

Guidelines

Boston Children's Hospital

Online Continuing Medical Education (CME) Program

Overview: The following guidelines will provide a basic overview of the Boston Children's Hospital ("BCH") Online Continuing Medical Education Program ("Online Program") and the basic framework regarding ownership of work-products created by presenters of the curriculum for such respective Online Program ("Curriculum") and compensation for participation.

Presenters/Participants: As a participant agreeing to provide content for the Online CME Program at the mutually agreed upon date and time (a "Presenter") an Online Continuing Medical Education (CME) Program Presenter Agreement must first be executed. (See Exhibit A). A copy will be made and a Presenter can retain it for their files. The Presenter acknowledges by participating as a Presenter Boston Children's Hospital or through the CME Program intends to make the Curriculum available to internal and external parties for a fee. ***Please note Curriculum that is created from Grand Rounds will at the discretion of the CME department be made available online to internal and external viewers.**

Curriculum: A Presenter should only provide or create Curriculum that is an original work by such Presenter. If the Presenter anticipates using copyrighted work of a non-Boston Children's Hospital author, the Presenter should notify the CME Manager-Lesley Niccolini prior to presenting such Curriculum. The current Online Program offerings are described in Exhibit B. Please note that for the Grand Rounds Course of the Online Program signs should be posted notifying audience members that they will be recorded. Here is additional information regarding the Curriculum:

I. Educational Support Materials

Presenters giving a formal lecture should submit a PowerPoint presentation. Note: it is the faculty member's responsibility to follow all copyright and fair use guidelines (see section III. below).

PowerPoint Presentation

- **Title slide** to include lecture title, your name, institution, and location
- **Disclosure slide** (mandatory for all, if no relationships or off-label content to disclose, then indicate "none")
- **Learning objective(s)**
- **Reference slide**

II. Conflict of Interest Resolution

The presentation may undergo peer review and conflict of interest resolution. The presentation will not be released as a course material without faculty approval.

III. Copyright Guidelines

It is not uncommon that copyrighted materials be included in educational materials. Although limited use of limited portions of copyrighted materials of others may be permissible under applicable copyright law, it is the policy of BCH to exercise the utmost effort to respect the proprietary rights of authors and other creators of medical education works in BCH sponsored activities. Therefore, the following guidelines apply to all educational materials:

- The materials will be used for educational purposes only
- There will be no commercial use or commercial reproduction of the educational materials
- Access to materials will be restricted to meeting participants and BCH organizational staff only
- All intellectual property and copyrights are retained by the author and/or copyright owner and are not transferred to BCH or any third party
- All copyrighted material used in educational support materials must be appropriately cited and referenced
- Proper citation, referencing, copyright permission (including associated costs) are the responsibility of the faculty member

Fair Use Provision of the Copyright Law

In most cases, fair use provisions of the copyright law allow for limited copying or distribution of published works without the author's permission. There are no explicit, predefined, legal specifications of how much and when one can copy. However, if the following are true, then fair use will likely apply:

- Purpose is criticism, comment, parody, news reporting, teaching, scholarship or research
- The original work is mostly fact (not fiction or opinion)
- The original work is rightfully published
- Presenter including only a small portion of the original work
- The use of the original work is in accordance with the generally accepted standards and the work is only cited to the extent necessary
- Presenter is contributing substantial new content
- Inclusion of the copyrighted work in the educational materials does not negatively affect profits for the copyright owner (use is non-commercial and does not displace potential sales)
- The original work shall be appropriately cited and referenced

The copyright fair use provision explicitly provides for educational use of copyrighted material in a live teaching or classroom setting. Additionally, fair use allows for inclusion of copyrighted materials in enduring materials (handouts, website, flash drive, syllabi, etc.) when such materials are being used to support the educational process and distribution is restricted to the learner audience.

Permissions to Include Copyrighted Materials

It is the faculty member's responsibility to assess whether fair use applies. If it does not, it is the faculty member's responsibility to acquire and document the necessary permissions. Additionally, non-published or preliminary data (not owned by the presenter) cannot be presented without written permission of the primary investigator who owns that data. Although not required at submission of materials, the faculty member must be able to produce the written permissions upon request.

IV. Patient Protected Health Information

The faculty member is responsible for ensuring that no patient Protected Health Information is included in the submitted materials without the patient's written permission, or that such materials have been thoroughly de-identified. Although not required at submission of materials, the faculty member must be able to produce the written permissions upon request.

V. Format and Accessibility

Website Accessibility

All submitted educational support materials will be provided to learners in PDF format on the BCH website. Materials will be available online for up to one year after the event. Printed handouts will be used only in limited circumstances when necessary to support the live learning experience. The website with the educational content will include the following wording on the top of the page:

"Educational support materials are available to meeting participants online prior to, during, and after the meeting (up to one year) for educational purposes only. Access to particular content is provided based on meeting registration and is password protected. Distribution is limited and none of the materials should be further distributed or reproduced."

General Meeting Sessions

Refresher Course Lectures, General Sessions, Parallel Sessions, Pro-Con Debates, and any other sessions that fall under the umbrella of the meeting as a whole will be made available to all meeting attendees.

Additional Sessions

Workshops, Special Sessions, and any other sessions that require an additional fee will be made available only to registrants who have paid for the session. They will receive a separate password for access to this material.

Resources

Copyright Basics <http://www.copyright.gov/circs/circ01.pdf>

Fair Use Scenarios and Q&A

<http://poly.libguides.com/content.php?pid=59733&sid=442218>

Ownership and Use of the Curriculum: As a BCH employee, the Curriculum created by the Presenter is owned by BCH. However you are releasing some of your rights with respect to the way the Curriculum will be used, reproduced, and copied by you in the future. A Presenter will still retain his or her rights in the Curriculum for his/her academic research, teaching, and educational purposes but without the right to offer to any other party that will use the Curriculum to offer and display, reproduce and/or copy such Curriculum for CME purposes for a fee.

Compensation: As a BCH employee or member of the staff of BCH it is understood that a Presenter has other duties in his/her specific role at BCH. As a Presenter the compensation paid is set forth under Exhibit B and is separate from any other financial arrangements that as a Presenter that you may have. The process for receipt of the compensation for the Presenter's participation in providing Curriculum is as described in Exhibit B.