



Repurposing Classroom Materials the Right Way

Teaching Beyond the Podium Podcast

00:06 Dr. Alexandra Bitton-Bailey

Hello, my name is Alexandra Bitton-Bailey and welcome to the Teaching Beyond the Podium podcast series. This podcast is hosted by the Center for Teaching Excellence at the University of Florida, and our guests share their best tips, strategies, innovations, and stories about teaching. Today's episode is all about fair use. And we talked with Perry Collins, UF's copyright and open education librarian to learn more. Perry wears many hats at the University of Florida libraries. And she works closely with the UF community to provide guidance on how issues of copyright and fair use impact their work, teaching and research.

00:44 Perry Collins

The other piece of my job is to go out beyond the libraries and work with our instructors, with our students, with our faculty, and thinking about how rights issues impact the work that they're doing. And so that might mean everything from, How are you putting together materials for your Canvas course? or How are you sitting down and actually diving into a really complex publication agreement that your publisher might have sent you for an academic article? And so those are the kinds of questions that I can work with people through, not necessarily give, yes, this is the right answer and you're all set and good to go. But at least point out some red flags. What are some questions that you might have? Or that you might ask along the way.

01:32 Dr. Alexandra Bitton-Bailey

So what is fair use? And what role does it have in the university setting? And in particular, with teaching and learning?

01:40 Perry Collins

So fair use is a part of copyright law, that gives all of us the right to repurpose portions of materials that have been created by others without having to explicitly seek out permission. So to take a step back. Copyright law itself gives creators automatically what we call a bundle of rights, several different rights, including the right to copy, to share, to perform or adapt material, and it applies to anything that is kind of fixed or recorded. So certainly things like art, or music, or literature or software, but also social media and doodles that you're making or notes that you take. So it's especially relevant to universities, because all of us are creators, right? We're all

producing, or writing work that builds on and adds a new meaning to what others have done before us, we're kind of part of this long term, intergenerational sort of conversation, and we're continuing to create an add value to what's come before.

02:49 Dr. Alexandra Bitton-Bailey

Perry points out that it is just as important for us to help students understand fair use, as they will interact and make decisions that involve copyright law in their careers.

03:00 Perry Collins

I think it's really useful to think about fair use, not only in a university setting, but outside as well. Fair Use can apply in both commercial and non commercial settings. And our students will have to go on to make decisions in nearly every career about whether or not they should reuse other's work, especially with so much available online. Most of the material we're encountering on the web is protected by copyright law. So how do we know if their use would actually apply?

03:35 Dr. Alexandra Bitton-Bailey

If you're trying to decide whether or not you are violating copyright, Perry offers four simple questions to ask yourself. The first is to evaluate your purpose for using the material.

03:45 Perry Collins

First, thinking about what's the purpose for your use. So why do you need to use say an image that is protected by copyright? The example I give, especially to students is, I think, a fairly simple question of do you need the material to say, make a particular argument? Or does it just kind of add visual interest or fun what you're doing? So if I'm writing a blog post, I might need an image to illustrate a very particular point where I might be talking about a particular image, but I probably am safer relying on fair use for that, then if I am saying, Oh, I really liked this picture of a rainbow and I'd like to go ahead and pull it onto my blog post and that makes it look a lot better. And that's important, too. So it's you know, it's great to have things that are visually appealing, but that's kind of an example of where there might be a line and the purpose for your use.

04:41 Dr. Alexandra Bitton-Bailey

The second question to ask yourself is what kind of materials are you using, considering the wealth of materials at our fingertips, this is definitely a challenge.

04:50 Perry Collins

What kind of material is it? This gets complicated because there's so many different kinds of materials in the world that are being created in so many different ways for different purposes. But in general, there's a little more preference for using things that are more factual. So say using a clip from a documentary or relying on incorporating a figure that represents factual data into a presentation, as opposed to taking material that is highly creative.

05:22 Dr. Alexandra Bitton-Bailey

It is also important to consider just how much of the materials we're using, there are lots of false assumptions about how much content can be used without infringing on copyright.

05:32 Perry Collins

This is where we have a lot of misconceptions. So you'll hear all kinds of things about, you can have 5% of that book, or 30 seconds of that song. And none of those things are part of copyright law. Some of those are norms that we've kind of created along the way to make life easier for ourselves. But none of them are baked into the law. And so one of the things to really emphasize is that fair use is meant to be flexible, it has to be flexible. So again, going back to that first factor, if you're using material in a way that is transformative, that you're contextualizing something, then it might mean that you need to use an entire image. Or it might mean that you need to use a longer portion of a film for a classroom presentation. But it might also mean that you're only quoting a few words of something.

06:16 Dr. Alexandra Bitton-Bailey

Finally, Perry advises us to be mindful of whether or not our usage of materials causes harm.

06:23 Perry Collins

To what extent might you be harming a commercial market? So are you in some ways, taking money away from somebody else because of your use? And you know, we can debate endlessly about this and courts have debated endlessly about this kind of question. I think, again, the good news is that in an educational context, there aren't a lot of cases where we are taking money away from somebody, especially if we're sharing it with our students.

06:49 Dr. Alexandra Bitton-Bailey

In Perry's opinion, basic knowledge of fair use and copyright is essential to student success. And that basic understanding of what to use and when to use it should be woven into the

curriculum. Perry also thinks that the same importance given to producing academic content should be given to learning about fair use.

07:09 Perry Collins

I would say for faculty and other instructors, it's really crucial to add fair use, and at least a very basic knowledge of copyright law to students toolboxes, right. So I don't know about you, I feel like I spent an enormous amount of time as a university student learning about things like how to perfectly format a citation for a paper, where to put that date and the and the punctuation. But I don't remember anyone ever mentioning copyright or fair use. When it came up, I remember some hms and hums and oh, well, you're in the classroom, that doesn't matter. But we have students on campus who are learning how to scrape information from the web to answer big kinds of questions with machine learning and AI, we have students who are building portfolios for architecture courses, students who are doing journalism, all of these kinds of cases where we have students who are pushing content up maybe in public at conferences, or in research journals, but also just on the open web. And I think while this is such an opportunity for them, we have to be able to incorporate more around copyright and fair use to help them do that responsibly.

08:30 Dr. Alexandra Bitton-Bailey

So what is the connection between copyright fair use and plagiarism? Perry explains the difference in how each of these concepts are interlaced.

08:39 Perry Collins

When it comes to thinking about fair use, and copyright and plagiarism, the conversation starts to get muddled very quickly. And that you know, there are so many issues, they kind of all rub up against each other even if they're not quite the same thing. And you know, for plagiarism, I would say that you can exercise fair use and still be plagiarizing, which is difficult and confusing and I'll give an example in a second. You can also be infringing on copyright, and also plagiarizing. And so an example would be say I'm writing an essay. Now if I just wholesale take someone else's essay and pass it off as my own, I am clearly plagiarizing. And I'm also infringing copyright, I've taken a huge chunk of something I haven't added anything or transformed it any way and I'm putting it out there in the world as my own. There are also might be cases where I am taking maybe a very small piece of secondary source or another essay or even a novel and incorporating it into my work and not giving appropriate attribution or still kind of passing it off as my own. That's still plagiarism. It might not be quite as egregious as just taking an entire essay, but it's still plagiarism if you're not giving appropriate attribution, but it might be an example of fair use, where you're actually still incorporating material, it might be hard to get you on the copyright infringement side of things. And so I think, you know, the rule of thumb here, really is, make sure that you are attributing your sources.

10:19 Dr. Alexandra Bitton-Bailey

How can instructors learn more about this topic? Perry offers a few great recommendations.

10:25 Perry Collins

There are a couple of really great resources, there's a guide to fair use for documentary films, there's a guide to fair use for software, there are lots of different kinds of these guides that have been developed over time, many of them by a center base at American University, but others as well. And so this isn't a quick solution but I would say to instructors, thinking about how to have conversations in your own disciplinary communities and your own communities of practice is really important. There are a lot of copyright librarians who are very eager to have those conversations. So here at UF, there's me, other institutions, we're fortunate to have a lot of people in similar roles. And I know that we would really like to have that opportunity to develop materials that are actually reusable, as well. Beyond that, I've done a little bit of work to develop resources. So if you google UF and copyright, you'll pretty quickly come to my copyright guide and that's something that I'm always working on. But it's not easy. You know, I mean, I think that's part of the challenge. And part of the reason sometimes this does get passed over, there's a lot to cover and a semester and that's really a difficult thing. So I don't want to say that there is something where you're just going to immediately, you know, turn on the light bulb, I think again, I think you have to have project based examples to really make it hit home for students.

11:47 Dr. Alexandra Bitton-Bailey

Students who learn to interact with authentic materials, to build new ideas and content founded on existing works, are developing a greater understanding of the course content and topics.

11:59 Perry Collins

So I know CTE, you all have offered workshops, on annotation tools like Perusall and hypothesis. And for me, these are fantastic examples of fair use in action. So as an instructor, you're usually copying a portion of a text, maybe it's a chapter from a novel or a news story or blog post or an academic publication. And you're asking students to add a new layer of meaning to transform it in a way that really didn't exist before. And that is such a critical piece of what fair use is all about. That it makes this exercise a really helpful example. So recently, I reached out to some instructors who teach the US history survey courses, and several of them shared with me, really without prompting how they're making use of digital primary sources in the classroom, in combination with Perusall so having students annotate, and reflect on and analyze these primary sources, in US history. So whether or not copyright is coming up explicitly in these conversations, I think regardless, we can see that students are learning how to join in conversation with materials that have been created by someone else. They're learning how to reflect on and even build full fledged arguments around other creative works by using annotation tools.

13:34 Dr. Alexandra Bitton-Bailey

It's never too late to help your students learn about copyright and fair use. Even capstone courses can be infused with concepts that help them better understand fair use and copyright. These lessons can better prepare students for their future careers.

13:49 Perry Collins

I will say the single biggest question I get, the point where students are directly reaching out to me and asking questions is when it comes time to develop their capstone projects or their theses or their dissertations. I get a lot of questions, unfortunately, often days before they have to submit these. And so, you know, in some ways, I think even if we haven't been able to pass on some of this knowledge earlier in student's academic careers, taking that opportunity as we get closer to the end, is really important. So it's almost like this idea of working backwards, right that we want to at least give one more opportunity for students to get some of this information as they walk out the door. And I would really encourage folks who, especially who are advising on those kinds of projects, or who are teaching courses where students are at least moving toward developing capstone projects to try to incorporate this into those courses.

14:51 Dr. Alexandra Bitton-Bailey

Thank you for listening to this episode of the Teaching Beyond the Podium podcast series. For more helpful resources developed by the Center for Teaching Excellence at UF visit our website teach.ufl.edu. We're happy you joined us and we hope to see you next time for more tips, strategies and ideas on teaching and learning at the University of Florida.