University of Alaska TEACH Act Worksheet*

The list below outlines the criteria that must be met before you may use a copyright-protected work under the TEACH Act. According to TEACH, a single "no" response to one or more of the items below disgualifies you from being able to use that work under the legal protection of TEACH legislation. However, if you find yourself checking "no" to one or more boxes, you might want to see if your particular use of that work could be considered a "fair use" under copyright law instead (which is separate and different from TEACH). If your use does not fall under the "fair use" guidelines or the TEACH Act quidelines, then it is your responsibility to contact the copyright holder for permission. This worksheet will document your good-faith efforts for assessing the acceptable use of a work. Documentation such as this could be important, should your use be challenged under copyright law.

Note: One of the problems with TEACH is that while its language is very deliberate, that language can also be guite obtuse. For that reason, each of the criteria below is accompanied with an explanation that offers an informal summary, paraphrase, or explanation of the item in question. It is important to note that these explanations are not designed to be a legal interpretation of the law, nor are they designed to be used or quoted as legal advice. If you are ever in doubt about one of these items, please contact the UA Intellectual Property & Licensing Department at (907) 474-7765 for expert darification and advice.

YES	NO	TEACH ACT CRITERIA		
x		I am teaching as part of an accredited non-profit educational institution? Explanation: Being part of an accredited non-profit educational institution or governmental agency is a necessary first step toward being eligible to take advantage of the exemptions offered by the TEACH Act. UAA, UAF, and UAS		
_X		Explanation: Instructors may not take advantage of the exemptions of the TEACH Act unless/until their institution comes up with a copyright use policy. UA has a stated copyright use policy, and the response is "yes" for this item. My institution educates relevant students, faculty, and staff on copyright law? Explanation: Instructors may not take advantage of the exemptions of the TEACH Act unless/until their institution educates relevant personnel on the legality of using copyright protected works. UA makes an effort to educate its students, staff, and faculty on copyright law, and so the response is "yes" for this		

TEACH Act Worksheet (continued)

YES	NO	TEACH ACT CRITERIA
		The work I'd like to use in my class was lawfully made/ acquired?
		Explanation: If the work in question was unlawfully obtained (e.g., it was stolen, shoplifted, illegally copied, illegally downloaded from the Internet, etc.), then that workregardless of its typemay not be used under the exemptions of the TEACH Act.
		The work I'd like to use in my class is of "material assistance" to my teaching?
		Explanation: Copyright-protected works may not be used under the TEACH Act unless they are of direct relevance to a particular instructional lesson. In other words, the work in question should play an integral role in a classroom activity and not an ancillary one. For example, using copyright-protected images simply to "dress up" the look of an online course probably wouldn't be something protected under TEACH. Posting electronic copies of articles and essays for "supplemental reading" could/may be prohibited under TEACH
		The work I'd like to use in my class is part of a "systematic mediated instructional activity"?
		Explanation: Works used under TEACH must not only be an integral part of a specific lesson, but they must also be used under the control and supervision of an instructor. That means that if you plan to use a work in your class, then you need to play a direct role in facilitating the use of that work.
		The work I'd like to use in my class will only be made accessible to my students for the "class session" of which the work is a part?
		Explanation: The phrase "class session" roughly refers to the duration for which a student is "logged on" to an online course. What this means will vary, depending on the design of the course, but in most instances will mean that works should not be accessible for the entire length of the course.
		The work I'd like to use in my class will only be made accessible to students who are formally enrolled in my course?
		Explanation: Works used under TEACH should not be broadly accessible to everyone. Instead, their access should be limited to the group of students who are formally enrolled in the course. Online course management systems like Blackboard make this requirement easy to meet because such systems often allow for courses to be password-protected.

TEACH Act Worksheet (continued)								