



CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

DYLAN RODRIGUEZ
PROFESSOR OF MEDIA & CULTURAL STUDIES
RIVERSIDE, CA 92521-0217
TEL: (951) 827-6193
EMAIL: DYLAN.RODRIGUEZ@UCR.EDU

November 21, 2019

Kum-Kum Bhavnani, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Review - Proposed Revised Presidential Policy on Copyright Ownership

Dear Kum-Kum,

The UCR Division is pleased to provide feedback on the Proposed Revised Presidential Policy on Copyright Ownership. The Executive Council discussed the proposal and committee responses at its November 18, 2019 meeting and chose to affirm the existing the committee responses without further comment. During this discussion, the Faculty Welfare Chair requested to review and comment on the proposed revised policy, to which i agreed. The CFW response will be sent as an addendum to this response.

I bring your attention to the substantive responses from a two Senate standing committees and one faculty executive committee. Graduate Council recommends an expansion of the scope of work covered by copyright to include creative, aesthetic, and performance work, including forms of production and curation that may be associated with that work. The Committee on Academic Freedom takes issue with the peculiar use of the term "tradition" in the document, and strongly affirms that a revision of the policy clearly state that copyright ownership belongs to the faculty originator(s). CAF also wishes to add undergraduate students to the scope of the policy. Finally, the College of Natural and Agricultural Sciences Executive Committee suggests that this policy be reviewed at the departmental level due to the nuances of copyright across fields and disciplines.

Thank you for this opportunity to consult on an important and impactful matter that affects Senate faculty members.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Dylan Rodríguez", is written over a light-colored background.

Dylan Rodríguez
Professor of Media & Cultural Studies and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office



October 22, 2019

To: Senate

From: School of Business Administration Executive Committee

Re: [Systemwide Review] Proposed Revised Policy: Presidential Policy on Copyright Ownership. Distributed for Review: 09/23/19

Please let this memo serve as an official notification that the School of Business Executive Committee has no opinion regarding this topic.



October 21, 2019

To: Dylan Rodriguez, Chair
Riverside Division

From: Djurdjica Coss, Chair
Committee on Research

RE: Systemwide Review: Presidential Policy on copyright ownership

The Committee on Research reviewed the presidential policy on copyright ownership and had no comments.

From: [Richard Carpiano](#)
To: [Senate](#)
Subject: SPP Executive Committee Comments Re: "Proposed Revised Policy: Presidential Policy on Copyright Ownership"
Date: Tuesday, November 05, 2019 10:07:10 PM

Dear Dylan:

I am writing regarding the Senate request for College/School Executive Committee comments on the "Proposed Revised Policy: Presidential Policy on Copyright Ownership" that you sent us.

As chair of the SPP Executive Committee, I wish to report that our committee does not have any comments on this document. Nevertheless, concern was raised that the extent of details in the document went beyond the expertise of ordinary faculty and thus necessitated review by individuals with appropriate expertise on the specific elements of this issue, including copyright and intellectual property policy/laws with respect to UC and in general.

Thank you very much.

Best,
Richard Carpiano


Richard M. Carpiano, PhD, MPH
Professor of Public Policy and Sociology
Co-editor, *Journal of Health and Social Behavior*
University of California, Riverside
School of Public Policy
900 University Avenue
Riverside, California 92521 USA

Office: 4157 Interdisciplinary South
Phone: 951-827-5405
E-mail: richard.carpiano@ucr.edu
Website: <http://www.richardcarpiano.com>
Twitter: <http://www.twitter.com/RMCarpiano>

GRADUATE COUNCIL

October 25, 2019

To: Dylan Rodriguez, Chair
Riverside Division

From: Jason Stajich, Chair 
Graduate Council

RE: [Systemwide Review] Proposed Revised Policy: Presidential Policy on Copyright Ownership

Graduate Council reviewed the Proposed Revised Presidential Policy on Copyright Ownership at their October 17, 2019 meeting and agrees that copyright should not be limited to the author (creator) of a particular work but may also include other forms of creative work, including performance, production, arrangement, etc. associated with that particular work. The Graduate Council feels the UC should recognize this broader scope of copyright in aesthetic work. Graduate Council suggests revising the FAQs for Copyright Ownership Policy so that the answer to the second question - “What kind of works are eligible for copyright ownership?” reads as follows:

Copyright protection is automatic for any “original work of authorship” created by a university author and “fixed in any tangible medium of expression.” Examples include journal articles, scholarly papers, textbooks, other books, short stories, poems, case examples, course materials, lecture notes, musical compositions/arrangements and recording, lyrics, architectural drawings, software, visual works of art, sculptures, and other artistic creations, among others, regardless of the medium. In many cases related to aesthetic work, copyright extends into “related rights” where rights of creative work are not only (or not necessarily) connected with the work’s original author; it includes the work of performers, producers, arrangers, and other associated creative work. Copyright does not protect facts or ideas. To learn more about copyright generally, visit the UC Copyright website at <http://copyright.universityofcalifornia.edu/>.

UCRIVERSIDE UNIVERSITY OF CALIFORNIA | **Academic Senate**
COMMITTEE ON ACADEMIC FREEDOM

November 7, 2019

To: Dylan Rodriguez, Chair
Riverside Division of the Academic Senate

From: Dmitri Maslov, Chair 
Committee on Academic Freedom (CAF)

Re: Proposed Revised Policy: Presidential Policy on Copyright Ownership

The Committee on Academic Freedom considered the proposed Revised Policy: Presidential Policy on Copyright Ownership submitted for Systemwide Review on September 19, 2019.

Of the immediate concern is the fact that although this document deals with the issues also addressed by the earlier proposal UCR Online Course Agreement (ILTI Agreement), the present document does not refer to earlier document and the two documents are not fully in line with each other. Most notably, these proposals differ with respect to which party (the faculty originator or the University) initially "owns" the copyright and how the rights can be transferred to from one party to another. Apparently, these inconsistencies are due to the fact that the Online Course Agreement document predates the Copyright Ownership document by several years. At the very least the two documents must be made consistent with each other or, perhaps, even merged into a single proposal.

Due to the overlap between the two documents the comments made by CAF in response to the Online Agreement proposal are also applicable to the Copyright Ownership proposal. These comments are not repeated here, and the interested party would be advised to refer to the aforementioned CAF response (submitted to Senate on November 5, 2019).

The copyright concept is an important part of the academic freedom. It is the CAF's opinion that the scholars have a legal and inalienable copyright to their work. However, the document (section III.A.1) states that the University "owns the copyright" and then, honoring the "tradition", transfers the copyright to academic workers. By appealing to "tradition" the document moves the discussion from the clear purview of law and into the domain of the paternalistic in which traditions may be breached without legal recourse. The CAF suggests that the reference to "tradition" be removed and that the university reaffirm clearly and unambiguously that the copyright ownership belongs to the faculty originator(s). The copyright then can be transferred partially or fully from the faculty owner to the University (and not the other way around as stated in the current version of the Copyright Ownership proposal) by the procedures which should be clearly outlined in the future revised Online Course Agreement (ILTI Agreement) document.

On the technical side, there is a comment concerning with Section III.A.3 which addresses Student Works. The CAF would like to see undergraduate students being specifically mentioned. The first sentence should read: "As between the University and its students, copyright ownership of works prepared by University students (including **both undergraduate and** graduate students) resides with such students..." (the change in boldface).

In summary, the Copyright Ownership has to be revised by 1) placing the original ownership of copyright with the faculty originator(s), and 2) defining procedures for copyright transfer from the originator to a second party.

UNIVERSITY OF CALIFORNIA, RIVERSIDE



BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO

SANTA BARBARA • SANTA CRUZ

EXECUTIVE COMMITTEE:
COLLEGE OF HUMANITIES, ARTS, AND SOCIAL SCIENCES

RIVERSIDE, CALIFORNIA 92521-0132

November 7, 2019

TO: Dylan Rodriguez, Chair
Academic Senate

FROM: Lucille Chia, Chair
CHASS Executive Committee

RE: [Systemwide Review] Proposed Revised Policy: Presidential Policy on Copyright
Ownership

The CHASS Executive Committee discussed the Proposed Revised Policy: Presidential Policy on Copyright Ownership at the regular meeting on October 02, 2019 and via email. The committee approves the revised policy. One minor point is that the new document is missing something like a clear "statement of purpose" of copyright, which seemed to be present on the old document (see page 17 out of 25 of the PDF document). It may be worth adding to the new document.

Lucille Chia, Chair

CHASS Executive Committee



COMMITTEE ON DIVERSITY, EQUITY, AND INCLUSION

November 4, 2019

To: Dylan Rodriguez
Riverside Division Academic Senate

From: Xuan Liu, Chair
Committee on Diversity, Equity, and Inclusion

Re: Presidential Policy on Copyright Ownership

The Committee on Diversity, Equity, & Inclusion considered the proposed revisions to the Presidential Policy on Copyright Ownership and did not find any issues related to its charge.



November 1, 2019

To: Dylan Rodriguez, Chair
Riverside Division

From: Louis Santiago, Chair, Executive Committee
College of Natural and Agricultural Science

A handwritten signature in black ink that reads "Louis Santiago".

Re: Proposed Revised Policy: Presidential Policy on Copyright Ownership

The CNAS Executive Committee discussed the Proposed Revision to the Presidential Policy on Copyright Ownership at our meeting on September 27, 2019. The committee had substantial comments, but also expressed concern that they did not have the legal expertise to fully evaluate the document. There were questions as to exactly what constitutes “significant university resources” and what would be the implications on copyrights for the work of graduate students. There was also concern that this is passed through faculty meetings at the department level because copyright ownership is something that affects all academics.



PLANNING & BUDGET

October 29, 2019

To: Dylan Rodriguez, Chair
Riverside Division

From: Harry Tom, Chair
Committee on Planning and Budget

A handwritten signature in black ink that reads "Harry WK Tom".

Re: [Systemwide Review] Proposed Revised Policy: Presidential Policy on Copyright Ownership

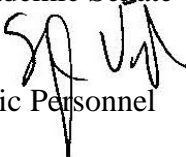
The Committee on Planning & Budget (P&B) reviewed the proposed revised Presidential Policy on Copyright Ownership at their October 29, 2019 meeting. P&B felt that the policy seemed reasonable and did not have any major budgetary impacts.



COMMITTEE ON ACADEMIC PERSONNEL

October 21, 2019

To: Dylan Rodriguez
Riverside Division Academic Senate

From: Sherryl Vint, Chair 
Committee on Academic Personnel

Re: Proposed Revised Policy. Presidential Policy on Copyright Ownership

The Committee on Academic Personnel considered the proposed revisions to the Presidential Policy on Copyright Ownership and unanimously endorsed the revised policy without any substantial comments to add.