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 and
provides important information about their rights and responsibilities related to
the SOM’s digital learning environment.

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, video and audio
recordings, and other curricular materials (“Educational Materials”).
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 Policy on Ownership Rights in Copyrightable Material, RES-001, the University owns all copyrights in 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 Educational Materials for noncommercial teaching, research, or related educational purposes it deems appropriate. SOM faculty are granted 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 noncommercial.

§ 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, including principles of fair use, and other relevant policies in their creation, distribution, and use of Educational Materials.

§ 3.2 Duplication or Redistribution of Educational Materials by Students Prohibited
Students may not copy, adapt, modify, or redistribute Educational Materials they receive through the LMS without the express written consent of the course instructor. Unauthorized duplication, adaptation, modification, or dissemination of Educational Materials is a violation of this policy.

§ 3.3 Archiving

The Office of Medical Education annually archives Educational Materials made available through the LMS and are retain (to the extent technically feasible) until changes in file formats make the files unusable. Archived materials remain searchable and viewable by medical education technology staff, who can make them available to SOM faculty and staff as needed. 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 as Educational Materials pursuant to this policy are authorized for the SOM’s internal teaching, learning, research and/or evaluation activities. The SOM and Vice President for Research will obtain written consent from the creating faculty or staff member prior to commercial use or external distribution of such recordings. See Ownership Rights in Copyrightable Material, RES-001.

§ 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 recorded and made available to students, faculty and staff for study and learning.

• Recordings made of interactive classes and seminars (teaching environments in which students are expected to participate actively), or in which students are otherwise identifiable, are distributed only to students enrolled in that class to protect student privacy under the Family Education Rights & Privacy Act (FERPA).

• Educational sessions disclosing private healthcare information protected by HIPAA are not recorded.
• Standardized patient interactions and simulations are regularly recorded for evaluation purposes.
  
  o Recordings involving individual students may be made available only to the student participant upon request.
  
  o Recordings involving multiple students will not be made available to students due to privacy considerations arising under FERPA.

§ 4.3 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.

§ 4.4 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 and policy considerations. Sponsors of events held in SOM facilities are responsible for ensuring that appropriate policies or written consents ensure such compliance.

Related Policy:

FERPA – The Family Educational Rights & Privacy Act
https://www2.virginia.edu/registrar/privacyact.html

RES-001, Ownership Rights in Copyrightable Material
https://uvapolicy.virginia.edu/policy/RES-001

Revision history: Implemented April 30, 2010; administrative updates 2/4/15; revised 2/12/20

Approved 2/12/2020 by
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