

Fall 2016 Policy Campus Review Comments October 24 – November 4, 2016

**The comments below were received from the campus community between October 224 and November 4. The Policy Committee reviewed every comment received and either made the requested change or responded to the comment. The result of the discussion at Policy Committee is in blue below each comment.

3.26 & 3.26.1 Intellectual Property

Faculty #1

One thing jumps out immediately, not of much consequence. 3621 procedure, Part 1, Subpart A.

“Use of a recorded lecture that includes student participation may not be used, shown or distributed to any other individual or group without the express written permission of the faculty member, every student participating in that class, and NHCC.”

Deletion of the first two words would make this a sensible sentence. The following sentence suffers the same malady. This is just me, but I’d also include an Oxford comma after the word “shown” for a marginal increase in clarity. As far as the content of both the policy and the procedure, I think they’re fine.

- The Policy Committee made these changes.

Faculty #2

My comments regarding, 3.26.1 Part 3 SubPart A:

I feel that although the work is able to be shared without student permission, that it is **required to make the work anonymous** (remove all identifiable information). Especially if it is being shared between colleagues or off-campus or at conferences.

Subpart A. Acceptable Use of Student-Authored Materials.

Student-authored materials may be distributed or shared without student permission in the following cases:

- Will add “identifying information will be removed” for item related to learner outcome assessment.

Faculty #3

Was there anything that changed other than cleaning up some sloppy language and reorganizing? It looked OK to me, but I'm not adept at spotting landmines and loopholes.

- Largely the policy and procedure was merging multiple policies and procedures. Two larger additions were related to student intellectual property and the ability to distribute student materials without student permission. We also removed the requirement of faculty needing permission to use self-authored materials.

Faculty #4

Couple questions/comments.

In the faculty authored "coursepak" section, I seem to remember in the past that we needed to seek permission to do that. Is that no longer the case? Or is that contained elsewhere.

Secondly, in the same section in the first paragraph it says, basically, "Faculty can provide materials that makes them money through royalties", and then it says, "coursepaks cannot be profited off of". I would guess that "materials" and "coursepaks" are mutually exclusive terms, then? Materials must be textbooks or other media, and coursepaks must be "all the handouts involved with class"?

I'm sure it doesn't matter, but you may want to consider clarifying what constitutes a course pak vs materials. I have never done a course pak, but I could imagine a faculty member might have some original work in said coursepak, and they would want royalties off of that. Perhaps as a part of the coursepak, you wrote and published a case with Harvard Business Review, and you want that in your course pak. I use HBR cases for my Entre class (none of which I authored), but they are \$7/\$10, etc. They are cheap (and good!)...Anyway, if you bundled that within your coursepak, then you'd be in violation if you earned a royalty, I am guessing?

Probably much ado about nothing, that above paragraph, but consider clarifying what a coursepak is vs material.

Thanks for your time. Summary: 1. Permission still needed to use your own materials? 2. Do you want to clarify diff between course pak and material?

- Faculty no longer need permission to use their own materials. The Policy Committee reviewed the definitions and determined that no further differentiation was needed.

Faculty #5

I read the policy and procedure (although it was kind of difficult with all the underlining and strike-throughs). If I interpreted it correctly, I agree with it. It seemed to assert that faculty and students retain rights for anything created by them for the classroom—including recorded lectures.

I also liked the language regarding recommended versus required materials.

- No Policy Committee response necessary.

Faculty #6

I find subparts B, C, E, G ambiguous as to who is the owner. I think all the subparts should explicitly list an owner. I can assume a faculty is the owner, but the college could also assume they are the owner since no owner is explicitly stated. Or rearrange the subparts – with a group where the faculty are the owner, a group where the students are the owner and a group where the college is the owner. For me, one of the above choices must be implemented in order to have a clear policy.

The procedure seems fine but not very much related to the policy as a whole, but that is fine with me. It is the policy that has glaring gaps.

- The Policy Committee reviewed these definitions. We added language to subpart C to clarify that the faculty member is the owner. Subparts B, E, and G were intentionally ambiguous because the NHCC faculty member may not be the intellectual property owner of these materials.

Faculty #7

3.26.1 notes: “Use of a recorded lecture that includes student participation may not be used, shown or distributed to any other individual or group without the express written permission of the faculty member, every student participating in that class, and NHCC.”

But “Public lectures are typically open to the public presentations by a speaker in his or her professional role as a scholar or expert rather than as an instructor as part of a course. Public lectures are the intellectual property of the speaker.”

Since the first section above simply says “a recorded lecture,” it’s not clear that it is in regards to a class/faculty lecture (even though that might be assumed from those needing to give permission). But a public lecture could also be recorded as well (with permission from the speakers), and students might be a part of the audience that participates—such as in a Q&A session—although it is not a class.

Can we clarify that the first section above **DOES NOT** include public lectures?

- Changed Part 1, Subpart A, paragraph 2 to read “Use of a recorded classroom lecture that....”

Faculty #8

I need to look at this again, but here are some initial thoughts/issues/concerns.

Bottom of pg 2 of the procedure “The faculty member has the freedom to control his or her recorded lecture, to delete it after the semester, or preserve it for use in a future semester for a period of one year from the end of the term in which the recording was made.”

Why only 1 year? If there are no students in the video and its mine can't I use it as long as I want?

Near the bottom of pg 3 “Recorded lectures will be made available only to students in a streaming audio/video format through D2L, or future platform adopted by the college, MnOnline or Minnesota State Colleges and University System (MNSCU) a platform provided by NHCC or Minnesota State. Students who receive or are provided access to a recorded lecture are prohibited from downloading the recorded lecture to a computer or other electronic device, circumventing technology controls, or distributing the recorded lecture or any portion thereof to anyone.”

I made videos for my online class which I posted on you-tube. Is that not allowed?

- Regarding the question related to page 2 of the procedure – the intent was that the college only retains the recording for 1 year. The Policy Committee changed the language to read, “The faculty member has the freedom to control his or her recorded lecture, to delete it after the semester, or preserve it for use in a future semester. The college will retain a copy for a period of one year from the end of the term in which the recording was made, unless otherwise requested by the faculty member.”
- Regarding the question related to page 3 – The Policy Committee added a definition for classroom capture. We modified the language referred to above to clarify the recordings are classroom capture. Classroom capture recordings should only be distributed via the NHCC streaming service, not through YouTube.

Faculty #9

I know that no one owns courses, but I launched both online and a hybrid chem course before I went on my leave to be at Normandale for 3 years. I “passed on” one of the courses to an adjunct. It would have been nice to be consulted about who actually was asked to teach the course. Just a courtesy email would have been appreciated.

- The Policy Committee agrees, but this is outside the scope of this policy.

Faculty #10

I found this information somewhat interesting. As a fairly new faculty member, I thought it was mandatory to use classroom capture. I believe this option often gives students an excuse to be absent from class. I am watching/ monitoring to see if this has an effect on test scores. I often interject useful information into lectures that students will not find in their textbook. I feel this information is "fair game" for exam questions. Students watching on lecture capture may not pay attention to all content. They report a lot of back ground noise, difficulty hearing the instructor, etc.

- Classroom capture is not mandatory.

Faculty #11

I have just a couple questions on the updated policies. Overall, I think it is a good thing to clearly state the parameters of recording lectures.

My first question is how this will be conveyed to students. I routinely have students tell me midway through the semester that they have been recording lectures without my permission. Usually the context is they will miss a class, but want to reassure me that their friend will record the lecture for them. I generally take time to explain that recording lectures without consent is an intellectual property issue and that they should always ask their professors beforehand. Every time this happens, the students insist that no one ever told them that and some reference Minnesota’s one party consent laws for recording. I generally frame my response in terms of public spaces vs. nonpublic spaces and the need to be respectful of privacy for what other students share in discussions and my students have agreed that they will erase recordings when the tests are over. However, it would be nice to know how this policy will be communicated to students.

My second question relates to speeches. When teaching public speaking, many of us record each student’s speeches during the semester so they can watch their speeches, set improvement goals, and analyze their own progress over the semester. Each student only receives the video of their own speech, not the whole class. Generally, a few (no more than 5) audience-member students appear on camera, shown from the back of their heads, not their faces because of the angle the camera is filming from. When we distribute these videos to

students, we know that some of them are proud of their progress and share them with friends, family, or online. I know sharing these is a nonacademic use of the content, but since classmates can choose to sit out of line of the camera and those who choose to sit in the frame are unidentifiable, would this still violate this policy?

- For the first question, the Policy Committee believes the best way is for the statement to be included in a syllabus. The policy will be on the website with all other policies and we tell students about policies at orientation, but we do not get into detail on each of the 50 or so policies at the college. For the second question, this would be acceptable. Recordings are made for academic purposes and students get copies. We should try to avoid other students in those records as much as we can, but this should be fine.
 - Thank you for the quick response! Perhaps it would be a good idea to include some sample language for this on the syllabus checklist that you send out? I volunteer Sean to assist you with that! ;)
 - ;) We can add sample language to the syllabus checklist.

Faculty #12

What is the definition of 'student work'? Is it work that a student does as part of a course?

My concern is that often students work with faculty as part of ongoing research and then they move on to their job or transfer institution. We cannot have students refusing permission to use the part of the research that they worked on, contributed to or created when a faculty is ready to publish or present. Of course, faculty always include any students that were part of the work as authors. So I guess I would like to see a definition of student work as 'work produced as part of a course they are taking at the college'. Is something like that possible? Or have you already done that (because I can always trust your thoroughness) and I missed it somewhere in the text of the policy or procedure?

- We added a definition of collaborative work in the policy.