Can I share it?: Evaluating copyright for your course website

Fair use is your friend: Fair use is a flexible exception to creators’ exclusive rights that allows all of us to evaluate and implement the use of copyrighted materials in contexts such as research and teaching.

Not all educational uses are fair: Fair use isn’t automatic just because you are developing a course website; you should evaluate your use on a case-by-case basis.

Linking is legal: As long as you're linking to material that itself isn't infringing on copyright law, then you can take full advantage of linking to resources from your course site. This includes links to resources available through University Libraries databases, other websites, embedded links to videos and social media, etc.

Proportions are important: One factor in determining whether or not a use is fair is the "amount and substantiality" of the material. This is an important consideration when making copies of copyrighted materials available to students, and you should evaluate this factor on a case-by-case basis. While copyright law doesn’t offer any specific numbers, in the Libraries we use a guideline of 10-15% of a book or one article from a journal issue as a starting point for determining whether or not electronic course reserves comply with copyright law; you may find this guideline helpful when making materials available on a course website.

Try for transformation: Many court cases have examined whether or how a copyrighted work has been “transformed” or used in a way different from the original intent. In education, this might mean repurposing a work of entertainment for an educational purpose or adding new context through your own lectures and student assignments. In general, the case for fair use is weak when using textbooks, distance learning modules, or other materials created for the educational market, since you aren’t doing anything new.

Fair use isn’t forever: Be sure to remove students' access to copyrighted material as soon as they no longer need it, whether it’s following the week’s class or at the conclusion of each academic term. Also, as you're planning your course in subsequent semesters, consider whether or not that copyrighted work is still the best option to meet your educational goals. Is it time to switch it out for another resource?

Exercise caution on the open web: In some cases, you might want to share materials on an open website rather than a password-protected site managed by BSU. Fair use can still apply here, but carefully evaluate whether or not this is necessary, how you are transforming or adding context, and how much of a work you are sharing.

Get permission when necessary: If you want to copy or digitize an entire work or if you otherwise doubt your intended use is fair, you may need to get permission from the copyright holder or pay licensing fees. This might mean contacting the author, creator, or publisher directly, or it might mean going through an organization like the Copyright Clearance Center. You may also wish to work with the University Bookstore or another business to put together a coursepack, which will require copyright clearance.

Student have rights too: Students hold copyright to their coursework. If you plan to share former students’ work as examples on your course site, you should get permission from those students and/or make it clear in your syllabus each semester that you intend to share work this way.

Consider open access resources: Increasingly, scholarly works and materials designed for educational use are being made available for sharing and reuse. In most cases, these are still copyrighted, but the author or publisher has made them available under an open licensing framework such as Creative Commons. A growing number of textbooks are available through OpenStax and the Open Textbook Network.