addressed so that faculty, staff, and students are informed about the legal ramifications of these issues in relation to distance learning.

#### Background:

**Fair Use** is a copyright principle based on the belief that the public is entitled to freely use portions of copyrighted materials for purposes of commentary and criticism. For example, if you wish to criticize a novelist, you should have the freedom to quote a portion of the novelist's work without asking permission. Absent this freedom, copyright owners could stifle any negative comments about their work.

Unfortunately, if the copyright owner disagrees with your fair use interpretation, the dispute will have to be resolved by courts or arbitration. If it's not a fair use, then you are infringing upon the rights of the copyright owner and may be liable for damages.

The only guidance is provided by a set of fair use factors outlined in the copyright law. These factors are weighed in each case to determine whether a use qualifies as a fair use. For example, one important factor is whether your use will deprive the copyright

owner of income. Unfortunately, weighing the fair use factors is often quite subjective. For this reason, the fair use road map is often tricky to navigate

[http://fairuse.stanford.edu/Copyright and Fair Use Overview/chapter9/index.htm](http://fairuse.stanford.edu/Copyright%20and%20Fair%20Use%20Overview/chapter9/index.htm)  
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**The 2002 TEACH Act** - The Technology, Education and Copyright Harmonization (TEACH) Act, HR. 2215, part of larger Justice Reauthorization legislation (H.R 2215) is copyright law that specifically addresses special requirements for distance learning. "It redefines the terms and conditions by which accredited, nonprofit educational institutions in the United States may use copyright protected material without permission from the copyright owners and without payment of royalties by meeting '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." (American Library Association. (2010) Distance Education and the TEACH Act.)

**In his analysis of the TEACH Act for the American Library Association, law professor Kenneth D. Crews, Director of the Copyright Management Center Indiana University School of Law-Indianapolis has outlined the content and implications of the TEACH Act thusly:**

#### **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 section 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.[\[top\]](#)

## **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. These provisions specifically demand application of "technological measures" that would restrict uses of the content "in the ordinary course of their operations." In other words, when the restrictive controls are used in an "ordinary" manner, they will safeguard against unauthorized reproduction and dissemination. This language apparently protects the institution, should someone "hack" the controls and circumvent imperfect technology.

**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.[\[top\]](#)*

## **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 educational 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.

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The Distance Education Committee has a three-part recommendation regarding Intellectual Property Rights and Copyright Policy.

### **I. General Practice Policies in Distance Education Courses**

Utilizing the requirements in the *U.S. Copyright Act*, the *Digital Millennium Copyright Act of 1998*, *Fair Use Policy* and the *2002 TEACH Act*, along with best practices in distance education utilizing a Learning Management System, the Distance Education Committee recommends that the College adopt the following general practices in distance education at Pasadena City College regarding Intellectual Property Rights, Fair Use, and Copyright policy:

- a. The Institution must publicize its copyright policies in regard to distance education in a document easily accessible by the community at large.
- b. The Institution must implement some technological measures to ensure compliance with these policies, beyond merely assigning a password.
- c. Instructors, students, and staff must be informed of copyright laws and policies.
- d. The instructor of a DE course should provide a warning in the description of any relevant content that notifies students that copying and redistributing certain materials is a breach of copyright law.
- e. Use of copyrighted materials must be part of mediated instructional activities.
- f. Only students officially enrolled in a course by direct enrollment feeds should have access to the copyrighted materials.
- g. Use of copyrighted material must be limited to a specific number of students enrolled in a specific course section.
- h. Copyrighted materials used with permission or under fair use □ guidelines should be placed in course content areas within an LMS that □ are unavailable to guests and observers.
- i. When copyrighted materials are □ available from an online database subscribed to by the College, students should be directed to access these materials directly from that □ database.
- j. Access to copyrighted materials must be limited to only the time needed to complete the class assignment, session or course.
- k. Use must either be for synchronous or asynchronous class sessions.
- l. Prohibit transmission of textbook materials, materials “typically purchased or acquired by students,” or works developed specifically for online uses.
- m. Instructors, students and staff should not interfere with copyright protection mechanisms in an LMS

American Library Association. (2010). *Distance Education and the TEACH Act: TEACH Act Best Practices Using Blackboard*.

Copyright Clearance Center. *The TEACH Act: New Roles, Rules and Responsibilities for Academic Institutions*. (2005).

### **II. Faculty Intellectual Property Rights**

The Distance Education Committee agrees that in regard to Intellectual Property Rights, the preparation of distance learning instructional materials differs from the preparation of materials for the traditional classroom setting, raising questions about ownership, copyright and fair use.

Therefore, we recommend that representative faculty and appropriate administrative personnel work together to develop policies that do not undermine faculty rights or the learning/teaching process and that address issues of copyright, ownership, and faculty compensation. In general we believe that faculty should maintain the same intellectual property rights of the instructional material they develop for online courses as they would for traditional courses. Exception to this may include work-for-hire, reassigned time, or stipend-based development of online courses. We further recommend that the Institution develop explicit policy guidelines for intellectual property rights as they extend to online course development and implementation.

Based on Diablo Valley College Online Course Guidelines - 4.4 Intellectual Property Rights  
[http://www.dvc.edu/faculty/Online\\_Course\\_Guidelines\\_5-15-07.pdf](http://www.dvc.edu/faculty/Online_Course_Guidelines_5-15-07.pdf)

### **III. Fair Use and Legal Use of Copyrighted Materials in Distance Education Courses**

The Distance Education Committee affirms that it is the duty and responsibility of the instructor of a distance education course to be knowledgeable of the *U.S. Copyright Act*, the *Digital Millennium Copyright Act of 1998*, *Fair Use Policy*, and the *2002 TEACH Act* to ensure that all instructional material and delivery methods for such courses be in compliance with copyright laws. It should also be a priority that students in all distance education classes are informed about the social, legal and ethical issues related to the use of information and its relationship to upholding copyright and intellectual property right laws and regulations in order to support academic integrity and avoid plagiarism.

To this end, the Committee recommends that a copyright manual reflecting and including all issues of copyright for faculty, staff, and students be created and be available in a document easily accessible by the community at large. The policies in the manual should be drafted by the District in consultation with the Distance Education Committee. The contents of the manual should be taught in all faculty online training on campus, and should include and reflect on issues of copyright as represented in the most up-to-date information regarding the *U.S. Copyright Act*, the *Digital Millennium Copyright Act of 1998*, *Fair Use Policy*, and the *2002 TEACH Act*.

### **References**

Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges (August 2008). *Distance Learning Manual*. Accessed 10/5/09.  
[http://www.accjc.org/pdf/Distance\\_Learning\\_Manual\\_August\\_2008.pdf](http://www.accjc.org/pdf/Distance_Learning_Manual_August_2008.pdf)

American Library Association. (2010). *Distance Education and the TEACH Act*. Prepared for ALA by: Kenneth D. Crews, Professor of Law, □Director, Copyright Management Center Indiana University School of Law-Indianapolis. Accessed 4/7/10  
[http://www.ala.org/Template.cfm?Section=Distance\\_Education\\_and\\_the\\_TEACH\\_Act&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939](http://www.ala.org/Template.cfm?Section=Distance_Education_and_the_TEACH_Act&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939)



American Library Association. (2010). *Distance Education and the TEACH Act: TEACH Act Best Practices Using Blackboard*. Accessed 4/3/10  
<http://www.ala.org/Template.cfm?Section=distanceed&Template=/ContentManagement/ContentDisplay.cfm&ContentID=34705>

American Library Association. (2010). Digital Delivery in the Classroom. Accessed 4/7/10  
<http://www.ala.org/ala/issuesadvocacy/copyright/fairuse/digitalclassroomdelivery/webdigitalpsa/final.pdf>

Chancellor's Office California Community Colleges. Academic Affairs Division. Instructional Programs and Services. Distance Education Guidelines (2008 Omnibus Version).  
<http://www.cccco.edu/ChancellorsOffice/Divisions/AcademicAffairs/DistanceEducation/RegulationsandGuidelines/tabid/767/Default.aspx>

Copyright Clearance Center. *The TEACH Act: New Roles, Rules and Responsibilities for Academic Institutions*. (2005). Accessed 4/22/10. <http://www.copyright.com/media/pdfs/CR-Teach-Act.pdf>

Cornell University. Cornell University Copyright Policy (2001). Accessed 4/15/10.  
<http://www.dfa.cornell.edu/dfa/cms/treasurer/policyoffice/policies/volumes/governance/upload/Copyright.html>

Diablo Valley College Distance Learning Advisory Task Force. Diablo Valley College. Online Course Guidelines. Local Contract/Bylaw, Policy and Copyright Issues.  
[http://www.dvc.edu/faculty/Online\\_Course\\_Guidelines\\_5-15-07.pdf](http://www.dvc.edu/faculty/Online_Course_Guidelines_5-15-07.pdf)

Gelman-Danley, B. & Fetzner, M. *Asking the Really Tough Questions: Policy Issues for Distance Learning*, Online Journal of Distance Learning Administration, Volume I, Number 1, State University of West Georgia, Distance Education. (Spring 1998).  
<http://www.westga.edu/~distance/danley11.html>

Long Beach Community College, Distance Learning Course Guidelines, Distance Learning Faculty Training. Accessed 4/8/09. <http://de.lbcc.edu/DLguidelines/#training>

Mclsaac, M., Rowe, J. Building a Working Policy for Distance Education. New Directions for Community Colleges, Number 99. *Ownership and Access: Copyright and Intellectual Property in the On-line Environment* (Fall 1997).  
[http://www.eric.ed.gov:80/ERICWebPortal/custom/portlets/recordDetails/detailmini.jsp?\\_nfpb=true&\\_ERICExtSearch\\_SearchValue\\_0=ED412999&\\_ERICExtSearch\\_SearchType\\_0=no&accno=ED412999](http://www.eric.ed.gov:80/ERICWebPortal/custom/portlets/recordDetails/detailmini.jsp?_nfpb=true&_ERICExtSearch_SearchValue_0=ED412999&_ERICExtSearch_SearchType_0=no&accno=ED412999)

Stanford University Libraries. (2010). Copyright and Fair Use. Accessed 4/8/10  
[http://fairuse.stanford.edu/Copyright\\_and\\_Fair\\_Use\\_Overview/chapter9/index.html](http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter9/index.html)

United States of America. Copyright Law of the United States and Related Laws Contained in Title 17 of the United States Code. (2009). <http://www.copyright.gov/title17/>

Walton, I., James-Hanz, P., North, W., Pilati, M. (2008). *Ensuring the Appropriate Use of Educational Technology: An Update for Local Academic Senates*. Accessed 5/13/09.

[http://www.asccc.org/Publications/Papers/Education\\_Technology.htm](http://www.asccc.org/Publications/Papers/Education_Technology.htm)

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