



MASTER GARDENER
COLORADO STATE UNIVERSITY
EXTENSION

CMG GardenNotes #010-018

Colorado State Extension Master Gardener Program



This CMG Program curriculum was developed by David Whiting, CSU Extension. Cover Art is 2022 CMG Embroidery Patch.

- Colorado Master Gardener GardenNotes are available online at <https://cmg.extension.colostate.edu/>.
- No endorsement is intended of products mentioned, nor is criticism implied of products not mentioned.
- Copyright Colorado State University Extension. All Rights Reserved. CMG GardenNotes may be reproduced, without change or additions, for nonprofit educational use with attribution.
- Colorado State University, U.S. Department of Agriculture, and cooperating Colorado counties.

Colorado State University Extension is an equal opportunity provider.

Colorado State University does not discriminate on the basis of disability and is committed to providing reasonable accommodations.

CSU's Office of Engagement and Extension ensures meaningful access and equal opportunities to participate to individuals whose first language is not English.

<https://col.st/OWMJA>

Colorado State University Extension es un proveedor que ofrece igualdad de oportunidades.

Colorado State University no discrimina por motivos de discapacidad y se compromete a proporcionar adaptaciones razonables.

Office of Engagement and Extension de CSU garantiza acceso significativo e igualdad de oportunidades para participar a las personas quienes su primer idioma no es el inglés.



CMG GardenNotes #010

Colorado State Extension Master Gardener Program References and Review Material

Reading/Reference Materials

CSU GardenNotes

- <https://cmg.extension.colostate.edu/volunteer-information/cmg-gardennotes-class-handouts/>.
- #011, *Learning*.
- #013, *CMG VMS Guide for Volunteers – Volunteer Management System*.
- #014, *CMG Volunteer Handbook*.
- #015, *Communications*.
- #016, *Fielding Questions: Tips*.
- #017, *Listening Habits Evaluation*.
- #018, *Using Copyrighted Materials: Are You Legal?*

CSU Extension Fact Sheets

- <https://extension.colostate.edu/topic-areas/yard-garden/>.

Planttalk Colorado™

- <https://planttalk.colostate.edu/>.

Other

- Become familiar with the resources available to you. Spend time investigating what our CMG website offers: <https://cmg.extension.colostate.edu/>.
- State Volunteer Resources website: <https://cmg.extension.colostate.edu/volunteer-information/>.

Learning Objectives

At the end of this training, the student will be able to:

- Describe techniques to enhance their learning.
- Describe how mind filters influence communications.
- Self-evaluate factors that enhance and impede their communications.
- Describe the Cooperative Extension System.
- Describe the CMG Program and the role of volunteers.

Review Questions

Green School

1. In a long class period, like Green School, it is easy to miss concepts that expand and update the student's knowledge. What techniques can students use to maximize their learning potential?
2. In the learning process, when you question or reject a concept, how should it be reprocessed?
3. To gain the most out of Green School, take a few moments to self-reflect on your mind filters that may play into your learning potential. What mind filters will help you learn? What mind filters may impede your learning?

CSU Extension

4. Describe the Extension system. Who are the partners?

Colorado State Extension Master Gardener Program

5. When may the title Colorado Master Gardener be used?
6. What is required to become a CMG volunteer? After the first year, what is required to continue in the program?
7. In counting hours, what counts for volunteer hours versus continuing education hours?
8. List criteria for CMG activities.
9. What is conflict of interest and implied endorsement? As CMG volunteers employed in the green industry, can you advertise that you are a "Colorado Master Gardener"? That you have completed the Certified Colorado Gardener training?
10. Under the "fair use" doctrine of copyright law, what are the restrictions on making a single copy for a client? For making multiple copies for classroom distribution?
11. While working in official CMG activities, CMG volunteers are covered by University liability, but under what conditions?
12. CMG volunteers are not authorized to give legal or medical advice. Give examples of common questions that could fall under legal or medical advice. Where should clients be referred?

Communications

13. Take a few quiet moments for some self-reflection on your "mind filter." What mind filters are powerful in your communications? What mind filters sometimes impede your communications?

Tools for Success

14. If you were calling CSU Extension for advice on a gardening problem, how would you like to be treated? (A rather simple question, yes, but we do not want to be that "governmental agency" which forgot customer service.) Give it some serious thought.
15. A client wants you to tell them what to do about a garden problem. What is your role in the decision making process?
16. Why do some questions have no answers?
17. What are the two most common complaints about CMG services?
18. Why do we recommend that you read directly from reference materials? Why do we recommend that you cite references?
19. What types of reference materials are not acceptable?
20. May you use your own practical experience? What if it is different from recommendations?
21. What is a CMG role related to pesticide information?
22. What sources are acceptable for pesticide information?
23. Where do you refer clients that need in-depth information about pesticide safety issues?
24. How does visualizing a client's situation help you diagnose a problem?

25. How does repeating back, in your own words, what the client said help you diagnose a problem?
26. As you are talking with the client, you often have a new piece of information come up that does not fit the diagnoses you were thinking about. How can you look smart (and save face) and move on with a new direction of thinking?
27. Why should a diagnosis be framed, such as “**based on the information you provided, the problems could be...**”?



CMG GardenNotes #011

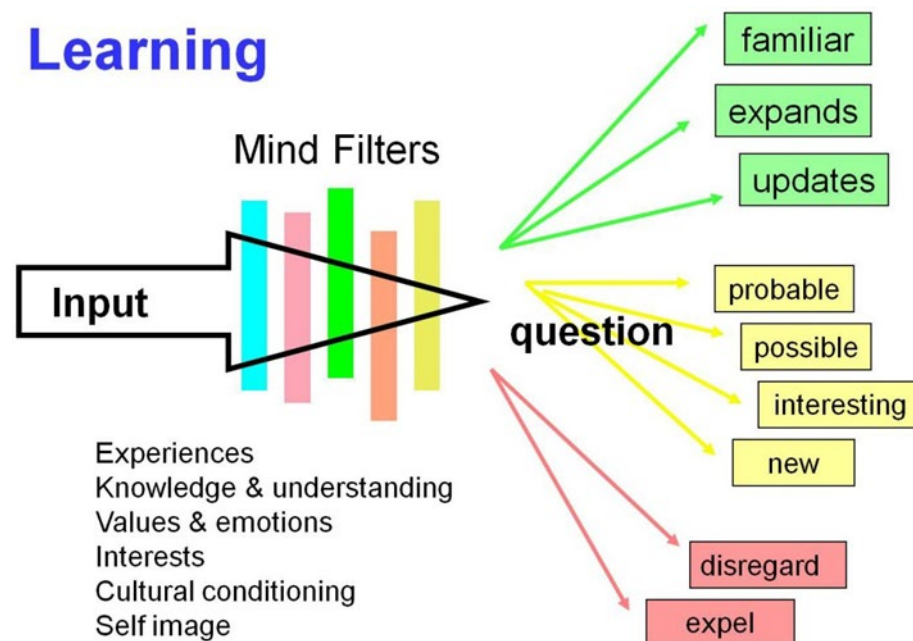
CMG Program – Learning

Outline: Mind Filters Regulate Learning, page 1
Accepted, page 2
Questioned, page 2
Rejected, page 4
As the “Learner,” page 4
As the “Teacher,” page 5
Characteristics of the Adult Learner, page 5

Learning is a complex process. It happens **within** us, not **to** us. It involves our minds, emotions, values, interests, and behavior.

Mind Filters Regulate Learning

Like communications, all forms of input into our minds are processed through the mind filters of past experiences, understandings, and personal values. Input may be: 1) accepted as familiar to what we already know, value and trust; 2) questioned; or 3) rejected.



Accepted

Input will be accepted when it is in harmony with our mind filter of knowledge, understanding and values.

Knowledge is adding word phrase by word phrase and sentence by sentence, rather than by paragraphs and chapters. It must connect to prior knowledge and understanding; thus learning is easier when one has prior knowledge of the subject matter.

Familiar – The input may be readily accepted because we already know and accept the input as fact (or fiction). Input may reinforce our knowledge, understanding, and values.

Expand – We add the input to our mind filters as new knowledge and understanding only when it is in harmony with our current knowledge, understanding, and values. In this situation, active learning takes place as we expand our knowledge and understanding of the topic.

Update – Here we may accept the input because it logically fits with our mind filters as we replace and update previous knowledge, understanding, and values. In this situation, active learning takes place.

Since updating is changing our vision of the world and life, it is difficult for most people. People often refuse to learn because we are subconsciously unwilling to allow changes to our mind filters. Some students only want the input to validate their prior knowledge, thus blocking the learning process that updates their knowledge and understanding. When the mind filters of values and emotions are involved, updating is difficult for most people.

Maximizing Your Learning Potential – Most students sit in class and passively process that they already know this point and that point. When a point is different from their current understanding, most students automatically disregard the input. With the normal approach, little learning actually takes place. People become bored when the bulk of the content is familiar and quickly feel overwhelmed when the content is unfamiliar to their current knowledge base.

To maximize learning, take an active approach in the classroom. Actively look for that word phrase and sentence that expands or updates your knowledge and understanding. Make notes on what is new and different.

With the active approach, learning skyrockets! Students become energized by input that expands and updates their knowledge and understanding. In classes where much of the content is already familiar, those update tidbits make the class still rewarding.

Questioned

We naturally question any input that is not in harmony with our mind filters of knowledge, understanding, and values.

New – It is natural to question any input that is new to our mind filters.

Interesting – Our interest may increase as we begin to question the input as fact (or fiction) based on our mind filters.

Possible – With repeated input, the questionability of the input will become more focused as possibly factual.

Probable – With additional input, our mind filters will render the input as probably factual (or fictional). It may eventually be accepted as factual (or fictional).

Working in the questionable realm may be part of the learning process as we move from interesting to possible to probable to accepted. This is the science of marketing. In the marketing process we may eventually come to accept the input simply because it is familiar rather than because we actively legitimized the information as factual or fictional.

Maximizing the Learning – When the mind filters question a concept, make a note, and reprocess the input looking at why it was questioned. Understanding why your mind filters questioned it will enhance your learning potential. Common reasons for the mind filters to question a concept include the following:

- **New and Different** – The mind naturally questions input that is new or different from current knowledge, understanding, and values.
- **Different Perspective** – A lot of questioning arises due to differing perspectives. Differing perspectives may be on target, but from differing frames of view.

For most people, it is hard to understand another's perspective unless the background is explained. For example, an instructor who collaborates primarily with commercial growers may have different perspectives on growing techniques than instructors more focused on home gardening. An instructor with a soils background may have different perspectives on fertilizing flowers than an instructor with a background in flowers. Gardeners specializing in annual flowers may see general flower growing concepts differently than gardeners specializing in flowering perennials. Each could be factual from their respective points of reference.

Oftentimes the confusion arises from changing needs in the life cycle of a plant. For example, newly planted trees are intolerant of water stress. Established trees in good health are tolerant of short-term drought. Older trees in decline are intolerant of drought. General statements about watering trees during a drought need to be prefaced with information about the life-cycle stage of the trees.

Gardening Experience – Your own gardening experience will be different from that of other gardeners. Do not assume that other gardens have the same soils, pests, microclimates, irrigation needs, favorite plants, or landscaping styles. One of the difficult things in working as a CMG volunteer is understanding that the clients' gardening needs, problems, and questions are different from your own.

Bridging Between General Concepts and Site-Specific Needs – Making the jump from general garden concepts to how they may or may not apply to site-specific situations can be difficult.

For example, a general concept in soil management and water wise gardening is to improve the soil to 4-5% organic matter (general concept). This enhances plant growth and makes maintenance easy. However, soil improvement may not be possible in many sites due to cost, the physical labor involved, rocky soil, etc. (site-specific need). When soil improvement is not possible, we must adapt our general gardening techniques to compensate for the unimproved soil. Some native plants may prefer a soil that is not improved (site-specific need).

Aphids on shade trees do not generally warrant management efforts for the health of the tree (general concept). However, trees that are water stressed (due to drought, new plantings, or restricted root spread) are rather intolerant of aphids (site-specific need).

Remember that no gardening concepts are universally adaptable to all sites. We have to match the approach with the objectives of the garden and site limitations.

Values and Emotions – If the topic tugs on values and emotions, learning may be difficult. People have many values and emotions about gardening that come from the plants we love and dislike and our values towards garden inputs such as pesticides, irrigation, and landscape styles. When emotions are highly charged about a topic, it is normal to block any input that has a different point of view. It takes active work to unblock the input that would update or expand our knowledge and understanding.

Rejected

People naturally reject input that our mind filters evaluate as contradictory to our accepted knowledge, understanding, and values.

Disregard – In most situations, we simply disregard the input. In fact, we may disregard the input so automatically that we do not even process it.

Expel – When the input is in strong opposition to our mind filters of values and emotions, we typically expel the input. We may respond in a variety of manners including getting an upset stomach or headache, feeling nervous or anxious, becoming quiet or vocal, feeling angry, or even becoming violent.

Maximizing The Learning – When the mind filters reject a concept, make a note, and reprocess the concept looking for why it was rejected. Understanding why your mind filters rejected it will enhance your learning potential.

Common reasons for the mind filters to reject a concept include that it was new and different, that it was a different perspective or experience from your own, and the strong filters of values and emotion.

As the “Learner”

Education is about change as we expand and update our mind filters of knowledge, understanding, and values.

When involved in a learning experience, pay attention to your mind filters that may enhance or detract from your learning potential. Being aware, up front, of the impact of mind filters allows us to focus energy where needed to enhance the learning process. For example:

- If you have a high interest in a topic, learning may be easy.
- If you have low interest in a topic, it will require more energy on your part to enhance the learning process.
- If you feel well versed on a topic, your knowledge base may interfere with your learning potential. Your mind filters may be closed to input that expands and updates your knowledge and understanding. You may automatically disregard “new” and “relearned” input without even processing the data.
- If you have values or emotions attached to a topic, your mind filters will be very powerful. This could enhance your learning if the input is in harmony with your mind filters. However, it

may block learning as mind filters cause you to automatically disregard or expel any contrary input without evaluation.

In the Classroom Setting

To maximize the learning potential in a classroom setting, education experts teach students to take time to review the class content within twenty-four hours of the class period. This enhances the movement of expanded and updated input into long-term memory.

In the review process, give special attention to concepts that expand and update knowledge and understanding. Particularly in long class periods (like CMG Green School training), so much material is covered so fast that students readily fail to make these new connections without actively reprocessing the input as new and different. Study questions with CMG units are designed to help with review of learning objectives.

As The “Teacher”

When CMG volunteers are in the teaching role, remember that your mind filters are trying to communicate with the client’s mind filters. Communication and learning are two-way processes. Most of the time our clients are thrilled with whatever help we can provide.

However, in limited situations we cannot educate when the client is not open to learning. Sometimes they just call to verify their current knowledge and understanding and will automatically reject any new or different information. Sometimes they have an auto-rejection mode turned on due to values, emotions, and interests related to pests, pesticides, organic gardening, and xeriscaping. Sometimes they are unwilling to accept any responsibility for the problem they call about, blocking learning. As a CMG volunteer, do not take it personally when clients are not open to learning.

Characteristics of the Adult Learner

The framework for CMG volunteer work is education to the gardening public. Sometimes the CMG service is organized as outreach activities. Other times the CMG volunteer may be structuring the learning situation. People have their own motivations for coming to us for information. It is important to respect their reasons.

Motivations for Learning

Application Oriented – They need to take action, solve a problem, or accomplish something.

Knowledge Oriented – They want to satisfy their curiosity and learn for the sake of acquiring new knowledge and understanding. They want to use their intellectual abilities and sometimes like to be challenged. Unlike children, they come from a base of experience.

Socially Oriented – They will attend a class or make contact for social interaction and enjoyment.

Principles of the Adult Learning Environment

Experience – Adult learners have large and growing storehouses of experiences that represent rich resources for their own learning and that of others. Many want to share that knowledge and experience.

Continuing Process – Adults see learning as a continuing process of gaining knowledge and skills that can be applied right away.

Relationship – The information must be related to the adult learners' needs or interests.

Logical – The information must make sense to the adult learner.

Independent – Adult learners are independent, taking initiative without having to be told what and how to do it. They engage in learning activities because they want to, often with a clear idea of what they want to learn and how they want to learn it. They seek step-by-step solutions.

Self-Diagnosis – Adult learners like to see a model of competence, what good looks like, against which learners can compare themselves and figure out what they need to learn.

Shared Evaluation – Instead of teachers deciding whether participants have learned, adult learners prefer to assess their own learning.

Authors: David Whiting, CSU Extension, retired. Artwork by David Whiting. Used with permission. Revised October 2017.
Reviewed June 2023 by Merrill Kingsbury, CSU Extension.

Reviewed June 2023



CMG GardenNotes #015

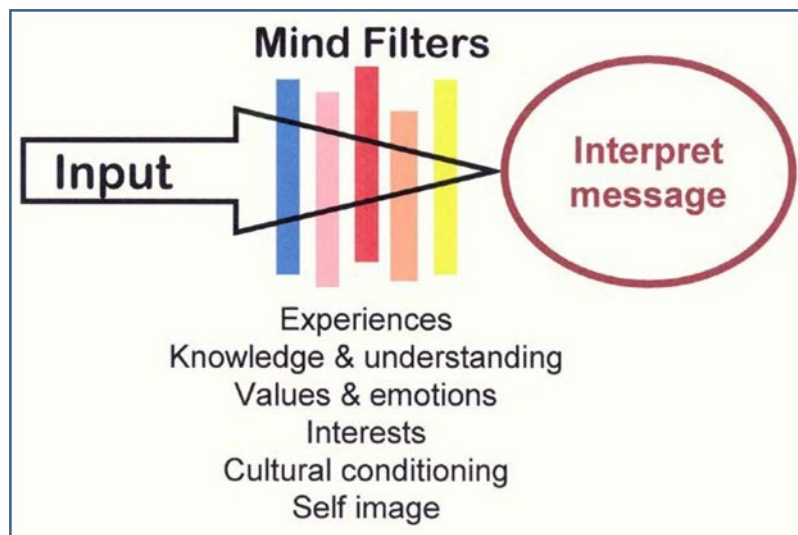
CMG Program – Communications

Outline: Mind Filters Interpret the Message, page 1
Communicating As Gardeners, page 2

Mind Filters Interpret the Message

93% of interpersonal communication is nonverbal. In verbal communication, non-word aspects (tone, speed, inflection, emotions) account for the majority of the message.

We hear a message (verbal and nonverbal), but do we understand the intended meaning in the communication? As messages come into our minds, our mind filters of experiences, knowledge and understanding, values and emotions, interests, cultural conditioning, and self-image filter or interpret the messages. Our interpretation may be similar to or off base from the sender's intended meaning.



“Words do not convey meanings; they call them forth. I speak out of the context of my experience and you listen out of the context of yours; and that is why communications is difficult.”

David O. McKay, Educator and Prophet

Communication becomes more difficult when it involves messages linked to strong emotions or values. Common examples include discussions on money, religion, politics, love, sex, drugs, and violence. Recognizing when emotions and values (from either party) play into the message helps defuse sensitive issues.

Repeating back, in your own words, what you hear is an effective tool in helping to clarify meaning.

Communicating As Gardeners

In the gardening arena, communication barriers may include emotions and values related to pesticides, organic gardening, xeriscaping, expectations of what a garden should look like, and expectations about the time someone invests in gardening activities.

In diagnosing plant disorders, communication is key. The client will describe the situation based on their observations and gardening experiences. The CMG volunteer will interpret based on their gardening experiences. Inevitably, there will be some miscommunication!

In CMG volunteer work, we are often called upon to diagnose plant disorders solely through verbal descriptions by the client. As most clients do not know what to look for in the diagnostic process, the description will typically be lacking in detail. Diagnosis may be impossible.

As professionals, we need to recognize that we have very limited potential to diagnose plant disorders over the phone or in a clinical setting. It is natural to add details about the plant's problem based on our experiences, but details added by our mind filters may be totally off base for the specific situation.

In talking with clients about gardening problems, ask lots of questions and do lots of listening. Ask questions to verify every detail raised by your mind filters. Repeating back in your own words what you are hearing often helps to clarify where mind filters are interfering with communication.

Authors: David Whiting, CSU Extension, retired. Artwork by David Whiting. Used with permission. Revised October 2017.
Reviewed June 2023 by Merrill Kingsbury, CSU Extension.

Reviewed June 2023



MASTER GARDENER
COLORADO STATE UNIVERSITY
EXTENSION

CMG GardenNotes #016

CMG Program – Fielding Questions: Tips

Outline: About Questions, page 1
What Clients Want, page 1
Your Information Sources, page 2
Questions About Pesticides, page 2
Diagnosing Problems, page 2
Taking Calls, page 2

As a Colorado Master Gardener volunteer, you will have opportunities to answer gardening questions in a wide variety of situations. The following hints will help you be prepared.

Colorado State University Extension

Remember that you are representing Colorado State University Extension in your county or area.

- Identify yourself as a Colorado State University Extension Master Gardener volunteer, as a Colorado Master Gardener, or in a similar form that your county coordinator/horticulture specialist directs.
- We empower Coloradans to make decisions using research-based information.
- We give clients research-based information only.
- Treat clients in the manner you would like to be treated – courteously and professionally.
- The role of CSU Extension and the Colorado Master Gardener program is education, not regulation.

About Questions

- There are no dumb questions; treat each question seriously.
- Questions are not context free. There is always a situation behind the question. Ask for specifics so you can answer the question well.
- The first question asked may not reflect the real concern. You may have to “dig deeper.”
- We empower clients to make choices, we do not make the choice for them.
- Many questions do not have an answer because:
 - We do not have enough information.
 - Some topics do not have a research base for information.
 - They may relate to personal values or expectations.

What Clients Want

- To get information.
- To verify their own understanding or diagnosis.
- For you to agree with them. Stand firm on research-based information and recommendations.
- To justify emotional decisions with facts.

- To vent.
- To have you listen to them.
- Services beyond the scope of the program. Review with them what the program is for – education – and refer to businesses or agencies that may provide the services requested. When in doubt, check with your coordinator/horticulture specialist.

Your Information Sources

Look up information in Extension materials such as CMG GardenNotes, PlantTalk™ scripts, and CSU Extension Fact Sheets and publications. When using the internet, always look for **educational** resources (use site: .edu in your search engine). **Read directly from the research-based information and cite references used.**

Questions About Pesticides

Our role is to help clients understand non-chemical and chemical options related to pest management issues. All information related to the use of any pesticide must come from Extension resources. Any pest management questions beyond the scope of the Fact Sheet should be referred to your county coordinator/horticulture specialist.

For information about pesticide toxicity, refer the client directly to the **National Pesticide Information Network**, <http://npic.orst.edu> which is sponsored by the EPA and Oregon State University. Colorado Master Gardeners *do not* discuss pesticide toxicity with clients.

Diagnosing Problems

- See GardenNotes #102 *Diagnosing Plant Disorders*, for details to guide you.
- Ask questions to help you visualize the situation or problem. For example, say “I am trying to picture your situation in my mind. Let me see if I understand what you are saying” (and repeat it back in your own words).
- As you diagnose a problem, be flexible about receiving additional information. As details unfold, you may find you are headed in the wrong direction. In this situation you could say “With that piece of information, the situation just changed. Let us back up and look at this again...”
- Usually there is inadequate information to confirm a diagnosis. The best we can do is to suggest some possibilities. You could say “Based on the information you provided, the problem could be...”
- When possible, work as a team. Multiple minds, with different points of view, often are the best way to work through complex problems.

Taking Phone Calls

Do not worry if you do not know the answer to a question. You are not alone! In the Colorado Master Gardener program, we do not expect you to know everything; we expect you to be able to *find* the answers.

- When you do not know the answer to the question or cannot find it quickly, tell the client “I don’t have that information right now” or “I am not finding the answer quickly. May I have your name and phone number or email so I can get back to you?”
- If you cannot find the information promised to a client by the appointed time, contact the client anyway to let them know you are working on it and have not forgotten about them. This is simply good customer service.
- Be an active listener and an active questioner.

- Smile when you talk as you will sound friendlier. You can “hear” a smile over the phone!
- Ask for help from your coordinator, horticulture specialist, or another Colorado Master Gardener.
- Avoid shaming statements that put people down or place blame like “you can’t do that!”

Your confidence will grow with experience and time.

Authors: David Whiting, CSU Extension, retired. Revised April 2018 by Mary Small, CSU Extension, retired. Reviewed June 2023 by Merrill Kingsbury, CSU Extension.

Reviewed June 2023



CMG GardenNotes #017

CMG Program – Listening Habits Evaluation

Outline: Self-Evaluation, page 1
Various Types of Listening, page 2

Self-Evaluation

Read each question. Do not try to second-guess the intent. Answer with a yes or a no, according to your usual behavior. Your answers may help you discover where you have good listening habits.

1. Science says that you think four times faster than a person usually talks to you. Do you use this time to turn your thoughts elsewhere while you are keeping general track of a conversation? Yes No
2. If you feel it would take too much time and effort to understand something, do you go out of your way to avoid hearing about it? Yes No
3. If you want to remember what someone is saying, do you think it is a good idea to write it down? Yes No
4. Do your thoughts turn to other subjects when you believe a speaker will have nothing interesting to say? Yes No
5. Can you tell by people's appearance and delivery that they are not worth listening to? Yes No
6. Do certain words, phrases or ideas so prejudice you against the speaker that you cannot listen objectively to what is being said? Yes No
7. Do you start formulating your response before you hear all of the facts or ideas? Yes No
8. When people are talking to you, do you try to make them think you are paying attention when you are not? Yes No
9. When you are listening, are you easily distracted by sights and sounds? Yes No

Each “no” answer indicates good listening habits. Each “yes” reflects an area where some attention may improve your communication skills.

Various Types of Listening

Skip and Jump Listening

Most people talk at the rate of 125 words per minute. Most of us think at least four times faster than this. With concentration and practice, we can listen and understand as many as four hundred words per minute. Since we think so much faster than people speak, our mind tends to wander to other things.

A good listener avoids mental wandering and concentrates on the speaker. Paying attention to voice changes, facial expressions, and gestures will also help increase your ability to concentrate on what is being said. You can develop better thought patterns by asking yourself questions such as, "What is the person trying to say?" or "What point is the person trying to make?" Weigh facts and evidence given by a speaker by raising such mental questions as, "Are the facts accurate, prejudicial, and complete?" or "Is the source reliable?"

Skip the Difficult Listening

To quit listening if a subject is difficult to understand can become a habit. You could cheat yourself by tuning out things you might really want to know.

Make a point to concentrate on topics that require effort to follow. It will help if you ask the person a question that will help clarify a point or help you understand a main idea. If you cannot interrupt, make a note to ask the questions later.

Pencil-and-Paper Listening

When we concentrate on taking notes, we can only hear half of what is being said. Write down just enough to let you recall those ideas.

Develop the habit of listening for ideas. Keep in mind that the more senses – sight, hearing, taste, smell, touch – are involved, the more effective communication becomes.

Premature Dismissal

Be cautious about developing the habit of deciding in advance that a subject is not important. We can close our minds to whatever the speaker has to offer. An open approach will help correct this habit. Listen for ideas.

Deceived by Appearance or Personal Habits

Just because a person may not look like your image of an authority does not mean they are not one. Some of our greatest scientists, artists, and musicians have not been impressive in either appearance or manner. If you must be mentally critical, wait for the person to speak. You will find that by concentrating on what is being said you will no longer be aware of the person's appearance. Listen for ideas, then be critical.

Supersensitive or Argumentative Listening

If you have firm convictions or prejudices, a person presenting a different opinion may unwittingly step on your mental toes. When this happens, you unconsciously stop listening and start developing arguments to defend your position. In the meantime, you may have completely missed the main points of the other person's comments.

A good practice is to learn to control your emotional reaction. Hear the person out. Evaluate objectively the facts and opinions presented. Try to figure out why the person is saying what they say.

Emotional Deaf Spots

Certain words can push our buttons, making us see red. They trigger emotional reactions, and we pull down a mental filter tuning the speaker out. We start thinking of unpleasant memories brought up by the use of one of these words or phrases. While recovering from this emotional reaction, you may miss important data the other person is trying to give.

List those words and phrases that cause you trouble. Analyze them to find out why they bother you. Recognizing your response, listing the words, becoming aware of your sensitivity, and learning to be objective will help you control your emotional reactions.

"I Get the Facts" Listening

A speaker is presenting a series of facts. While you are trying to concentrate on fact one and memorize it, the speaker may already be discussing fact two or three. After several facts you wind up with a few memorized, others garbled, and some missed completely.

Instead, listen for ideas. Weigh one fact against another. Look for relationships between facts as a person is speaking, and you will find that they may be using several facts to develop one or two main ideas. You will be listening at the "thinking level."

Pretending Attention Habit

Many of us learned at an early age how to pretend to be listening. We frequently do this when the subject is difficult to comprehend, or the speaker is a person we do not recognize as an authority. Or we may have something else on our mind.

Yielding to Distractions Habit

It takes conscious effort to screen out distractions whether they are audible, visual, or physical. Eliminate as many distractions as possible. If you cannot eliminate a distraction, fight it by concentrating on ideas presented by the person talking to you.



CMG GardenNotes #018

CMG Program – Using Copyrighted Materials, Are You Legal?

Outline: Self-Evaluation, page 1
Copyright, page 2
Copyright Ownership, page 2
Fair Use Doctrine, page 3
Misconceptions, page 4
Resources, page 5

Self-Evaluation

Quickly answer the following questions on **legal** copying of materials:

1. If there is no copyright statement on the material, is it OK to make copies as needed?
Yes No
2. A garden book has a list of shade-tolerant flowers that would be useful as a handout for general distribution. May you legally make copies as handouts for general distribution?
Yes No
3. Who owns the copyright on materials you produce as part of your Colorado Master Gardener service? You CSU
4. A client wants a copy of the page in a book you used for reference.

May you legally make a copy of this page for a client? Yes No

May you legally make copies of this page as a handout for general distribution? Yes No
5. In this month's magazine, you find an article that would make a great handout in class next week.

May you legally make copies for all class participants? Yes No

May you legally make copies next year when you teach the class again? Yes No
6. You found a great article on the Web for your program.

May you legally print a copy for your own scholarly reference? Yes No

May you legally make multiple copies for class handouts? Yes No

May you legally download a copy onto your Web site? Yes No

Background and Answers to Test

The following information is not intended as legal counsel. It is provided only to create awareness of copyright issues commonly encountered in Extension programs.

Copyright

Copyright is legal protection giving authors and other artistic creators exclusive rights to reproduce copies, make derivative works, use materials in other works, transfer format (such as from tape to CD), enlarge or reduce size, distribute, perform publicly, and display.

Examples of copyrighted materials

- Print materials.
- WWW materials.
- Computer programs.
- Pictorial works.
- Graphic works.
- Musical works.
- Dramatic works.
- Sculptural works.
- Motion picture and video works.
- Sound recordings.
- Architectural works.

What is not covered by copyright protection?

- Titles (covered under trademark or service mark registration).
- Ideas (but rather “tangible expression” of the idea).
- Common knowledge (but rather the “tangible expression” of the knowledge).
- Lists and bibliographies (but rather the “tangible expression” of the knowledge).
- Blank forms (but rather the “tangible expression” of the form).
- List of ingredients (but rather what you do with the ingredients).
- Some federal government documents.

Copyright Ownership

- The employer owns the copyright for any work done by employees as part the work assignment and responsibilities unless other arrangements are made in writing in advance.
- Specially ordered or commissioned works depend on contractual agreement.
- Unpublished materials. The writer, not the owner of the materials, owns the copyright.
- Computer software. The purchaser “buys” a license to use software only as outlined in the agreement.
- Pictures. The person who takes the picture, not the person who owns the picture, owns the copyright.
- Videotaping
 - The presenter holds rights on the presentation.
 - The person who took the video holds rights on the taped version.
- Music – Writers (words and music) and performers (vocal and instrumental) all have copyrights on what they contributed.

Duration of copyright

- After 1978.
 - Life of author + 50 years.
 - “Works for hire” – 75 years from first publication or 100 years from first creation.
- Before 1978 – 28 years, renewable for 47 years.

Digital Millennium Copyright Act (DMCA) of 1998, from the U.S. Copyright Office, is legislation that implements two 1996 World Intellectual Property Organization (WIPO) treaties: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The DMCA also addresses a number of other significant copyright-related issues.

Fair Use Doctrine

“Fair use” doctrine defines the privileges of others to use materials in a reasonable manner without consent for “purposes such as criticism, comment, news reporting, teaching, scholarship, or research.”

Criteria for “fair use” include:

- Use must be nonprofit, educational in nature.
- Nature of work. “Fair use” extends further in factual works and is very limited in fictional works or artistic creations.
- Amount versus total work. The laws get into word counts and percentages. Basically, the use must not convey the details of the work.
- Potential on market. The bottom line is how the use impacts potential sales of the product. Use must not circumvent sales in any way.

Criteria for single copy – Under “fair use” doctrine, for “scholarly review,” a single copy may be made of:

- A chapter from a book.
- An article from a periodical.
- A short story, essay, or poem.
- A chart, graphic form from a book, periodical, or newspaper.

Criteria for multiple copies, classroom distribution – Under “fair use” doctrine, the making of multiple copies is extremely limited, and must meet all five tests:

- “Spontaneity” –
 - Used within 60 days, thus the instructor does not have reasonable time to seek copyright permission.
 - Used with “instance and inspiration of the teacher.”
 - Note: In Cooperative Extension work, it is uncommon that copies will pass this “spontaneity” test, since we typically use and reuse materials that have been in print for more than 60 days.
- “Cumulative effect.” Supportive to the educational process, but not the focus of the class.
- Brevity. Keep it short, never more than 10% of the work.
- Profit. Distributed without profit (may recover printing costs).
- Copyright notice must be included on all copies.

Student use

- Students have “fair use” for classroom projects.

- However, if the project goes beyond the learning classroom, copyright permission is needed. The scope of “fair use” is broader for factual works than fictional and creative works.

Common violations of “fair use” include:

- Copying consumable works (unless the copyright statement gives permission).
- Copying without including the copyright notice.
- Copying more than one work from a single author per class and/or per project.
- Copying the same item each time a class is taught (spontaneity test).
- Creating course packets.
- Copying as a substitute for purchase.
- Copying on direction of the “boss.”

Misconceptions

Contrary to popular opinion, the following situations do NOT make copying “OK”:

- Educational.
- Nonprofit.
- Volunteers.
- Church.
- Out of print.
- As a means of bypassing fees or purchase price.

Scenario One

If there is no copyright statement on the material, is it OK to make copies as needed? **No**

- Copyright registration is no longer mandatory for works published after May 1, 1989.
- Registration (filling out a copyright application and paying a fee) only enhances the copyright holder’s ability to collect damages.
- **Anything in a fixed, tangible form is automatically protected by copyright.**

Scenario Two

A garden book has a list of shade-tolerant flowers that would be useful for a handout:

May you legally make copies for a handout for general distribution? **No**

- While the “list” is not covered by copyright, the “tangible expression of the knowledge” is covered.

Scenario Three

Who owns the copyright on materials you produce as part of your Colorado Master Gardener work?

Colorado State University

- Unless other arrangements were made in writing, in advance, Colorado State University Extension owns the copyright of materials you produce as part of your Colorado Master Gardener service.

Scenario Four

A client wants a copy of the page in a book you used for reference:

May you legally make a copy of this page for a client? **Yes**

- “Fair use” criteria permits a single copy for scholarly review of the page. Remember that it must also include the copyright statement from the book (see single copy criteria above).

May you legally make multiple copies of this page for a handout for general distribution? **No**

- Making multiple copies for distribution does not meet criteria for “fair use.” You must seek permission of the copyright holder.

Scenario Five

In *this month's* magazine, you find an article that would make a great handout in class next week:

May you legally make copies for all class participants? **Yes**

- This would meet “spontaneity” criteria for multiple copies.

May you legally make copies next year when you teach the class again? **No**

- You must seek the copyright holder’s permission. Next year (actually after 60 days) it does not meet “spontaneity” criteria.

Scenario Six

You find a great article on the Internet for your program:

May you legally print a copy for your own scholarly reference? **Yes**

- Meets single copy criteria for “fair use.”

May you legally make multiple copies as a class handout? **No**

- Does not meet “fair use” criteria for multiple copy distribution.

May you legally download a copy onto your Web site? **No**

- Downloading it onto your website will be a clear violation of copyright law unless you have permission of the copyright holder. However, you may link from your website to their website.
- Contrary to popular belief, Internet materials are NOT free for the taking. All information found on the Internet is protected, just as any other print material. It is just easier to violate copyright in the electronic media.

Resources:

The Digital Millennium Copyright Act of 1998.

- www.copyright.gov/legislation/dmca.pdf.
- www.gpo.gov/fdsys/pkg/PLAW-105publ304/pdf/PLAW-105publ304.pdf.

Using the Name or Likeness of Another.

- www.dmlp.org/legal-guide/using-name-or-likeness-another.

A document designed to collect resources and ideas for participants in the workshop “Opening Doors for Multimodal Composers: Intellectual Property and Fair Use in the Classroom” at CCCC 2014 in Indianapolis.

- <http://tinyurl.com/ipworkshop2014>.
- <http://web.law.duke.edu/cspd/comics>.
- <http://creativecommons.org/licenses/by-nc-sa/2.5/>.