FACULTY SENATE

SOUTHEAST MISSOURI STATE UNIVERSITY

FACULTY SENATE BILL 16-A-12

Approved by the Faculty Senate
April 20, 2016

ADDITION TO CHAPTER 7 OF THE FACULTY HANDBOOK A “PROCEDURES” SECTION REGARDING OWNERSHIP OF ONLINE COURSES AND ONLINE CONTENT

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

C. Guidelines Regarding Ownership of Online Courses and of Online Content Used in Other Courses

Procedures

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

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

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

Any faculty member who has developed content for an online course may voluntarily share it with another faculty member for that person to use for either a specified or indefinite period. No faculty members, including department chairs, or other administrative officials should exert pressure to attempt to influence a faculty member to share his or her course content.

Course material that is housed on servers belonging to publishers shall be exempt from University access under this section.

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

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