
1 **FACULTY SENATE** **SOUTHEAST MISSOURI STATE UNIVERSITY**

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3 **FACULTY SENATE BILL 19-A-XX**

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5 Approved by the Faculty Senate
6 XXXXXXXX

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8 **ADDING TO CHAPTER 7 OF THE FACULTY HANDBOOK A “PROCEDURES”**
9 **SECTION REGARDING OWNERSHIP OF ONLINE COURSES AND ONLINE**
10 **CONTENT**

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12 **BE IT RESOLVED THAT:** subject to the passage and approval of both this bill and its
13 companion bill establishing a corresponding “policy” section, Chapter 7 of the Faculty
14 Handbook be amended by creating under “Other Policies” a new Section C regarding ownership
15 of online courses and of online material used in face-to-face and blended courses, thereby
16 establishing a “procedures” section (with the companion “policy” to precede it in the Handbook):

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18 **C. Guidelines Regarding Ownership of Online Courses and of Online**
19 **Content Used in Other Courses**
20 **Procedures**

21 The rights to the content of an online course developed by a faculty member during his
22 or her employment at the University are owned solely by that faculty member unless
23 the content of the course was developed under a contract specifically stating that the
24 faculty member and the University both have ownership rights. In such cases of dual
25 ownership, the University through its administrative officials may, for example, assign
26 the content of the course to other faculty members to teach. Similarly, the faculty
27 member may also make full use of the content of the course, including, for example,
28 teaching it at other institutions.

29 There may be circumstances where a faculty member who has been scheduled to teach
30 an online class to which he or she solely owns the rights becomes unavailable to teach
31 that class on short notice. In such circumstances, to meet genuine programmatic needs
32 that cannot be accommodated in any other way, the University is authorized to make
33 the content of that class available to another faculty member to teach that class for one
34 semester only, including summer and winter session. For the University to exercise this
35 option, however, the faculty member’s unavailability must have become known within
36 two months of the scheduled beginning of the course. The most likely causes for
37 unavailability with such a short notice might include illness, death, or leaving the
38 employment of the university. Other types of unavailability, such as a sabbatical or
39 other type of leave, or partial release for administrative assignment, usually involve
40 longer institutional processes that would provide more than two months notice, and
41 hence would permit other accommodation for programmatic needs. If the
42 unavailability of the faculty member occurs during a semester and continues into the
43 next semester, that person’s course content may be used for the remainder of the initial
44 semester as well as the next full semester, including summer and winter session.

45 In a situation where the University is authorized by this section to make the content of
46 an online class available to a faculty member to teach it, that faculty member may
47 utilize his or her professional judgement to make slight modifications to the content, as
48 long as the course as taught is consistent with the course approval document for that
49 course. At the end of the one full semester's permitted use, if the faculty member who
50 created the course content remains unavailable to teach it, a decision must be made to
51 discontinue offering the course, or to ask another faculty member to develop new
52 content for the course to be taught in the future. This could not include modifying the
53 content of the borrowed course but must involve de novo development of new content
54 unless arrangements are made for co-ownership with the University.

55 Course material that is housed on servers belonging to publishers are subject to
56 publisher's agreements.

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Action	Date
Introduced to Senate	1/23/19
Second Senate Meeting	2/6/19
Faculty Senate Vote	2/20/19
President's Review	
Posted to Faculty Handbook	

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