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Faculty Senate Minutes

Faculty Senate

12-9-2016

December 9, 2016 Minutes

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SWOSU Faculty Senate

December 9, 2016 Approved Minutes

- I. **Call to Order:** Faculty Senate President Tom McNamara called the December meeting of the SWOSU Faculty Senate to Order at 2:02 p.m. in HEC 201.
- II. **Establishment of a Quorum:** Ric Baugher, Guy Biyogmam, Mark Gales via Zoom for Krista Brooks, Dayna Coker via ITV, Tommye Davis via ITV, Stacey DiPaolo, Jerry Dunn, Jared Edwards, Robin Griffieath, Ryan Haggard, Rita Hays, LeaAnne Hume, Sunu Kodumthara, Doug Linder, Scott Long, Tom McNamara, Allen Boyd for Evette Meliza, Bo Pagliasotti, Eric Paul, Cynthia Pena, Linda Pye, Hank Ramsey, Ann Russell, Hardeep Saluja, Lisa Schroeder, Amanda Smith, Karen Sweeney, Wayne Trail, Muatasem Ubeidat, and Cheri Walker via Zoom.
- III. **Certification of Substitutes:** Allen Boyd will substitute for Evette Meliza. Mark Gales will attend via ZOOM in place of Krista Brooks.
- IV. **Presentation of Visitors:** None
- V. **Approval of Minutes:** November 2016 minutes approved by voice vote.
- VI. **Announcements**
 - A. President Tom McNamara
 1. The State Regents (OSRHE) have compiled their budget request, and ask that the cuts from last fiscal year to be restored.
 2. SWOSU will be accepting credit for work done at Career Tech schools in specific, agreed-upon circumstances. For HLC certification purposes, faculty teaching these courses will be under contract with SWOSU.
 3. President Beutler has expressed hesitance concerning closing campus on Fridays in the summer. It is especially important that services like the library and registrar remain open. Sayre will still be closing on Fridays.
 4. The legislature wants to expand concurrent enrollment. OSRHE is asking that this be fully funded.
 5. Faculty members are encouraged to sign up with SWOSU Alert.
 6. There is an “Angel Tree” in the Dean of Students’ office. Gifts will benefit single parents of the SWOSU community.
 7. The Academic Appeals committee will meet January 6th.
 8. As of 12/5, there is a 48% response rate for online evaluations.
 9. The assessment center would like to administer the ETS Proficiency Profile to seniors in capstone courses. There will be cash awards for top scorers.
 10. The library will begin operating under extended finals week hours.
 11. Departments are encouraged to prepare for the upcoming SWIM and NSO events.
 12. Retention management is pursuing a Title III grant to expand academic coaching of at risk students.
 13. Final grades are due Monday, December 19th by 5:00 pm.
 14. There is an 8% increase in student credit hours compared to last spring. This year SWOSU saw a 3% increase in retention for freshman students. The university had 69% of Fall 2015 freshman enroll in Fall 2016. Spring 2016 also saw a 16% increase in graduates.

15. Dr. South has proposed altering the Tuesday-Thursday finals schedule to an A-B-B-A cycle.

B. Secretary/Treasurer Karen Sweeney

1. Roll Sheet—please sign

2. Treasurer's Report

a) Banc First

(1) November Balance: \$1,621.18

(2) Current Balance: \$1,621.18

b) University Account

(1) November Balance: \$105.01

(2) Current Balance: \$105.01

C. President-Elect Jerry Dunn: None

D. Past President Jared Edwards: None

E. Student Government Representative: None

VII. Reports from Standing and Ad Hoc Committees:

A. Intellectual Property Committee: See Appendix A for the draft of revisions of section 6.0 of SWOSU's Intellectual Property Policy concerning online and web-based content.

Faculty Senate Motion 2016-12-01:

The SWOSU Faculty Senate approves of the changes to the Intellectual Property Policy proposed by the Intellectual Property Committee.

From Tim Hubin, IPC Chair:

At the request of the Provost, IPC has revised the Intellectual Property Policy, Section 6.0. We have worked closely with the Provost to improve this section dealing with online courses. We have clarified the types of online course development and the ownership/licensing rights of the creator and the University. I believe this work is an excellent example of "shared governance". Both faculty and administration truly appeared to consider all sides of the issues and listened carefully to the needs, ideas, and opinions about this policy. The result, I believe, is an improved policy.

Please bring this document to the Faculty Senate for approval.

Motion to postpone was approved by voice vote.

VIII. Unfinished Business:

IX. New Business:

A. HLC Credentialing and Verification Process

Faculty Senate Motion 2016-12-02: The SWOSU Faculty Senate endorses the use of the Faculty Credentialing Guidelines and Verification form that will be used in the Higher Learning Commission's certification process.

Motion failed by voice vote.

B. Change to Finals Schedule Cycle

Faculty Senate Motion 2016-12-03: The SWOSU Faculty Senate approves of the Tuesday-Thursday schedule for finals week moving to an A-B-B-A cycle.

Compliant Parliamentary Procedure: Passed by general consent.

X. **Adjournment:** 2:37 p.m.

Respectfully submitted,

Tom McNamara, Faculty Senate President

Karen Sweeney, Faculty Senate Secretary

Next Meeting Friday, January 27th at 2:00 p.m.

Appendix A

6.0 On-Line or Web-Based Intellectual Properties

Southwestern Oklahoma State University encourages its faculty and administration to engage in scholarly activities during the academic year as a part of their university responsibilities. Such scholarly activity would include the creation of On-Line teaching materials and Web-Based teaching methods. This type of instruction is an emerging area that Southwestern Oklahoma State University embraces and supports as new technology creates an opportunity for distance education for current and future students of SWOSU. While faculty engage in this type of teaching activity and creation, the University will strive to protect the work-product of its faculty and other personnel, which are prepared for class use either on-site or via an electronic format.

Universities were alerted to the necessity to enact protection of the administration and faculty for scholarly work by the 1980 enactment of P.L. 96-517, The Patent and Trademark Law Amendments Act, more commonly known as the Bayh-Dole Act, and amendments included in P.L. 98-620, enacted into law in 1984.

6.01 Definitions

A. Web-based (asynchronous)

Web-based, also referred to as asynchronous or on-line courses occur independent of time or location and are often known as courses available anytime and anyplace. These courses are delivered over the web. Web-based courses may be locally produced, purchased or contracted.

B. ITV or Web Video (synchronous)

ITV courses (Interactive Television) or Web Video are synchronous courses that originate in a real time classroom environment and are narrow cast to select receive site locations. These courses allow the student to interact with the instructor and other students in a real time environment from location to location.

C. Blended (synchronous and asynchronous)

Blended courses usually have elements of both synchronous and asynchronous courses with ITV or face to face teaching and web-based segments. Depending on what best suits the subject and the audience, these courses typically use the best of both methods in delivering content.

6.02 Distance Education

All Distance Education courses are considered “regular” courses and are transcribed without any reference to delivery mode. All students enrolled are considered as resident students to that course regardless of location.

6.03 Copyright Assignment

The general rule for copyrighted materials is that the creator holds exclusive rights at the time of creation, unless it is assigned to another owner, either wholly or jointly. Registering the copyright with the Federal Government Copyright Office is another matter. (See Section 5.0.)

6.04 Determination of Specific Compensation

Resource and time requirements for development of courses vary as a function of the specifics of the offering, availability of related materials and course format.

A. Synchronous Format

Distance Education instructors teaching synchronous courses are not compensated for course development.

B. Asynchronous Format

Distance Education instructors may be compensated for developing asynchronous courses. Compensation is based on the-SWOSU Policy for Distance Education Instruction.

Departments may also wish to contribute additional compensation from their own budgets.

6.05 Ownership and Licensing of On-Line and Web-Based Course Materials

The University IPC will determine Ownership (copyright holder) and/or Licensing, which, in turn, will depend upon the circumstances of the development. For example:

Course Development Level	Ownership	Licensing
A. Work(s) for hire	Creator	University
B. With substantial use of university resources	Creator	University
C. With minimal use of university resources	Creator	Creator

A. If the On-Line or Web-Based course is a work for hire where the University specifically directs its creation and provides materials, time, or monetary compensation to the creator to develop the materials, ownership will be retained by the creator. The University will retain a right to license the work product from the creator at no cost to the University. If the On-Line or Web-Based course is developed under the support of a state, federal or private grant, as a work(s) for hire, ownership of the materials developed will reside with the creator. Again, the University will retain the right to license the work product from the creator at no cost to the University.

With regards to the creation of an On-Line or Web-Based course by a faculty member, a “work for hire” is defined as work “above and beyond the scope of normal duties” which is compensated by the University through an agreement that is separate from the faculty member’s on-going contracted position as a University faculty member.

B. If the On-Line or Web-Based course creator uses substantial University resources (as defined in section 3 of the SWOSU Intellectual Property Policy), then the creator retains ownership; however, the University maintains a royalty-free license to use and distribute the material while the creator is employed by the University.

1. As the acceptance of substantial university resources results in the loss of licensing control of copyrighted material (the On-Line or Web-Based course), a faculty member may, without penalty, refuse the offer of substantial university resources (and thus maintain their licensing rights) while proceeding to develop the course.

2. Similarly, the University may choose to transfer the on-line or web-based course development offer to another faculty member, or a qualified external course developer, if the University chooses to obtain licensing rights.

3. The IPC will enter into negotiation with the creator to determine the percentage distribution of any royalties due from the University’s licensing of the course to an external entity.

C. If the On-Line or Web-Based course creator uses minimal university resources, then the creator maintains ownership and licensing of the course.

D. When works are created while in the employ of the University, situations may arise where there is a conflict of interest between the creator and the University. In the event the creator considers the sale, lease, or other use of courseware or material by an outside party in a manner that competes with the offerings of the University, the creator first must enter into negotiations with the IPC before actuating any agreements. These negotiations will ensure the University is reimbursed expenses for courseware creation, and the IPC will determine if compensation for royalties derived from the courseware or materials is due the University.

Manuscripts created for web pages and On-Line courses, web sites, music posted on websites, voice (lectures, etc.), videos streamed on the web, electronic presentations, whether registered with the Copyright Office or not, are all property of the copyright holder as defined in this policy and are subject to the provisions of the Federal Copyright laws and the fair use doctrine.

Adopted: February, 2004

The *Southwestern Oklahoma State University Intellectual Property Policy* has been approved by the SWOSU Intellectual Property Faculty Committee and SWOSU Provost's Office.

Revised: September, 2009

The revised *Southwestern Oklahoma State University Intellectual Property Policy* has been approved by the SWOSU Intellectual Property Faculty Committee, SWOSU Provost, and SWOSU President.

Revised: December, 2016

The revised *Southwestern Oklahoma State University Intellectual Property Policy* has been approved by the SWOSU Intellectual Property Faculty Committee, SWOSU Provost, and SWOSU President.