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I. PURPOSE OF THIS GUIDE

This guide is designed to provide you with college policies and relevant information related to teaching online at CNM. The Guide supplements, but does not replace, the CNM Faculty Guidebook/Handbook for information related to faculty teaching responsibilities. In addition, the CNM website provides information on the academic calendar, student policies, course descriptions and other valuable information such as admissions procedures and financial information. Please feel free to ask for further clarification or information from your department chair, the schools deans or administrators.
II. TYPES OF DISTANCE LEARNING COURSES

Hybrid classes combine both face-to-face classroom instruction and online learning. For example, in courses where students typically meet face-to-face two days a week, hybrid courses may meet in the classroom once a week and the remaining course time is spent in an online classroom environment. Hybrid courses require students to have access to a computer.

Blended Course A course which is delivered online but requires one or more campus visits during the term. Examples include mandatory on-campus orientation and required on-campus proctored exams.

Online distance learning classes which are taught completely online in a virtual classroom via the Internet. Online courses typically use the Learning Management System to administer course materials. The student and instructor may be different geographical locations and do not meet in a traditional classroom setting for the course. Students must have access to a computer, laptop or table and have reliable internet services to be successful as an online student.

Attend Anywhere is a method in which students can take courses online or in person.

Real Time Online is offered in an online setting in which courses meet at a specific time and date, online.

Faculty teaching Face-to-Face (F-2-F) courses also have access to the Learning Management System to web-enhance their F-2-F courses. Many faculty web enhance their courses using the gradebook, announcements, messages and document storage within the Learning Management System. Each term all courses taught at CNM have a course set up and available for faculty to use.
III. CNM VISION, MISSION, AND CORE VALUES

Vision: Changing Lives, Building Community

Mission: To create educational opportunities and community partnerships while pursuing a level of community college excellence that is worthy of local and national recognition.

Core Values: Be caring, be ethical, be inspiring, be courageous, be connected, be exceptional

IV. CNM QUALITY STATEMENT

To create an environment of continuous quality improvement in the Distance Learning Department that generates processes and systems, which support and strengthen CNM's mission, vision, values and goals.

Higher Learning Commission: Guidelines for the Evaluation of Distance Education (On-line Learning)

Online Learning Consortium (OLC)

Central New Mexico Community College has become institutional members of the Online Learning Consortium (OLC) formerly Sloan-C. The Online Learning Consortium is the leading professional organization devoted to advancing quality online learning providing professional development, instruction, best practice publications and guidance to educators, online learning professionals and organizations around the world.

State Authorization Reciprocity Agreement (SARA)

Central New Mexico Community College has recently been approved to participate in the State Authorization Reciprocity Agreement (SARA) via the NM Higher Education Department and the National Council for State Authorization Reciprocity Agreements (NC-SARA) As a participating institution, CNM Distance Learning Courses/Program will need to follow the Interregional Guidelines for the Evaluation of Distance Education programs. SARA Guidelines.

Quality Matters

The Quality Matters program has been implemented to establish and ensure the quality of distance learning courses offered at CNM. As part of the Distance Learning Departments
Quality Statement, Quality Matters supports creating an environment of continuous quality improvement that supports and strengthens CNM's mission, vision, values and goals.

Quality Matters Program is a nationally recognized peer-review process that focuses on the continuous improvement of online courses. QM was developed by Maryland Online and was designed by faculty for faculty with and is focused on the improvement of student learning. The peer review process is designed to certify the quality of online courses. Through the review faculty use the QM rubric which provides a set of shared standards of best practice. Quality Matters.

**CNM Framework for Quality Assurance in Online Courses:**

Overview: [https://www.cnm.edu/depts/academic-affairs/key-processes/cnm-online-courses-framework.docx](https://www.cnm.edu/depts/academic-affairs/key-processes/cnm-online-courses-framework.docx)
IV. GENERAL INFORMATION

Contact information and faculty support information can be found on the CNM distance Learning website: http://www.cnm.edu/student-resources/distance-learning

Faculty are not required to teach in a distance learning format, but all faculty are encouraged to use the Learning Management System for web enhanced courses to reduce paper use and printing of course materials. This will contribute to the sustainability goals of the college.

Each faculty member is ultimately responsible for the integrity of online learning content and delivery. This includes current content that is used in an appropriate manner, using supplied tools to insure testing integrity, and compliance with copyright laws, Teach Act and Creative Commons. (See Copyright Section E below)

CNM Distance Learning Office and Cooperative for Teaching and Learning will provide the faculty with the necessary pedagogical and technological training needed to deliver and design quality online courses.

Course content developed for online delivery must fit the online learning format and should meet Quality Matters standards. CNM uses a quality matters rubric to design courses. Courses should utilize the proper format within the Learning Management System.

Class sizes for online learning are determined by the academic affairs leadership.

Technical support for faculty and students will be available in a combination of web-based self-help tutorials and videos, self-paced orientation, email dl@cnm.edu, telephone and in person assistance by the DL Technicians, DL Course Designers, DL Achievement Coach, ITS Service Desk and our external 24/7 Help Desk Embanet.
## V. BEST PRACTICES OF TEACHING ONLINE

*Adapted from Pasadena Community College Distance Learning website*

<table>
<thead>
<tr>
<th>BEST PRACTICE</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - Establish and maintain regular effective contact.</td>
<td><strong>Regular effective contact</strong> is a requirement for distance learning which states that instructors must keep in contact with students on a regular and timely basis both to ensure the quality of instruction and to verify student performance and participation status.</td>
</tr>
<tr>
<td>2 - Create opportunities for student-centered learning.</td>
<td>In distance education, instead of being the sole source of content knowledge, the role of the instructor is as a <strong>facilitator</strong>. Students should be encouraged to interact not only with the content and instructor but also with each other in order to understand, research, and come to their own conclusions about the course material.</td>
</tr>
<tr>
<td>3 - Create opportunities that have practical real-world applications.</td>
<td>The activities in distance education courses should be <strong>authentic</strong>, that is, based on tasks that students would have to perform in various setting outside the classroom. Students should also have chances to enhance their knowledge about the world through critical thinking and reasoning skills.</td>
</tr>
<tr>
<td>4 - Provide support for each student’s learning process autonomy.</td>
<td>Distance education <strong>instructors should engage all types of learners</strong> by providing content and assessments that adhere to the principles of universal design to enhance learning for all students. This includes a variety of approaches, such as audio, video, animation or other media appropriate to the content. In addition, instructors should provide support for students in time management and academic skill development.</td>
</tr>
<tr>
<td>5 - Provide support for each student’s learning process autonomy.</td>
<td>Instructors should make certain that their courses meet all the necessary <strong>accessibility requirements</strong> (508 compliance). They should also create course content and assessments that are user-friendly in terms of technology and provide alternate means of access to the</td>
</tr>
</tbody>
</table>
VI. FACULTY READINESS

Faculty members who wish to teach online should not only possess proficiency in computer skills but should also be acquainted with and feel comfortable using more advanced programs and applications. CNM offers an Online Teaching and Learning certificate program. Distance Learning has a faculty jump start course to help faculty navigate the Learning Management System. The following technical skills, are examples of what would be needed to teach online and hybrid courses:

<table>
<thead>
<tr>
<th>BASIC COMPUTER</th>
<th>KEYBOARDING AND AUDIO RECORDING (MICROPHONE)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File Management</strong></td>
<td>• Create and name files&lt;br&gt;• Understand file formats (doc, docx, rtf, txt, jpeg, png, mp3, mp4, pdf)&lt;br&gt;• Understand file storage and Organize/Manage files&lt;br&gt;• Upload and download files and work within the Learning Management System.</td>
</tr>
<tr>
<td><strong>Word Processing</strong></td>
<td>• Create, edit, and save documents&lt;br&gt;• Use formatting techniques (bullet/numbered lists, page numbers, etc.)&lt;br&gt;• Insert tables, graphs, and graphics into documents&lt;br&gt;• Create a table of contents, index, glossary, reference list</td>
</tr>
<tr>
<td><strong>Presentation Software</strong></td>
<td>• Create, edit, and save documents&lt;br&gt;• Add multimedia to presentation&lt;br&gt;• Record audio narration for presentation&lt;br&gt;• Enhance: Use a variety of tools to enhance materials. CNM Glass, Rise 360 and Articulate, Learning Management System components, You tube, Camtasia, MediaSite Desktop Recorder</td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>• Send and receive email</td>
</tr>
<tr>
<td></td>
<td>• Attach documents and images</td>
</tr>
<tr>
<td></td>
<td>• Participate in discussion groups and listservs</td>
</tr>
<tr>
<td></td>
<td>• Create and manage contact groups</td>
</tr>
</tbody>
</table>
| Internet                                                                 | • Understand and use different browser types  
|                                                                         | • Know how to do targeted searches              
|                                                                         | • Understand how to use online databases        
|                                                                         | • Be familiar with YouTube, podcasts, blogs, webinars, and wikis 
|                                                                         | • Provide required technical specifications to students for their course. |
| Social Networking                                                        | • Use social media such as Facebook (groups) and Twitter (hashtags) to engage with students |
| Learning Management System (LMS)                                         | • Upload content and multimedia, which should be accessible  
|                                                                         | • Create, design, and edit course modules       
|                                                                         | • Create announcements and discussion forums     
|                                                                         | • Create assessments, quizzes and exams, use the Grade Center  
|                                                                         | • Understand and use other LMS tools            |
VII. DISTANCE LEARNING INSTRUCTOR CERTIFICATION PROCESS

OPTION A- TEACH AN EXISTING ONLINE COURSE: TLOL 1010
OPTION B- DEVELOP AN ONLINE COURSE: TLOL 1010 AND TLOL 1015

TLOL 1010- Facilitated online course which introduces faculty to the tools in the Learning Management System, from a student perspective and best practices for teaching and online course. Participants in this course receive a blank course shell in the LMS to apply their knowledge. This course does NOT cover course or instructional design for online learning.

TLOL 1015- Facilitated online course that applies best practices in designing an online course, with a focus on developing course content, learning activities, and assessments that achieve instructional objectives. Participants in this course use the previous course shell assigned from TLOL 1010 in the LMS to apply their knowledge.

REGISTRATION PERMISSION
Faculty or staff who have not previously applied as a student to CNM must first complete the CNM application process in order to register for courses.

ADMISSION PROCESS
1. Individuals must be admitted to CNM as a student in order to take any coursework at the institution.
2. If you are not currently a CNM student, you must apply for admission to CNM through any CNM admissions office or online at www.cnm.edu.
3. Under “Registration” select “Visitor Student”
4. Apply online

Once you have completed the admission process, you will be assigned a student ID number (this number should be the same as your CNM faculty/staff ID number).

For assistance with the admissions process, please contact CNM Admissions at 224-3000.

TUITION & FEES
The “Resident” tuition rate for these classes is listed on the CNM website.

TUITION WAIVER FOR FACULTY
Full & part time faculty & staff are eligible for tuition waiver for this course. An approved Employee Tuition Waiver form and a copy of your schedule of classes are required by the Cashier’s office for processing.
The Employee Tuition & Fee Waiver form is available online as a fillable PDF. Complete and submit the Tuition Waiver to your supervisor/dean for approval. Take both forms to the Cashier’s office before your payment deadline.

Tuition and fees may not be waived more than once on the same course.

For more detailed information, go to http://www.cnm.edu/depts/hr/benefits/educational-benefits.

**OPTION C: TEACH/DEVELOP A CBE COURSE**

CNM online instructors need to be certified in TLOL 1010 and TLOL 1015 and receive training and guidance from the CBE Steering Committee on special CBE course design requirements. For more information, contact Fang Chen, fchen2@cnm.edu.

**OPTION D: FAST TRACK**

The CNM Online Instructor Fast Track Certification provides an alternative method for faculty members with previous online course development and teaching experience to become certified to teach Distance Learning courses at CNM.

Faculty with prior experience teaching online and wishing to “Fast Track” the CNM DL instructor certification course should take the following steps:

1. Notify appropriate School Dean or Associate Dean. Submit CV along with the notification request, highlighting experience teaching online.

2. After school administration has been notified of the Fast Track Certification request, faculty should contact the CNM Online Director, Christine Goshorn, csmith97@cnm.edu to set up the Fast Track Certification course shell.
VIII. STUDENT SUPPORT & POLICIES

Distance Learning students have many resources to help them be successful distance learners at CNM. All new CNM students taking a DL Course, are enrolled in the DL Jump Start course. This course is designed to assist them to understand the responsibilities of an online student, to introduce them to online course tools, and to allow practice using those tools. Drop-in labs are offered each term to assist students in person. These labs are held on CNM campuses the first two weeks of each term. In addition, many student related services are available online:

<table>
<thead>
<tr>
<th>Admissions</th>
<th>New student orientation</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Advisement</td>
<td>Financial Aid</td>
<td>Registration</td>
</tr>
<tr>
<td>Library services</td>
<td>E-Mail Accounts</td>
<td>myCNM</td>
</tr>
<tr>
<td>Schedule of Classes</td>
<td>Book Store</td>
<td></td>
</tr>
</tbody>
</table>

DL students must comply with the same rules, guidelines and policies set forth in the CNM Student Handbook. The full text of the Handbook can be found online.

STUDENT ACADEMIC DISHONESTY POLICY

Academic Dishonesty is any behavior on the part of a student that results in that student’s or any other students’ giving or receiving unauthorized assistance in an academic exercise or receiving credit for work which is not their own. Such acts include, but are not limited to cheating, plagiarism, falsification/fabrication, unauthorized collaboration, and/or facilitating academic dishonesty. The full text of the policy can be found online.

FEDERAL REGULATIONS ON ATTENDANCE

In a distance education context, documenting that a student has logged into an online class is not sufficient, by itself, to demonstrate academic attendance by the student. A school must demonstrate that a student participated in class or was otherwise engaged in an academically related activity, such as by contributing to an online discussion or initiating contact with a faculty member to ask a course-related question. Examples of acceptable evidence of academic attendance and attendance at an academically-related activity in a distance education program include:

• student submission of an academic assignment,
• student submission of an exam,
• documented student participation in an interactive tutorial or computer-assisted instruction,
• a posting by the student showing the student’s participation in an online study group that is assigned by the institution,
• a posting by the student in a discussion forum showing the student’s participation in an online discussion about academic matters, and
• an e-mail from the student or other documentation showing that the student initiated contact with a faculty member to ask a question about the academic subject studied in the course.

IX. FACULTY SUPPORT

CNM ONLINE and DISTANCE LEARNING
CNM recognizes the need for leadership and support in the appropriate use of technology for teaching and learning. The office provides support through:

Training. In addition to the required training for Distance Learning course instructors, there are regularly scheduled workshops, online self-paced tutorials and various self-serve handouts for all CNM faculty and students through the Cooperative for Teaching and Learning (CTL).
http://www.cnm.edu/ctl

Faculty user support. Support for faculty and the standardized format for course development, is available in the form of telephone, e-mail, virtual meetings and walk-in (by appointment) consultation by DL Staff.

Technical Design Consulting to help improve online course quality using instructional current technologies available to CNM faculty is available through the DL office from course designers and multimedia specialists. Distance Learning strives to help all faculty build and improve their course delivery using Quality Matters standards. Instructional Consultants within the Distance Learning department are available to review courses and make recommendations for modifications in collaboration with faculty.

DISTANCE LEARNING MULTIMEDIA SUPPORT & MEDIA PRODUCTION SERVICES (MPS)
MPS assists faculty with recording lectures or other more complex video needs. MPS main focus are external media objects or video. For assistance creating multimedia in your courses, contact DLmultimedia@cnm.edu for assistance.

INFORMATION TECHNOLOGY SERVICES (ITS)
Information Technology Services hold the licenses and on-campus technology needed for academic computing and provides service related assistance for computer related issues.

PUBLISHER CONTENT
If instructors use publisher content this section is very important as it outlines responsibilities of a faculty member, and what DL staff can and cannot do to assist with acquisition, deployment and implementation of publisher content.

Publishers, such as McGraw Hill, Wiley, and Pearson have partnered with the Learning Management System to create software packages to make it easier for faculty to deploy their own publisher content. Senior LMS Administrator, works with DL staff and Blackboard to identify and deploy building blocks necessary for CNM Faculty and students, including Publisher Building Blocks.

When faculty or academic schools or disciplines adopt a textbook from a publisher for a course and plan to use publisher’s content, only the FACULTY MEMBER has the access to login to the publisher’s website to access the content and make the links/access available to students.

Distance Learning Staff is unable to log into publisher’s websites using faculty usernames and passwords as this is a direct violation of CNM ITS policy. DL Staff is only able to assist with the integration into the LMS, but cannot assist with problems encountered when making the content visible to students. Unfortunately, DL cannot provide support for availability of publisher materials and visibility of those items to students.
Students should be directed to publishers’ technical support. DL staff nor Embanet can assist students with content residing in a publisher website or linked from CNM Learn to their website.

**Uploading Course Packages and Cartridges**
A course package is a zip file filled with course content. Generally, this course package is provided from your course’s textbook publisher. A course package is used by uploading the zip file into the destination course. A course cartridge, on the other hand, is a code provided by the publisher. In this scenario, only the code must be entered to retrieve the course materials.

**Words of caution about course package zip files:** It is very important that the zip file is not unzipped! Unzipping the file and changing anything at all within it prior to uploading can result in an unstable course with unpredictable behavior. Download your publisher’s course package to a safe destination on computer where it can sit and wait to be uploaded into your course.

**Adding a course package:**
1. Obtain the files.
   a. Often the publisher will give you a URL you will need to visit to download your course content, for which you will probably need a username and password. If you don’t have a username and password, you will need to get that from the publisher.
   b. Download the file to your desktop. Make sure that you leave the file as a .zip file, otherwise it will not work (i.e. don’t attempt to open the zip file).
   c. Remember where you saved the file!
2. Enter your CNM Learn course.
3. Look for Packages and Utilities located in Control Panel at the bottom of your course menu. Click Import Package.
4. Click the “Browse My Computer” button to open a dialogue box. In this new box, you will be able to navigate to the zip file you downloaded earlier. Once it is selected, your operating system will give you the option to Open/Submit.
5. After Opening/Submitting, you will be redirected to a page that says to Select Course Materials. You can Select All or checkmark only the things you want.
6. When you are done click Submit. It’s possible that it will look like nothing has happened. It will let you know when it is done, so be patient and wait until it has finished. If you are uploading a big file it may take several minutes.

**Adding a course cartridge:**
1. If you were given a code rather than files, look for Course Cartridges under Packages and Utilities.
2. Enter the code into the provided field. Click submit.
3. Your Course Cartridge should be added to your course.

**DL COURSE COPY PROCESS & DUE DATES**
Each academic term, every course taught at CNM receives a course shell in the Learning Management System.
In order to have course content copied from a prior term course to a current term, faculty are required to complete a Course Copy form. The form can be found on the CNM Distance Learning website. The form is submitted electronically to DL@CNM.EDU.

This mailbox is monitored by DL technicians, who copy courses on a first in, first out basis. The normal turnaround for course copies varies depending on the scope of the copy requests and the correct information being entered into the form by faculty. Incomplete or incorrect information may result in a course copy delay. The turnaround time for all requests are 24-72 hours, however, many are completed much sooner.

If you teach a course that is deemed a consensus or template course, your course copy request will be made by the course owner or Associate Dean, Chair or Director.

Having distance learning courses ready and available for students on the first day of the course is a priority. In order to insure courses are ready for the students, the first day of the course.

After course is copied, please check the following information in your course:

1. Edit “Welcome” message to reflect updated information
2. Upload new “Syllabus and Schedule information”
3. Check and update “Instructor Information”
4. Check and verify all Content information “Learning Modules/Content”
5. Ensure all content is labeled and in the correct folders or modules
6. Check and align “Discussions”
7. Edit communication tools
8. Check “Help!” links
9. Set-up or link “Grade Center” to updated content, assignments/assessments

*All intersession course copy requests should be submitted one-week PRIOR to the start date of the intersession course.

Subsequent to the email of course copy completion, faculty should log into their courses and put in the finishing touches. (See Appendix for “Finishing Touches for Online Courses”)

SCHEDULED COURSE REMOVALS

Distance Learning and ITS routinely remove courses. One year’s worth of classes are kept within the Learning Management System at any given time. If you would like to access or copy a course from more than a year ago, please know that it may take longer to retrieve.

ONLINE COURSE CHECKLIST

After your course has been copied, you should make any needed updates to course content.

<table>
<thead>
<tr>
<th>Y/N</th>
<th>COURSE AREA</th>
<th>COURSE CONTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>Welcome</td>
<td>This message is standard and provides directions for students on how to begin navigation of the course.</td>
</tr>
<tr>
<td>☐ Syllabus/Schedule</td>
<td>Remember to change the dates for each term and the course schedule. Include items such as test proctoring requirements (if any) and other external links to publisher information</td>
<td></td>
</tr>
<tr>
<td>☐ Instructor Information</td>
<td>Add your image, contact information, educational and professional background.</td>
<td></td>
</tr>
<tr>
<td>☐ Content/Modules</td>
<td>All information and topics should be set up in a module. You are able to set availability dates for all modules. All assignments and assessments are set up within the modules. Due dates and availability dates should be set for all items.</td>
<td></td>
</tr>
<tr>
<td>☐ Discussions</td>
<td>Set up discussions for the entire course, individuals or groups and due dates if necessary.</td>
<td></td>
</tr>
<tr>
<td>☐ Groups</td>
<td>Add students to the groups if you are using group work (Note: This should not be done until the week before the first group project)</td>
<td></td>
</tr>
<tr>
<td>☐ Announcements</td>
<td>Post Welcome Message to students. Post additional announcements as needed, weekly messages are recommended.</td>
<td></td>
</tr>
<tr>
<td>☐ Messages/Email</td>
<td>Email links to the students CNM email account.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>My Grades</td>
<td>Set up and link grade book for all graded items in the course. Ensure that grade book has the correct percentage/points and check calculated columns and other issues</td>
</tr>
<tr>
<td>---</td>
<td>-----------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Help</td>
<td>All content areas in this section are complete! Add any additional help links needed by students, such as publisher technical support for those courses which use publisher websites and content.</td>
</tr>
</tbody>
</table>
X. COPYRIGHT & INTELLECTUAL PROPERTY

USE OF PROTECTED INTELLECTUAL PROPERTY OF OTHERS
Instructors using CNM Learn are bound by the CNM Information Technology Use Policy (ITUP), excerpted below, which addresses CNM’s responsibilities for compliance with Intellectual Property (IP) Laws. CNM complies with the institutional requirements of the TEACH Act by providing secure Course Management Software (CNM Learn) to protect intellectual property by limiting access to currently registered students of a course, publishing copyright policy, and providing copyright information.

UNACCEPTABLE USES OF CNM IT SERVICES
Excerpt from CNM ITUP:
• Transferring misleading messages and/or masking the origin of a message (or source of information) parenthesis mine.
• Violation of Intellectual Property Law (IP Law)
• The owner of a copyrighted work owns the rights to reproduction, modification, distribution, public performance and public display of these works;
• This includes, but is not limited to, Copyrights and/or Patents as described in the Employee Handbook. (Trademark symbols should be treated as protected IP) parenthesis mine.
• The user who violates IP Law may be subject to liability to owner for actual damages, statutory damages, lost profits, court costs, and attorney fees.
• The user who violates IP Law may also be subject to criminal fines and/or imprisonment.
• Engaging in Prohibited or Illegal activities
• Compromising your or another’s user account information (usernames and/or passwords)
• Divulging sensitive or restricted information
• Violating another’s privacy
• Compromising system or network integrity
• Adversely affecting employee productivity as determined by the employee’s supervisors or department management
• Accessing Offensive Material which can be viewed by an individual (other than the user) if the individual considers the material offensive
• Uses which violate other CNM policies, CNM directives or Government Regulations as outlined in "Applicable Related Documentation" below

Individual instructors are responsible for justifying and documenting their own uses of protected works. Before deciding to use ANY protected intellectual property belonging to others, it is important to understand copyright laws, their provisions, extensions and exclusions, and to be willing to commit the time and effort to examine and document your use of information.

QUESTIONS TO ASK BEFORE USING ANY WORK
1. What is the work, or part of a work to be used?
2. What is the purpose of my intended use?
3. Is the work protected by copyright? (assume so, until proven otherwise)
4. Who owns the copyright(s)?
5. Do I have access to a legally acquired copy of the work?
6. Is the work available in licensed form through the libraries online databases or another reputable online source where I can link directly to the source?
7. Have I followed the terms of the license or use agreement?  
8. Have I documented my Four-Factor Fair Use analysis and decision for each use?  
9. Have I completed a TEACH checklist?  
10. Have I obtained and documented any needed permission(s) for my use(s)?  
11. Have I provided citation and copyright information with the work I posted?  
12. Have I taken reasonable measures to protect the work from further distribution beyond the class?

**RECOMMENDED PRACTICES**

- Favor the use of licensed electronic materials found in the libraries databases, or through the websites of reputable organizations wherever possible. These works may be used in their entirety, without special permissions, following their terms of use.
- Use only those protected works which are strictly necessary to meet educational objectives.
- When using a protected work, use only the amount you need to get the point across.
- Document your decisions to use what you need of protected works, for educational purposes, in writing.
- Avoid uses which substitute for the original or interfere with the market for the original.
- Avoid using protected works for decoration, entertainment or reward.
- Post links to licensed electronic copies of works whenever possible OR mail directly from the source.
- Do not distribute retained copies of works outside of the CMS.
- Find, read and follow the terms of the license.
- Obtain and document written permissions for uses which fall outside of fair use or a license agreement.
- Avoid using works of uncertain authorship, origin, copyright, or legal status.
- Include citation and copyright information at the point of access.
- Include information about intellectual property rights, along with plagiarism, in your instructional materials.
- Be an example of intellectual property stewardship.

Remember that student’s work is copyrighted to them, as soon as it is fixed in permanent tangible form. The instructor may include a clause in the syllabus, regarding use of student work for instructional purposes.

Original content that you create may be licensed to the creative commons, subject to the terms of the employee handbook and CNM Faculty Collective Bargaining Agreement, if you wish to protect it while sharing it. Available licenses vary in their restrictions.

Complete copyright educational materials, guides and checklists are available through the CNM Libraries.

**INTELLECTUAL PROPERTY & THE FACULTY COLLECTIVE BARGAINING AGREEMENT**

As CNM faculty are presented by the American Federation of Teachers all agreements regarding ownership are negotiated by the faculty union representative and the college executive leadership. Below are the current agreements regarding copyright and course material ownership. (From the CNM Faculty Collective Bargaining Agreement)

**Copyrights**
<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DETAILS</th>
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</table>
| 10.10.1 | The College regards copyrightable material such as but not limited to a book, manual, musical or dramatic composition, architectural design, painting, sculpture or other comparable work developed by an employee as the property of the employee (author) unless:  
The material is prepared under a grant or contract with specified ownership; or the material is prepared as a specific part of the employee's College assignment. An employee's general desire to produce occupational or scholarly works is not such a specific College assignment. |
| 10.10.2 | The College will claim copyright ownership in the name of the Governing Board of the College in those cases where:  
A College employee creates a copyrightable work in the course of discharging a College assignment; or  
The College specially orders or commissions a "work for hire", or  
College ownership is specified by terms of a gift, grant or contract with an outside party or sponsored program, or other agreement. |
| 10.10.3 | In any case where an employee in the development of a copyrightable work intended for commercial dissemination has made extensive use of College resources, such as computer time, staff personnel, supplies, equipment or facilities, but not including the use of library facilities or office space, his/her supervisor or department dean may require the employee to reimburse the College for any portion of such use.  
When a commercial enterprise is undertaken, the employee should consult his/her supervisor or department dean in advance to determine whether and to what extent reimbursement is appropriate. Reimbursement may be made by |
assignment of a portion of the royalties produced by the commercial venture, lump sum payment or any other mutually agreeable arrangement.

| 10.10.4 | Any dispute as to the issue or extensive use of copyrighted material, or as to the amount or method of reimbursement for use of College resources in preparing copyrighted material, may be appealed from the supervisor to the department dean or from the department dean to the vice president for instruction. |
| 10.10.5 | The vice president for instruction is responsible for the interpretation and implementation of the copyright policy for the College. Decisions of the vice president may be appealed to the president. |

10.11 Patents -- The College encourages efforts by employees that might result in the creation of intellectual property which may be protectable by patent. The College recognizes that such efforts can be of value both to the College and the employee. Because such efforts often involve a combination of employee/College resources, it is appropriate for the College and the affected employee to have a policy that is mutually beneficial.

| 10.11.1 | The College shall not claim rights to any invention resulting from efforts that are in no way supported by the College, or to which the College's contribution was negligible. |
| 10.11.2 | The College shall have the right, title and interest to an invention, including the sole right to file patent applications thereon and the right to waive all or part of such right, where:  
  
  the invention was conceived or first actually reduced to practice in the performance of work under an agreement with the College, or under an agreement of the College with any third party;  
  the invention was directly related to the employee's duties at the College; or  
  the invention was made with more than a negligible contribution of College funds, facilities, personnel, equipment or technical information. |
10.11.3 Each invention shall be submitted to the vice president for administration for a determination as to ownership rights, according to the following procedure:

The inventor shall report the invention in writing as soon as possible after work on the project commences and preferably within two months after conception or first actual reduction to practice, whichever occurs first. The report shall include a description of the invention, a statement describing the facts and circumstances of the invention process, and a written statement of concurrence from the appropriate dean or director.

The vice president for administration shall make an official determination as to ownership rights within 60 days of receipt of the information in (10.11.3) above.

In the event the employee disagrees with the determination of the vice president for administration, the employee may within 20 working days of the date of the vice president's determination, appeal the determination to the president. The president may in his discretion appoint an ad hoc panel, which will review all relevant facts and circumstances and make recommendations to the president for final determination. The president will issue a determination of the employee's appeal within 60 days of receipt of the appeal.

10.11.4 It is within the sole discretion of the College to file an application for patent on any invention in which it has ownership interest. Likewise, it is within the sole discretion of the College to waive all or part of its right to any invention, including the filing of an application for patent. The terms and conditions of any waiver by the College, of any of its rights to an invention shall be a matter of negotiation between the College and the employee, and shall be determined on a case-by-case basis.

10.11.5 If the College determines to file a patent application in the United States or in foreign countries, the inventor shall at all times cooperate as requested by the College to assist in the preparation, filing and prosecution of patent application and the issuance and maintenance of any patents issuing. Costs relating to the patent application shall be borne by the College. Gross
revenues received by the College - including option fees, license fees, royalties and commissions of any description - resulting from the exploitation of the invention, shall be shared 50% with the employee after deduction of all out-of-pocket costs incurred by the College, in the course of obtaining issuance and maintenance of the patent.

10.11.6 To the extent possible the employee and the College shall identify the employee's and the College's property rights prior to the implementation of a program.

An employee shall be entitled to temporarily remove a student from the employee's class when the employee's safety, the safety of the student or the safety of other students is threatened or when the student disrupts a class. The employee shall be provided the opportunity to be consulted and involved in the final disposition of the student's continued enrollment in the class.
APPENDIX: CNM DISTANCE EDUCATION COPYRIGHT CHECKLIST

EXPLANATION & INSTRUCTIONS
Purpose: The attached form* is intended to streamline the process of reviewing works for inclusion in online instruction. It integrates the requirements of “fair use,” DMCA and the teach act, and should be kept on file, along with any separate “fair use” evaluations. As documentation of your good-faith decision and efforts to ensure adequate safeguards to protect digital versions of those works from further distribution.

*Note: This checklist is provided ONLY as an aid to instructors and does not constitute legal advice or permission. If you are in doubt about your use, review the copyright education materials, ask the copyright coordinator, consult your administrator or seek the advice of an IP Attorney.

The TEACH Act of U.S. Copyright Law (section 110) requires that the institution fulfill certain obligations, in order to be eligible to offer Distance Learning, and that individual instructors fulfill their obligations with respect to the use of specific works selected for mediated instructional activities. CNM has instituted policies regarding use of copyrighted content, provided copyright information and educational materials that accurately describe and promote compliance with copyright laws and made these available on its website. CNM provides secure access to online course content through a course management system (CMS) CNM Learn to safeguard protected intellectual property. Other methods of sharing content (email, Dropbox, Google Drive, etc.) do not provide this protection and are not included within this institutional protection. CNM also provides access to databases through the CNM Libraries.

This form does not replace the Four Factor Fair Use Checklist for use of copyrighted works. The detailed technical criteria contained in this form work in tandem with weighing the four factors of Fair Use. Use the Four Factor Fair Use Analysis Form any time you are:

- Making copies/digitizing a work
- Making copies for digital delivery of supplemental reading, viewing or listening which students do on their own time and which is not part of mediated instructional activity.

It is recommended that the original sources, copyright status, and any limits of use of ALL works intended for online instruction be verified and recorded, and that their use(s) be documented. Thus, Section I may be used by itself to document those works which are open educational resources (OER), licensed to the Creative Commons(CC), or in the Public Domain. Complete and retain a copy of this form for each work considered for electronic distribution in your course, as appropriate.

Just as with Fair Use, ALL requirements must be satisfied in order to qualify protected material for online use under the TEACH Act. If the work is a textual work or your intended use of a copyrighted work does not fit the requirements of the TEACH Act, you may fall back on fair use. If your use exceeds “fair use” or is outside of TEACH reconsider your use, or find a licensed copy. If your use does not qualify as a “fair use,” and no licensed copy is available, proceed to obtain permission from the copyright owner.
CNM Distance/Hybrid/Enhanced Course Instructor Copyright Checklist

SECTION I: WORK IDENTIFICATION AND INTENDED USE
Author/Title/Publisher/publication date of work to be used (or standard citation):

________________________________________________________________________

Section(s) of work to be used:

________________________________________________________________________

Original Medium_________________ Source of Original _______________________

Course no._____________ For Term(s)_____________ Today’s date ____________

Intended Use:

Independent student use ☐ Mediated class activity ☐ Other ☐

✔ The institution (CNM) for which the work is to be transmitted is an accredited degree-
granting, nonprofit educational institution.

SECTION II: COPYRIGHT STATUS
The work cited above is determined to be (mark ONE, and enter any relevant information):

Copyrighted to ____________________________

Licensed to CNM by ____________________________

Creative Commons license ________________ as of date use ________________

In the Public Domain

Determination completed by_________________________ Date ________________

SECTION III: CHECKLIST
The remainder of this form is not required if you intend to use material that is in the public
domain or if the material is available as a legal copy in digital format and you will only provide
the citation and copyright information and:
Insert the permalinks provided in the libraries databases.
Link directly to content legally made available on the web, and cite the source.
Use Creative Commons (CC) licensed content, according to the terms of use in the license.
Use Open Educational Resources, according to the terms of use in the license.

Complete for work which requires you to make a copy to upload
A. FAIR USE REQUIREMENTS  
(If you will be making a digital copy to distribute to your class online)

If the work is protected by copyright and not available in licensed digital format, conduct a separate four factor “fair use” evaluation before making a copy, considering:

1. The nature of the work
2. The purpose of your use
3. The extent and substantiality of your amount of material to be used
4. The effect of your intended use on the market for the original

If your use does not qualify as a fair use, request permission in writing from the copyright holder. Use the “Fair Use Checklist” to assess if your use of an asset meets these requirements.

B. Digital Millennium Copyright Act (DMCA) Anti-circumvention requirements

I have not circumvented any software designed to protect digital material from copying.

The instructor does not know or have reason to believe that the copy of the work to be transmitted was not lawfully made or acquired.

C. TEACH Act Requirements  
(which are the duty of the instructor to fulfill before digitized or downloaded copies of protected works can be posted)

Assurance that:

1. The transmission is… (mark one of the following)
   a. A recorded performance of a nondramatic literary work (not theatre or drama);
   b. A recorded performance of a nondramatic musical work (not opera, musical, music video);
   c. A recorded performance of any work, including dramatic works and audiovisual works, but only in “reasonable and limited portions”; or
   d. A display in an amount comparable to that which is typically displayed during a face-to-face classroom setting, (posted for a limited period of time). (see section IV.)

2. The original work is not marketed to the public primarily for performance or display as part of a digitally-transmitted, mediated instructional activity.

3. The work to be used is not a textbook, publisher provided study guide, course pack, or other material in any medium typically purchased or acquired by students for their independent use and retention.

4. The performance or display is:
   a. Made by, at the direction of, or under the supervision of an instructor “as an integral part of a class session offered as a regular part of the systematic mediated instructional activities” of the educational institution; and
   b. Is directly related to and of material assistance to the teaching content of the instructional transmission.

5. If the work to be used is to be copied/converted from print or other analog version to digital format:
a. The amount of the work converted is no greater than the amount that can lawfully be used for the course under Fair Use Guidelines; and
b. No digital version of the work is available to the institution, or the digital version available to the institution has technological protection that prevents its lawful use for the course.

If the intended use does not meet All of the requirements of the Teach Act, proceed to request permission to use the material.

SECTION IV: NOTES
Original copy stored in (paste file path) ____________________________________________

Posted on date______________ Removed on date ______________
APPENDIX: FAIR USE CHECKLIST

A proper use of this checklist should serve two purposes. First, it should help you to focus on factual circumstances that are important in your evaluation of fair use. The meaning and scope of fair use depends on the particular facts of a given situation, and changing one or more facts may alter the analysis. Second, the checklist can provide an important mechanism to document your decision-making process. Maintaining a record of your fair use analysis can be critical for establishing good faith; consider adding to the checklist the current date and notes about your project. Keep completed checklists on file for future reference.

As you use the checklist and apply it to your situations, you are likely to check more than one box in each column and even check boxes across columns. Some checked boxes will favor fair use and others may oppose fair use. A key issue is whether you are acting reasonably in checking any given box, with the ultimate question being whether the cumulative weight of the factors favors or turns you away from fair use. This is not an exercise in simply checking and counting boxes. Instead, you need to consider the relative persuasive strength of the circumstances and if the overall conditions lean most convincingly for or against fair use. Because you are most familiar with your project, you are probably best positioned to evaluate the facts and make the decision.

This checklist is provided as a tool to assist you when undertaking a fair use analysis. The four factors listed in the Copyright Statute are only guidelines for making a determination as to whether a use is fair. Each factor should be given careful consideration in analyzing any specific use. There is no magic formula; an arithmetic approach to the application of the four factors should not be used. Depending on the specific facts of a case, it is possible that even if three of the factors would tend to favor a fair use finding, the fourth factor may be the most important one in that particular case, leading to a conclusion that the use may not be considered fair. This checklist is based on “Fair Use” by Kenneth D. Crews (Columbia University) and Dwayne K. Butler (University of Louisville).

<table>
<thead>
<tr>
<th>FAVORING FAIR USE</th>
<th>OPPOSING FAIR USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Teaching</td>
<td>☐ Commercial activity</td>
</tr>
<tr>
<td>☐ Research</td>
<td>☐ Profit</td>
</tr>
<tr>
<td>☐ Scholarship</td>
<td>☐ Entertainment</td>
</tr>
<tr>
<td>☐ Nonprofit educational institution</td>
<td>☐ Denying credit to the original author</td>
</tr>
</tbody>
</table>

Central New Mexico Community College   November 14, 2018
| % | Criticism | ☐ | Bad-faith behavior |
|☐ | Comment |
|☐ | News reporting |
|☐ | Transformative of productive use |
|☐ | Restricted access |
|☐ | Parody |
|☐ | Published work | ☐ | Unpublished work |
|☐ | Factual or Nonfiction | ☐ | Highly creative work (art, music, novels, film, plays) |
|☐ | Important to favored educational objectives |
|☐ | Small quantity | ☐ | Large quantity or whole work used |
|☐ | Portion used is not central or significant to entire work | ☐ | Portion used is central to or “heart of the work” |
|☐ | Amount is appropriate for favored educational purpose |
|☐ | User owns lawfully purchased or acquired copy of original work | ☐ | Could replace sale of copyrighted work |
|☐ | One or few copies made | ☐ | Significantly impairs market or potential market for copyrighted work or derivative |
|☐ | No significant effect on the market or potential marker for copyrighted work | ☐ | Reasonably available licensing mechanism for use of the copyrighted work |
| | No similar product marketed by the copyright holder | | Affordable permission available for using work |
| | Lack of licensing mechanism | | Numerous copies made |
| | You made it accessible on the web or in other public form | | Repeated or long-term use |

**PERMISSIBLE USE VS FAIR USE**

**Ownership of Copyrighted Material** Naturally, you may post materials to which you hold the legal rights. In general, you are the copyright owner of scholarly and instructional materials that you created independently, unless you have assigned the copyright to another party. Faculty authors of journal articles and other materials frequently assign their copyrights to publishers under the terms of a publication agreement. Read these contracts carefully to determine who may be the copyright owner of your own work.

**Linking to Databases and the Web** Simply linking to materials that are already lawfully available on the Internet or in databases is often feasible, efficient, and legally sound, without raising significant copyright questions. Central New Mexico Community College provides access to numerous full-text databases, and librarians often have negotiated licenses that permit linking, printing, and other necessary uses in the educational setting. CNM librarians can help you locate materials and make links.

**Permission to Post Materials** Permission from the copyright owner is an important option for posting materials to a learning management system or a website. Instructors are ordinarily responsible for securing any needed permission. Permission can also come in many other forms. Works that are made Open Access or Open Source by the rights-holder are at least available for researchers, students, and anyone else to access and read without further permission. Many works are made available on the Internet and elsewhere with a statement of permitted use or with a Creative Commons license. These possibilities are effectively an advance permission from the copyright owner, often permitting non-commercial uses of the works. Read the language carefully, and if it covers your needs, you are free to proceed with the use.

**Works in the Public Domain Copyrights** in many early works have expired, leaving them without restrictions on copying, uploading, and many other uses. Most notably, works published in the U.S. before 1923 are in the public domain. Copyrights to more recent works may also have expired, but the law requires individual scrutiny of each work. In addition, broad categories of works, such as works originally created by the U.S. federal government, have no copyright protection.

**Fair Use** Fair use is a legal doctrine that allows the public to make limited uses of copyrighted works without permission. Fair use plays a key role in the online world, but it may not be what you expect. Simple, clean, and concise rules do not exist in the law of fair use. Do not assume
that a particular use is inherently within fair use just because it is for nonprofit and educational purposes, or because you cited the source of the work or restricted access to the materials to students in the class. On the other hand, limiting the amount of material you post on your website and restricting access to the material are important ways of strengthening your claim of fair use. Fair use depends on a balancing of four factors outlined in Section 107 of the Copyright Act. Because each situation will be different, you must also consider other possibilities and weigh them in the balance for each fair use determination. You may need to adjust your implementation to keep your activities within the boundaries of permitted use.

To establish the strongest basis for fair use, consider and apply the four factors along the lines of the following suggestions. Remember, fair use involves a balancing of the factors and the “fairness” of the overall circumstances. In other words, you do not always need to comply with all of the suggestions listed here, but a strong case for fair use may likely have taken most or all of these variables into consideration. Use the Fair Use Checklist to see additional variables and to create a helpful record of your evaluation of the law.

Purpose of the Use
- Materials should be placed online only for the purpose of serving the needs of specified educational programs.
- Materials should be placed online only at the specific request of the instructor.
- Access to materials should be limited by password or other means to deter unauthorized access beyond students enrolled in the specific course for which the materials are needed.
- Students should not be charged a fee specifically or directly for access to materials placed online, and no person or unit at the university should benefit monetarily from the use of the material.

Nature of the Original Work
- The selected work should be relevant to the educational objectives of the course.
- The law of fair use applies more narrowly to highly creative works; accordingly, avoid substantial excerpts from novels, short stories, poetry, modern art images, and other such materials.
- Instructors should carefully review uses of “consumable” materials such as test forms and workbook pages that are meant to be used and repurchased.

Amount of the Work Used
- Materials placed online should generally be limited to brief works or brief excerpts from longer works. Common examples: a single chapter from a book, a single article from a journal, or individual news articles.
- The amount of the work placed online should be related directly to the educational objectives of the course.

Effect of the Use on the Market for the Original
- Materials placed online should include a citation to the original source of publication and a form of a copyright notice. If the original work has a copyright notice (e.g., “Copyright 2009, Jane Smith”), copying that notice with the materials is probably a good idea. The instructor should also advise students that the materials are made available exclusively for use by students enrolled in the course and must not be distributed beyond that limited group.
• Access to materials should be limited by password or other means to deter unauthorized access beyond students enrolled in the specific course for which the materials are needed. (Password control or other limited access is also important to the “purpose” factor, as noted above.)
• The CMS or a course website should include only material for which the instructor, the library, or another unit of the educational institution possesses a lawfully obtained copy.
• Materials placed online should not include works that are reasonably available and affordable for students to purchase—whether as a book, as a coursepack, or in another format.
References