

Using Video for Teaching

1. Using Video In Classes

1.1 Start

Using Videos for Teaching.

To begin, click the START button.

1.2 Introduction

Welcome to the Using Videos for Teaching tutorial!

This tutorial is designed to help instructors understand the provisions which allow them to use copyrighted videos in their courses.

You can listen to or view the contents of this tutorial on the left menu.

To navigate forward click the NEXT button located on the bottom right hand corner of this screen.

To utilize closed-captioning, click the caption icon to the left of the scrollbar, next to the volume icon.

Once enabled, captioning will continue until it is disabled.

1.3 Learning Outcomes

Upon completion of this tutorial you will be able to:

- Understand the Classroom Use Provision

- **Understand the TEACH Act**
- **Understand the basics of Fair Use**
- **Apply these provisions when making decisions on using video in your courses**

1.4 Introduction

There are lots of reasons why you might want to use video in your classes - anything from teaching the techniques behind filmmaking and editing, to the art and craft of the film itself, or that the video might be the best vehicle for conveying information about a certain topic.

1.5 How copyright applies

However, most videos are protected by copyright. The rights to public performance and public display, which describes the action of showing a video in a class, are exclusive rights held by copyright owners - meaning that whoever owns the copyright is the only person who can decide when and where their film is shown.

1.6 Copyright exceptions for educational use

Of course, if that were set in stone, our ability to use video for anything would be extremely limited. Luckily, U.S. Copyright law has several exceptions which give us flexibility and allow for certain uses of copyrighted works without having to ask for permission.

These exceptions tend to favor educational uses of content. Just because it's an educational use doesn't mean you can do whatever you want. There are certain restrictions and conditions on how, when, where, why and the amount shown in order to maintain protection of the copyright holder's rights.

1.7 3 exceptions to copyright

Specifically, there are three exceptions to copyright protection that apply to using videos in educational settings. They each apply to specific circumstances, so it helps to know about each one and learn how they apply to common situations. These are the Classroom Use provision, the TEACH Act, and Fair Use.

1.8 In person - Classroom Exception

The first is the Classroom Use Provision. This only applies to in-person, face to face classroom instruction at a non-profit educational institution, and allows for the performance or display of any copyrighted work without seeking permission. Playing a DVD for a class would be permitted under this provision. Finally, the copy does need to be lawfully made.

1.9 Knowledge Check

(Pick One, 10 points, 2 attempts permitted)

Correct	Choice
X	Group 1
	Group 2

Choose the best response. When finished click SUBMIT.

1.10 Online learning - TEACH Act

But many of our courses are online. How can we use video in this context?

Enter the TEACH Act, added in 2002 to specifically address online education. We can't say that's it's just the online version of the Classroom Use provision though. There are a number of restrictions in how it applies, including several requirements on the part of the institution. ASU has implemented controls to be in compliance of the TEACH Act, but each instructor does need to be aware of some what's allowed and what is not.

1.11 TEACH Act - Specifications

Specifically:

- The video should be lawfully made and acquired**
- You can't use something that is specifically created and marketed as an online educational video product**
- The video should be an integral part of the class session - that is, a required component to the class, not supplemental or entertainment**
- For dramatic works, only use "Reasonable and Limited Portions" that are "directly related to the teaching content"**

1.12 Copyright Notice Requirement

Finally, the TEACH Act does have a copyright notice requirement - you must include basic copyright information and a notice to students not use the content outside of the course.

1.13 Knowledge Check

Choose the best response. When finished click SUBMIT.

Correct	Choice
	Group 1
X	Group 2

1.14 Knowledge Check

Choose the best response. When finished click SUBMIT.

Correct	Choice
X	Group 1
	Group 2

1.15 Fair Use

The most powerful and flexible tool at our disposal is Fair Use. Built into the U.S. Copyright Act, Fair Use allows us to discuss, quote, copy, annotate, parody, and build upon copyrighted works, for purposes “such as criticism, comment, news reporting, teaching, scholarship, or research.” Fair Use is purposely vague to allow for unanticipated uses.

1.16 4 Factors

Fair Use is determined by these four factors. No one factor is determinative, and all factors must be considered. By walking through each factor, and making an honest, good faith judgement of your use, you can have a pretty solid Fair Use justification.

1.17 Purpose and character of the Use

The first factor is purpose and character of the use. Because teaching and scholarship are specifically mentioned as reasons for fair use in copyright law, those are generally weighed in favor of fair use. It's important to be able to show that the use is for a teaching purpose - not just for entertainment or amusement. Whether the use is commercial or non profit falls under this factor. Additionally, a use is more likely to be fair if it is transformative, creating a new purpose or new understanding, which is often the case in educational situations.

1.18 Nature of the work

The second factor is the nature of the work being used. With video, a key point to consider is whether the work is factual - such as a documentary - or whether it is creative, such as a

movie or musical. Uses of factual works weigh more in favor of fair use than creative, but that doesn't mean you can't ever use creative works. Remember, why you're using it and how much, will have a strong effect on whether your use is fair.

1.19 Amount and Substantiality

So here's where we talk about how much you can use. There are no specific amounts that are considered safe in copyright law, despite the many guidelines you might see about 2 minutes or 10% of a work. The important concept to use here is that you've used only as much as is needed to convey your point.

1.20 Effect of the Use

Effect of the use on the market has a strong impact on whether a use is considered fair. For video, there are many situations where this would disqualify a fair use claim alone, such as including videos or clips that are targeting a specific educational market, and videos that are easily and widely available for purchase or rent at a reasonable cost, which includes most theatrical movie releases.

1.21 Fair Use - Availability

When considering whether your use is fair, if the video is reasonably available for your students, you would need to have an very strong justification for your use under the other three factors for Fair Use to apply.

1.22 Summarizing fair use

Lastly, a final test for Fair Use after considering the four factors are these three questions.

**Is this material needed to help me make my new point?
Will this use help students understand my new point?
Have I used no more than is needed for students to understand?
If you can honestly answer yes to these questions, you can feel fairly confident that your use is likely to be fair.**

1.23 Knowledge Check

Choose the best response. When finished click SUBMIT.

Correct	Choice
	Choice A
X	Choice B

1.24 Wrapping it up

To summarize, while there are restrictions on how you can use video in your classes, there are copyright provisions that may apply:

If you are teaching an in-person class at ASU, the Classroom Use Provision allows you to show a video as part of your instructional activities

If you are teaching in a learning management system, the TEACH act may apply

In all teaching situations, Fair Use may apply. Apply the four factors to determine whether it could be fair use.

Remember, you can always try to ask for permission or look for something else.

1.25 Resources

Resources used for the content included in this tutorial.

1.26 Learning Outcomes

Now that you have completed this tutorial, you can:

- **Understand the Classroom Use Provision**
- **Understand the TEACH Act**
- **Understand the basics of Fair Use**
- **Apply these provisions when making decisions on using video in your courses**

1.27 Congratulations!

Congratulations! You've completed the *Using Videos for Teaching* tutorial!

Click on "Tutorials" to return to the Tutorials page, or "Next" to complete a brief quiz.