

Digital Learning Environment and Educational Materials

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Applies to:

All School of Medicine faculty, staff, and medical students, and others teaching or learning within School of Medicine academic programs or activities.

Reason for Policy:

This policy clarifies faculty, staff and student responsibilities regarding educational materials recorded or distributed for educational purposes.

Policy Statement:

§ 1 Scope and Purpose

This policy addresses the School of Medicine's (SOM) implementation of a comprehensive digital teaching and learning environment. The SOM's facilities enable systematic recording of faculty lectures and presentations, as well as student clinical skills education sessions (including standardized patients or patient simulations). The SOM's Learning Management System (LMS) enables online distribution of outlines, handouts, power-points, and other curricular materials (Educational Materials).

This policy applies to students, faculty, and staff of the SOM, or others teaching or learning within School of Medicine academic programs or activities.

and provides important information about their rights and responsibilities related to the SOM's digital teaching and learning environment. This policy supplements existing SOM and University policies and does not replace them. The SOM reserves the right to revise this policy as deemed necessary in its sole discretion to address new technical or legal requirements.

§ 2 Ownership of Educational Materials

Pursuant to the University of Virginia's Copyright Policy, RES-001¹, the University has rights to Educational Materials created by SOM faculty in the course and scope of their regular teaching activities.

“By operation of the copyright law, the University owns in the name of The Rector and Visitors of the University of Virginia (the University's corporate name) all rights, title and interest in copyrightable works created by University employees while acting within the scope of their employment. The University cedes copyright ownership to the author(s) of scholarly and academic works (such as journal articles, books and papers) created by academic and research faculty who use generally available University resources. However, the University asserts its right of copyright ownership if significant University resources (including sponsor-provided funds) are used in the creation of such works, and: (a) the work generates royalty payments; or (b) the work is of commercial value that can be realized by University marketing efforts. The University retains a non-exclusive, royalty-free right to use for non-commercial purposes works produced by its employees while acting within the scope of employment even if copyright ownership is ceded to the author or authors.”

The University may use, adapt, modify, and distribute such works for non-commercial teaching, research, or related educational purposes it deems appropriate. SOM faculty also retain rights to the Educational Materials they create, and are free to use, adapt, modify, and distribute them for teaching, research, or related educational purposes, whether commercial or non-commercial.

§ 3 Creation, Distribution, and Use of Educational Materials

§ 3.1 Copyright Responsibilities and LMS Distribution

SOM faculty, staff, and students are responsible for observing copyright law, educational fair use guidelines, and other relevant policies in their creation, distribution, and use of Educational Materials.

¹ <https://policy.itc.virginia.edu/policy/policydisplay?id='RES-001>

The LMS enables digital delivery of educational content at two different access levels:

- Level One: University-wide (all UVA students, faculty and staff); or
- Level Two: General public web access.

SOM faculty are responsible for indicating the appropriate access level for all Educational Materials they upload or cause to be uploaded to the LMS. This determination is essential to ensure that educational materials that are distributed by the LMS are consistent with copyright law and other legal responsibilities. The following basic principles apply to access determinations for the LMS:

- Educational Materials *that are not personally authored or created by SOM faculty* (Third Party Content) cannot be distributed through the LMS without careful consideration and review, typically involving permission from the copyright holder.
- Educational Materials *created by SOM faculty* that include *short excerpts* from Third Party Content, are typically appropriate for Level One authenticated delivery via the LMS to the University community.
- Educational Materials *created entirely by SOM faculty*, may be shared at the Level Two via the LMS with the general public if so designated by the responsible faculty member.

§ 3.2 Duplication or Redistribution of Recordings by Students Prohibited

Students may not copy or redistribute Educational Materials they receive through the LMS without the express written consent of the course instructor.

Unauthorized duplication or dissemination of Educational Materials is a violation of this policy.

§ 3.3 Archiving

Educational Materials made available through the LMS are archived annually and are retained (to the extent technically feasible) until changes in file formats make the files unusable. Archived materials remain searchable and viewable at the access level first set at the time of their deposit in the LMS. Archived Educational Materials will be clearly labeled to clarify their original date, historical nature, and potential lack of scientific currency.

§ 4 Audio and Video Recording

§ 4.1 Purpose

Audio and video recordings created pursuant to this policy are authorized for the SOM's internal teaching, learning, research or evaluation activities. The SOM will

obtain written consent prior to commercial use or external distribution of such recordings.

§ 4.2 Types of Recordings Made and Uses of Recordings

The SOM regularly records faculty lectures and presentations, as well as student clinical skills education sessions (including standardized patients or patient simulations) in support of its core curricular activities. All decisions about access to such audio and video recordings are made in the sole discretion of the SOM.

- SOM Faculty lectures and presentations are regularly recorded and made available through the LMS for student study and learning.
- Any recordings made of interactive classes and seminars (teaching environments in which students are expected to speak and participate actively) are distributed only to students enrolled in that class to protect student privacy under FERPA.²
- Educational sessions disclosing private healthcare information protected by HIPAA are not recorded.
- Standardized patient interactions and simulations are regularly recorded for evaluation purposes.
 - Recordings involving individual students may be made available to the student upon request.
 - Recordings involving multiple students will not be made available to students due to privacy considerations arising under FERPA.

§ 4.2 Duplication or Redistribution of Recordings by Students Prohibited

Audio or video recordings created and shared with students under this policy are for personal academic and study purposes only. Recordings may not be duplicated or disseminated. Unauthorized duplication or dissemination of recordings is a violation of this policy.

§ 4.3 Retention and Ownership of Recordings

Audio or video recordings are retained by the SOM for as long as is deemed administratively appropriate to meet the teaching and research mission of the institution. The SOM owns all audio or video recordings created under this policy.

§ 5 Responsible Use of SOM Facilities

SOM teaching facilities and services are to be used in a manner that is compliant with copyright, privacy, and other relevant legal considerations. Sponsors of events held in SOM facilities are responsible for ensuring that appropriate policies or written consents ensure such compliance.

² The Family Educational Rights & Privacy Act <http://www.virginia.edu/registrar/privacy.html>

Definition of Terms:

FERPA – The Family Educational Rights & Privacy Act

<http://www.virginia.edu/registrar/privacy.html>

Related Policy:

University of Virginia's Copyright Policy, RES-001

<https://policy.itc.virginia.edu/policy/policydisplay?id=RES-001>

Next Scheduled Review:

May, 2012

Revision history: This is the first version of this policy.