

REVISED 11-4-11

Distance Education and Learning Technology Committee
October 26, 2011
Brewster Building – B 104
3:30-4:30pm

Attendance

Regular members: Lida Cope, Peng Li, Mark Moore, Nasseh Tabrizi, Karl L. Wuensch

Ex-officio members: John Chinn (for Ernie Mashburn), Amy Frank, Donna McDonald, Beth Velde

Others present: Wendy Creasey (ITCS), Rich Ramirez (Office of DE & Technology Services, Coordinator), Beth Winstead (Copyright Officer)

1) Approval of Minutes from 10-12:

Rich Ramirez suggested a correction*; the minutes were unanimously approved

*Rich Ramirez explained that all colleges as well as all schools which are not nested within a college will have a Blackboard site for the administrators to be able to track completion of this DE training; that all DE faculty complete this training will have to be monitored by each department/unit.

2) Vote to approve the revised DE modules and draft a resolution for Faculty Senate

Nasseh Tabrizi asked Rich Ramirez to update the Committee on the state of revisions.

Rich Ramirez informed the Committee that (a) the learning styles module was eliminated and moved under “resources”; (b) the student engagement module was condensed to 17 pages; (c) quiz feedback is now consistent asking the user to review a pertinent section of the module (it was not possible to create direct links to this content); (d) the opening Welcome page notes that the practices, while often illustrated using Blackboard as an example, can be utilized in other learning platforms; (e) where possible, Blackboard-focused content was removed from the quizzes or prefaced with “In the Blackboard platform...”; (f) many multiple answer questions were changed to include “all of the following except...” to lead the user to one answer; and (g) removing some multiple answer questions resulted in an increase in true and false items;

Further, Rich Ramirez reported that he based all editing and revisions on Bb discussion board comments from both the DELTC and Foundation Curriculum and Instructional Effectiveness Committee. Since access to the modules was granted to all Faculty Senators, the Welcome page currently includes a statement that the changes are being made based on the input received from these two committees.

The revised DE modules were unanimously approved.

Nasseh Tabrizi suggested that we should have a mechanism for collecting feedback from faculty following the DE training. Rich Ramirez mentioned an existing survey designed by Elizabeth Hodge and Maggie O’Hara in the College of Business which the Committee has not yet seen. Nasseh Tabrizi stated that if we say the modules are subject to improvement, we must collect the users’ feedback. **Karl Wuensch was tasked with creating a brief survey that would be incorporated into the training and taken (on a voluntary basis) after each module’s completion.**

The following points were then discussed to form the basis of the DELT and FCIE Committees’ joint Resolution for the Faculty Senate meeting on Tuesday, November 1:

- Faculty Senate Resolution #10-77 (part D) states that “All courses offered via distance education shall be taught by a qualified, credentialed faculty member approved and assigned by the unit administrator” and that “Each faculty member who teaches one or more distance education courses must complete a university training program.”

Therefore:

- DE faculty at ECU must successfully complete the university-wide DE training approved by the Faculty Senate (Resolution #).
- A Certificate issued upon successful passing of quizzes following each module signifies that from that point on, DE faculty will “engage in at least one training activity each academic year that addresses advances in the methodologies and technologies used in distance education” (Faculty Senate Resolution #10-77/Part D).
- The DE-active groups representing ECU faculty may update the training modules to keep up with new methodologies and technologies used in distance education. These updates will not require subsequent approvals of Faculty Senate.

Be it resolved that the Faculty Senate is in the general agreement with the university-wide DE training requirement as outlined above.

These points were unanimously approved.

Following the meeting, Lida Cope consulted Linda Wolfe chairing the FCIEC who was in agreement. Lori Lee helped formulate the full text of the resolution (attached to these minutes).

3) Discussion

a. Copyright issues with Beth Winstead

In summary, a course developed by a faculty member normally belongs to this faculty member. However, ECU does own shop rights to use the course and all the related materials. On the other hand, if a faculty member is contracted to create a specific course for ECU or uses exceptional institutional resources, ECU owns the course. (Please refer to the “Ownership of works created at ECU by Faculty” with notes attached to these minutes).

In response to a query about signing over copyright to a publisher when publishing a research manuscript, Beth Winstead emphasized that faculty members should not do so and that most publishers today are responsive to having access they need without the author’s signing away his or her rights to the work.

As for DE modules: the DE training modules are owned by ECU.

b. Policies and procedures for updating modules

This issue was discussed prior to the approval of the main points for the Resolution (here under (2)). The Committee discussed whether it should or should not be possible for individual units to supplement the training modules with additional material. Nasseh Tabrizi expressed a concern that the DELTC would lose control over the content of the modules and that, in some cases, they could grow disproportionately and thus become burdensome. The Committee agreed that the DE modules should remain an introductory, basic training, and recommended that the option of

supplementing the modules materials by individual units is not included in the Resolution. Lida Cope said that the option of designing additional workshops and counting other related activities as part of *subsequent* yearly training that all DE faculty will have to engage in (cf. Faculty Senate Resolution #10-77/Part D) is quite satisfactory for this purpose.

- c. State charges for DE (Elmer Poe) – moved to the next meeting
- d. Other hot topics in DE and how to make faculty aware of them – moved to the next meeting.

4) The meeting was adjourned at 4:35pm

Respectfully submitted by Lida Cope, the DELTC Secretary

Ownership of works created at ECU by Faculty

Copyrightable Works

1. Works by Faculty and EPA Non-Faculty Employees.

a. **Traditional Works or Non-Directed Works:** A "traditional work or non-directed work" is a pedagogical, scholarly, literary, or aesthetic (artistic) work originated by a faculty or other EPA employee resulting from non-directed effort. (Such works may include textbooks, manuscripts, scholarly works, fixed lecture notes, distance learning materials not falling into one of the other categories of this policy, works of art or design, musical scores, poems, films, videos, audio recordings, or other works of the kind that have historically been deemed in academic communities to be the property of their creator.)

Ownership: Creator of the work, unless it is a directed work, sponsored work requiring University ownership, or a work for hire described in a written agreement between the work's creator and the Institution. (See section 2., below, for the definition of "work for hire;" under the Copyright Act the Institution is deemed the "Author" of a work for hire.) If the Institution is to be involved in commercializing a traditional work or non-directed work, the work's creator shall assign the work to the Institution under an Assignment Agreement. The Assignment Agreement shall contain provisions outlining the commercialization responsibilities of the Institution and a mechanism for the sharing of commercial proceeds with the Author. In cases of ownership by the creator of a traditional work, the Institution, where practical, shall be granted a non-exclusive, non-transferable, royalty-free license for its own educational or research use (hereinafter referred to as a "Shop Right").

b. **Traditional Works or Non-Directed Works Involving Exceptional Use of Institutional Resources:** "Exceptional use of institutional resources" means institutional support of traditional works with resources of a degree or nature not routinely made available to faculty or other EPA employees in a given area.

Ownership: Institution. However, upon agreement by the appropriate institutional official or body, the Institution may release or transfer its rights to the work's creator, with the Institution retaining (a) a Shop Right, and/or (b) the right to require reimbursement and/or income sharing from the creator to the Institution if the work produces income for the creator. The parties may also negotiate for joint ownership of such works, with the approval of the appropriate institutional official or body.

c. **Directed Works:** "Directed works" include works that are specifically funded or created at the direction of the Institution (including, but not limited to, works for hire by faculty or other EPA employees).

Ownership: Institution. The work's creator, where practical, shall be granted a Shop Right. The Institution may release or transfer its authorship rights to the work's creator under a written agreement negotiated between the creator and the Institution, usually with the Institution retaining (a) a Shop Right, and/or (b) the right to require reimbursement and/or income sharing from the work's creator to the Institution if the work produces income for the creator. The parties may also negotiate for joint ownership of such works, with the approval of the appropriate institutional official or body.

d. **Sponsored or Externally Contracted Works:** A "sponsored or externally contracted work" is any type of copyrighted work developed using funds supplied under a contract, grant, or other arrangement between the Institution and third parties, including sponsored research agreements.

Ownership: For a sponsored or externally contracted work created under an agreement that expressly requires copyright ownership by the Institution, the creator of the work must disclose the work to the Institution. Provided there is no conflict with a sponsored agreement, the Institution may release or transfer its rights to the work's creator under an agreement negotiated between the creator and the Institution, usually with the Institution retaining (a) a Shop Right, and/or (b) the right to require reimbursement and/or income sharing from the work's creator to the Institution if the work

produces income for the creator; or the parties may also negotiate for joint ownership of such works, with the approval of the appropriate institutional official or body.

For a sponsored or externally contracted work created under an agreement that does not expressly require copyright ownership by the Institution or a third party, the creator of the work shall own the work, subject to required disclosure to the Institution where required under institutional policy. In case of ownership by the work's creator, the Institution, if practical, shall be assigned a Shop Right.

From The UNC Policy Manual

500.2

Adopted 06/10/83

Amended 11/10/00

Amended 02/09/01

What is means in plain English is:

A course developed by a faculty member in ordinary circumstances belongs to the faculty member HOWEVER ECU does own shop rights to use the course and the related materials.

If a faculty member is contracted to create a specific course for ECU or uses exceptional institutional resources – the University owns the course.

Definition of shop right –

In cases of ownership by the creator of a traditional work, the Institution, where practical, shall be granted a non-exclusive, non-transferable, royalty-free license for its own educational or research

**Faculty Senate
November 1, 2011
Joint Committee Report**

- Whereas, approved Distance Education Policies (Faculty Senate Resolution #10-77), Part D. Faculty Preparation states that “All courses offered via distance education shall be taught by a qualified, credentialed faculty member approved and assigned by the unit administrator” and that “Each faculty member who teaches one or more distance education courses must complete a university training program”; and
- Whereas, the Foundations Curriculum and Instructional Effectiveness Committee has been charged with drafting Distance Education Professional Development Requirements and have included them as a part of the November 1 Faculty Senate agenda; and
- Whereas, once the requirements are approved, distance education faculty at ECU must successfully complete university-wide DE training; and
- Whereas, both the Distance Education and Learning Technology Committee and Foundations Curriculum and Instructional Effectiveness Committee were charged with designing a university –wide DE training program and with testing instructional modules for distance education prior to implementation; and
- Whereas, a certificate issued upon successful completion of the approved instructional modules for distance education signifies that from that point on, faculty who teach distance education courses will, as stated in the new Distance Education Policies (Faculty Senate Resolution #10-77), “engage in at least one training activity each academic year that addresses advances in the methodologies and technologies used in distance education”; and
- Whereas, members of the Faculty Senate have been given the opportunity to review the proposed five instructional modules for distance education; and
- Whereas, various standing academic distance education committees charged with review of distance education policies and procedures may periodically update the instructional modules to keep up with new methodologies and technologies used in distance education; and
- Whereas, these periodical module updates will not require subsequent approvals of the Faculty Senate but such action will be reported to the body on an annual basis.

Therefore Be It Resolved That, the Faculty Senate is in a general agreement with the process outlined above in relation to the proposed instructional modules for distance education.