

BLACKBOARD AND COPYRIGHT: FACULTY GUIDELINES

Blackboard is Xavier University's course management system. It is a web-based software system that supports teaching and learning in face-to-face as well as online courses. Faculty members directly manage their course content in Blackboard.

These guidelines relate only to **copyright** issues. For general information about using Blackboard, see: <http://www.xavier.edu/ds/teachinglearning/blackboard.cfm>.

Xavier is committed to complying with all applicable intellectual property laws and copyright laws. The Library complies with Fair Use provisions of the U.S. Copyright Act (Title 17, Section 107 U.S. Code), as interpreted in best practices and case law. The following policies do not apply to materials that claim no copyright protection, or to works that have passed into the public domain.

Faculty members should be aware that copyright restrictions apply to most materials they post in their Blackboard courses. Faculty are responsible for ensuring that the materials they post in Blackboard do not infringe copyright.

Fair use guidelines:

- Materials posted in Blackboard must be in the legal possession of the Library, faculty member, or the institution; or legally obtained, and must be used solely for nonprofit, educational purposes.
- It is preferable to link to materials already legally available rather than photocopying or scanning and posting a digital copy. See this help page for instructions: http://www.xavier.edu/library/help/blackboard_links.pdf
- All scans or reproductions posted in Blackboard should represent a small portion of the whole copyrighted work. Library staff (see below) can offer guidance about the appropriate proportion to use.
- Complete works (such as a whole book, whole album of music, or whole journal issue) should not be posted without permission.
- In the case of materials Xavier does not have an explicit license to use, the repeated use of a copyrighted work from semester to semester may be outside the scope of Fair Use and may require permission from the copyright holder.
- Access to the content must be limited to the teacher(s) and students currently registered for the class (as well as personnel administering the system).
- Faculty should include copyright notice on their Blackboard sites, as follows:
COPYRIGHT RESTRICTION: Title 17, United States Code, governs the making of photocopies or other reproductions of copyrighted material. Under certain Fair Use circumstances specified in the law, libraries and educational institutions are allowed to furnish copies to students. The copies may not be used for any purpose other than private study, scholarship or research. Electronic copies should not be shared with unauthorized users. If a user fails to comply with Fair Use restrictions, he/she may be liable for copyright infringement.
- For all materials posted in Blackboard, faculty should include appropriate citation and/or attribution to the source, including the original copyright information from the source.
- Access to course materials should be deactivated when students complete the course.

The [TEACH \(Technology, Education and Copyright Harmonization\) Act](#) was passed in 2002 to clarify Fair Use in distance education and online courses, as well as use of reproductions of visual and sound media. The American Library Association has written a document titled [TEACH Act Best Practices Using Blackboard](#).

The use of copyrighted works in Blackboard and distance learning is an area of the law which may be addressed by case law in the future, or revisions of the copyright law. The Library will continue to monitor legal developments concerning Fair Use in these areas.

These guidelines are not to be construed as legal advice nor should they be considered a legal document.

Questions regarding these copyright guidelines may be directed to:

- Amy Filiatreau Ensor, Director for Library & Information Management: filiatreaua@xavier.edu or copyright@xavier.edu
- Anne Davies, Resource Sharing Librarian: davies@xavier.edu
- Sidnie Reed, Resource Sharing Assistant: reed@xavier.edu

Questions regarding Blackboard generally may be directed to:

- Dana Tindall, Associate Director of E Learning Developments: tindall@xavier.edu
- Paul Kieffer, Blackboard Administrator: kieffer@xavier.edu