

AY20-3-D

Date-Submitted: 6/24/20

Title-of-Issue: Who owns the course(s) content?

Description: There is an interesting article published at insidehighered.com regarding the copyright of the course material designed and developed by the faculty on the copyright issues.

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.insidehighered.com%2Fnews%2F2020%2F05%2F19%2Fwho-owns-all-course-content-youre-putting-online&data=02%7C01%7Cjmoody%40odu.edu%7C32e7933d7d834e3d9aa708d818654007%7C48bf86e811a24b8a8cb368d8be2227f3%7C0%7C0%7C637286170432820432&sdata=J1rd2eNdyB0yZmNAaEp7MNpHF4yrUX6MCIVGMIGafVc%3D&reserved=0>

Rationale: As the faculty senator should provide clear guidelines on the ownership of the course material developed/designed by the faculty. There were cases that adm approached to the owner of the course material and asked to give to other faculty or adjunct to teach the course to save the cost. Is this right?

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Department: ET

Date: 6/24/20

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## Committee D report

Meeting on August 27. In attendance: Jennifer Poutsma (chair), Abbie Basile, See-Hoon Lee, Sylvain Marsillac and Carolyn Rutledge

### AY20-3-D

Committee D interpreted the Policy of Intellectual Property in the Faculty Handbook to indicate that the university owns teaching material for classes taught at ODU and developed by professors/instructors/adjuncts who were paid a salary or a stipend by ODU or given release time.

Sections from the Policy of Intellectual Property that pertain to this issue are Section III: Applicability, Section IV B: Original Works of Authorship, Introduction and Section 2, and the definition of “Work Made For Hire”, Section II O.

The Policy of Intellectual Property also contains the following statements:

“Notwithstanding the above, all rights in copyrightable material, including but not limited to instructional materials, produced through the facilities of Academic Technology Services will be governed by a separate written agreement.”

“Release of Rights to the Author - If the University does not wish to exploit copyrighted works in which it has a proprietary interest, it may at its option convey the copyrights to the original author.”

Chairs may want to consider having professors and instructors archive their Blackboard course pages and giving them to the department to prevent a professor or instructor from removing all of their teaching materials if/when they leave ODU.

We believe that University Consul should also be consulted on this issue.

### AY20-7-D

Committee D recommends that most of the changes suggested not be implemented and that the process as stated in the faculty handbook remain as is except for the following change: instead of having all tenured professors (Associate and Full) in a department vote on the promotion, a college/school committee of eminent scholars or full professors (with preference given to eminent scholars) from the nominee’s college/school and appointed by the dean vote on the promotion. Eminent scholars or full professors from the nominee’s department may serve on the committee, but it is not required. The committee must have a minimum of three members, but the exact number will be determined by the dean and chair of the nominee’s department.

The committee feels that Associate Professors should not be voting on eminent scholar promotions, just as they are not allowed to vote on full professor promotions. The reason for suggesting a college/school committee and allowing full professors on the committee is that a department may not have enough eminent scholars or full professors to form a committee and a

college/school may not have enough eminent scholars to form a committee of just eminent scholars.

Once the College/School committee has voted, the process will continue as documented in the handbook.