

Distance Education Council
Meeting Minutes
February 28, 2017

- I. The regular monthly meeting for the Distance Education Council was held on Tuesday, February 28, 2017, at 2:00 pm in R100, the chair being present and no person filling the office of secretary.
- II. The meeting was called to order at 2:02 pm, and a quorum was present.
Roll Call: Janet Barker, William Fridley, Karl Frinkle, Robert Howard, Ying Lin, Shannon McCraw, Josie Mendenall, Crystal Moore, Nick Nichols, Mike Reed, Hallie Stephens, Jerry Stout, Jeri Walker, Tim Boatmun, Dan Moore, Christala Smith, Sandra Thomas, Austin Harman, Stewart Mayers, Bryon Clark (VPAA)
- III. Shannon McCraw moved to approve the January 24 minutes with corrections specified in the meeting. Jeri Walker seconded the motion. The Council unanimously approved the minutes.
- IV. The topic of the Intellectual Property Policy was introduced. Bryon Clark (VPAA) stated that the policy had been sent to the senate Dec 16, 2016. Discussion was held regarding the policy's statement that Southeastern may view courses for training purposes. A revised version of the policy was submitted by Crystal Moore, see Appendix A. The council determined that the policy should clarify that viewing of courses, including for training purposes, would take place with permission of the instructor. The first two paragraphs were revised as shown in Appendix B. William Fridley moved to approve the changes made to the policy. Shannon McCraw seconded the motion. The motion was approved unanimously. It was determined that the revisions would be communicated to the Faculty Senate, who could then send it to Bryon Clark (VPAA), who could then send these and any other revisions back to Academic Council and DEC until each body approved.
- V. Concerns regarding intellectual property as pertaining to third party entities was raised. Due to time constraints for this meeting, It was decided that topic would be added to the next meeting's agenda.
- VI. Shannon McCraw moved to adjourn at 4:13pm. Mike Reed seconded the motion.

Minutes submitted by Christala Smith

Appendix A

SOSU Intellectual Property Policy and Procedure

The Copyright Revision Act of 1976, 17 U.S.C. & 101 et seq. (1976) states, “works of original authorship are protected by copyright from the time they are fixed in a tangible medium of expression, now known, or later developed (RUSO, 5-23).” Following that Federal copyright law, the Regional University System of Oklahoma (RUSO) and Southeastern Oklahoma State University (SOSU, 9.13.2013) understand and completely agree that it is extremely important to adhere to the intellectual property and privacy rights of its Faculty and students to ultimately uphold the academic integrity tenets of the overall entire higher education system.

To further align with the Copyright Revision Act of 1976, Southeastern asserts,

With the ability to share comes the responsibility to use the system in a responsible, ethical, professional, and lawful way. Universities value communication of ideas, including those new and controversial; thus, the intention of Southeastern is to maximize freedom of communication for purposes that further the goals of Southeastern. Misuse by even a few individuals has the potential to disrupt the academic and research work of faculty and students and University business (SOSU – I.T., 9.13.2013).

Thus, a copyright holder reserves all rights to his/work. These reserved rights include, but are not limited to, the original author permitting (form obtained from SOSU I.T. Department) anyone to the view, share, and/or show his/her copyrighted content. Further, the copyrighter’s *all rights reserved* protection includes, but is not limited to, all data stored on any (SOSU or other) organizational system – technical or print; this also includes any and all data/material that is stored within a learning management system (LMS). In such cases that the original copyright holder provides his/her expressed written consent for his/her work to be shared, his/her material/data must be cited in all related produced work(s), including authors, websites, images, etc. This consent requirement especially includes any and all sharing/viewing of the author’s work with any/all others for training and evaluation purposes.

Similarly, pursuant to RUSO’s policy to protect, defend, and promote academic freedom (RUSO, p. 3-9), the use of the university LMS and other related systems is voluntary. Meaning, all teaching staff (Faculty, Instructors, Adjuncts, etc.) are allowed to edit/alter their course(s) as they determine necessary to best meet the needs of their students and/or adhere to his/her academic discipline. To continually meet student needs and uphold academic standards, all teaching staff are also required to maintain, and provide upon Administration request, a minimum of eighteen months of detailed student grade, attendance, and all related data in their originally chosen record keeping modality/system, such as Excel, Course Sites, Google Apps for Education, and Blackboard.

Related Policies

RUSO Policy

5.13 PATENTS/COPYRIGHTS. (Continued)

5.13.2 Copyright Policy.

Policy. *RUSO recognizes and encourages faculty, staff, and students to participate in creative and scholarly activities as an inherent part of the educational process. It is the broad policy of RUSO to promote creativity and scholarly activities and to expand the frontiers of human attainment in those areas to which the pursuits of the senior regional universities are dedicated.*

Basic Objectives. *Copyrights are created by the Constitution and the laws of the United States to promote the progress of science and the useful arts by securing for limited times to authors the exclusive rights to their works and writings. The basic objectives of the Board policy concerning copyright include the following:*

- a) *to maintain the broad academic policy of encouraging research and scholarship as such without regard to potential gain from royalties or other income;*
- b) *to make copyrightable materials created pursuant to university objectives available in the public interest under conditions that will promote their effective utilization;*
- c) *to provide adequate incentive and recognition to faculty and staff through proceeds derived from their works.*

Copyright Ownership and Royalty Distribution.

- a) *Under the Copyright Revision Act of 1976, 17 U.S.C. § 101 et seq. (1976), works of original authorship are protected by copyright from the time they are fixed in a tangible medium of expression, now known, or later developed.*
- b) *All RUSO personnel, in accordance with the Board policy and basic objective of promoting creative and scholarly activities, are free to develop, create, and publish copyrightable works.*

Copyright Ownership and Royalty Distribution.

- c) *Under the Copyright Revision Act of 1976, 17 U.S.C. § 101 et seq. (1976), works of original authorship are protected by copyright from the time they are fixed in a tangible medium of expression, now known, or later developed.*

All RUSO personnel, in accordance with the Board policy and basic objective of promoting creative and scholarly activities, are free to develop, create, and publish copyrightable works. (RUSO, p.5-23)

5.13 PATENTS/COPYRIGHTS. (Continued)

- d) *Copyrighted works produced by the RUSO faculty and staff are the property of the creator of that work. All rights afforded copyright owners under § 106 of the Act reside with the creator unless he/she has assigned or*

licenses any of the enumerated rights. Decisions relative to registering of these works with the Copyright Office are left to the individual creator.

SOSU Policy

1. *Accessing or attempting to gain unauthorized access into any account to use, read, transfer, or change contents in any way of another user's account will be viewed as theft of Southeastern resources and as computer fraud.*

The Southeastern Oklahoma State University (Southeastern) computing facilities are designed to support the research, teaching, and related activities of the Southeastern community. These facilities include communication features that offer many opportunities for members of the Southeastern community to share information among themselves and with outside collaborators. With the ability to share comes the responsibility to use the system in a responsible, ethical, professional, and lawful way. Universities value communication of ideas, including those new and controversial; thus, the intention of Southeastern is to maximize freedom of communication for purposes that further the goals of Southeastern. Misuse by even a few individuals has the potential to disrupt the academic and research work of faculty and students and University business.

Southeastern does not guarantee the privacy of computer files or data, and no user may have an expectation of privacy in such files or data. Southeastern will attempt to ensure that academic records and personnel files will be released only with the written permission of the individual involved or as otherwise provided by law. Academic records will be maintained in accordance with the Family Educational Rights and Privacy Act of 1974 (PL 98-380 p571) and the Oklahoma Open Records Act (51 Okla. Stat. §24A.16). It is also the intent of Southeastern to conform to the Electronic Communications Privacy Act (18 USC 2510-2521; 2701-2710).

A person in violation of this policy may be subject to administrative action, with a penalty of a fine, restitution for services used, loss of computer privileges, termination of employment, or expulsion from the University. Some actions covered by this policy are also covered by Southeastern regulations or policies, the violation of which could lead to disciplinary proceedings. Some actions covered by this policy are also covered by city, state, or federal law, the violation of which could lead to civil or criminal prosecution.

More: <http://www.se.edu/dept/information-technology/computer-policies-procedures/>

Appendix B

Intellectual Property (1-24-2017)

Southeastern Oklahoma State University respects the intellectual property rights of the professors and students and thus must gain permission for use of such works, including content stored within the LMS for online, blended, and face-to-face courses. An author may allow the copy and/or distribution of their materials by submitting a form provided on the CIDT website giving permission to Southeastern to use the material. In such cases, any materials used will retain the name of the author.

Southeastern retains the right to view and show content, including that which is stored within the LMS, for the sake of training, or evaluation.

Users may not alter or delete content from the LMS for any course that has been taught within the previous eighteen months, as this is the time allotted for student appeals and content should be maintained in the same condition in which it existed at the end of the course.

Persons using materials in the LMS obtained from any other source must cite the source from which it was obtained, including authors, websites, images, etc.

Work-for-Hire principles will not be applied to individual works in developing materials. However, such rights will be reserved by the institution in cases of appointed collaboration, such as the work specifically commissioned by the university or produced by university committees and councils.

Works produced under a specific contract or grant agreement between the university and a governmental or other agency or organization are subject to the terms of the grant or contract for purposes of copyright. The terms of any grant or contract shall take precedence over this policy should there be a conflict between them.

Intellectual Property (2-28-2017)

Southeastern Oklahoma State University respects the intellectual property rights of the professors and students and thus must gain permission for use of such works, including content stored within the LMS for online, blended, and face-to-face courses. An author may allow the copy and/or **distribution (as well as viewing for training purposes) of their materials by giving written permission to the requestor.** In such cases, any materials used will retain the name of the author.

Southeastern retains the right to view ~~and show~~ content, including that which is stored within the LMS, for the sake of ~~training, or evaluation~~ **and/or accreditation.**

Users may not alter or delete content from the LMS for any course that has been taught within the previous eighteen months, as this is the time allotted for student appeals and content should be maintained in the same condition in which it existed at the end of the course.

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