WHEREAS, The number and variety of for-profit web sites distributing student-uploaded course materials, including lectures notes, practice quizzes, actual quizzes and actual exams is increasing; and

WHEREAS, One such site, Course Hero, currently has materials for hundreds of Cal Poly courses and at least some of the faculty whose materials are posted there did not even know about this web site let alone that their course materials were posted therein (http://www.coursehero.com/sitemap/states/California/); and

WHEREAS, The for-profit distribution of faculty-generated course materials by any unauthorized entity violates the faculty’s intellectual property rights (http://rgp.calpoly.edu/policyIP.html); and

WHEREAS, Websites such as Course Hero might be liable for violating faculty members’ intellectual property rights despite their application of notice-and-takedown procedures, and so strong legal actions by the CSU may be appropriate to rectify the problem; and

WHEREAS, The for-profit distribution of student-generated lecture notes violates the Standards for Student Conduct (Title 5, Article 2, Section 41303 http://www.osrr.calpoly.edu/standardsforconduct/title5.asp); therefore be it

RESOLVED: That the Academic Senate acknowledge and publish the attached general guidelines regarding protecting copyright course materials provided by Albert Liddicoat, Associate Vice Provost, Academic Personnel; and be it further

RESOLVED: That the Academic Senate urge the CSU administration to utilize all appropriate legal avenues to prevent unaffiliated organizations from displaying, distributing, or otherwise providing works of faculty members in violation of their intellectual property rights; and be it further

RESOLVED: That the Academic Senate urge the Cal Poly administration to review and revise the students’ code of conduct and disciplinary procedures so that they clearly prohibit violations of faculty members’ intellectual property rights, including the dissemination of faculty works to unaffiliated organizations without appropriate permission or authority.
SUGGESTIONS TO PROTECT COURSE MATERIALS WHICH FACULTY MAINTAIN ARE COPYRIGHT PROTECTED

• Professors who choose to upload their documents on the internet should only do so through a password protected system such as Polylearn.

• Professors should instruct students about copyright issues and inform students that they are not authorized to upload faculty provided materials to a website without the faculty member's explicit permission. Instructors may choose to include this information on their course syllabi.

• If a professor provides students with written materials and the professor believes he/she has a copyright ownership interest in the material, the following notation should be included on the document:

"Copyright [year] [professor's name]" e.g., Copyright 2010 John Smith.

• Professor should remind students that the unauthorized upload of a professor's documents could violate CSU's Student Conduct Code (Title 5, California Code of Regulations Section 41301), subjecting the student to possible disciplinary action.

• If a professor created material that he/she believes is copyright protected and discovers that material has been published on a website without authorization, the professor may wish to contact the website contact person and request the material be removed. In most cases, this should be sufficient. However, if the website's designated contact person is uncooperative, the Office of General Council provides the following guidance for faculty who wish to request that their copyrighted materials be removed from the websites. The professor should send a letter to the website contact person which includes the following information:

1. Identify in sufficient detail the copyrighted material or work the professor believes has been infringed upon or other information sufficient to identify the copyrighted work. Providing the URL of the allegedly infringing work may be the best way for the website's contact person to locate the content quickly.

2. Provide your contact information. Generally, an email address is preferred.

3. If possible, provide the website's contact personnel with information to permit them to notify the individual that provided the allegedly infringing material to the website about your claim.

4. Include the following statements in the written request:

"I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by me as the copyright owner, my agent, or the law."

"I swear under penalty of perjury, that the information in this notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that
is allegedly infringed."

5. Sign the document and send it to the designated website contact person.

For additional information, The University of Texas has a comprehensive website which addresses copyright issues in the higher education context. It can be accessed at www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm

Albert A. Liddicoat, Ph.D.
Associate Vice Provost, Academic Personnel
To: Steven Rein  
Chair, Academic Senate  

From: Jeffrey D. Armstrong  
President  

Subject: Response to Academic Senate Resolution AS-749-12  
Resolution on For Profit Course Materials Websites  

Date: June 18, 2012  

Copies: K. Enz Finken  
E. Smith  
A. Liddicoat  

This memo acknowledges receipt of the above-entitled Academic Senate resolution.
Subject: Academic Senate Resolution AS-749-12

It has come to my attention that President Armstrong's June 18, 2012, response to the above-entitled Academic Senate Resolution was incorrectly addressed to you as chair of the Academic Senate, which was before your term began.

Please consider this memo as acknowledgment that President Armstrong's response should have been addressed to 2011-2012 Academic Senate Chair Rachel Fernflores.

Thank you.