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*Chair of the Assembly of the Academic Senate
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July 1, 2020

**SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL**

Re: Proposed Revised Presidential Policy on Copyright Ownership

Dear Susan,

At its June 24, 2020 meeting, the Academic Council unanimously approved the revised Policy on Copyright Ownership. Earlier this spring, UCOP revised the Policy to address Senate comments from the fall 2019 systemwide review, which included a request for clarification about which funds and what level of funds fall under the “significant University resources” category that may prompt the University to retain copyright ownership. I asked a Council subgroup to review changes incorporated into the policy and opine on whether there should be a second systemwide review as requested by Council in December 2019. The subgroup found that the revised policy incorporated many of Council’s suggestions, significantly reducing the need for a second systemwide review. The subgroup met with Counsel MacDonald to recommend additional clarifications regarding: (1) course materials and the “significant” or “exceptional” University resources categories that may prompt the University to retain copyright ownership; and (2) fair use and how it interacts with the policy. UCOP added FAQs to address these concerns, including a clarification that remote/online teaching falls under the rubrics of the separate systemwide policy on Ownership of Course Materials. The Council subgroup, and the larger Academic Council were satisfied with the additions.

We understand that the Course Materials Policy is being revised and will be released for systemwide review in the next academic year. There was concern that resources extended to some faculty during COVID-19 to enable or improve remote teaching could be retroactively interpreted as constituting “significant university resources.” In addition, statements made at a recent Regents meeting could imply that materials developed during the COVID-19 emergency could be used to teach in contexts beyond the control of the faculty who developed them. In light of these statements, Council seeks reassurances that materials developed by faculty during the pandemic are owned by that faculty member regardless of the resources proffered for the development of these course materials.

Thank you for the opportunity to opine. Please do not hesitate to contact me if you have additional questions.

Sincerely,

Kum-Kum Bhavnani .

Kum-Kum Bhavnani, Chair
Academic Council

cc: Academic Council
Senate Directors