

## Guidelines

### Boston Children's Hospital

### Online Continuing Education (CE) Program

Overview: The following guidelines will provide a basic overview of the Boston Children's Hospital's (BCH) Online Continuing Education Program, including the basic framework regarding Curriculum requirements, ownership of work-products created by presenters of the Curriculum for online programs, and compensation for participation.

Presenters: Presenters agreeing to provide content for online CE programs at a mutually agreed upon date and time must execute an Online Continuing Education (CE) Program Presenter Agreement. By participating, the presenter acknowledges that Boston Children's Hospital intends to make the Curriculum available to internal and external parties for a fee. A Curriculum created from Regularly Scheduled Series (e.g. Grand Rounds Series) will, at the discretion of the CE Office and sponsoring department, be made available to internal and external viewers. If the presenter does not want their presentation to be recorded, he/she/they should sign the speaker agreement for non-recorded live presentations, but still must follow the Curriculum guidelines below.

Curriculum: A presenter should only provide or create a Curriculum that is their original work and follow the guidelines below:

#### **I. Presentation Materials**

Presenters giving a formal lecture on-line should submit their slide presentation to the CE Office. Note: it is the presenter's responsibility to follow all copyright and fair use guidelines (see section III. below).

#### **Slide Presentations should include:**

- **Title slide** to include 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)**
- **Slide with references**

#### **II. Conflict of Interest Resolution**

The presentation may undergo peer review and conflict of interest resolution. The presentation will not be released as course material without presenter 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 copyrighted materials other than inclusion in the educational program covered by this agreement
- Access to on-line materials will be restricted to program 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 any associated costs) are the responsibility of the presenter

#### **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
- Presentation includes 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
- 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 presenter's responsibility to assess whether fair use applies. If it does not, it is the presenter'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 presenter must be able to produce the written permissions upon request.

### **Resources**

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

### **IV. Patient Protected Health Information**

The presenter 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 presenter must be able to produce the written permissions upon request.

### **V. Ownership and Use of the Curriculum**

A Curriculum created for BCH programs by presenters who are BCH employees is owned by BCH. Recordings of all presentations in BCH programs are owned by BCH. A presenter will still retain his/her/their rights in the Curriculum for his/her/their academic research, teaching, and educational purposes. However, the presenter does release right to offer any other party the right to display and/or reproduce the Curriculum for CE purposes, whether for a fee or for free.

Compensation for Online Presentations: The compensation paid to a presenter is set forth under the Compensation Schedule for Online Courses used as Enduring Materials and is separate from any other financial arrangements that a presenter may have with BCH. The process by which presenters receive compensation for providing Curriculum is also described in the Compensation Schedule.