# Unit 10 Issues in using third party material

## 1.0   Copyright

The internet is growing at a rampant speed and the ease with which material can be 'clicked and picked' has fuelled a common misconception that third party material on the web is part of the public domain and always free to be used by anyone in any way. Nothing could be further from the truth!

Therefore, before using electronic material you are advised to familiarise yourself with copyright legislation which will help you learn more about:

- When you are breaking the law
- The circumstances under which you can use the material
- What material you can use.

Copyright is a 'restrictive right' that stops the use of original work by others in the absence of permission from the author. The UK law of copyright, as it is contained in the Copyright Designs and Patents Act 1988, protects the textual or literary expression of an idea and covers literary, dramatic, musical and artistic works as well as sound recordings, films, videos, broadcasts and typographical arrangements.

The information provided in sections 1.1–1.5 below is largely drawn from Pinsent Masons Out-Law websites, Copyright law: the basics at **http://out-law.com/page-5633** (last update August 2008) and also Control and exploitation of copyright material at **http://out-law.com/page-334** (last update August 2008).

## 1.1   Copyright infringement

When are you at risk of breaking the law? This might be the case if you fail to get permission to:

- copy work
- distribute, lend or rent work to the public
- perform, show or broadcast work in public
- adapt or amend work

that is protected by the copyright law.

## 1.2   Copyright myths

The most common copyright myths include:

- **If it is on the web it is not copyright** (eg PowerPoint[®] presentation by Professor P, striking icon by Company C, sound clip from Website W). Wrong - virtually all material on the web is subject to copyright**!**
- **If a work does not bear the copyright symbol then it is not copyright.** In the UK copyright arises as soon as the work is created, with or without the international copyright notice.
- **It is ok to copy anything provided you say where it came from**. No, unless permission was granted by the owner
- **Nobody really cares.** Oh, yes they do! Copy licensing agencies, commercial software interest groups are checking. In addition, the profession of 'copyright bounty hunter' has emerged, offenders in breach of copyright literally being trawled for by certain individuals for a substantial fee.

## 1.3   In the VLE

Almost every element of an e-learning system attracts an element of copyright which includes: e-mail messages, chatroom and student discussion room posts, educational materials, learning systems, computer programmes, flash animations, websites and databases.

While e-learning raises a new range of issues to be concerned about, by far the most common infringement of copyright in the VLE is unauthorised copying of third party material. In order to use third party material for teaching in the VLE there are six options:

1.   Use out of copyright material (depends on duration of copyright, usually 50–70 yrs)
2.   Use 'rights cleared' material where copyright owner has publicly stated that it can be used without the need to seek permission (eg see Creative Commons site at **http://creativecommons.org/** or MIT open courseware at **http://ocw.mit.edu/**).
3.   Seek owner's permission (time consuming but usually worth it. See example in Figure 26)
4.   Obtain licence (can be very restrictive) or check terms of agency licence institution subscribes to (eg Copyright Licensing Agency (CLA), Education recording agency (ERA))
5.   Rely on public digital collections such as learning object repositories (see section 3.0 below).
6.   Rely on special exceptions made which allow for use without reference to copyright owner at all.
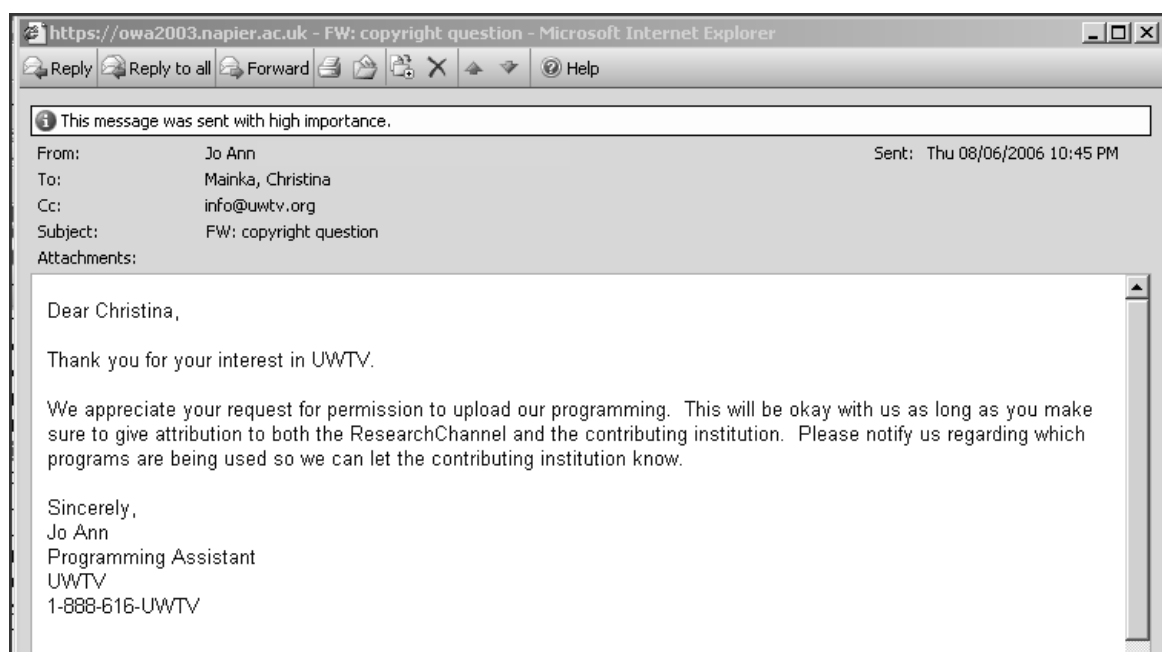
© Edinburgh Napier University

**Figure 26: Example of a request granted via e-mail to upload a video clip into a VLE**

The main exceptions are

- Fair dealing: using copyright material for non-commercial purposes such as:
  - private research or study.
  - criticism and review
  - reporting on a current event.

- Educational use: copyright material may be used for the purposes of instruction and examination (this includes works played, performed, recorded, or photocopied). Careful! Always read the websites' 'Terms and Conditions of Use' and 'Copyright' statement. There may or may not be exceptions for uses in education under the 'Fair dealing' provision which you are advised to read on the library's copyright pages at **http://staff.napier.ac.uk/services/library/study/Copyright/Pages/Copyright.aspx**
- Minor infringements: unauthorised use of small parts of a copyright work are acceptable (eg 1 book chapter or 10% of material).

Furthermore, if you are running an international distance education programme, be aware of:

- Territorial limitations on licences of any kind (WebCT, Athens, CLA etc)
- International copyright laws which can include registering copyright.
- Copyright of collaborative content
- Data transfer provision.

## 1.4    Copyright scenarios

Find a few scenarios that solicitors discussed with the audience (including one of the authors) at the JISCLegal conference in Warwick in 2005 (repeated here to help illustrate common issues around copyright and online technologies). The conference website is no longer available.

- **Scenario 1**: Despite 20 e-mails to the apparent owner of an image the tutor receives no reply. May she include the image? Answer: Actually-no. Even if every effort has been made to track the owner. That aside the request is only permissible in a non-electronic format (ie, written and signed letter).

- **Scenario 2**: A geography instructor finds an online journal article on Iceland and would like to copy parts of the text to set in an exam question. Is this in breech of copyright? Answer: No, anything may be copied for setting, communicating or answering questions (except music) in the context of an exam as long as the original author is acknowledged.

- **Scenario 3**: A member of academic staff forwards an e-mail from a peer to another colleague. Is this in breech of copyright? Answer: Yes, it is, BUT, it is such common practice to include past e-mails into new e-mails, so best to include a statement 'Not to be forwarded' or similar.

- **Scenario 4**: A chemistry lecture creates a hyperlink to an interactive acid-base tutorial buried within another university's chemistry department homepage. Anything wrong? Answer: Not really, however, good practice recommends avoiding 'deep linking' when possible and linking to the homepage instead (set to open in a new browser window) and then directing students to tools, tutorials within it.

**Note**: At present nothing in copyright law states that you need permission to link to a website at another website or VLE. You should, however, set the external website to open in a new browser window so it does not open within the same frame of your VLE, for example (see Figure 27 for an example). This is easily done in WebCT which your ADA can assist with.
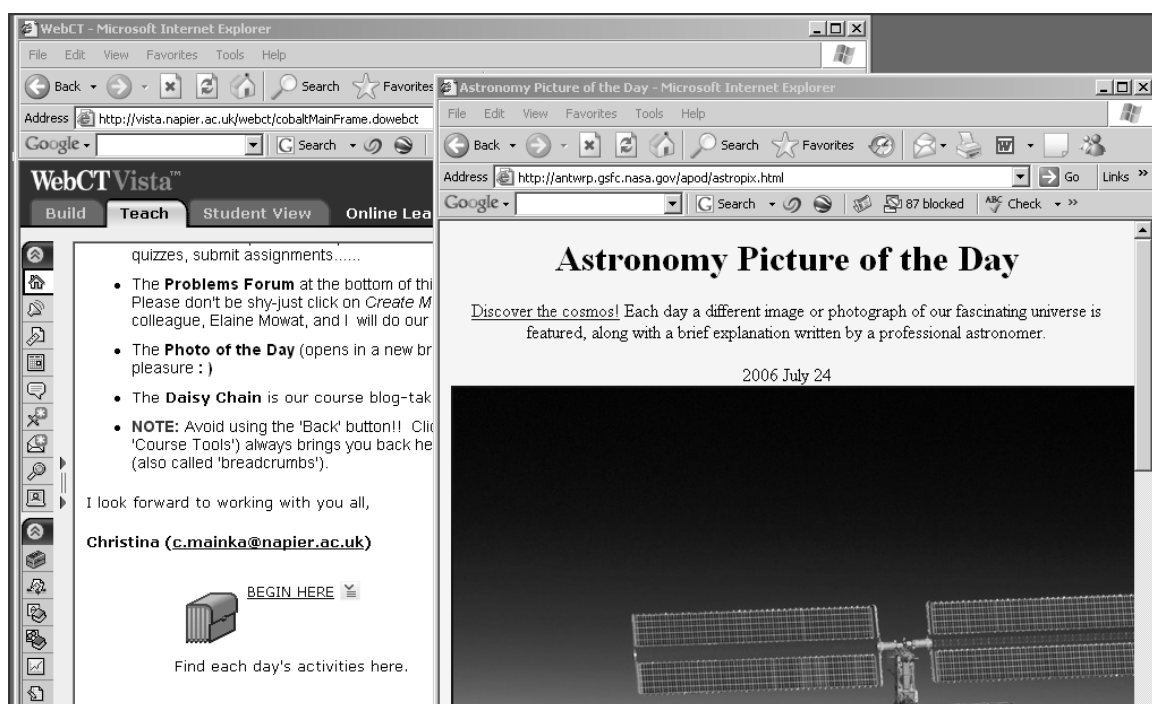
© Edinburgh Napier University

**Figure 27: An example of a website link within a WebCT module set to open in a new browser window. Notice that two browser frames are being viewed**

## 1.5   Managing copyright risk

It is important to be aware of the fact that there is indeed some uncertainty over emerging copyright legislation relating to electronic material. UK and EU Copyright law is subject to change at almost any time and while every effort has been made to provide guidance that reflects current legislation, this document cannot replace legal advise and no responsibility can be accepted for any damage arising from this information.

Furthermore, in order to best protect yourself against unintended infringement of copyright we recommend the following when preparing your online learning material:

- Keep abreast of the currently evolving legislation relating to electronic material
- Routinely check for copyright statements in material you intend to use
- Keep records of all copyright requests you make and of any permissions you have received
- If challenged over the permission to use material, remove the material in question from your website/VLE until the matter is resolved.

## 1.6   Further reading

JISCLegal (Office in Glasgow) at **http://www.jisclegal.ac.uk**

For more info on Fair Dealing and Use with example scenarios see the British Library copyright pages at **http://www.bl.uk/reshelp/atyourdesk/docsupply/publisher/copyright/index.html**

Copyright, Design and Patents Act 1988 available online at **http://www.opsi.gov.uk/acts/acts1988/Ukpga_19880048_en_1.htm**

Concessions for education at the intellectual property office for education at **http://www.ipo.gov.uk/education.htm**

For resources with more flexible copyright licences visit Creative Commons at **http://creativecommons.org/**

Edinburgh Napier library copyright FAQ at **http://staff.napier.ac.uk/services/library/study/Copyright/Pages/Copyright.aspx**
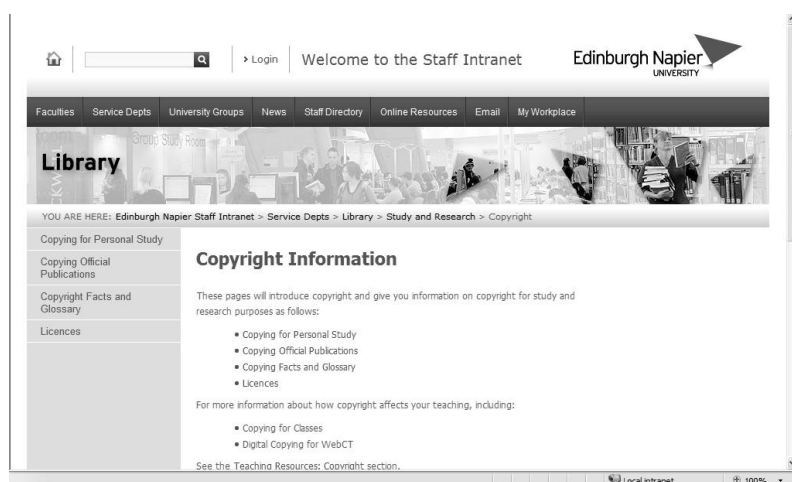


**Figure 28: Edinburgh Napier Copyright Facts website**

# 2.0   Third party resource collections

In the awareness of copyright issues that could arise, before you develop your own learning materials it is always worthwhile to spend some time searching for resources available for re-use. This could include text based material, PowerPoint® slides, quizzes, etc as well as web-based resources/materials.

The focus of this section is on introducing strategies to finding and evaluating freely available web-based material for your teaching. This could be a self-test quiz, online newspaper editorial, national statistics table, greenhouse gas concentration bar graph, e-book chapter or virtual lab tutorial.

Using existing material makes sense as it saves time and expense of developing the same materials yourself. Even if you don't find anything useful you may still get some useful ideas for developing your own materials.

Easy examples of enhancing lessons with web-based resources include:

- An ethics professor directs her students to read a chapter in an easily accessible NetLibrary (**http://www.netlibrary.com/**) book her institution has subscribed to
- The biomedical faculty directs students on the faculty home website to the Virtual Training Suite at **http://www.vts.intute.ac.uk/** for an internet bio-researcher tutorial to raise awareness of available online biomedical resources.

So where exactly can you find these materials? Let's look at the following options:

- local resource collections
- national resource collections
- world wide web (www).

## 2.1   Local resource collections

Your first point of call for finding quality information might be the library (**http://staff.napier.ac.uk/services/library/Pages/Library.aspx**). The Edinburgh Napier library's electronic resources includes e-books, e-journals, online tutorials as well as subscriptions to electronic resource collections (eg Netlibrary, MyiLibrary, Safari etc.) and password protected databases (eg Proquest, Emerald) and so-called learning object repositories such as SCRAN (at **http://www.scran.ac.uk/**) and JORUM (**http://www.jorum.ac.uk/**). These are available to the institution's staff and students after going through the appropriate authentication process.

A learning object is commonly understood to be any digital resource that is used to mediate learning. The idea behind the learning object is that it is a (small) chunk of learning that ideally can be reused in different modules, VLEs or institutions. Learning objects are referred to with so called metadata which is a set of words, phrases or sentences that summarises and describes a learning object and is used to classify content so as to enable efficient searching in the database. The more descriptive the metadata the more efficient the search.

Learning objects raise issues of interoperability (content from multiple sources, eg institutions, working equally well with different learning systems, eg WebCT and Moodle) and reusability (content developed in one context, eg business toolkit, being transferable to another context, eg health toolkit).

Reusable learning objects present a whole new (but increasingly common) approach to online content development in which content designers build courses by 'mixing and matching' from a repository of learning objects rather than

developing all elements of course content from scratch. Reusing and/or repurposing content in this way is potentially a cost and resource saving measure.

## 2.2    National resource collections

Further recommended sources of information on the internet include national resources collections quite a number of which are available at no cost. These are non-commercial directories of scholarly information usually arranged in a hierarchical fashion according to subject area. The freely available resources are carefully selected and evaluated by subject experts and unlike search engines (see below), maintained by people rather than algorithms. Compared to some library resources collections there is no tedious registration process involved.

Examples of national resource directories include:

- INTUTE at **http://www.intute.ac.uk/** (JISC supported UK national gateway to subject specific internet resources)
- Bulletin board for Libraries (BUBL) at **http://bubl.ac.uk/** (UK nationally funded information service for HE community)
- Economic and Social Data Service (ESDS) provides access to key economic and social data and surveys at **http://www.esds.ac.uk/**
- Project Gutenberg at **http://www.gutenberg.org/**. The oldest collection of e-books and e-texts is made freely available.
- ARIADNE: **http://www.ariadne-eu.org/** (educational resources collection in a wide variety of interactivity levels in many European languages, primarily English, French, Italian, German, and Dutch. Requires registration)
- MERLOT: **http://www.merlot.org/**
  (peer reviewed repository of online learning materials for HE to which individual members can contribute)
- PubMed at **http://www.ncbi.nlm.nih.gov/pmc/** (online archive of biomedical and life sciences journal literature)
- INFOMINE at **http://infomine.ucr.edu/** (academic internet resources collection from University California at Riverside)
- Case Studies in Science from The State University of New York at Buffalo at **http://ublib.buffalo.edu/libraries/projects/cases/ubcase.htm**



**Figure 29: JISC BioScience ImageBank at http://bio.ltsn.ac.uk/imagebank/**

Select UK nationally funded online repositories hold collections of not only quality text-based resources but also images and multimedia such as

- JISC BioScience ImageBank at **http://bio.ltsn.ac.uk/imagebank/**
- Edina at **http://edina.ac.uk/index.shtml**)
- Moving Image Gateway (MIG) for educational video and audio resources at **http://www.bufvc.ac.uk/gateway/**
- HERMES is the British Universities Film & Video Council's (BUFVC) central database at **http://www.jisc-collections.ac.uk/catalogue/coll_hermes**
- EMOL (Education Media Online) database with over 300 hours of film related to every subject area at **http://www.filmandsound.ac.uk/** (completion of licence agreement required)
- British University Newsreel Database (BUND) reels of news coverage from 1910-1979 **http://www.jisc-collections.ac.uk/catalogue/coll_newsreels**
- Tip:
  - For an A-Z catalogue of JISC funded subject specific e-resources see **http://www.jisc-collections.ac.uk/**

CETIS is the UK's Center for Educational Technology Interoperability Standards (at **http://jisc.cetis.ac.uk/**) A subscription-based non-profit organisation with members from all the leading technology system suppliers, publishers and many user organisations active in e-Learning working together to develop specifications and standards for learning technology interoperability.


## 2.3   World wide web

### 2.3.1   Search engines

Showing students an image of the moon from a website such as **http://www.nineplanets.org/** or linking to a physics applet from **http://www.walter-fendt.de/ph14e** into an online lesson is reusing a learning object found on the web, rather than in a digital repository. To find objects on the world wide web you will need to use what is called a search engine. A search engine is a programme designed to store text-based web information in an index database which can be retrieved based on the results of a query.

Despite their popularity search engines are limited in that they do not find most of the information available on the web. The web that remains invisible to search engines ('deep' web) includes library databases, intranet resources, password protected resources such as journals, and proprietary file types (eg PDF files, spreadsheets), for example. Therefore, the search engine search basically serves only *select* information needs (ie, fact-finding or locating known items rather than and investigative information needs).

Google (**http://www.google.com**) remains the most popular search engine and has the largest database of web pages. Other common search engines include

- AllTheWeb, (**http://www.alltheweb.com/**)
- Alta Vista (**http://www.altavista.com/**)

- Yahoo (**http://www.yahoo.com/**)
- Teoma/AskJeeves (**http://www.teoma.com/**)

Finding information on the web is getting easier but the number of websites is growing rapidly. It is a good idea to narrow your search by figuring out what you want to find and then deciding what key words will help you locate that information. You may have to do multiple searches to find the information you are looking for.

### 2.3.2   Hints for effective web searching
Make use of the search engine's *advanced search features* and other *search tools*:

- Use lower case letters for a broad search
- Do not use a, an, or the
- Be specific. Use all significant terms in your search.
- Use quotation marks around a phrase to search for adjacent terms
- Use quotation marks around a word for an exact match (otherwise search engines may stem)
- Use from..to for a number range (eg 1979..1999)
- Use BOOLEAN logic to eliminate irrelevant concepts (+/- available in most search engines).

Make use of your search engine's *field searching* capabilities:

- Instruct the search engine to search only for UK school, university, or government sites, for example, by typing: search term site:sch.uk; search term site:ac.uk; search term site:gov.uk
- Instruct search engine to search only for resources of a certain filetype (eg search term filetype:doc). All major search engines such as Google, Yahoo, Alta Vista, have this facility.

**Note:** It may also be useful to expand searches. Use wildcard searches (* in Google) to *expand* your search to include unknown terms such as in 'school * lessons'. Use ~ to let Google find synonyms (~ice finds pages with cold, freezing etc).

Make use of your search engine's *search services* such as in Google:

- Google Scholar (**http://scholar.google.co.uk**) with advertisement free access links to peer reviewed journal and book content.
- Google Directory **(http://dir.google.com/**) lets you search from within subject categories
- Google News (**http://news.google.com/**) for finding the most current information on a topic.

For more web search features see **http://www.google.com/help/features.html**

### 2.3.3  Evaluating web resources for use in your teaching

The library and information directories and gateways and peer reviewed learning object repositories do the resource evaluation for you. The web, however, has no 'editor' to send back unreliable resources. Would you really recommend the information on this web page about Attention Deficit Disorder at **http://www.all-natural.com/add.html** to your students for their research? (No! The author is affiliated with an advertised company.) Or what about linking to The ChemBalancer online activities at **http://funbasedlearning.com/chemistry/default.htm**? (No! Navigation is very poor.) Testing the activities first will uncover mediocre navigation which would quickly frustrate rather than assist the science student.

The criteria by which search engines list search results varies widely and gives no indication of usability, quality or credibility. Remember that anyone can produce anything on the web! Regardless of how you are using a web resource in your teaching, however, you must be assured not only of its credibility, but also of its usefulness and relevance for your students.

Be consistent in your evaluation! Be sure to browse the site thoroughly, testing any interactive features or targeted links while taking the following questions into consideration:

1.     Does the material have a clear purpose and add value to your lesson?

- Who is the material aimed at?
- Does the information given seem objective or biased?
- Is there a site sponsor? Look at the domain name:
  edu for educational sites
  gov for government sites
  com/net for commercial sites
  org for non commercial sites
  mil for military
  au, ca, uk for country codes
- Are the terms used and explanations given appropriate for your students?

2.     Is the material current?

- This is a non-negotiable!
- When was the site updated last?
- Is there out of date information?
- Are links broken?

3.     Who is the author?

- Again this is a non-negotiable!
- What is their subject expertise?
- Do they belong to an organisation?
- How can they be contacted?

4.      Is the material accurate?

- Is it factually accurate?
- Is the material well-written? Proper grammar and punctuation can be expected with the availability of spell-checkers and software language tools.
- Are the primary sources clearly stated?
- How thorough is the subject coverage?

5.      Is the material easy to navigate?

- Is there a site map or menu?
- Is there a search facility provided?
- Are the diagrams clearly explained?
- Can the site be reached reliable and quickly?
- Does it meet with current accessibility guidelines?

**Finally**: Once you have picked out a web resource to include in your teaching, do ensure that it really 'fits' Is it consistent with the subject matter? Is it aligned to a learning outcome? Does it complement the other material? Don't use a web resource just for the sake of it-use it only if it serves a clear purpose. Assured of that, if necessary, be sure to obtain copyright permission from the web authors or publishers to use and


# 3.0  Plagiarism

According to a 2002 survey at a UK institution, 40% of students and 35% of academic staff approached attributed plagiarism to the ease with which material can be copy-pasted from the web (Dordoy, 2002). While it is widely acknowledged that internet technology has made it easier to plagiarise than ever before, very often students are not even aware that copy-pasting from a webpage is unacceptable practice nor do they understand what it means to paraphrase (Dawson & Overfield, 2006). Edinburgh Napier University emphasises educating students first to help prevent and deter plagiarism, before systematic detection and finally disciplinary action and punishment.

Plagiarism at Edinburgh Napier is defined as the 'unacknowledged incorporation in a student's work either in an examination or assessment of material derived from the work (published or unpublished) of another. Plagiarism is a form of Academic Misconduct or 'any attempt by a student to gain an unfair advantage in assessments and/or examinations'. Plagiarism is considered a serious offence and is dealt with according to the University's Plagiarism Policy and Handling Procedures which can be found in the Student Disciplinary Regulations document from Student Affairs website.

Your school's Academic Conduct Officer (ACO) is charged with supporting you in dealing with all forms of academic misconduct and should be referred to when cases of suspected plagiarism arise.

The University has subscribed to the text matching software, Turnitin®UK, hosted by nlearning at **http://www.submit.ac.uk/static_jisc/ac_uk_index.html** which enables the comparison of electronically submitted written text against the internet, archived internet, a growing number of databases and previously submitted work. Its use is recommended with the student as an educative tool rather than solely as a punitive tool. Enrolling students on the service allows them to submit their own work and monitor their referencing skills, assisted by colour-coded 'originality reports'. The software also includes tools such as a gradebook, mark-up feature, discussion board, calendar, peer review tool, paper revision function, library database of metrics, topic questions and rubrics to support peer- and tutor-evaluation of written work. A plugin to WebCT has proven very successful at Edinburgh Napier (see the WebCT resources page at **http://www2.napier.ac.uk/webct/staff/resources1.html** for user guidelines).

> The key to avoiding the possibility of plagiarism is the setting of the right assignments in the first place.
>
> Brown 2002

For recommendations and guidance on how to create coursework and rethink assessment strategies in order to deter plagiarism, or to stay informed of issues and developments around academic integrity in Higher Education consider the following:

- Read this guide's Unit 6: Coursework and Assessment, for a range of ideas for creative coursework and diverse assessment strategies
- Visit the Edinburgh Napier 'Be wise, don't plagiarise' website at
- Inquire about Professional Development plagiarism seminars and workshops for staff, including Turnitin®UK training sessions at **http://www2.napier.ac.uk/ed/profdev/customised.asp**
- Visit the nlearning Plagiarism Advisory Service website (formerly JISCiPAS) regularly at **http://www.plagiarismadvice.org/**
- Join the PLAGIARISM@jiscmail.ac.uk mailing list at **https://www.jiscmail.ac.uk/cgi-bin/webadmin?A0=PLAGIARISM**


## 3.1    For more information on Turnitin®UK

Turnitin®UK service overview by JISC PAS at
**http://www.submit.ac.uk/static_jisc/ac_uk_index.html**
- Turnitin®UK service overview at Edinburgh Napier:
**http://www2.napier.ac.uk/ed/plagiarism/jiscTurnitinUK.htm**
- Turnitin® Resources page at **http://www.plagiarism.org/**
- Turnitin® Training videos at **http://www.turnitin.com/static/support.html**

## 3.2    Be sure your students are aware of:

- Edinburgh Napier plagiarism website
**http://www2.napier.ac.uk/ed/plagiarism/**

- Edinburgh Napier student disciplinary regulations at
  **http://staff.napier.ac.uk/services/studentaffairs/StudentAdministration/RegulationsandPolicies/Pages/200910Regulations.aspx**
- Turnitin®UK Plagiarism detection Service Information for Students document (lecturers using the service *must* make this document available to students) available from
  **http://www2.napier.ac.uk/ed/plagiarism/infoStudents.htm**
- Edinburgh Napier plagiarism podcast at
  **http://edinburghnapier.podbean.com/2009/10/12/week-6-be-wise-dont-plagiarise/**
- Acadia University Plagiarism tutorial, You Quote it, you note it
  **http://library.acadiau.ca/tutorials/plagiarism/** (press restart for a really fun and informative tutorial for students)

## 3.3    Be sure you are aware of:

- Ghost writing services such as
  **http://www.elizabethhall.com/**
  **http://essays-r-us.co.uk/**

- Essay banks
  **http://nursing-essays.com/**
  **http://www.cheathouse.com**

- Bid for dissertations at eBay
  **http://www.ebay.co.uk/**

- Translation services, eg, Alta Vista's Babelfish at
  **http://uk.babelfish.yahoo.com/**

# 4.0    Further reading

Angélil-Carter, S. (2000) *Stolen language? Plagiarism in writing*. Pearson Education Limited

Brown, S. (2002) TechLearn Senior Management Briefing on Online Tutoring, JISC Technologies Centre. Available at
**http://www.jisc.ac.uk/uploaded_documents/ebriefingshort.doc**

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**http://www.ojs.unisa.edu.au/index.php/IJEI**

JISC (2005) Deterring, detecting and dealing with student plagiarism available at:
**http://www.jisc.ac.uk/uploaded_documents/plagFinal.doc**

JISC (2006/2008) JISC PAS International Plagiarism Conference Proceedings available at **http://www.plagiarismadvice.org/conference/previous-plagiarism-conferences--inluding-keynotes-workshop-a-speakers/2nd-plagiarism-conference-2006**
and
**http://www.plagiarismadvice.org/conference/previous-plagiarism-conferences--inluding-keynotes-workshop-a-speakers/3rd-plagiarism-conference-2008**

Littlejohn, A. (Ed) (2003) *Reusing online resources: a sustainable approach to e-learning*.Open and flexible learning series, London:Kogan Page.

Sauers, M. (2009) *Searching 2.0*. London: Facet.

Williams, K. (2009) *Referencing and understanding plagiarism*. Basingstoke : Palgrave Macmillan