June 12, 1975

EXECUTIVE MEMORANDUM

75-10

TO: Deans and Academic Units

FROM: Stanford Cazier
President

SUBJECT: UNIVERSITY POLICY FOR USE OF MEDIA

The Faculty Senate has developed and adopted the following policy statement to assist and protect the faculty of California State University, Chico in their work with mediated materials. The policy has been approved for implementation in June of 1975.
Policy on Faculty Rights, Responsibilities, and Procedures in the Development and Use of Mediated Materials and Mediated Courses at California State University, Chico

A. PURPOSE

The use of media material and mediated materials and mediated courses should have the purpose of advancing the basic functions of colleges and universities to preserve, augment, criticize, and transmit knowledge and to foster the student's ability to learn. The development of policies concerning instruction which uses media as an instrument of teaching and research is therefore the responsibility of the academic community.

The statement on instructional television by the American Association of University Professors (attached) is accepted in principle by California State University, Chico.

To facilitate the use of media materials and mediated courses in the teaching process, committees and policies pertaining to faculty rights and responsibilities are hereby established.

B. FACULTY PARTICIPATION AND RESPONSIBILITY

The teaching faculty and the Faculty Senate have the major responsibility to form and develop policy recommendations pertaining to planning, preparation, and use of media material, mediated courses and the utilization of media production facilities. Specific responsibility for initiating faculty rights agreement for faculty-initiated projects rests with the faculty member who requests use of University staff and materials support. Agreements must be secured prior to media production to assure compliance with current legal and professional developments.

Specific responsibilities for media-related policy recommendations to appropriate administrative units shall be vested in the committees listed below:

1. Learning Resources Committee. The existing Learning Resources Committee, chaired by the Dean for Learning Resources, shall, in
addition to its present duties, review this policy and program in operation and shall make policy recommendations concerning them. This shall include general oversight on long-range matters dealing with the direction of development and use of media, including the articulation of goals and priorities. In addition, its duties shall include identification of problems and the recommending of alternative solutions to those problems on behalf of the University. This committee shall present annually a report to the Faculty Senate as well as to appropriate administrative officers.

2. Faculty Media Projects Committee. The purpose of this committee is to review major proposed media project proposals for definition of specific rights and responsibilities of all parties involved in the project previous to production. "Major" project is defined as that which would require material support by the University in terms of personnel or materials in excess of $300.00 as determined by current market prices and rates.

Composition of the committee shall be from the teaching faculty of the University with specific appointments made by the General Policies Committee of the Faculty Senate. Five members shall be appointed subject to the following selection procedure: One member from the staff of the TV Media group of LARC, one member from the Center for Information and Communications Studies, one member from the Faculty Policies Committee of the Faculty Senate, and two members from the general faculty. The latter should have, if possible, experience in copyright matters or contracting services.

In particular, the committee shall review and give advice both to the Dean for Learning Resources (or designee) and faculty member(s) or student(s) in all negotiations and contracts regardless of the source of funding. Professional legal consultants shall be used when advisable. Such negotiation shall include individual faculty research and development programs which include the significant use of media.

Contracts shall specify clearly: (1) compensation; (2) teaching load; (3) ownership of recorded and supplementary materials; (4) other reserved rights such as revision, editing, and withdrawal of program materials; (5) re-use of materials within the institution, system, institutions outside the California State University and Colleges system; and (6) use of material in forms or configurations other than those originally intended and compensation for such additional uses.

In connection with the above, all parties shall recognize the following rights and responsibilities of the faculty:

a. The faculty member shall have the right and responsibility to revise and edit his or her materials from time to time and after some agreed-upon time lapse (i.e. two years) the right to order that all tapes be withdrawn from other than archival use when in his or her judgment the materials have become obsolete and further use may reflect adversely upon his or her stature in the profession.
b. No presentation of recorded course materials can be made beyond the regularly scheduled campus class sessions as well as continuing education, external degree or external campus class sessions without written permission of the faculty member involved. Credit for work load shall accrue to CSU, Chico, faculty, not to a non-CSU, Chico, faculty.

c. The faculty member shall retain his or her proprietary rights and other rights, title and interest in and to the media materials; such materials shall not pass into the public domain nor become the property of the collegiate institution or any other institution or person presenting such lecture materials by media distribution systems.

d. Any release of media lecture materials beyond their original intended purpose must be approved by the faculty member involved and provisions made for distribution of any remunerations received. Any release of mediated courses to other universities and colleges within the system or to other institutions may only be done on the basis of reimbursement to the originating institution in the form of faculty positions and/or monetary reimbursement. The faculty member shall retain the right to a share of the proceeds in the form of assigned time and/or monetary compensation. If the faculty member elects not to supervise or teach the content using the developed materials, then a reasonable monetary sum may be negotiated (based on the FTE [ADA] generated) so that instruction may occur using alternate faculty. Materials developed under contractual agreement with CSU, Chico, may not be distributed, sold, or given away to persons or institutions beyond the campus by anyone without the written approval of the Dean for Learning Resources or designee and advice of the Faculty Media Projects Committee, and the concurrence of appropriate University administrative officers.

e. The faculty member shall not receive royalties for the presentation of television material on the originating campus but shall function in a supervisory capacity as long as the program is in use and shall receive assigned time as partial compensation for his or her creative and supervisory contributions. Upon retirement, however, a faculty member shall receive royalties.

f. If assigned time has been provided the faculty member for the development of mediated materials, it is assumed that the repeated use of the material will generate substantial salary savings for the institution and more than compensate the institution for the use of its resources and the cost of assigned time. The faculty member, therefore, has a right to an appropriate share of savings generated within the University, and a significant share of any proceeds from rentals to agencies outside the University, including rentals to other universities within the California State University and Colleges.
g. All tapes or information storage devices reproduced shall be copyrighted in the name of the originating institution and the faculty member involved.

h. No faculty member may be required to contract away his rights to withdraw a part or all of his or her media materials or assign away his or her rights in perpetuity. The faculty must allow reasonable alternations of media materials to meet production equipment limitations as determined by the Faculty Media Assistance Committee (see below).

i. Copyright for workbooks, guides, and other published materials used to support media programs must be in the name of the faculty member who then receives royalty fees for the sale of such materials.

j. Television tapes and related media materials may be provided on a rental basis to other institutions but not sold in order that the originating institution may retain control over the use of the tapes and retain the authority to edit, and when appropriate, to remove from such use. Exceptions may be made by written agreement between faculty member and the University.

k. In the event that a faculty member who has developed media materials leaves the employment of the California State University and colleges for any reason, and with appropriate notice, the use by the campus of such materials will continue under the terms of the contract between the faculty member and the University or College except that the faculty member shall receive monetary equivalent of any assigned time that might accrue under the terms of the contract, plus the agreed-upon share of rental income.

l. Contracts shall also clearly specify any student rights to compensation, ownership, and control of use in media materials and media courses. No faculty member (or the University) may use student-developed media materials and media courses, or portion thereof, without receiving written permission of the student and without giving due credit, even though the faculty member may have directed the student in the development of the project or materials.

m. Contracts shall also clearly specify any production staff rights to compensation, ownership, and control of use in media materials and media courses. When a faculty member (or the University) wishes to use Photographer, Graphic Artist, Script Writer, Composer, T.V. Director, Film Director, Cinematographer, or Computer-Programmer created materials, or portions thereof, other than for their original purpose or intent, permission to use and recognition of any residual rights of the creator must be acknowledged and protected.
The committee shall also determine and recommend to the President or designee policies regarding the instructional workload units and compensation to be assigned faculty for the planning and production of mediated products. The committee shall also maintain an overview of design and content of major media projects or mediated courses to assess feasibility costs and distribution limits. The committee shall perform continuous evaluation and appraisal of the effectiveness of major media projects. The committee shall recommend policies governing the use of campus media facilities to the Learning Resources Committee. When it appears evident that a change in the current assigned time procedures and policies historically used at California State University, Chico, is appropriate, the recommendation shall be made to the appropriate committee of the Faculty Senate for consideration and input to the President or his designee.

The committee shall establish its own procedures and publish them. It shall keep records and minutes. It shall make any recommendations on policy in regard to faculty rights and responsibilities to the Faculty Senate through the Learning Resources Committee.

3. Faculty Media Assistance Committee. It shall be the task of this committee to provide assistance to the faculty member participating in the development, selection, design, and effecting of software formatted materials. The team making up the Faculty Assistance Committee might well be composed of individuals on the University campus, both professional and professional support, whose area of specialization can provide help to faculty members engaged in media production. Such membership would normally be made of one individual in learning theory, one individual in evaluation design, one individual in the broad range of media alternatives working with the faculty member or members who are responsible for the development of the mediation.

C. Nothing in this document should be construed to prohibit any person employed by the University from negotiating a private contract with the University for the purpose of renting the University media facilities at appropriate market prices for use during normal faculty, non-working periods in order to produce materials not subject to provisions of this document.

D. Monies accruing in excess of cost, the faculty member having been reimbursed or compensated under the terms of the contract, shall be placed in a University Foundation account to stimulate further media-related faculty activities.

E. This document should be reviewed annually by the Officers of the University and the Faculty Senate to assure compliance with current legal and professional developments.
Statement on Educational Television

The Statement which follows is published at the direction of the Association's Council in order that chapters, conference members, and other interested persons may have the opportunity to express their reactions to it before further consideration by the Council and Annual Meeting. This Statement is a revision of policy recommended by Committee C and approved by the Council and the Annual Meeting in 1962. (See AAUP Bulletin, Autumn, 1962.) This revision was prepared by Professor Winston M. Ehrmann (Sociology), Cornell College, Chairman, Committee C Subcommittee on Educational Television. Comments concerning the Statement should be sent to the Washington Office.

Preamble

Television instruction may be by recording, "live" performance, or a mixture of the two, and may be broadcast or presented on a closed circuit. In closed-circuit transmission, the instructional program usually appears at "viewing stations" (receiving sets) within the institution. Broadcasting is often designed for the general public or off-campus students as well as students located on campus, and frequently included programs of cultural enrichment as well as formal course instruction.

Both recorded and "live" performances, whether broadcast or presented on closed-circuit, may involve special legal or administrative problems. Recording, for example, is technically and administratively simpler than actual performance, but may require the consideration of additional questions of copyright, not only for materials previously protected but also for materials created expressly for the new program. Closed-circuit television is more suitable than general broadcasting for use as a supplement in regular course instruction; its use, however, raises questions of the appropriate distribution of authority and responsibility between the administration and the separate departments or programs within a given institution. Broadcasting is technically more complex, more expensive, and directed to a wider audience, and it is under the regulation of the Federal Communications Commission; for all these reasons, it is likely to entail a more elaborate organizational pattern than that required for closed-circuit instruction. With a greater measure of autonomy for the technical and producing staff and a larger expenditure of time and resources on extra-institutional goals.

More important, the development of educational television has brought into being conditions never envisaged in the earlier academic tradition, raising many basic questions about standards for teaching and scholarship. Six of these altered conditions deserve special mention here. One is that the teacher does not have the usual face-to-face relationships with the student in or outside the classroom. Another is that special means must be devised for assigning, guiding, and evaluating the work of students. A

*From AAUP Bulletin, Autumn 1968, pp. 314-316
third is that the teacher is using a means of communication dependent upon
an extremely complex and expensive apparatus which is not under his ex-
clusive control and which requires for its operation special technical
knowledge. A fourth is that the teacher's lectures and demonstrations can
be recorded and reused without the teacher's being present. A fifth is
that the teacher's rights, whether academic or legal, are imperfectly
understood. And a sixth is that little careful attention has been given
to the question of the faculty's authority in determining policies and
procedures for the use of television in the institutional program.

It is imperative, therefore, that institutions now using or planning to
use television as an incidental or integral part of their programs should
give full consideration to the educational functions which the new medium
is intended to perform and to the specific problems which any given appli-
cation will raise. Traditional principles of sound academic procedure
will often apply to the new medium, either directly or by extension, but
they will not always cover the new problems. When they fail to do so,
new principles must be developed by means of which the new medium may be
made to serve most effectively the basic, continuing educational objectives
of our colleges and universities. It is the purpose of this statement to
offer some appropriate guidelines to this end.

PRINCIPLES

General

The use of television in teaching should be for the purpose of advancing
the basic functions of colleges and universities to preserve, augment,
criticize, and transmit knowledge and to foster the student's ability to
learn. The development of institutional policies concerning educational
television as an instrument of teaching and research is therefore the
responsibility of the academic community.

A faculty member who engages in commercial rather than educational
television as a writer, performer, technical consultant, or in any other
capacity, should abide by the codes, practices and customs applicable to
that industry. Usually no restrictions should be placed by the institu-
tion on his occasional activities in commercial television. Such activi-
ties should be sufficiently limited so that they do not interfere with
his obligations as a faculty member to his institution. In the event
that there are sufficient reasons for his greater involvement in commerical
television, he should make appropriate arrangements, such as for a reduced
teaching load and compensation or a leave of absence, in accordance with
governing academic principles. When a faculty member is engaged in
educational television—that is, television directly related to an academic
program—he should conform to governing academic principles.

Areas of Responsibility

The governing board, administration, and faculty all have a continuing
concern in determining the desirability and feasibility of television as
an educational instrument. Institutional policies on educational television
should define the respective areas of responsibility for each group in
terms of the particular competence for the functions which that group undertakes. In developing these policies, all three groups should bear in mind that television is one educational means among many, and not an end in itself, for carrying out the basic functions of a college or university.

Educational Policies

The faculty should have primary responsibility for determining the educational television policies of the institution. The responsibility should be conferred and defined by regulations promulgated by the governing body. The rules governing educational television should be approved by vote of the faculty concerned or by a representative faculty body, officially adopted by the appropriate authority and published.

The departmental faculty should determine the extent and the manner in which closed-circuit television should be used in courses offered by it in resident instruction. Such departmental practices should conform to institutional policies.

Courses to be given for credit by television broadcast, whether for resident or extension credit, should be considered and approved by the faculties of the departments, division, school, college, or university or by such representatives of these bodies as pass upon curricular matters generally. These provisions should apply to courses whether given by actual (live) performance or by recordings.

The faculty should determine the amount of credit which may be earned by a student toward a degree in courses given by television broadcast.

The faculty of the college or university should establish general rules and procedures for the granting of teaching load credit in the preparation and the offering of courses by television broadcast and for the allocation of supporting resources. Within the general provisions of these governing regulations, specific arrangements for courses offered by its members should be made within the department.

The initial planning for a television course, whether by live broadcast or recording, requires considerable time and effort in the preparation of scripts, course assignments and tests, participation in rehearsals, and administrative arrangements for students. The teacher may, therefore, need to devote full time for the period of a term or more to this purpose. The demands of offering a course by broadcast require not only appearances before the camera but also communications and conferences with students, the evaluation of their work, the keeping of their course records, and also the supervision of academic and clerical personnel who assist in this work. Accordingly, one course may constitute a full load for the teacher.

Adequate support in the form of academic and clerical assistance, facilities for communicating and conferring with students, library resources, and an operating budget should be provided the teacher so that he may adequately carry out his instructional responsibilities. Since instruction by television broadcast does not allow for an exchange of reactions
between students and teacher in its "classroom setting," adequate provisions should be made in courses given by broadcast for the students to confer with the teacher, or his academic assistant, by correspondence and, if possible, in person.

The faculty should make certain that live or recorded programs which are prepared by the institution for other colleges and universities, whether for course credit or not, meet the same standards of appropriateness and excellence as those prepared for use in its own institution.

Courses prepared by the institution for elementary and secondary schools should meet the academic standards set by the faculties of the disciplines concerned.

The faculty should give encouragement to television programs of cultural enrichment addressed to the general public as well as to its own students.

Teaching Appointments

The precise terms and conditions of every appointment should be stated in writing and be in the possession of the faculty member and the institution before the appointment to participate in instruction by television is consummated.

A member of the faculty should not be required to participate in educational television as teacher, writer, consultant, or in any other capacity unless he consents in advance to such participation. His refusal of a request for this kind of an assignment should in no way affect his present or future status as a faculty member.

A prospective member of the faculty should not be required to participate in educational television instruction upon his acceptance of an appointment unless he has agreed to do so in advance as a condition of his appointment.

Academic Freedom

A faculty member engaged in educational television is entitled to academic freedom as a teacher, researcher, and citizen in accordance with the provisions of the 1940 Statement of Principles on Academic Freedom and Tenure, jointly developed by the Association of American Colleges and the American Association of University Professors and endorsed by many educational and professional organizations.

Because television production is a form of publication, a faculty member has the same freedom to enter into an agreement with an educational or commercial agency to produce or otherwise participate in, a television program as he has in arranging for the publication of his own writings with a commercial, university, or other nonprofit press or with a scholarly or professional journal.

Selection of Materials

The teacher should have the same full responsibility for the selection and presentation of materials and of points of view in courses offered by
television as he has in those given by traditional means. For departmental and interdepartmental projects the faculty concerned should share this responsibility.

Technical Considerations

A faculty member who undertakes to teach by television should acquaint himself with the rudiments of the technical procedures in recording and live performance as they relate to his own professional activity so that his subject matter may be most effectively presented, and he should cooperate with the producer and other television technicians in every reasonable way. The teacher, nevertheless, has the final responsibility for the content and objectives of the program.

Recordings

A program of instruction offered over television and especially one which has been prerecorded usually involves proprietary rights of one or more individuals or a recognized legal entity such as a corporation or association. The faculty should establish and publish appropriate guiding policies, procedures, and explanations so that the exercise of these proprietary rights and their transfer will contribute to the educational purposes of instructional television as well as protect the proprietary rights of the copyright owners.

A recording of a teacher’s presentation in the traditional classroom setting, whether for reuse on educational television or for any other purpose, should be made only with his consent and his prior knowledge as to the precise nature and purpose of the recording. The proprietary rights may be transferred in whole or in part through a recognized legal device. An owner may, however, grant permission for a recording in which he has a proprietary right to be used by an institution, an educational television network, or other agencies or individuals without relinquishing his copyright in the recording. Permission to use the copyrighted works of others in a program should be secured from the copyright owners. In actual practice, an institution is typically the owner of an educational program, such rights having been acquired by prior agreement between the institution and the individuals involved in the creation of the program. In some cases, however, such individuals retain the copyright in the program.

A recorded program of instruction is an academic document. Hence, like any other scholarly work, it should bear the name of its author, his institutional affiliation, the date when it was recorded, and appropriate acknowledgments.

 Provision should be made for faculty control over the future use and distribution of a recorded course of television instruction and for its periodic review by the original teacher-author, or by an appropriate faculty body, to determine whether it should be revised or withdrawn from instructional use because of obsolescence.

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