

## **TWO AMENDMENTS TO THE PROPOSED REVISION OF RULE 3335-13-06**

Submitted by: Kristi Williams, Associate Professor of Sociology, Elected University Senator, Member of the Senate Committee on Intellectual Property, Patents, and Copyright

For the April 21, 2016 University Senate Meeting

### **Amendment 1:**

WHEREAS the current University Policy on Patents and Copyrights explicitly states that the policy will not change the traditional relationship between the University and faculty authors of textbooks and other scholarly and artistic works; and

WHEREAS Rule 3335-5-41 establishes that University Senate has the power to establish the educational and academic policies of the university and, in pursuance of rules, to act on matters relating to the rights, responsibilities, and concerns of students, faculty, administrators, and staff; and

WHEREAS the protection of faculty ownership of copyright is an educational and academic policy of the university with substantial importance to the rights, responsibilities and concerns of faculty and of academic freedom and responsibility and free inquiry; and

WHEREAS it is the Rules of the University Faculty and not the University Policy process that is tasked with protecting fundamental rights relating to the academic and educational mission of the university, academic freedom and responsibility, and free inquiry.

THEREFORE, I propose that the **proposed revision to Rule 3335-13-06** be amended to include the following additional statement:

(D) The policy will preserve the traditional relationship between the University and faculty authors of textbooks and other scholarly, artistic, and instructional works. Therefore, except in those cases in which prior Sponsored Program agreements or other prior contractual arrangements specify otherwise, copyrights in textbooks, monographs, papers, musical compositions, works of art, unpublished manuscripts, instructional works, and the like will be the sole and exclusive property of the faculty creator.

**<Amendment 2 on reverse>**

## **Amendment 2:**

### **1. IPPC's Proposed Amendment**

WHEREAS On March 8, 2016, the Intellectual Property, Patents, and Copyright Committee reviewed the proposed Rule change to the 06 and voted unanimously to propose an amendment; and

WHEREAS the chair of IPPC emailed the Chair of the Senate Steering Committee on March 8, 2016 indicating that the IPPC committee had voted unanimously to recommend that the language of the proposed change to the 06 rule be amended; and

WHEREAS in Rule 3335-19-07 of the University Senate Bylaws (Proposals for Senate Action), clause (E) provides that "Substitute statements or suggested amendments proposed by any senate or university committee or by any member of the senate, shall be received by the steering committee and shall be scheduled in the same agenda as the original proposal."

WHEREAS the proposed revision to Rule 3335-13-06 provides IPPC with the right only to review proposed changes and not with its existing right to be one of the actors that may initiate changes to the policy. The language of the proposed revision states only that: "(C.) The intellectual properties, patents and copyrights committee shall review all changes to the policy." In contrast, the current University Policy on Patents and Copyrights provides the following: "This Policy shall be reviewed from time to time by the Faculty Committee on Patents and Copyrights and a report made to the Vice President for Research. The report shall form the basis for any revision in the Policy that may be appropriate."

THEREFORE, I propose that Section (C.) of the proposed revision to Rule 3335-13-06 be amended as follows:

"The intellectual properties, patents and copyrights committee shall review **or initiate** all changes to the policy."

*\*\*\*Note: the following clarification was added by KW on 6/9/2016 as incoming Chair of IPPC but not discussed by IPPC Committee which is on recess until Fall 2016.\*\*\**

*It is important to note that the proposed revised language which uses the word "Or" and not "And" does not assign IPPC as the sole actor permitted to initiate changes to the policy. If confusion on this point remains, IPPC could be asked to consider the following revised language or similar for this amendment:*

*"The intellectual properties, patents and copyrights committee shall review all changes to the policy that are initiated by other actors and may independently initiate changes to the policy itself."*