

<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Am I am teaching as part of an accredited non-profit educational institution?</p> <p><i>Explanation: Being part of an accredited non-profit educational institution or governmental agency is a necessary first step toward being eligible to take advantage of the exemptions offered by the TEACH Act. NSU is an accredited non-profit educational institution, and so if you are teaching a course for NSU and you intend to use said work in that course, then the response is "yes" for this item.</i></p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Does my institution have a stated copyright use policy?</p> <p><i>Explanation: Instructors may not take advantage of the exemptions of the TEACH Act unless/until their institution has a copyright use policy. NSU has a stated copyright use policy, and the response is "yes" for this item.</i></p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Does my institution educate relevant students, faculty, and staff on copyright law?</p> <p><i>Explanation: Instructors may not take advantage of the exemptions of the TEACH Act unless/until their institution educates relevant personnel on the legality of using copyright protected works. NSU makes an effort to educate its students, staff, and faculty on copyright law, and so the response is "yes" for this item.</i></p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Is the work I'd like to use in my class not a commercial educational work?</p> <p><i>Explanation: The TEACH Act does not allow instructors to use works which were expressly created for the purpose of being marketed and sold as educational content. Works such as electronic coursepacks, Blackboard course cartridges, and any other materials designed and sold for educational purposes may not be used under the protections of TEACH, unless permission has been sought from the copyright holder and royalties paid.</i></p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Does the work I'd like to use in my class fit under one of the following categories?</p> <p>1. a <u>performance</u> of a non-dramatic literary work (may use all) <i>Explanation: The word "performance" here roughly means "the acting, reading, reciting, playing, or performing" of a work; the word "literary" refers to works that are not audio-visual; and the word "non-dramatic" means "not a stage play." Thus, loosely interpreted, this requirement can be taken to mean the acting, reading, reciting, playing, or performing of a poem, a novel, a textbook, an article, a short story, and any other written work that is not a play.</i></p> <p>2. a <u>performance</u> of a non-dramatic musical work (may use all) <i>Explanation: The word "performance" here roughly means "the acting, reading, reciting, playing, or performing" of a work; and the word "non-dramatic" means "not a stage play." Thus, loosely interpreted, this requirement can be taken to mean the acting, reading, reciting, playing, or performing of a musical work that is not a stage play.</i></p> <p>3. reasonable & limited portions of any other work (for a performance) <i>Explanation: The word "performance" here roughly means "the acting, reading, reciting, playing, or performing" of a work. The phrase "reasonable and limited portion" is somewhat problematic in that it's not fully clear what it means. The actual legislation on the issue says the following: "In determining what is reasonable and limited one should take into account both the nature of the market for that type of work and the pedagogical purposes of the performance." Thus, loosely interpreted, this requirement can be taken to mean the acting, reading,</i></p>

		<p><i>reciting, playing, or performing of any work in amounts typically applied in a live classroom.</i></p> <p>4. the display of any work in amounts analogous to a live classroom setting</p> <p><i>Explanation: The word "display" here roughly means "to show a copy" of a work (i.e., as an image, as a slide, as a photo, as a TV image, as a still frame of a film, etc.). Thus, loosely interpreted, this requirement can be taken to mean showing a copy of any work in portions comparable to the portions that would be displayed if such a work were used in a face-to-face classroom lecture or activity.</i></p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Was the work I'd like to use in my class lawfully made/acquired?</p> <p><i>Explanation: If the work in question was unlawfully obtained (e.g., it was stolen, shoplifted, illegally copied, illegally downloaded from the Internet, etc.), then that work--regardless of its type--may not be used under the exemptions of the TEACH Act.</i></p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Is the work I'd like to use in my class of "material assistance" to my teaching?</p> <p><i>Explanation: Copyright-protected works may not be used under the TEACH Act unless they are of direct relevance to a particular instructional lesson. In other words, the work in question should play an integral role in a classroom activity and not an ancillary one. For example, using copyright-protected images simply to "dress up" the look of an online course probably wouldn't be something protected under TEACH. Posting electronic copies of articles and essays for "supplemental reading" could/may be prohibited under TEACH.</i></p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Is the work I'd like to use in my class a part of a "systematic mediated instructional activity?"</p> <p><i>Explanation: Works used under TEACH must not only be an integral part of a specific lesson, but they must also be used under the control and supervision of an instructor. That means that if you plan to use a work in your class, then you need to play a direct role in facilitating the use of that work.</i></p>

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Will the work I'd like to use in my class only be made accessible to my students for the "class session" of which the work is a part?</p> <p><i>Explanation: The phrase "class session" roughly refers to the duration for which a student is "logged on" to an online course. What this means will vary, depending on the design of the course, but in most instances will mean that works should not be accessible for the entire length of the course.</i></p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Will the work I'd like to use in my class will only be made accessible to students who are formally enrolled in my course?</p> <p><i>Explanation: Works used under TEACH should not be broadly accessible to everyone. Instead, their access should be limited to the group of students who are formally enrolled in the course. Online course management systems like Blackboard make this requirement easy to meet because such systems often allow for courses to be password-protected.</i></p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Have I taken reasonable measures to prevent the further retention and dissemination of the work in question?</p> <p><i>Explanation: Preventing the storage and distribution of works that are posted online is not an easy task. TEACH does require that reasonable measures be in place so that works are not further duplicated and disseminated. Some strategies that the institution will adopt to fulfill this requirement: a) "turning off" student access to your course at the end of the semester; b) posting warning notices alerting students that certain works should not be duplicated or passed around; c) password-protecting your course as the default option. In addition, instructors should consider the following: d) using streaming technology for the broadcasting of video and audio content; e) hiding or deleting content in your course after its use has expired; f) using other technological protections that might be available</i></p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Have I posted a warning notice alongside the work in question, stating that the work is copyright-protected and should not be copied, downloaded, or disseminated without proper permission from its copyright holder?</p> <p><i>Explanation: TEACH requires instructors and institutions to let students know if certain works are copyright-protected and to warn students against the inappropriate handling of those sources.</i></p>

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>(Only answer this item if you are converting an analog work to a digital format) Am I converting an analog work to digital format because 1. a digital version is not available to my institution, <u>or</u> 2. a digital version is available to my institution but it has technological protections with it that prevent me from using it in accordance with TEACH?</p> <p><i>Explanation: Suppose you wanted to show parts of a VHS video in an online film class. Before that video could be posted online, it would need to be digitized. The TEACH Act allows instructors to convert analog content (e.g., a portion of a VHS video) into digital formats only under certain circumstances. First, according to TEACH, instructors may only digitize portions of that content that are allowable under the "portion" requirements of TEACH. Second, instructors may only digitize that content if an electronic copy is not already accessible to the instructor's institution.</i></p>
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I have determined, to the best of my ability that this item that I am submitting for inclusion within an NSU electronic course service/site, for the _____ semester, qualifies as educational Fair Use. I understand that I may be held personally responsible should legal action be taken by the copyright holder.

Signature (Required) _____ Date _____

Adapted from North Carolinas State's and the University of Alaska's TEACH Act Checklist