

## Rights, Ethics, and Re-Use statement

As opposed to our original proposal draft, this resubmission focuses more so on audiovisual collections that has a relatively clear and simple rights status. The collections now involved include series such as HoMoVisiones, Criminal Justice CloseUp, and Cinema Then, Cinema Now which are educational television series created within a studio environment. Other collections such as those from City Club and Baruch College are comprised of recordings of public events. Because of the production style of these programs, there are very limited and very manageable underlying rights to require research or processing. An earlier draft of this proposal included more complex works, such as a segmented, magazine-style, cultural series and a series of student-produced works which included substantial amounts of third-party rights. In reflection on the earlier proposal and its comments, we've elected to consider the underlying rights in addition to scholarly value while refining which collections we sought to address in this smaller-scoped Hidden Collections project.

In response to the comments from our initial application in April 2019, we reviewed the rights of these collections even further through engagement with collection managers, surveys, and pilot programs. We reached out to each institution to gain a better understanding of the collections and throughout this process we received strong support for making this material accessible to the public. We were assured from these institutions, some of them the rightsholders themselves, that the items have very few, if any, roadblocks, to sharing them online. Many, including the creators of the HoMoVisiones collection, stated that they would support making the material freely accessible via a Creative Commons license. The only collection that appeared to have a complicated rights history was the Robert Garcia Collection from the Centro de Estudios Puertorriqueños. Since this collection was only 110 items and would present a hurdle for accessibility, we decided to remove this collection from the list of tapes to be digitized. As a result of our research, outreach, and clearance work, we've secured permission and support for approximately 98% of these items online, with the small remainder requiring a further review and coordination. To summarize our recent work at assuring permission and access, we've added detailed information regarding the IP status of these collections in the "List of Collections to Be Digitized 2019 spreadsheet."

Within this project, CUNY TV will extend the rights management approaches that we use internally to cover these hidden CUNY collections. We'll use of our established rights management database which works in conjunction with our descriptive record database, where we can describe underlying rights, constraints on use, obligations on use, and permission statements, so that the extent and certainty of our knowledge of the rights of each item are clear. We will also collaborate with CUNY's General Counsel Office to produce forms and agreements that participating collections may use with collection donors and any identified rights-holders in order to efficiently clear material for use as needed.

Within the past year, CUNY Television has also been expanding an initiative to produce new educational programming with a Creative Commons license as well as to re-license its historic education under Creative Commons licenses. Such an effort follows in the footsteps of projects from the larger academic community such as MIT's OpenCourseWare project and CUNY's own projects such as Open@CUNY and CityTech OpenLab. Within the next few weeks, CUNY TV will see it's first made-for-Creative-Commons programs become available, starting with an educational series focusing on Taiwanese filmmakers. CUNY TV has also applied Creative Commons to selections of its own legacy programming, such as Charlando con Cervantes (a Spanish language series on Spanish authors produced with the Instituto con Cervantes). CUNY TV's Creative Commons initiative also includes our efforts to contribute segmented audiovisual collection to open knowledge resources such as Wiki Commons and Wikipedia in order to propagate supporting open knowledge with open audiovisual content. These experiences have helped us develop a culture of integrating rights and reuse considerations into our preservation and access work so that scholars and educators are better enabled to reuse or integrate educational materials into new knowledge-based works.

Being inspired by our collaboration with the American Archive of Public Broadcasting, we will require that the collaborating organizations offer sufficient rights so that a representation of the resulting items can be made properly accessible in support of our discoverability plan, including allowing public streaming video and research use. Going beyond this, if the collaborating organization does manage the rights to the item (which is true in most cases), we will provide options so that they can make items available under a Creative Commons license or under a selected statement from RightsStatements.org in support of content re-use, educational use, or integration into curriculum.

In order to communicate rights, embargoes, and restrictions to the public, we will ensure that each item is presented within a context that clearly informs as what use is permitted, including specifying the copyright holder (or if the copyright holder is unknown), the terms of use for the collection, and any applicable licenses or rights statements for each item or collection. The user will be supported in understanding what specific use is allowed and what copyright holder should be contacted if additional rights are necessary. In addition to clarifying the terms and ownership, we want to learn more information about the material being made accessible and will provide contact information for those who may either want to offer additional details about the item in order to contribute to its description or to clarify our rights information. For instance, if a user finds content in our collection that they believe is not properly attributed, then we'd like to ensure that the user has efficient and effective means to communicate with project maintainers.

Within this project, we will be working with audiovisual materials created collaboratively between many parties often working in informal production environments. We are aware that appearance releases, production records, and permission statements may likely not exist for much of the content to be considered within the project. We hope to make this situation clear within our terms of use statement and within our project agreements, so that users are aware of the

copyright details which are available and understand what reuse is permitted or who to contact with questions or requests.

For content to be considered for inclusion within this project we'll ensure that the custodial organization, known copyright holder, and CUNY TV agree to make the content accessible online in its entirety without watermarks or manipulation, editing, or distortion of the content. In some cases if content is found to be not suitable for online access (such as containing personal or sensitive information or complex ethical issues in facilitating open access), we will still make efforts to provide access to the metadata about the online content and information necessary to obtain any possible onsite access to the resulting materials at either CUNY Television or the originating collection. Audiovisual content will be accessible as streaming video via multiple sources such as the Internet Archive and YouTube and curated in display in the website of CUNY TV and potentially within the website of the participating collection. If the custodial organization is the copyright holder and agrees to a Creative Commons license, in such a case we will provide download links to access copies in addition to the streaming.

All metadata offered within this project will be released under a CC0 license and the project managers will make all efforts to support the rights requirements and spirit of the CLIR Hidden Collections grant.