

From: Ben Hermalin <hermalin@berkeley.edu>

Subject: Re: Revised Faculty - UC License Agreement for Online Instruction

Date: October 7, 2015 at 6:58:01 PM PDT

To: Julie Conner <jconner@berkeley.edu>

Cc: Diana Wu <diana.wu@berkeley.edu>, Andrea Green Rush <agreenrush@berkeley.edu>

Dear Julie,

At this past Monday's Divisional Council meeting, the Council approved the template contract you emailed on September 15, 2015 with one proviso: with regard to section 4.2, the Senate would like some arbitration process to be available should there be a dispute concerning whether the delivered materials are complete and satisfactory. The Divisional Council proposes that the arbitration panel consist of one person chosen by the University, one by the Academic Senate, and a third chosen by the first two. I am happy to meet to discuss if you think that would be useful.

With regard to educating the faculty about copyright and fair-use matters, I suggest that, as part of the process for negotiating with faculty members, that there be some information sheet given the faculty members pointing them to whatever resources exist in the system or on campus that would provide them guidance on these issues.

I don't recall what precisely I might have had in mind about a cover note other than to point folks to the relevant resources for familiarizing themselves with the relevant laws pertaining to copyright and fair use.

So, bottom line, the September 15, 2015 template has Senate blessing subject to adding an arbitration sub-clause to section 4.2.

Regards,

Ben

On Sep 15, 2015, at 12:27 PM, Julie Conner <jconner@berkeley.edu> wrote:

All:

Attached is a new draft of the license template, revised in accordance with our meeting in August.

Ben had mentioned a cover note but I am not sure what that should look like. Does one of you one to take a stab at it and I can add anything you want added? Who would "send" the cover note?

My notes indicate that the cover note would present the template and note that certain identified areas merit discussion and negotiation between the department and the faculty member participating in the particular online program (e.g. compensation).

Ben also mentioned that the cover note could identify existing copyright resources. I personally think UC's copyright support for faculty member's leaves much to be desired. However, there is a few online tools we could reference in the note. Also, the library will soon hire a Scholarly Communications Officer, who I believe the Library hopes to hold out as support for faculty on these issues. I can confirm this with the Library.

On a slightly different note, I have confirmed that Unit 18 Lecturers are provided the same IP background norms as ladder-ranked faculty. In other words, they are presumed to own the copyright in their materials. As such, I assume we can use the same template for them, but I will confirm that

with Heather Archer as soon as I have confirmation from you that I should do so.

I still owe you additional insight regarding the implications of the use of GSIs by some of our faculty.

Also, Rich Lyons emailed earlier this week to let me know that the Haas faculty interested in this subject might want to go their own way. When the four of us were together, we discussed taking the position that the template could be negotiated in some ways by a department. I defer to you as to how much movement from the template is acceptable to you.

Let me know how I can help with the next steps.

Julie

Julie M. Conner

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<Draft Template re Faculty-UC License Agreement for Online Instruction (September 2015).docx>