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DIGITAL OWNERSHIP

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LSU Regulations and PM-15

- There appears to be differing statements in PM-15 and the Regulations.
- PM-15 was last updated in 2002, so a committee has been formed and asked to review, revise, and update PM-15 to better clarify the details on Copyright ownership.

Analysis of the Regulations

- LSU Regulations, VII-7A states that “the University releases to the respective author(s) all of the University’s interest in any copyright to a book, article, lecture, thesis, dissertation, other literary work, work of art, Course Material, or musical composition that would otherwise be an LSU Work...”
- In the second paragraph of this section it states “The release of rights to Course Materials only applies to the extent that an author or coauthor himself or herself uses those materials in the bona fide teaching or instruction of a regularly scheduled course for credit at the University”
- Further, in the first paragraph there is a limited license that indicates that “The University reserves a nonexclusive, paid-up, royalty-free right to distribute copies of Course Materials, theses and dissertations, both internally and to third parties, whether by electronic means, microfilm, or otherwise”
- LSU Regulations, VII-7D states “The University shall be free to use the ... Course Material as part of the course instruction in the University’s discretion”

Analysis of the Regulations

- There is an exception that states that some of the items outlined in LSU Regulations, VII-7A above shall not be released “if the University publishes or produces a derivative work based on that work, where the derivative work is an audio, video, or digital production or broadcast, including by way of example video recordings of lectures, other recordings of lectures, distance learning activities, or other course-related activities”

Analysis of PM-15

- PM-15 is focused on Copyright associated with Electronic Learning
- PM-15 was last updated in 2002 (almost 20 years ago). It probably needs to be revised and updated – and any discrepancies between the PM document and the Board of Supervisors Regulations are ultimately governed by the LSU Regulations
- I think it is clear that PM-15 did not anticipate that ALL education activities on campus would move to an online/virtual/electronic setting
- There is a clear desire in PM-15 to allow faculty to have ownership of Course Materials released to the faculty creators of the content, however, it also references Section 7-4(a) [which I believe is current BOS Regulations VII-7 A] indicating that “the Instructor Faculty member(s) that is or are the creator(s) of any such Course Materials shall ... exclusively own any copyrights associated with the Course Materials, subject to the University's reserved rights as specifically provided in Section 7-4(a) of the Bylaws.”

A Few Observations

- If a faculty member is teaching a course for credit at LSU, then the faculty member owns the Course Material
- LSU reserves a right to use and distribute the Course Materials for University purposes
- Any video recording of lectures is a derivative work of the Course Material and LSU does not release the ownership of the video recording to the faculty member
 - *My commentary: I think this is intended to protect the University against a faculty member from recording all of his/her lectures and then claiming that they can sell the recorded lectures to another university/educational organization for a profit*
- The Roadmap indicates that “Live streaming and/or a lecture capture software will be universally implemented”
 - *Live streaming does not seem to be of issue so long as the individuals receiving the stream are actually enrolled in the course and not able to “capture” the stream – which I believe is a functionality of the tools that LSU is using*
 - *For video recording of lectures in this setting, I believe that there is a setting in Moodle to allow for viewing of uploaded videos (but not downloading)*

A Couple Scenarios: Scenario 1

Faculty teaches LSU Course 3450 in Department X each fall. We want to move that content to LSU online. In order to do so, OCE and Faculty work together. Once developed, Online Course 3450 is offered by OCE. Faculty continues to teach the live LSU Course 3450 in the Department. OCE offers the course online as Online Course 3450.

■ In this scenario:

- *Faculty member owns the underlying course content (i.e. the curriculum that they develop)*
- *The derivative works (videos, multi-media, etc.) that OCE developed for the Online course are owned by LSU*
- *Faculty member can take the underlying curriculum (except the items in #2 above) with them when they leave and can teach it at another school*
- *LSU has a nonexclusive, paid-up, royalty-free right to use the underlying course materials for any purpose (including handing it off to another faculty member to teach the course in the future)*

A Couple Scenarios: Scenario 2

Faculty teaches at LSU, but the Online content that LSU wants him/her to develop is not aligned with the courses that he/she teach for credit at LSU. OCE and Faculty work together. Once developed, Online Course 6980 is offered by OCE.

- In this scenario:
 - *Faculty member does not own any of the course content developed for the Online course*
 - *All materials developed (videos, multi-media, etc.) for the Online course are owned by LSU*
 - *Faculty member is not authorized to take these materials with them when they leave*
 - My Commentary: I think the reality is that Faculty will take some of the underlying curriculum (which is not that big of a deal). Ultimately, the investments that OCE makes in this course needs to be respected and those materials videos, multimedia content, etc. should not be taken when the Faculty leave

QUESTIONS?

