
1 **FACULTY SENATE** **SOUTHEAST MISSOURI STATE UNIVERSITY**

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3 **FACULTY SENATE BILL 19-A-XX**

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5 Approved by the Faculty Senate
6 XXXXXXXX

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8 **ADDING TO CHAPTER 7 OF THE FACULTY HANDBOOK A “PROCEDURES”**
9 **SECTION REGARDING OWNERSHIP OF ONLINE COURSES AND ONLINE**
10 **CONTENT**

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12 **BE IT RESOLVED THAT:** subject to the passage and approval of both this bill and its
13 companion bill establishing a corresponding “policy” section, Chapter 7 of the Faculty
14 Handbook be amended by creating under “Other Policies” a new Section C regarding ownership
15 of online courses and of online material used in face-to-face and blended courses, thereby
16 establishing a “procedures” section (with the companion “policy” to precede it in the Handbook):

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19 **C. Guidelines Regarding Ownership of Online Courses and of Online**
20 **Content Used in Other Courses**
21 **Procedures**

22 The rights to the content of an online course developed by a faculty member during his
23 or her employment at the University are owned solely by that faculty member unless
24 the content of the course was developed under a contract specifically stating that the
25 faculty member and the University both have ownership rights. In such cases of dual
26 ownership, the University through its administrative officials may, for example, assign
27 the content of the course to other faculty members to teach. Similarly, the faculty
28 member may also make full use of the content of the course, including, for example,
29 teaching it at other institutions.

30 There may be circumstances where a faculty member who has been scheduled to teach
31 an online class to which he or she solely owns the rights becomes unavailable to teach
32 that class on short notice. In such circumstances, to meet genuine programmatic needs
33 that cannot be accommodated in any other way, the University is authorized to make
34 the content of that class available to another faculty member to teach that class for one
35 semester only, including ~~summers and winters~~ summer and winter session. For the
36 University to exercise this option, however, the faculty member’s unavailability must
37 have become known within two months of the scheduled beginning of the course. The
38 most likely causes for unavailability with such a short notice might include illness,
39 death, or leaving the employment of the university. Other types of unavailability, such
40 as a sabbatical or other type of leave, or partial release for administrative assignment,
41 usually involve longer institutional processes that would provide more than two
42 months notice, and hence would permit other accommodation for programmatic needs.
43 If the unavailability of the faculty member occurs during a semester and continues into
44 the next semester, that person’s course content may be used for the remainder of the

45 initial semester as well as the next full semester, including summers and winters
46 sessions.

47 In a situation where the University is authorized by this section to make the content of
48 an online class available to a faculty member to teach it, that faculty member may
49 utilize his or her professional judgement to make slight modifications to the content, as
50 long as the course as taught is consistent with the course approval document for that
51 course. At the end of the one full semester's permitted use, if the faculty member who
52 created the course content remains unavailable to teach it, a decision must be made to
53 discontinue offering the course, or to ask another faculty member to develop new
54 content for the course to be taught in the future. This could not include modifying the
55 content of the borrowed course but must involve de novo development of new content.

56 Any faculty member who has developed content for an online course may voluntarily
57 share it with another faculty member for that person to use for either a specified or
58 indefinite period. No faculty members, including department chairs, or other
59 administrative officials should exert pressure to attempt to influence a faculty member
60 to share his or her course content unless arrangements are made for co-ownership with
61 the University.

62 Course material that is housed on servers belonging to publishers are subject to
63 publisher's agreements. shall be exempt from University access under this section.

64 ~~The Faculty Senate Executive Committee and Faculty Senate Professional Affairs~~
65 ~~Committee shall work with the office of instructional technology and others as~~
66 ~~appropriate to develop and maintain a procedure by which to verify for a faculty~~
67 ~~member that his or her ownership rights to the content of an online course are not being~~
68 ~~infringed.~~

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<u>Action</u>	<u>Date</u>
Introduced to Senate	1/23/19
Second Senate Meeting	2/6/19
Faculty Senate Vote	2/20/19
President's Review	
Posted to Faculty Handbook	

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