

## **University Faculty Senate Minutes October 3, 2002**

**Members present:** Bill Abbott, Joanne Ardovini-Brooker, Leonard Breen, Ted Creighton, Mary Lynn DeShazo, Mary Gutermuth, Marsha Harman, Penny Hasekoester, David Henderson, Joan Hudson, Ann Jerabek, Joe Kirk, Gerald Kohers, Paul Loeffler, Sam Sullivan, Kandi Tayebi, Tamara Waggener, Gene Young

**Member absent:** Terry Bilhartz, Jeff Harwell (ill), Deborah Hatton, Holly Miller (class conflict), Valerie Muehsam (ill), Debra Price, Victoria Titterington (class conflict)

### **TSUS Rules on Web Course Development and Compensation**

Guest speaker, James Van Roekel, Director for Academic Instructional Technology and Distance Learning, discussed the proposal for changes to the TSUS rules on web course development and faculty compensation. He provided a document with the proposed changes which included the following:

- Striking out wording that denied any compensation for faculty who created courseware used for instruction.
- Adding wording that allows faculty to receive all royalties from the commercialization of course materials created without university support or facilities.
- Adding wording that allows the university to retain all royalties from the commercialization of course materials created as a “work for hire.”
- Adding wording that allows for joint ownership for courseware developed with significant use of university funds, space, equipment, or facilities. (This used to read that it was owned only by the university).
- Adding wording that allows the faculty and university to agree to share revenues and control rights based on “internal licensing agreements.”
- Adding wording that the “copyright is held in the name of the author while the institution has the licensing rights.”

James Van Roekel stated that Dr. Payne asked that the document be written and that the document was already sent back to TSUS for approval.

Several faculty asked questions regarding the proposed changes, including the following:

- Does academe function as “work for hire”?  
Faculty stated that there was a body of case laws that excludes the work done in academe from the category of “work for hire.” Faculty argued that authors are the creators and thus should be the copyright holders of all academic work.
- Can a faculty member take their course notes and other coursework that is online to another university or does the university own it?
- Can the university change the materials and continue using them connected with the faculty member’s name?
- Does use of Blackboard constitute significant use of university facilities and equipment and thus allow the university to co-own faculty courseware?



The APC asked that the Senate consider two recommendations that came out of the faculty forums for restructuring (proposal #1 and #5B).

The Recommendation for the Reduction of Faculty Teaching Loads was not voted on by the APC. Chair Muesham felt that the vote would only show that the idea of the reduction in load was supported but would not address the costs. Dr. David Payne indicated that with the elimination of the current reassigned time and no changes to graduate loads, the cost of going to the reduced load would be approximately \$3.3 million per year. This cost assumes all new hires are at the Assistant Professor rank.

The APC passed the Faculty Compensation for Web-based Course Design and Instruction Proposal. This approval was necessary to meet the SACS guidelines.

The APC passed the Policies and Procedures for Planning and Conducting Distance Education.

Dr. David Payne was concerned about the University's policy to calculate honors designation using only SHSU undergraduate hours. His suggestion was that both SHSU GPA and total (including transfer hours) GPA be used to determine honors designation. Additionally, he would like to omit Special Honors Recognition for Transfer Students. He asked that the Faculty Senate provide input on these two matters.

### **Reduction of Teaching Load**

The Faculty Senate agreed to send the report on the Reduction of Teaching Load to the President asking him to form an adhoc committee to examine the fiscal and educational feasibility of the two proposals presented in the report. The committee should consist of at least one dean, either the Vice President for Academic Affairs or the Associate Vice President for Academic Affairs, a selection of department chairs, a member of fiscal affairs, a Faculty Senate representative, and a cross-section of faculty. The Faculty Senate would like the committee formed by November 21, 2002.

### **SAM Proposal for Web-Based Courses**

University Affairs will review and recommend changes to the SAM proposals for Web-Based Course Design and Instruction and the Policies and Procedures for Planning and Conducting Distance Education.

### **Approval of Minutes**

The minutes of September 19, 2002 were approved.

**Committees**

Committee on Committees recommended faculty to fill vacancies on the following committees: Athletics Advisory Council, Parking Appeals Committee, and Student Disciplinary Hearing Committee.

The nominations were unanimously accepted.

**Future Business**

Dr. Payne will be asked to come to the next meeting to discuss web courses and faculty compensation.

President Gaertner will be asked to a meeting to discuss the reduction of course load.

Respectfully submitted,

Kandi Tayebi, Chair-Elect