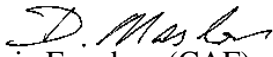


UCRIVERSIDE UNIVERSITY OF CALIFORNIA | **Academic Senate**
COMMITTEE ON ACADEMIC FREEDOM

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.