

PLEASE POST FOR ALL FACULTY TO READ!

EAST CAROLINA UNIVERSITY
1998-1999 FACULTY SENATE

The third regular meeting of the 1998/1999 Faculty Senate will be held on **Tuesday, 10 November 1998**, at 2:10 in the Mendenhall Student Center Great Room.

FULL AGENDA

- I. **Call to Order**
- II. **Approval of Minutes**

6 October 1998
- III. **Special Order of the Day**
 - A. Roll Call
 - B. Announcements
 - C. Richard Eakin, Chancellor
Report on employment category of all faculty
 - D. Vice Chancellor's Report
 - E. Approval of Fall 1998 Graduation Roster, including honors program graduates
 - F. Tom Powell, Director of Admissions
Breakdown of Freshmen Class and Home-Schooled Student Admissions
 - G. Allan Rosenberg, Faculty Assembly Delegate
Faculty Assembly Meeting of 6 November 1998
- IV. **Unfinished Business**
- V. **Report of Committees**
 - A. Educational Policies and Planning Committee, George Bailey
 - 1. Request for Authorization to Establish a Multidisciplinary Minor.
 - 2. Requests for Authorization to Plan the following new degree programs:
 - a. Ph.D. in Health Professions - Nursing
 - b. Ph.D. in Rehabilitation Counseling and Administration
 - c. Master of Public Health
 - B. Faculty Governance Committee, Patricia Anderson
 - 1. Proposed revisions to *Faculty Manual*, Appendix L. (attachment 1).
 - a. Section D. Code Unit Name Changes
 - b. Section E. Five-Year Unit Program Evaluation
 - 2. Proposed revision to the Policy for the Cumulative Review of Permanently Tenured Faculty and proposed inclusion in the *Faculty Manual* (attachment 2).

- C. Research/Creative Activity Policies Committee, Seodial Deena
Operational procedures for implementation of Part VII, Section II. Patent and Copyright Procedures of the *Faculty Manual* (attachment 3). This is being presented for information only.
- D. University Curriculum Committee, James Smith
 - 1. Curriculum matters contained in the minutes of the 24 September 1998, and 8 October 1998, Committee Meetings (Copies of these minutes have been distributed to all units and are available on the Faculty Senate web page.)
 - 2. Proposed revisions to the Course Proposal Form (attachment 4).
 - 3. Proposed Bank Course Form (attachment 5).

VI. **New Business**

Full Faculty Senate Agenda
November 10, 1998
Attachment 1.

FACULTY GOVERNANCE COMMITTEE REPORT
Proposed changes to the *Faculty Manual*, Appendix L.

Revise Appendix L., Section D. Code Unit Changes, Subsection 1.f. (page Appendix L-4) to read as follows (new text to be added is noted in **bold print**):

"1.f. *renaming a code unit, in addition, changes in unit nomenclature shall be approved by UNC General Administration before such changes become effective.*"

Revise Appendix L., Section E. Five-Year Unit Program Evaluation, Subsection 3 (page Appendix L-54) to read as follows (new text to be added is noted in **bold print**, with text to be replaced noted as strikethrough):

"3. The unit faculty members shall meet to consider the report and recommendations of the evaluation committee **not later than the end of January.** ~~not later than forty five calendar days prior to the completion of the spring semester.~~ The report and recommendations shall be distributed to the unit faculty members not later than one week prior to the meeting. The voting faculty members of the unit shall vote by secret ballot whether or not to accept the evaluation committee's report and recommendations. Acceptance shall require three-fifths of the voting faculty members of the unit. The report and recommendations, whether accepted or not, and the vote of the unit shall be submitted to the next higher administrative official not later than thirty calendar days prior to the completion of the spring semester. The next higher administrative official shall review the report and the vote, and then forward the report through higher administrative offices to the Chancellor for review and comment. If any administrator above the unit level fails to concur with the unit's recommendation that administrator shall inform the faculty of the unit in writing of the reasons for his or her decision."

Revise Appendix L., Section E. Five-Year Unit Program Evaluation, (page Appendix L-54) to read as follows (new text to be added is noted in **bold print**):

"4. **The unit program evaluation shall be used in the development of the unit operational plan.**"

Full Faculty Senate Agenda
November 10, 1998
Attachment 2.

FACULTY GOVERNANCE COMMITTEE REPORT
Proposed Revision to the Policy for the Cumulative Review of Permanently Tenured Faculty

In reference to the Policy for the Cumulative Review of Permanently Tenured Faculty, the Faculty Governance Committee proposes the following revision to the policy in order to clarify the meaning of "each academic unit" as noted in the Section entitled "Description of the Policy", under subsection "Timing", paragraph two. The revision is as follows (noted in **bold print**):

"Each academic unit's **tenure committee** shall decide whether all of its ~~tenure~~^d faculty will be reviewed in the same year or whether its tenured faculty will be reviewed according to a serial plan. Those units choosing a serial plan shall also determine the method of serialization."

The Faculty Governance Committee recommends that the revised Policy for the Cumulative Review of Permanently Tenured Faculty be placed in the *Faculty Manual*, as a new Appendix B, and available for all faculty on the Faculty Senate website once the interpretation has been approved by the Chancellor.

**Operational Procedures for
Implementation of Faculty Manual
Part VII, Section II (Copyrights)**

10/1/98

- I. Introduction
- II. Copyright Law and Definitions
- III. Reproduction of Copyrighted Works by Educators and Librarians
 - A. Creative, Personal and Educational Fair Use Exemptions
 - B. Reproduction by Libraries and Archives
 - C. Copyright Clearance Sources
- IV. Copyrighted Works Created by the University Community
 - A. Protecting University Copyrights
 - B. Determining Ownership of Copyrighted Works
 - C. Disclosure to the University Committee on Intellectual Property/Patents
 - D. Royalty Distribution

Appendix A: FAIR USE GUIDELINES FOR EDUCATIONAL MULTIMEDIA, Non-legislative Report of the Subcommittee on Courts and Intellectual Property Committee on the Judiciary U.S. House of Representatives

OPERATIONAL PROCEDURES FOR IMPLEMENTATION OF FACULTY MANUAL PART VII, SECTION II

(Regarding Copyright Procedures)

I. Introduction

East Carolina University has among its primary purposes teaching, research, and the expansion and dissemination of knowledge. Products of these endeavors fall into the category of intellectual property, which includes but is not limited to copyrights and patents. University policy regarding patents is addressed in a separate procedural document. The creation of copyrightable materials in the form of literary, dramatic, and other intellectual works by the university community is encouraged as a measure of productivity and commitment to the dissemination of knowledge and creative activity for public benefit. In many cases, however, successful development of such works creates a demand for the works both inside and outside of the university. This demand may provide opportunities for distribution, licensing and sale of the works. Copyright protection is a method which provides an exclusive legal right to reproduce, distribute to the public (by sale, rental or other method) publicly display, revise, prepare a derivative work or authorize another to perform any of these acts.

Section XII of the University of North Carolina Patent and Copyright Policies reflects the traditional approach that allocates copyright ownership to the author except in special cases. The text of the policy is as follows:

As a general rule, all rights to copyrightable material are the property of the creator. The distribution of royalties, if any, is a matter of arrangement between the creator and his or her publisher or licensee. Different treatment may be accorded by the institution in case of specific contracts providing for an exception, in cases where the constituent institution or sponsor may employ personnel for the purpose of producing a specific work, where different treatment is deemed necessary to reflect the contribution of the institution to the work, as in the case of software or audiovisual material, or where a sponsored agreement requires otherwise.

Clarification of this policy has not heretofore been available to the campus community as it relates to the traditional paper copy environment or to the rapidly evolving environment surrounding electronic transmission of copyrightable material and the Internet. These guidelines have been prepared as a tool to educate the campus community about the issues surrounding the creation and use of copyrightable material, specifically (a) federal copyright statute; (b) individual and university ownership rights to copyrightable material and; (c) recommended procedures for reasonable use of copyrighted material, and mechanisms available for protecting copyrighted material under the direction of a university copyright clearinghouse.

II. Copyright Law and Definitions

A. Copyright Act of 1976

The Copyright Act of 1976, as amended (Title 17, U.S. Code), generally protects certain rights and privileges of the copyright owner to exclude others from the right to reproduce and publicly distribute, display or perform a work, as well as revise or prepare a derivative work based upon a copyrighted work, without obtaining permission. The Act also provides statutory exemptions applicable to academia, recognizing the fundamental, non-profit mission of universities to advance and disseminate knowledge for public benefit. Specifically, Section 107 of the Act considers certain uses of copyrighted materials to be fair "for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research." These exemptions are discussed further in Section III of this document.

Copyright protection extends to original works of authorship and applies to any tangible medium of expression in which the author produces either a published or unpublished work. Copyright protection, however, is not extended to underlying ideas behind a work, facts, exact duplications of public domain works, systems, works created by employees of the federal government, titles, short phrases, logos, slogans, or forms for collecting information. Copyrightable works include written, musical, and dramatic works, pictorial, graphic, sculptural, and architectural works, motion pictures, sound recordings, and computer programs and software. Copyright protection begins at the time the work is available in a fixed form. Formal registration of a copyrighted work is not required for protection under U.S. law; however, it is required before legal action may be taken against copyright infringement. It is highly recommended that an application for copyright protection be filed within ninety (90) days of publication in order to maintain maximum statutory damages for works requiring more stringent protection, such as works licensed for commercial applications. Placement of a copyright symbol or notification on a work is not required for protection under U.S. law. However most foreign countries will only recognize the rights associated with a copyright if a copyright notice is supplied on or with the work.

B. Definitions

1. Author

Someone who originates or contributes copyrightable expression to an original work, such as poetry, prose, computer programming, artwork, musical notation, recorded music, animations, video footage, web pages, architectural drawing, and photographs.

2. Copyright Assignment

The transfer of one or more of the ownership rights in a work from the copyright owner to another person.

3. Copyright License

Written permission to use copyrighted material that is usually limited to a period of time or for a particular use.

4. Faculty or Faculty Member

Any employee of the university who:

- a. holds one of the basic academic ranks of instructor, assistant professor, associate professor, or professor in an academic department and whose primary responsibilities as an employee are within that department;
- b. holds one or other ranks of lecturer, visiting professor or adjunct professor in an academic department and whose primary responsibilities as an employee are within that department;
- c. post doctoral fellow.

5. Fair Use

A use of copyrighted material for purposes of criticism, comment, news reporting, teaching, scholarship, or research, which is not an infringement of a copyright. Fair Use is further discussed in Section IV of this document.

6. Staff

An individual employed by the University in a non-academic capacity including but not limited to a secretary, clerk, assistant, laboratory technician, computer technician or other form of technician, or administrator.

7. Student

Any individual who is registered to take university classes in an undergraduate, graduate or other program.

8. Public Domain

Material that is available for use by anyone at any time without explicit authorization. Examples include the text of federal laws, regulations or works whose copyright has expired.

9. Publication

The public distribution of copies of a work or the original work by sale or other transfer of ownership, rental, lease or loan.

10. Royalty

A payment made to the owner of a copyrightable work for use of the work.

11. University Resources

University-controlled funds, staff, equipment, and facilities, including but not limited to technical production units, publications, radio, television, recording facilities, computing services, audiovisual, photocopying, and media services.

12. Work for Hire

In accordance with Section 201 (a) of the Copyright Act, an author's employer retains all rights, title, and interest in the copyright of works created by an employee within the scope of employment, or in works that are specifically commissioned. See Section IV.B for further discussion of the effect of Work for Hire on faculty, staff, students, and commissioned works.

III. Reproduction of Copyrighted Works by Educators and Librarians

A. Creative, Personal and Educational Fair Use Exemptions

Section 107 of the Copyright Act of 1976, as amended, provides exemptions to certain copyright uses which allows for legitimate use or "fair use" of copyrighted materials for purposes that might otherwise infringe a copyright and violate the rights granted to the copyright holder. These uses include creative, personal and educational fair use. Despite its intent to permit fair use of copyrighted materials for certain purposes, the Act provides only a vague framework for interpreting those uses which may be considered fair. Case by case judgements are required to consider, in a balanced fashion, four individual factors: (1) purpose and character of use, (2) nature of the work, (3) amount of work to be used, and (4) effect of the use upon the potential market for a value of the copyrighted work. Despite the requirement for balanced consideration of these four factors, case history demonstrates that the effect on market potential may be weighted more heavily than the remaining three factors.

1. Purpose and Character of the Use

Commercial uses are typically not considered a fair use. Non-profit, educational or personal uses are more likely considered "fair". Criticism, commentary, news reporting, parody and uses that transform the original to a new work are generally considered fair use.

2. Nature of the Work

This factor addresses characteristics of the work being used, whether it has been previously published and whether it is factual or fictional.

3. Amount of Work to be Used

The amount, substantiality and qualitative nature of the portion used in relation to the entire copyrighted work is considered in this factor. For example, the greater the proportion of the amount of the work used, the greater the likelihood that copyright is violated.

4. Effect on the Market

Consideration is given to the effect on the market potential for the copyrighted work. Please note that posting on the Internet will magnify this impact significantly.

Although efforts have been made to establish quantitative fair use guidelines, defining the precise amount of work that can be used such as the **Classroom Guidelines included in a House Report on the 1976 Act** (adopted by the Association of American Publishers and the Authors League of America), it should be noted that these guidelines are not contained in the Act and, therefore, are not considered legally binding. Quantifying fair use is considered contrary to the statutory right of fair use, which authorizes the user to exercise judgement in accordance with the provisions of Section 107.

In determining whether use of a copyrighted work is considered fair, one should recognize the following three types of fair use that are applicable in academic settings:

1. **Creative fair use** involves the use of a copyrighted work by another author for the purpose of generating a new, original work. An example of this is publication of a book or article comparing quotes from different authors.
2. **Personal fair use** involves the use of a copyrighted work for an individual's personal education or entertainment. For example, a copy of an article or videotape can be made for one's own personal files and use.
3. **Educational fair use** allows for the use of a copyrighted work for teaching, scholarship or research. It should be noted, however, that one should not consider educational fair use as overriding approval to duplicate any copyrighted work. In many instances, an analysis should be performed giving adequate consideration to the four factors of fair use: purpose and character; nature of the work; amount of work to be used; and effect of use on the potential market of the work. Additional consideration must be given to the classroom setting of the educational environment and whether the work is available in the public domain. Because electronic transmission provides an opportunity for worldwide access to copyrighted works, extra care is required to limit transmission to assure compliance with the educational fair use exemption. For example, transmission of classroom materials containing copyrighted works on a computer network should be restricted by password protection and made available only to students enrolled in the course. Further, the site should be deactivated at the end of the course/semester. Incorporation of hyperlinks to other web sites also requires care to assure recognition of the original author or web site. This can be handled by recognizing the original frame from the linked site. In all instances, the integrity of security and payment systems associated with linked sites must be maintained. Special guidelines are available, but not legislatively mandated, for use of copyrighted material incorporated into electronic transmissions or multimedia production for educational purposes in **Fair Use for Educational Multimedia** prepared as a non-legislative report adopted by the

subcommittee on Courts and Intellectual Property, Committee on the Judiciary, U.S. House of Representatives on September 17, 1996, and contained as Appendix A, herein.

Following are examples considering the educational fair use exemption:

- A copy of a work such as a poem, short story, photograph, journal article, or book chapter may be distributed to a class as long as the work does not constitute a significant portion of the journal or book. Distribution of significant portions of an entire work that is intended for a classroom setting, such as a textbook, is not considered fair use because of the effect on the potential market of the work. Due to the potential for world wide distribution, electronic transmission of any portion of a work is not considered fair use unless the transmission is password protected and the originating site is made inactive at the end of a course.
- A copy of an entire work, such as a book, may only be made for educational purposes if the work is out of print and unavailable, copying is not for commercial benefit, and there is no effect on market potential. The work may not be transmitted electronically without adequate password protection and limitation of use measures.
- A fair use analysis, taking into consideration the four factors of educational fair use, should be performed by developers of coursepacks, when copyrighted materials are contained in the coursepack.
- A copy of an entire original work such as a textbook may be placed on reserve at the library. Placing copies of an entire book or journal on library reserve does not qualify under educational fair use due to the effect on market potential. Fair use and library reserves are discussed in greater detail in Section III.B of this document.
- Copies may be made of any work available in the public domain such as government documents or works whose copyrights have expired.
- Presentations containing artistic or musical works may be provided in an instructional setting, with prerequisite protection provided, if the work is distributed by electronic transmission.
- Duplication of sheet music that does not encompass an entire work is acceptable when there is an immediate need to replace a purchased copy, provided that a purchased replacement is substituted in due course.

Please note that the examples and guidelines contained herein, are provided for illustrative purposes only. Individual academic and administrative units within the university may maintain their own interpretation of the Act, as long as the interpretation recognizes the four factors of educational fair use.

B. Reproduction by Libraries and Archives

1. Public Photocopiers

The law protects the library and its employees from liability of copyright infringement for the unsupervised use of public photocopiers provided that a notice is displayed stating that the person making the copy may be subject to the copyright law.

2. Document Delivery/Interlibrary Loan

The library may make copies of items they own but no more than one copy of an article for each request. The amount of material copied must not constitute a majority of the work or no more than three articles from a periodical volume.

If the library does not own the periodical title, it may not request more than five articles per title (not issue) within any calendar year. This only applies to periodicals with a publication date within 5 years. After reaching the maximum of five articles per title, the library must request the article from a location that pays copyright royalties.

C. Copyright Clearance Sources

The University maintains a subscription with the Copyright Clearance Center, Inc., (CCC), a non-profit organization founded at the suggestion of Congress to facilitate copyright clearances and related activities. Specifically, CCC offers an Academic Permissions Service (APS) which provides permission to photocopy material from more than one million titles registered with CCC for incorporation into coursepacks or course handouts. CCC will also provide assistance in obtaining author or publisher permission for works that are not maintained in the APS service. Similarly, the University may register titles with APS to delegate APS to grant photocopy permission and collect fees. Currently CCC membership is maintained by ECU Student Stores and the campus libraries.

IV. Copyrightable Works Created by the University Community

A. Protecting University Copyrights

1. Copyright Filing with the U.S. Copyright Office

The Copyright Act of 1976 specifies that a formal copyright registration is not required in the United States for works to be protected by law. However, copyright registration is required before legal action may be taken against copyright infringement. In order to maintain maximum statutory damages against copyright

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infringers, it is recommended that copyright registration be filed within ninety (90) days from initial publication. Regardless of whether a formal copyright registration has been provided to the U.S. Copyright Office, it is advisable to display one of the following copyright notices on a work:

© or "Copyright" or "Copr"
Year of First Publication
Name of Copyright Owner
ie: © 1991 Constance Porter

Copyright registration requires submission to the U.S. Copyright Office of the appropriate registration form, \$20.00, and one copy of an unpublished work or two copies of a published work. The following copyright registration forms are available on-line at <http://lcweb.loc.gov/copyright/forms/>

Form TX: Published or unpublished non-dramatic literary works including fiction, non-fiction, poetry, textbooks, reference works, directories, catalogs, advertising copy, compilations of information and computer programs.

Form PA: Published or unpublished works of the performing arts.

Form SR: Published or unpublished sound recordings.

Form VA: Published or unpublished works of the visual arts.

Form SE: Serials including newspapers, magazines, newsletters, annuals, journals, etc.

Form RE: Renewal of a copyright.

Form MW: Registration of mask works fixed in a semi conductor chip product.

Form CA: To correct an error.

2. Protection of Electronic Rights and the Web

Electronic publishing, whether over the Internet or in other electronic forms, is becoming an increasingly popular mode of communication especially within the educational community. In that context, electronic publishing includes not only on-line publishing such as the web but CD-ROM and newer read/write technologies as well. Unfortunately, the digital age makes copying of electronic documents both easy and inexpensive and even more disconcerting, raises issues involving the potential spread of misinformation. These concerns stem from the fact that digital

technology allows text and even images to be altered in ways that are both seamless and undetectable. Ultimately, the paramount question becomes one of authenticity.

Tagging documents with messages that provide the name of the rightful owner of the document, in addition to identification of the copyright holder, is one reasonable and responsible step which authors might take to protect original works. Fortunately, tags are easily inserted into text files, photographs, graphic images, video, computer images, sound /audio, and other forms of creative property. Copyright notices for electronic documents, taking the same form as copyright notices on printed works, should be placed in a prominent position on the document in such a way as to give reasonable notice of the claim of copyright.

Another technique that may be used to protect electronic works is to embed a digital watermark within the document. Digital watermarks can be embedded directly into photographs, video, computer images, and audio. While these watermarks are invisible or imperceptible to the eye or ear, a computer can easily read them. A creative and talented person using the right software might be able to create their own watermark; however, these efforts are for the most part easily defeatable by those determined to remove them. A better technique is to utilize a professional watermark service such as Digimarc. These watermarks are specifically designed to provide protection for electronic works by methods that remain unaffected by multiple generations of copying, modification, printing, scanning, and compression. These watermarks may also carry a copyright notice, serial number, transaction identifier, or other application specific identification information.

While using a professional watermark service is recommended as the best protection for copyright documents/graphics published in an electronic form, note that this is a fee-based service. Currently, costs associated with digital watermarks are the responsibility of the creative property owner.

Just as it is important to protect individual copyrights, it is equally critical that university faculty take reasonable and proactive steps to limit access to on-line class materials especially if those materials are applicable to 'fair use provisions' (as discussed earlier in this report). In such situations, public access can be limited by password protecting the site and restricting the access code to those students enrolled in your class. As different computing systems have different security mechanisms, it is important to discuss web site security and access with your computing systems administrator during the development phase of the web site.

B. Determining Ownership of University Copyrighted Works

Nothing contained in these guidelines is intended to restrict or limit the freedom of faculty, students and staff to generate copyrightable material or to maintain a personal portfolio of their works. This Section is designed to define the procedures and guidelines that will be used for determining ownership of copyrighted works that are developed at the University.

1. Faculty

Ownership of the copyright to scholarly works, including but not limited to research papers, teaching materials, book chapters and textbooks, belongs to the faculty author or authors unless it falls within one of the exceptions described below. Works developed jointly shall be jointly owned, with authors responsible for determining their respective contribution for purposes of sharing royalty income.

a. Exceptions

- (1) If copyrightable material is created by faculty pursuant to an agreement between the university and a third party (i.e.: a government agency or a publisher), copyright ownership shall be governed by the provisions of that agreement.
- (2) Different treatment from above may be accorded in case of specific contracts where the constituent institution or sponsor employs personnel for the purpose of producing a specific work, where different treatment is deemed necessary to reflect the contribution of the institution to the work or where a sponsored agreement requires otherwise. In such cases, an institute, center, or other unit of the university that engages faculty members and other employees to write for publication by that unit or produce other copyrightable materials for the unit, such as audiovisual materials or computer software may, subject to the approval of the chancellor, adopt rules providing that copyright in materials prepared by such faculty members and other employees in the course of their professional work for that unit vests in the unit and not in the author.

In no case will such rules be implemented retroactively to precede the date of first approval by the chancellor. In all cases, approval of the rules will be contingent upon the inclusion of a provision that all affected employees be properly informed of the rules and that the accomplishment of this requirement be documented in the employee's personnel file. It is the responsibility of any institute, center, or other unit of the university desiring such provision to present to the chancellor for his or her consideration the details of the requested rules. In a specific case in which no rules exist, a unit head may negotiate, before the fact, a specific contract, subject to the approval of the chancellor, for a university employee to produce a product whose copyright is to be vested with the unit.

- (3) These guidelines do not preclude faculty from assigning copyright rights to the University if both parties believe that such action is to their benefit. Similarly, these guidelines do not preclude the University from assigning copyright rights to the author, if both parties believe that such action is to their benefit.

2. Students

Students, as a condition of enrollment in their desired academic program, are required to create papers, computer programs, theses, dissertations, artistic and musical works and other intellectual works. Ownership of the copyright to these works is presumed to belong to the student unless it falls within one of the exceptions described below.

a. Exceptions

- (1) If copyrightable material is created by a student pursuant to an agreement between the university and a third party (i.e.: a government agency or a publisher), copyright ownership shall be governed by the provisions of that agreement.
- (2) Instances in which a student is also an employee of the University and during the course of employment the employee is required to produce reports, guidelines, software, and other works, such works shall be considered to fall within the scope of Work for Hire and the University shall retain copyright ownership of the work.
- (3) This policy does not preclude a student from assigning any or all rights to the copyrightable material to the University if both parties believe that such action is to their benefit. Similarly, this policy does not preclude the University from assigning any or all of its rights in a copyrightable work to the author, if both parties believe that such action is to their benefit.

3. Staff

The copyright to all works prepared by University staff within the scope of their employment falls within Section 201(b) of the Act (Work for Hire) and, therefore, remains the property of the University.

4. Commissioned Works

The University shall own the copyright to any commissioned work that is specifically ordered or commissioned by the University if there is a written agreement, executed prior to the creation of the work, in which the author and University agree that the copyright shall belong to the University.

5. University Assignment to Creators

Subject to University conflict of interest rules, the University may reassign copyright ownership to creators who elect to market, protect and license the work on their own with minimal University involvement. The return to the University for re-assignment of ownership will consist of recovery of University intellectual property and licensing expenses plus 15% of royalties, equity or other value received through subsequent licensing or re-assignment.

C. Disclosure to the University Committee on Intellectual Property/Patents

Whenever faculty, staff or students of the University create copyrightable material which is or may be owned by the University or a third party and which appears to have commercial application or market appeal, a disclosure of the existence of the material should be made, in writing, to the University Committee on Intellectual Property/Patents. The written disclosure should be made as soon as practical prior to or after creation.

After receipt of the written disclosure, the University Committee on Intellectual Property may take one or more of the following actions:

1. Evaluate the institutional functions of the creator to determine whether copyright ownership rests with the creator or the University;
2. Inform appropriate third parties of the work;
3. Determine whether to register copyright ownership with the U. S. Copyright Office, take other appropriate action to protect ownership interest in the work, or place the material in the public domain.
4. Determine the manner in which the work is to be distributed or used by others, if at all, and the charges, if any, to be imposed for such distribution or use.
5. Provide for the disclosure of appropriate credits and consider the wishes of the creators concerning presentation, distribution, and revision.
6. Investigate market potential.
7. Recommend other actions, as required.

D. Royalties

1. Author/Creator Assignment

In accordance with Section IV.B.1 of these guidelines, the University will not claim a share of the proceeds of income earned from scholarly works made by faculty including research papers, teaching materials, book chapters and text books. Royalties and other income earned from licensed copyrighted material owned entirely by a single creator shall belong to the creator. Royalties and other income earned from joint creators should be divided in an equitable manner that recognizes the contribution of the creators. Multiple creators are advised to enter into an agreement which clearly defines distribution of royalty and other income, prior to receipt of any such income.

2. University Assignment

East Carolina University assumes financial responsibility for copyrighted works assigned to the University. This responsibility may include, for example, the cost of copyright registration, marketing and licensing efforts, maintaining records, and defending infringements. Royalties and other income earned as a result of works developed for institutional purposes in the course of the creators employment and owned in whole or in part by the University shall take into account all direct expenses related to prosecuting and maintaining a copyright, including fees for outside legal counsel. Remaining income (net receipts) shall be distributed as prescribed in this section. Please note, however, these guidelines do not restrict the University's freedom to negotiate contractual arrangements.

<u>Cumulative Income:</u>	<u>< \$ 100,000</u>	<u>> \$ 100,000</u>
Author(s)/Creator(s)	50%	25%
Office of Technology Transfer	25%	25%
Department(s)	15%	30%
Division	5%	10%
VC for Research & Graduate Studies	5%	10%

3. Other

Proposals to modify income distribution are subject to approval by the Chancellor.

Course Proposal Form
EAST CAROLINA UNIVERSITY
UNIVERSITY CURRICULUM COMMITTEE/GRADUATE CURRICULUM COMMITTEE

ALL 5000-LEVEL COURSE PROPOSALS SHOULD BE SUBMITTED TO BOTH THE UNIVERSITY CURRICULUM COMMITTEE AND THE GRADUATE CURRICULUM COMMITTEE.

COURSE NUMBERS SHOULD BE VERIFIED WITH THE OFFICE OF THE REGISTRAR. (See IV.G., below.)

Date: _____
Proposal is for a
New Course _____ Prefix and Number _____
Revision of an Existing (Active) Course _____ Revision and Unbanking of a Banked Course _____
If you are unbanking a course that is not being revised, please use the form designated for course banking/unbanking/deleting.
Renumbering of an Existing Course Old # _____ New # _____
If "Same As" Statement Is Applicable, List the Corresponding Course(s):

I. CATALOG INFORMATION

A. Proposed Course Description As It Is To Appear In the Catalog (Please include course prefix, number, title, credit hours, formerly statement [if course is being renumbered], WI or WI* [if writing intensive; WI* indicates that not all sections are WI], semester(s) of offering, same as statement [if appropriate], statements relative to general education credit [if inconsistent with existing prefix approvals], lab or practicum hours [where appropriate], prerequisites, and catalog description):

Course Placement:
Undergraduate Page # _____ Graduate Page # _____

Writing Intensive Credit:
Do you intend to request approval for WI credit? Yes* _____ No _____
*If yes, will all sections be WI? Yes _____ No _____
(Approval will be verified with WAC.)

General Education Credit:
Does this prefix normally carry general education credit? Yes _____ No _____
Does this course meet general education objectives for this prefix? Yes _____ No _____
If no is indicated here, the course description will contain a statement that this course may not count toward general education credit in the area for which the prefix is approved.
Does this course meet general education objectives? Yes _____ No _____
If yes, check area below. (May require approval of the General Education Committee.)
Humanities and Fine Arts _____ Math _____ Science _____ Social Science _____

B. If this is a revised course, please list current catalog page number(s) and include the course description as it appears in the current catalog (If course has not been revised since the current catalog was printed, you may access the online copy of the catalogs at <http://www.aa.ecu.edu>):

Course Placement:
Undergraduate Page # _____ Graduate Page # _____

C. Course Credit:

Lecture Hours	_____	Weekly	<u>OR</u>	_____	Per Term	Credit Hours	_____	sh
Lab	_____	Weekly	<u>OR</u>	_____	Per Term	Credit Hours	_____	sh
Studio	_____	Weekly	<u>OR</u>	_____	Per Term	Credit Hours	_____	sh
Practicum	_____	Weekly	<u>OR</u>	_____	Per Term	Credit Hours	_____	sh
Internship	_____	Weekly	<u>OR</u>	_____	Per Term	Credit Hours	_____	sh
							Total Credit Hours	_____ sh

D. Degree(s) and or Course(s), if any, for which this course is required or prerequisite and any changes in the credit hours required for completion of degree caused by the addition of this course (A list of the courses and/or degrees may be obtained by searching the course database at <http://www.aa.ecu.edu/catalogs>. Include page number on which the degree(s)/course(s) appear in the current catalog):

<u>Degree(s)/Course(s)</u>	<u>Appropriate Catalog Page</u>	<u>Changes in Degree Hours</u>
_____	_____	_____
_____	_____	_____

II. NATURE OF COURSE

A. Textbook(s):

B. Syllabus:

C. Course Requirements (In addition to regular course requirements, for 5000-level course include the distinctions in course requirements for graduate and undergraduate students.):
Undergraduate:
Graduate:

D. Interdisciplinary Action/Overlapping or Duplication of Courses and Coordination with the Affected Units or Programs:

Not Applicable _____ Applicable* _____
*If applicable, please clarify below, indicating affected units and courses. Provide to the chair(s) of the curriculum committee(s) documentation of notification to and response from those units affected.

E. Competencies (for courses affecting teacher education degrees):

Not Applicable _____ Applicable* _____
*If applicable, include required competencies.

III. JUSTIFICATION FOR THE COURSE

A. Reason for offering course (Include a statement describing how this course relates to your unit's operational plan, including course objectives and program assessment. If recommended to meet the standards of certain accrediting agencies, documentation should be provided to the chair(s) of the appropriate curriculum committee(s).):

B. Student Enrollment:

Anticipated Yearly Enrollment _____

IV. STATEMENTS OF SUPPORT/SIGNATURES

(Provide one copy of the proposal with the required, original signatures to the chair of the University Curriculum Committee [1000-5000-level courses] and one copy to the Vice Chancellor for Research and Graduate Studies [5000-level and above].)

A. Staff and Facilities:

Present Staff is Adequate _____ Additional Staff is Needed* _____

*If additional staff is needed, describe needs:

Facilities are Adequate _____ Additional Facilities are Needed* _____

*If additional facilities are needed, describe needs:

B. Other Resources:

Library (Initial) Resources are Adequate _____ Initial Resources are Needed* _____

*If additional initial resources are needed, include a brief explanation and estimate the cost necessary for acquisition of initial resources:

\$

Department/Unit Initial Computer Resources are Adequate _____

Department/Unit Initial Computer Resources are Needed* _____

*If additional initial resources are needed, include a brief explanation and estimate the cost necessary for acquisition of initial resources:

\$

Computer Center's Resources Are Not Needed _____

Computer Center's Resources Are Needed* _____

*If Computer Center Resources are needed, indicate computing resources to be utilized, below, and complete IV.H., below:

- Mainframe Computer System _____
- Statistical Services _____
- Network Connections _____
- Computer Labs for Students _____

Additional Resources Are Not Needed _____ Additional Resources Are Needed* _____

If additional resources are needed, please include a brief explanation and estimate the cost:

\$

C. Academic Unit:

Date of departmental, unit, or program action: _____

Approved _____

Not Approved _____

Not Applicable _____

Other* _____

*If other, please explain:

I verify that the resources indicated in IV. A. and B., above, will be available to support this course.

Unit Head's Signature: _____

Official Title: _____

Date: _____

October 8, 1998

E. College or School Curriculum Committee:

Indicate College or School: _____
Approved _____
Not Approved _____
Not Applicable _____
Not Yet Acted Upon _____
Date: _____

F. Council for Teacher Education (required if course is listed in teacher preparation program or academic concentration):

Date of Council action: _____
Approved _____
Not Approved _____
Not Applicable _____
Not Yet Acted Upon _____

G. Course Prefix, Number, and Title have been cleared in the Registrar's Office (In lieu of obtaining the registrar's signature below, you may attach to the copy that is forwarded to the committee chair a copy of an e-mail verification from the registrar's office, indicating clearance.):

Registrar's Signature: _____
Date: _____
Verification Provided: _____

H. Computing Center: (Necessary only if computer use external to the unit is anticipated. See IV.B., above. In lieu of obtaining the computing center director's signature below, you may attach to the copy that is forwarded to the committee chair a copy of an e-mail verification from the computing center director, indicating that computing center resources are available.):

Computing Center Director's Signature: _____
Date: _____
Verification Provided: _____

I. University Curriculum Committee:

Date of UCC action: _____
Approved _____
Not Approved _____
Not Applicable _____
Not Yet Acted Upon _____

J. Graduate Curriculum Committee:

Date of GCC action: _____
Approved _____
Not Approved _____
Not Applicable _____
Not Yet Acted Upon _____

October 2, 1998

DISTRIBUTION:

Check with your individual college or school concerning distribution to the college's or school's curriculum committee.

Copies of the proposal along with a cover letter indicating the action to be taken and any other required documentation must be submitted at least two weeks in advance of their scheduled meetings to the following:

For University Curriculum Committee (1000-5000-Level Courses):

One copy to the committee chair (must contain appropriate, original signatures) and one copy to the Office of the Vice Chancellor for Academic Affairs.

For the Graduate Curriculum Committee (5000-Level and Above Courses):

One copy to the committee chair, one copy to the Office of the Vice Chancellor for Research and Graduate Studies (must contain appropriate, original signatures), and one copy to the Office of the Vice Chancellor for Academic Affairs.

Proposal prepared by:

Name/Signature:

Title/Department/Office Address:

Telephone/E-Mail:

Course Banking/Unbanking/Deleting Form
EAST CAROLINA UNIVERSITY
UNIVERSITY CURRICULUM COMMITTEE/GRADUATE CURRICULUM COMMITTEE

REQUESTS FOR ALL 5000-LEVEL COURSES SHOULD BE SUBMITTED TO BOTH
 THE UNIVERSITY CURRICULUM COMMITTEE AND THE GRADUATE CURRICULUM COMMITTEE.

Date: _____

Proposal is to

Bank a Course _____ Unbank a Course _____ Delete a Course _____
 (Complete sections I & III) (Complete sections II & III) (Complete sections I & III)

If a course is being unbanked and any revision is to occur, please submit the unbanking and the revision on a course proposal form.

I. BANK/DELETE

A. Course Prefix, Number, title, credit hours:

Course Placement in Current Catalog(s):

Page number on which the course currently appears in the catalog(s):

Undergraduate Page # _____ Graduate Page # _____

II. UNBANK

A. Proposed Course Description As It Is To Appear In the Catalog:

Is there any change in the course description (other than adding semester(s) of offering and WI info) from the last catalog in which it was printed?

Yes* _____ No _____

*Revisions necessitate the completion of a course proposal form.

Please include course prefix, number, title, credit hours, formerly statement (if course is being renumbered), WI or WI* (if writing intensive; WI* indicates that not all sections of a course are WI), semester(s) of offering, same as statement (if appropriate), statements relative to general education credit (if inconsistent with existing prefix approvals), lab or practicum hours (where appropriate), prerequisites, and catalog description:

Course Placement:

Page number on which the copy is to appear in the catalog(s):

Undergraduate Page # _____ Graduate Page # _____

B. Syllabus:

III. STATEMENTS OF SUPPORT/SIGNATURES

(Provide one copy of the proposal with the required, original signatures to the chair of the University Curriculum Committee [1000-5000-level courses] and one copy to the Office of the Vice Chancellor for Research and Graduate Studies [5000-level and above].)

A. Interdisciplinary Action/Overlapping or Duplication of Courses and Coordination with the Affected Units or Programs:

Not Applicable _____ Applicable* _____

*If applicable, please clarify below, indicating affected units and courses.

Provide to the chair(s) of the curriculum committee(s) documentation of notification to and response from those units affected.

B. Degree(s) and or Course(s), if any, for which this course is required or prerequisite and any changes in the credit hours required for completion of degree caused by the banking/unbanking/deleting of this course (A list of the courses and/or degrees may be obtained by searching the course database at <http://www.aa.ecu.edu/catalogs>. Include page number on which the degree(s)/course(s) appear in the current catalog):

<u>Degree(s)/Course(s)</u>	<u>Appropriate Catalog Page</u>	<u>Changes in Degree Hours</u>
_____	_____	_____
_____	_____	_____

C. Academic Unit:

Date of departmental, unit, or program action: _____

Approved _____

Not Approved _____

Not Applicable _____

Other* _____

*If other, please explain: _____

Unit Head's Signature: _____

Official Title: _____

Date: _____

D. College or School Curriculum Committee:

Indicate College or School: _____

Approved _____

Not Approved _____

Not Applicable _____

Not Yet Acted Upon _____

Date: _____

E. Council for Teacher Education (for courses listed in teacher preparation programs and academic concentrations):

Date of Council action: _____

Approved _____

Not Approved _____

Not Applicable _____

Not Yet Acted Upon _____

F. University Curriculum Committee:

Date of UCC action: _____

Approved _____

Not Approved _____

Not Applicable _____

Not Yet Acted Upon _____

G. Graduate Curriculum Committee:

Date of GCC action: _____

Approved _____

Not Approved _____

Not Applicable _____

Not Yet Acted Upon _____

DISTRIBUTION:

Check with your individual college or school concerning distribution to the college's or school's curriculum committee.

October 8, 1998

Copies of this form along with a cover letter indicating the action to be taken and any other required documentation must be submitted at least two weeks in advance of their scheduled meetings to the following:

For University Curriculum Committee (1000-5000-Level Courses):
One copy to the committee chair (must contain appropriate, original signatures) and one copy to the Office of the Vice Chancellor for Academic Affairs.

For the Graduate Curriculum Committee (5000-Level and Above Courses):
One copy to the committee chair, one copy to the Office of the Vice Chancellor for Research and Graduate Studies (must contain appropriate, original signatures), and one copy to the Office of the Vice Chancellor for Academic Affairs.

Proposal prepared by:

Name/Signature: _____

Title/Department/Office Address: _____

Telephone/E-Mail: _____