

Lesson Plan Final

Amanda B. Albert

December 5, 2013

Syracuse University

IST 735 LESSON PLAN FINAL

GENERAL INFORMATION

Instructor(s) and Qualifications of the Instructor

Librarians at a University or Community College library

The instructor needs to have an MSLIS degree in order to teach this class. They should have background knowledge in copyright law as it pertains to libraries and universities.

Description of the intended audience

The intended audience is faculty, both tenured and adjunct. These are people who need to know about copyright for their own research and work in relation to the larger university, and they also need to know what they can and cannot do in their classrooms. These faculty members teach both in-person and online, as well.

Lesson Plan Title

These lesson plans will have their own individual titles. Together, the sessions are called Copyright: What it Means for You.

Length of lesson

5 sessions, 1 hour each. The timing of the lessons is set up to be fluid. These are suggested times and can be made longer or shorter depending on the amount of time available, or how long or short the sessions are running.

Overview

This is a series of brownbag sessions on copyright meant to give a general overview of the law, but also provide some practical information and instruction on copyright and its effects on the faculty members' research and classes they teach. The ultimate goal of these sessions is to get faculty interested in copyright by making it applicable to their careers and their personal lives. The activities in each lesson will address various learning styles and will include direct instruction via lectures, guided practice with group work, independent work, and a generous amount of group discussion. These will obviously not be typical brownbag sessions in that the attendees will be participating in hands-on activities during each session. It is highly recommended that the faculty members attend each session and not skip any so as to get the full effect of the lessons.

The "Copyright: What it Means for You" series will be hosted by an academic library, and can be implemented on any college, community college, or university campus. The lesson plans are set up as a guide with suggestions for activities for the instructor. The instructor will come up with their own PowerPoints and handouts as they see fit for their institution. These are merely suggestions, and are completely adaptable to the institution. The brownbag sessions are specifically geared toward faculty members, but other staff and students are allowed to attend. Each session will have a specific topic. The first will be an overview of copyright law. The second session will discuss the university/college copyright policies at the individual university and what this means for faculty member research and coursework they design while employed at

the university. The third session will cover fair use, and the fourth will talk about online courses. Finally, the fifth session will discuss permissions and ways to get permissions for research and items to use in class sessions.

Objectives or learning outcomes

These sessions have three specific learning outcomes. By the end of this series, the student will be able to:

- Summarize the major copyright considerations that effect their research and teaching
- Employ proper fair use practices in both designing their coursework and teaching both in-person and online
- Determine what works can be used either in the physical or online classroom, or both; and determine if permissions are needed to use the works.

Prerequisites needed to be met by student before attending this lesson

The faculty member does not have to have any prerequisites to attend this session.

Session 1: Overview of Copyright Law

INSTRUCTION AND LEARNING ACTIVITIES

Required resources and materials:

Librarian:

- Copyright overview PowerPoint
- Handouts
- Computer
- Projector and projector screen
- Copyright law: <http://www.copyright.gov/title17/>
- Instructor handbook: Copyright Law for Librarians and Educators by Kenneth D. Crews

Student:

- Writing utensil

Introduction to the lesson: 5-10 minutes

- Instructor introduces his/herself
- Instructor explains the purpose of the brownbag series and the outcomes – what the students will be able to do after the session
 - Summarize the major copyright considerations that effect their research and teaching.
 - Employ proper fair use practices in both designing their coursework and teaching both in-person and online.
 - Determine what works can be used either in the physical or online classroom, or both; and determine if permissions are needed to use the works.
- Instructor talks about the activities and content to be covered in the session and transitions to the first activity

Direct instruction (step by step procedures): 15-20 minutes

- Activity 1: mini-lecture

- The librarian gives a 15 minute overview of copyright: starting with Sections 102, 103 and 105:
 - Section 102:
 - Copyright protection exists for “original works of authorship fixed in any tangible medium of expression...”
 - Works of authorship include: literary works; musical works including accompanying words, dramatic works including accompanying music, pantomimes and choreographic works, pictorial/graphic/sculptural works, motion pictures and other audiovisual works, sound recordings, and architectural works.
 - Section 105:
 - This is copyright protection for government works. The United States Government does not actually receive protection under this law, and you are free to use any work created by the government. However, state and local governments and municipalities do receive copyright protections.
 - Section 103:
 - This section discusses copyright protection for derivative works. It is an expressed creation that includes major copyright-protected elements of an original work that was previously created.
 - This work is separate from the original work, thus receiving separate copyright.
 - The second work must be very transformative and be reflective of its author in order to be original and copyright protected.
- This is a very brief introduction to this topic meant to describe the works of authorship covered by copyright, the definition of derivative works, and the uniqueness of copyright in relation to US Federal, State, and Local Government works.
- After this mini-lecture, the instructor invites questions and takes 2-3 minutes to clarify any issues before moving on to hands on activities.

Guided + Independent practice: 20-25 minutes

- Before starting the next activity, the instructor will pass out a handout with descriptions of Section 106 and 106a of the law. He/She will quickly go over this before the next activity.
- Activity 2: will be a hands-on activity where faculty members form groups of 2-3 (depending on attendance) and review a case study. They will read about an author who has created and published a specific work and analyze the rights of that author, including what the author will be able to do according to Section 106 and the rights of the author according to 106A (attribution and integrity).
- After about 15 minutes, the group will come back to have a 10 minute wrap up of their cases in which each group talks about their findings.
- This will transition into a 10-minute overview of Section 106 to reinforce anything the groups may have missed during the discussion.
 - The librarian will give a short presentation with the handout passed out in conjunction with the mini lecture about Sections 106 and 106A.

- This will inform the faculty members of the rights they have when they author or participate in the creation of a work.
- The goal is to get the faculty members to apply what we are teaching them to their own lives and get them to care more about copyright.
- This will also help them transition and hopefully spark questions and ideas about the next session where we will discuss the faculty member's work they create while employed at the specific university and the rights both the faculty member and university retain regarding copyrights.

Closure: 2-5 minutes

- Wrap up will be inviting questions about anything talked about during this session.
- The instructor will clear up any confusing points and introduce the next session briefly.
- The instructor will pass out a short evaluation sheet asking the faculty members to write down one thing they learned, and/or a question they would like answered next time.
- The instructor will invite the faculty members back to the next session, same time, next week.

Assessment methods and criteria (How do you know that the audience learned? How do you know if you taught the lesson well?):

The two assessment methods will be an in-class assessment and a short survey at the end of the session. The instructor will evaluate student learning in class through the completion of the case study and group discussion. The instructor will look to see if the attendees understand the basic concepts of copyrights in the small and large group discussions. The students will be able to articulate the rights of authors within the discussion. The short survey at the end is meant to, again, gauge learning by having the faculty member write down one thing they learned and one thing they would like addressed in the next session.

**Session 2: University Copyright Policies and Faculty Work
INSTRUCTION AND LEARNING ACTIVITIES**

Required resources and materials:

Librarian:

- PowerPoint
- Handouts
- The place of higher education's copyright policies concerning employee work
- Instructional Video created by librarian
- Computer
- Projector and projector screen
- Copyright law: <http://www.copyright.gov/title17/>
- Instructor handbook: Copyright Law for Librarians and Educators by Kenneth D. Crews

Student:

- Writing utensils

Introduction to the lesson: 10 minutes

- Instructor introduces his/herself and welcomes people back to the session

- Instructor reviews what happened at the last session, and discusses the activities for this session.
- The instructor will discuss the surveys taken by students at the last class, and answer the questions the students wrote down before starting this week's lesson.
- After this question/answer session, the instructor will begin this lesson.
 - The topics of this lesson include institutional policies, work made for hire under the university and work made for hire as a consultant

Direct instruction (step by step procedures): 10 – 15 minutes

- The instructor will pass out the University/Community college's copyright policies regarding work completed by a faculty member while employed at the university.
- The instructor will go over the nuisances of the policies and explain in laymen's terms what they mean.
 - Even though these are highly educated people, they are also busy, so they should get the breakdown of copyright policies in as simplest of terms as possible.

Guided practice: 20 - 25 minutes

- A handout will be passed out that looks like an empty outline.
- The instructor will show a 5-minute video (created by the instructor) detailing what a faculty member can and cannot do with their work when employed by the university.
 - This video is about the university's Work Made for Hire policies.
- The students will complete the handout and more discussion will ensue.
 - The instructor will read off the answers and discussion will flow from these.
 - The discussion should take 10 minutes.
- The last 15 minutes of class will be discussing the Work Made for Hire (WMFH) principle in copyright law.
- The instructor will show a PowerPoint while he/she discusses various parts of the doctrine including:
 - Why or why not the university owns their work, and if the university gave up their WMFH rights, as is often the case.
 - Independent and consultant or "specially commissioned works" as many faculty members also complete this type of work.
 - What may be in the faculty contracts that they signed, as both parties should sign a written agreement if the work is considered WMFH, or sign the agreement that the university has "given up" their WMFH copyright owner status.

Closure: 5 minutes

- The session will wrap up by inviting questions about the topics covered today.
- The instructor will clear up any confusing points and introduce the next session briefly.
- The instructor will pass out a short evaluation sheet asking the faculty members to write down one thing they learned, and/or a question they would like answered next time.
- The instructor will invite the faculty members back to the next session, same time, next week.

Assessment methods and criteria (How do you know that the audience learned? How do you know if you taught the lesson well?):

The assessment methods include the empty outline and the end of the class handout. The instructor will know the students learned if they have successfully completed the outline, and through the discussion that develops out of this activity. The instructor will collect the survey taken by the attendees at the end of the class and examine what the students said they learned and the topics in which they need more clarification.

Session 3: All about Fair Use

INSTRUCTION AND LEARNING ACTIVITIES

Required resources and materials:

Librarian:

- PowerPoint on Section 107, Fair Use
- YouTube video
- Handouts
- Computer
- Projector and projector screen
- Copyright law: <http://www.copyright.gov/title17/>
- Instructor handbook: Copyright Law for Librarians and Educators by Kenneth D. Crews

Student:

- Writing utensil

Introduction to the lesson: 10 minutes

- Instructor introduces his/herself and welcomes everyone to the third session in the series.
- Instructor reviews what happened at the last session, and discusses what will happen this session.
- The instructor will discuss the surveys taken by students at the last class, and answer the questions the students wrote down before starting this week's lesson.
- After this question/answer session, the instructor will begin this lesson.
- This session will cover various aspects of Fair Use, including:
 - Four factors of fair use
 - Different scenarios (based off of Crews book)
 - What it means for faculty in their classrooms

Direct instruction (step by step procedures): 20 – 25 minutes

- The instructor will show a short YouTube video about fair use and the four factors of fair use: <http://youtu.be/19SAZ-OJXlc>
- The instructor will pass out the Crews checklist for fair use and lead a discussion of each factor and what it means to do a fair use analysis of a work. Some of the discussion will include:
 - The instructor will point out that Fair Use is a counterbalance to the rights of owners and gives non-owners permissions to use copyrighted works under certain circumstances.
 - Fair use is highly flexible, but this is what also makes it hard to determine if fair use can be used as a defense for using a certain work.
 - The four factors (purpose, nature, amount, and effect) are an important tool to use to determine fair use. Educational purposes are generally more favored than

commercial uses, and transformative uses have an even greater influence on the fair use defense.

- No factor is more important than another, and all must be weighed. That said, many courts have decided that the effect on the market is the most important factor, and this should be taken into consideration.
- Finally, the library can provide guidelines for fair use, but it is really best applied on a case-by-case basis. Copying an entire book may be considered fair use, but using a three-sentence quote might not! Use your fair use checklist!

Independent practice: 15 – 20 minutes

- This set of independent activities will show instructors how fair use plays a role in their instruction and classroom activities.
- Each person will be given a scenario based off of the four fair use scenarios in the Crews book:
 - Quoting in publications
 - Copying for course packs
 - Single copies for research
 - Cutting and pasting for an educational wiki
- The attendees will analyze the scenarios and apply fair use principles to decide what the instructor in the scenario should do.
- The analysis will be written down on a worksheet, which the instructor will collect for assessment purposes
- This should take about 15 minutes of class time with the instructor walking around helping people with analysis and answering questions

Closure: 5 minutes

- The final five minutes of class will cover any questions the class has about fair use
- The instructor will clear up any confusing points and introduce the next session briefly.
- The instructor will pass out a short evaluation sheet asking the faculty members to write down one thing they learned, and/or a question they would like answered next time.
- The instructor will invite the faculty members back to the next session, same time, next week.

Assessment methods and criteria (How do you know that the audience learned? How do you know if you taught the lesson well?):

The assessment methods include the group discussion on the analysis of four factors of fair use, the independent analysis of a fair use scenario, and the short evaluation at the end of the class. The instructor will know the attendees learned through their articulation of fair use principles, and how they apply to their own work. The students will express this through the group discussion and through the independent analysis worksheets. The evaluation at the end will also give written evidence of student learning and anything that needs to be cleared up at the next session.

Session 4: The TEACH Act and Online Courses

INSTRUCTION AND LEARNING ACTIVITIES

Required resources and materials:

Librarian:

- 2 PowerPoints – TEACH Act overview; institutional and technical requirements
- Handouts
- Computer
- Projector and projector screen
- Copyright law: <http://www.copyright.gov/title17/>
- Instructor handbook: Copyright Law for Librarians and Educators by Kenneth D. Crews

Student:

- Writing utensil

Introduction to the lesson: 10 minutes

- Instructor introduces his/herself and welcomes everyone to the fourth session in the series.
- Instructor reviews what happened at the last session, and discusses what will happen this session.
- The instructor will discuss the surveys taken by students at the last class, and answer the questions the students wrote down before starting this week's lesson.
- After this question/answer session, the instructor will begin this lesson.
- This instruction session will cover an overview of the TEACH Act, institutional responsibilities, and technological responsibilities of the university and faculty members.

Direct instruction (step by step procedures): 40 minutes

- The instructor will give a 20 minute lecture overview of the TEACH Act.
 - Presented in a PowerPoint, the instructor will lecture about the act and distance education
 - This overview will discuss the history of the act and the implications in the classroom. Some of this discussion should include:
 - TEACH: Technology, Education, and Copyright Harmonization Act
 - Enacted by Congress in 2002 to address the growing world of online education and potential copyright violations, which include any time a text, image, sound, or other work is uploaded, scanned, transmitted or stored as copies by teachers or students. The act surrounds performances and displays of works online that may be similar to a physical classroom experience.
 - Congress created this act so as to make online education and copyrighted works used in the classroom more accessible to those giving and taking online classes.
 - The law does not permit the uploading of lengthy works to a website for unlimited access; rather the law requires the institution to abide by policy requirements and technological requirements.
- The instructor will spend the next 20 minutes discussing the institutional and technological requirements of the TEACH Act

- The instructor will pass out copies of a TEACH Act and distance education checklist based off of the Crews checklist
 - The discussion at this time will include the institutional policy requirements laid out by the TEACH ACT:
 - It must be an accredited academic institution
 - It must institute policies regarding copyright
 - It must provide informational materials regarding copyright made available to faculty, staff, and students
 - It must further notify students of copyright protections for works used in their classes
 - The discussion at this time will include the technology policy requirements laid out by the TEACH ACT:
 - There must be limited access to copyrighted material to enrolled students
 - There must be technological controls such as passwords, in order for students to access information and control dissemination
 - The institution must prevent retention of copyrighted works through technological means for no longer than the class session.
- During this time a second handout will be passed out when the group discusses the institutional responsibilities of the specific institution.
 - This handout for the students to keep so they know the institutional copyright responsibilities, and the steps instructors should take in their classrooms to abide by the institutional requirements.
- Students will be able to discuss their own questions as they progress down the checklist.
- The instructor will use “real world” examples to demonstrate how the faculty members can use the checklist in their online classes.
 - Some of these examples will include works explicitly permitted:
 - Performances of nondramatic literary works
 - Performances of nondramatic musical works
 - Performances of any other work, including dramatic works and audiovisual works, but on only in “reasonable and limited portions”
 - Displays of any work “in an amount comparable to that which is typically displayed in the course of a live classroom session”
 - Some of these examples will include works explicitly excluded:
 - Works that are marketed “primarily for performance or display as part of mediated instructional activities transmitted via digital networks.”
 - Performances of 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.
 - Some of these examples will also include the required instructor oversight, which mandates the instructor’s participation in the planning and conduct of the online course.

Closure: 10 minutes

- The instructor will spend the last 10 minutes of class discussing any questions about the TEACH Act and distance education.
- The instructor will clear up any confusing points and introduce the next session briefly.
- The instructor will pass out a short evaluation sheet asking the faculty members to write down one thing they learned, and/or a question they would like answered next time.
- The instructor will invite the faculty members back to the next session, same time, next week.
- The instructor should invite the faculty members to bring an example of a work that they think they need permission to use to the next session.

Assessment methods and criteria (How do you know that the audience learned? How do you know if you taught the lesson well?):

Assessment will happen through in-class group discussion. The librarian will observe learning through the articulation of real world applicability by faculty members during the group discussion. The instructor will also monitor learning through the evaluation form handed out and collected at the end of the class session.

**Session 5: Permissions, Licenses, or Return to Fair Use
INSTRUCTION AND LEARNING ACTIVITIES****Required resources and materials:****Librarian:**

- PowerPoint created by librarian
- Handouts
- Computer
- Projector and projector screen
- Copyright law: <http://www.copyright.gov/title17/>
- Copyright Records site: <http://www.copyright.gov/records/>
- Instructor handbook: Copyright Law for Librarians and Educators by Kenneth D. Crews

Student:

- Faculty members should bring an example of a work they think they need to get permission to use
- Faculty members should also bring laptops to do independent work

Introduction to the lesson: 10 minutes

- Instructor introduces his/herself and welcomes everyone to the final session in the series.
- Instructor reviews what happened at the last session, and discusses what will happen this session.
- The instructor will discuss the surveys taken by students at the last class, and answer the questions the students wrote down before starting this week's lesson.
- After this question/answer session, the instructor will begin this lesson.

- The final session in the copyright brownbag series will be about different ways to use copyrighted works – either through getting permission from the copyright owner, via Creative Commons Licenses, or returning to fair use principles.

Direct instruction + Guided Practice (step by step procedures): 30 minutes

- The next 10 minutes will be spent going over the considerations that a faculty member must consider when they are going to ask for permission to use a work:
 - Specify the work and planned use
 - Determine whether or not permission is necessary
 - Is the work protected by copyright?
 - Can you claim fair use?
 - Is permission already given by the owner through a Creative Commons License?
 - A short discussion of what Creative Commons is will occur here
- Next the instructor details what should happen when one decides to obtain permission:
 - Identifying and contacting the copyright owner
 - Drafting a permission request
- The next 20 minutes of this section of the class will discuss the pros and cons of each choice – getting permission or fair use (a re-discussion of fair use)
- The attendees will fill out a pro/con worksheet as they listen to the instructor and follow the instructor's PowerPoint

Independent Practice: 20 minutes

- This portion of the class entails some independent practice on a work they brought with them.
- Based on in-class instruction and discussion, the faculty member will determine if they need to ask permission or if they can use the work because of fair use, creative commons or no copyright restrictions.
 - The librarian will have a fair use checklist on hand for the instructor to use.
- At this point the attendees should take out their laptops to do their own independent work.
 - The instructor will help attendees start to track down copyright owners, show them tips and tricks via the internet
 - The instructor will show the attendees the Copyright Records site: <http://www.copyright.gov/records/>
- The instructor will pass out a model letter for requests based off of Crews' Handbook.
 - The instructor will advise that the student address points such as:
 - How much of the work they will use
 - What the precise work is, and the exact portion that will be used
 - When the work will be used
 - Why the work is being used
 - How the work will be used (i.e.: as a handout, in a lecture, etc.)
- The instructor will help the faculty member draft their letter of request.

Closure: 5 minutes

- The instructor will spend 5 minutes wrapping up the class.

- The instructor will clear up any confusing points about this session or the four previous sessions.
- The instructor will pass out a short evaluation sheet asking the faculty members to evaluate the entire course. They will be asked to share the three things they learned from the entire brownbag series, or if they only attended this session, then one thing they learned from this session. The instructor will also ask the students to write down a few criticisms – something the instructor could have done differently or something that should be included in the next session.

Assessment methods and criteria (How do you know that the audience learned? How do you know if you taught the lesson well?):

The instructor will know the audience learned the concepts being taught in class through in-class discussions and questions. The instructor will observe learning through the attendees' determination of the course of action they should take regarding the work they brought with them to the session. Finally, the instructor will evaluate the effectiveness of the entire brownbag series through a course evaluation given at the end of this class.