

Academic Senate Agenda

April 15, 2010

3:00 p.m. BONH 330

I. ROUTINE MATTERS

1. Approval of Senate summary for March 25, 2010
2. Approval of Curriculum summary

II. REPORT/UPDATE

3. CCC update
4. Senate elections
5. Department Chairs

III. DISCUSSION ITEMS

6. Plagiarism
7. Continued discussion on Intellectual Property
8. Celebration on May 27 meeting
9. FDC, Faculty Development Committee – Deanna Davis

IV. ACTION ITEMS

V. OPEN FORUM

The next Senate meeting will be **April 29, 2010**
At the Canyon Country Site Room 405 at 3:30 p.m.
As always everyone is welcomed.

Academic Senate Summary

March 25, 2010

Attendance: Michael Dermody, Ann Lowe, James Lorigan, Tammera Rice, David Andrus, Lee Hilliard, Stan Wright, Michael Sherry, Jose Martin, Fred D'Astoli, Deanna Riveira, Michelle LaBrie, Patti Haley, Wendy Brill, Joan Jacobson, Edel Alonso, Lea Templer, Jennifer Brezina and Barry Gribbons

The consent calendar was approved, which included the Academic Senate summary for March 11, , 2010; and the Curriculum summary; and the designation of the SLO committee as a regular Senate subcommittee.

CCC Update: On March 15, 2010 CCC met with the Barnes and Noble, along with Sharlene Coleal to discuss plans for Buy Back and distribution of online book orders at the CCC. Historically about 2/3 of the students at CCC also take classes at Valencia campus; our latest Annual Student Survey indicates that a majority of students prefer to order their books online either through Barnes and Noble or another book vendor. Based on that, we negotiated Buy Back and distribution for June 1 – 3 and June 7-8; August 18 – 26; scantrons/supplies we have been working with the vendor and that has been increased in the vending machines and removed other supplies to make room for additional slots for scantrons. Scantrons are also available for purchase through the Student Business Office in Quad 1 from 10:00 a.m. to 7:00 p.m. Monday through Thursday. In addition the vending machine has been equipped with a credit card reader so that students can purchase supplies with a credit card.

Plagiarism/Academic Honesty: No update.

Intellectual Property Rights were reviewed in a “discussion only” paper, looking at possible policies and procedures toward Intellectual Property Rights. There were some changes t be made. Discussion will continue throughout the semester.

SLO report: helpful for student learning. We need feedback and questions. Would like to organize it for department chair to do it. We are working with TRAC DAT or developing our own. We are working on a list of features for faculty to see. Stratic plan/time lines for departments and college intuitional SLO. Departments will have lots of choices on how they want it set up. Thank you to committee for all they have done. Will have a demonstration at our 4/15 Senate meeting.

May 27th Senate collegial celebration: paperwork will be going out regarding the celebration. Please respond with any updates you would like to share with your fellow faculty. This would include any accomplishments you have made. It will be in the PAC starting at 3:00 p.m. The Board/Foundation will be providing food. We need about five people to help out. Please let Michael know if you are interested.

Matriculation and other Categorical Programs tabled.

Pictures of faculty in BONH 33; Put a sticker on the founding faculty or maybe plaque for them. We need to explain what the sticker means.

Contract for chair; we may be deciding on the chair for a department if there is a tie. Senate decides the rotation when there is an equal split.

Minimum Qualifications and the Associates Degree; There is a discussion at the Statewide Senate level to “tighten up” the Minimum Qualifications for those disciplines where a Masters Degree is not normally or readily available. Currently, the minimum qualifications for those disciplines indicate a MINIMUM of an Associate's Degree OR the equivalent. A resolution will be going before the Statewide Senate that, if successful, will declare that there is NO such thing as an equivalent for an Associate's Degree. Michael Dermody read some responses from faculty here at our institution, without names.

Reminder; graduation will be slightly different for the 40th Anniversary. Representatives from each year will also be coming down the isle with the year they were at COC. This should not add any more time to graduation.

Adjourn at 4:35 p.m.

CURRICULUM COMMITTEE SUMMARY

April 1st, 2010 — 3:00 pm — 5:00 pm — BONH 330

Items on “Consent” are recommended for approval as a result of a Technical Review meeting that took place on March 24th, 2010:

Members present: Backes, Patrick — Curriculum Coordinator, Non-voting member; Brezina, Jennifer — Humanities; Hilliard, Lee — Member at Large; Jacobson, Joan — Student Services; Ann Lowe — Co-Chair, Faculty; Lucy, Nicole — Social Science & Business; Marengo, Anne — Member at large; Parker, Catherine — Adjunct Faculty; Solomon, Diane — Member at Large; Stanich, Diana — Physical Education & Athletics; Waller, Tina — Allied Health

Members absent: Brill, David — Fine & Performing Arts; Green, Audrey — Co-Chair, Administrator, Articulation Officer; Vacant: Math & Sciences Representative

DELETED COURSES on consent:

Subject	#	Title	Description of action
CULARTS	085	Italian Cuisine	This course was never offered. Approved
CULARTS	090	California Certified Food Handler	This course was never offered. Approved

MODIFIED COURSES on consent:

Subject	#	Title	Description of action
COUNS	111	Introduction to College and Strategies for Success	Revised SLO's (2). Updated descriptions, added objectives, expanded. Approved
MATH	026	Arithmetic — Computer Assisted	Unit change from 4 to 5, removed co-requisite of MATH 010. Updated descriptions and objectives. Approved
MATH	059	Algebra Preparation — Computer Assisted	Unit change from 4 to 5, removed co-requisite of MATH 010. Updated objectives. Approved
MUSIC	175	Festival Choir: Voices of the Canyons	Audition prerequisite removed. Revised SLO. Updated objectives. Approved

NEW COURSES:

Subject	#	Title				Description of action	
ENERGY	070	Introduction to Energy Management Technology				2 units, 36 hours of lecture. Class size 35, not re	
						Approved	
ENERGY	071	The Building Envelope				2 units, 36 hours of lecture. Class size 35, not re	
						Approved	
ENERGY	072	Heating, Ventilating and Air Conditioning (HVAC) Systems				2 units, 36 hours of lecture. Class size 35, not re	
						Approved	
New Courses		5	Modified Non Credit Courses		—0—	Modified Prerequisites	2
Includes ISA's							
ENERGY	073		Electric Motors and Drives				1 unit, 18 hours of lecture. Class size 35, not re
							Approved
New Programs		—0—	New DLA's		—0—	Deleted Courses	2
Deleted Courses							
ENERGY	074	4	Lighting Distribution Systems				1 unit, 18 hours of lecture. Class size 35, not re
							Approved
						Deleted Programs	—0—

Discussion Items:

- 1) The Curriculum Committee voted to add a Clinical check box to section 5 of the course proposal outlines.
- 2) The Curriculum Committee meeting that was scheduled for Thursday April 22nd -will be rescheduled to Thursday April 15th from 1:00 pm — 3:00 pm in BONH 330.

Modified Programs	-0-	Modified SLO's	2	Proposals Reviewed in Technical Review Session	16
New Non Credit Courses	-0-	New Prerequisites	-0-	Proposals Returned from Technical Review Session	5

Intellectual Property Rights

This is the initial discussion on developing a set of intellectual property right policy and procedures. Although this discussion is starting in the Senate, please remember that ultimately this could impact all members of the college community, and as we move our discussions along we will have to incorporate the interests of those colleagues as well.

This DRAFT is based on 15-17 similar policies at other community colleges, as well as input from the college legal counsel (thanks to Sharlene Coleal, who forwarded that material to us).

PROPOSED BOARD POLICY

A. Intellectual Property and District Employees

The District recognizes and encourages the intellectual scholarship and academic creativity of ~~faculty~~ employees as an inherent part of the educational mission of the college

The District, the Academic Senate, and all other campus constituent groups believe that the public interest is best served by creating an intellectual environment whereby creative efforts and innovations can be encouraged and rewarded, while still retaining for the college reasonable access to, and use of, the intellectual property for whose creation the college or university has provided assistance.

It is in the interest of the District, the Academic Senate, and all other campus constituencies to protect and promote the right of ~~faculty members'~~ employees to benefit from their scholarly work, and to avoid copyright disputes by facilitating advance agreement between ~~faculty member's~~ employees and the District regarding ownership and use of scholarly works.

B. Development of Procedures

1. The District will develop procedures to ensure for the recognition, administration, and assignment of Intellectual Property Rights.
2. These procedures will be consistent with other District policies, including, but not limited to, the District's policy on academic freedom and federal and state statutes and regulations.
3. In addition to procedures for general District implementation of this policy, there shall be specific procedures developed for employees, students, contractors, and volunteers.
4. Employees
 - i. Any procedures that would impact faculty members will be mutually agreed upon with the Academic Senate.
 - ii. These procedures shall also be interpreted consistent with all collective bargaining agreements.
5. Students
 - i. The District will develop procedures to ensure the protection of students' intellectual property rights.
 - ii. Protection of student intellectual property rights shall not be construed to interfere with the role of the faculty in assigning grades to students' enrolled in college courses.
6. Third Party Contractors
 - i. The District will develop procedures to coordinate intellectual property rights between the district and any outside contractor.
 - ii. Assignment of Intellectual property rights shall be specified in any contract or agreement signed by the District.
7. Volunteers
 - i. The District will develop procedures to coordinate intellectual property rights between the district and any person not acting in the capacity of an employee, student, or contractor.

BOARD PROCEDURES –

IMPLEMENTATION OF INTELLECTUAL PROPERTY RIGHTS: DISTRICT

A. Commercialization of Intellectual Property

1. The District may commercialize ~~its Intellectual Property~~ any work in which it maintains intellectual property rights.
2. The District may commercial any such property using its resources or it may enter into agreements with others to commercialize the work as authorized by law.
3. The District shall undertake such efforts, as it deems necessary to preserve its rights in original works for which the District is the sole or joint owner of intellectual property rights.
4. The District may apply for a patent, for trademark registration, for copyright registration, or for other protection available by law on any new work in which it maintains intellectual property rights.
5. The District may pay some or all costs required for obtaining a patent, trademark, copyright, or other classification on original works for which it exclusively owns intellectual property rights.
6. If the District has intellectual property rights in a jointly owned work, the District may enter into an agreement with the joint owners concerning payment of such costs.
7. At times the District may share intellectual property rights with employees. The employees are entitled to share in any royalties, licenses, and other payments from commercialization of these works in accordance with applicable agreements signed beforehand with the District.
- ~~8. An employee who creates a work and retains an intellectual property interest in such work in which the District maintains intellectual property rights is entitled to share in royalties, licenses, and any other payments from commercialization of the work in accordance with applicable agreements and applicable laws.~~
 - a. All expenses incurred by the District in protecting and promoting the work, including costs incurred in seeking patent or copyright protection and reasonable costs of marketing the work, shall be deducted and reimbursed to the District before the creator is entitled to share in the proceeds.
9. The District shall deposit all net proceeds from commercialization of intellectual property in its own general intellectual property account. The District may use the account to reimburse expenses related to creating or preserving the District's intellectual property rights or for any other purpose authorized by law and District policy including the development of intellectual property.

B. Intellectual Property Coordinator

1. The ~~District~~ CEO will designate a District Intellectual Property Coordinator.
2. The coordinator shall administer this procedure and will implement the District's Intellectual Property Policy.
3. The Intellectual Property Coordinator will also monitor the development and use of the District's intellectual property.
4. Any questions relating to the applicability of the District Intellectual Property or this procedure may be directed and answered by the Intellectual Property Coordinator.
5. The Intellectual Property Coordinator shall all arrange training on a periodic basis for faculty, staff, and/or other persons who are covered by this Intellectual Property Procedure

BOARD PROCEDURES –
IMPLEMENTATION OF INTELLECTUAL PROPERTY RIGHTS: EMPLOYEES

A. Works subject to Intellectual Property issues-Protection

Intellectual Property rights refer to works that may be eligible for copyright protection. This includes, but is not limited to:

- a. course materials such as course handouts, syllabi, lecture notes, student exercises, workbooks, study guides, laboratory manuals, multimedia programs, tests, literary works,
- b. books, articles, fictional or non-fictional narratives, reviews;
- c. dramatic and musical compositions, poetry, and choreography
- d. complete online courses including those created with a course management system
- e. other course materials related to online courses or web-related materials
- f. analysis (e.g. scientific, logical, opinion or criticism),
- g. works of art and design, including pictorial, graphic and sculptural works, photographs, films, video and audio recordings
- h. computer-based programs and media (e.g. software or computed code of their representation in forms such as CD-ROM, video disk, compressed video, digital, web-based material and the like),
- i. original “mask works” (i.e. original images derived from semi-conductor chip products),
- j. Architectural and engineering drawings.

1. Intellectual Property works may be found in

- a. any enduring medium (for example, print, film, or digital media, etc.), or
- b. Digitally encoded works that can be stored on computer-readable media, manipulated by computers, and transmitted through data networks form (for example, video or audio broadcast, html transmissions, or email attachments), or
- c. Other tangible forms (for example, as sculpture, painting, or structure).

B. Definition of District Substantial Support

1. “Substantial Support” means use of District resources beyond the normal professional, technology, and technical support generally provided by the District and extended to an individual or individuals for development of a product, project or program. This could include:
 - a. extra compensation for a work;
 - b. The cost of providing secretarial, technical, legal, duplication, technological or creative services specifically for the creation of the work.
2. “District Resources” includes all tangible resources including buildings, equipment, facilities, computers, software, personnel, and funding.
3. A substantial use of the District’s resources may be implicated in situations where the creator spends such time and energy in the creation of a work that results in a great reduction of the creator’s teaching activity.
4. Substantial Support does NOT include
 - a. the ~~faculty member’s~~ employee’s regular compensation and the office space,

- b. office computer, local telephone use, office supplies, and copy services regularly provided to ~~faculty of that particular type~~ an employee in the normal course of their employment
- c. District sponsored training customarily provided to an employee.
- d. the use of an electronic learning management system,
- e. any software management system for on-line instruction, assessment or virtual classroom instruction, and
- f. Compensation to a faculty member while on sabbatical.
- g. COC Foundation support to the Scholarly Lecture program or mini-grant programs.

C. Categories of Intellectual Property works

1. Institutional Work

- a. Institutional Works are those Standard and ordinary work, , conducted by the District for specific District administrative purposes, excluding teaching and academic endeavors. Examples of these would include, but are not limited to:

- i. preparing budgets, policies, contracts, personnel management,
- ii. printing course materials and catalogues,
- iii. maintenance of computer data,
- iv. long range planning,
- v. Keeping inventories of equipment.

- b. Works that must be approved by a college committee are considered to be Institutional Works.

- c. ~~Faculty members~~ Employees do not retain any Intellectual Property rights for their contributions to Institutional Work.

For example, all materials produced by accreditation committees, or courses outline approved by the Curriculum committee, are considered "Institutional Works."

2. Commissioned Work

- a. A commissioner work is a one-time work that is defined and directed by the District for a specific District purpose. This includes, but is not limited to, any works
 - i. Commissioner by the District pursuant to a signed contract; or
 - ii. Produced by research specifically supported by Federal, State, or third party sponsorship; or
 - iii. Produced through substantial use of District resources or facilities,
- b. All Commissioned Works are the property of the District, unless otherwise stated in a written agreement between the District and the ~~faculty member~~ employee prepared before the project is initiated,
- c. The District may provide additional compensation for a commissioned work, but any such compensation must be agreed to in writing before the project begins.
- d. Commissioner works are outside of an ~~faculty member's~~ employee's normal duties, and must be agreed to by both the ~~faculty member~~ employee and the District.

For example, the District asks an instructor who teaches in the Math Department to prepare a computer program which teaches mathematical concepts to her students in her math class. The instructor enters into an agreement with the District to prepare this "Commissioned Work" and is compensated extra for doing so.

3. Personal Work

- a. Personal Works are not subject to this policy.
- b. Personal works are prepared outside the course and scope of District employment responsibilities, and are produced without the use of District resources or facilities.

- c. Since Personal Works are the property of the ~~faculty member~~ employee, any copyright shall be owned exclusively by the ~~faculty member~~ employee.
- d. When creating a personal work,
- i. The creation of such works shall not interfere with the ~~faculty member's~~ employee's ability to perform assigned responsibilities.
 - ii. An ~~faculty member~~ employee shall not use any District resources to create, develop or commercialize works
For example, an instructor who teaches in the Accounting Department also has a private accountancy business advising clients from her home using no District resources. She creates a tax computation software program that she uses on behalf of her clients and charges them for this use. This software is a "Personal Work."
4. **Scholarly Work (or Aesthetic Work)**
- a. Scholarly works are considered the intellectual property of a ~~faculty member~~ employee.
 - b. Scholarly works are those where the ~~faculty member's~~ employees contributions:
 - i. Originate through their own initiative;
 - ii. Are the results of independent academic efforts for classroom, education, or professional purposes, and
 - iii. Do not rely on substantial District support.*For example, an instructor who teaches in the Math Department creates lecture notes, outlines, and workbooks for his students' use in his courses taught at the College. His lecture notes, outlines, and workbooks are "Scholarly Works."*
5. **Sabbatical Works.**
- a. Generally, intellectual property created by District employees during a sabbatical is defined as an academic work.
 - b. If substantial district resources and facilities are required to complete a sabbatical project, the District and the ~~Faculty member~~ employee must first enter into an agreement to define the limit and scope of the District's support, as well as to define the District and ~~faculty member's~~ employee's intellectual property rights in the sabbatical work.

D. District ~~limitations~~ Restrictions on Use of Employees' Scholarly Works

1. Scholarly Works are the property of the ~~faculty member~~ employee and the copyright shall be owned by the ~~faculty member~~ employee. The District and the ~~faculty member~~ employee agree that the ~~faculty member~~ shall maintain the exclusive right to royalties and non-transferable, perpetual, worldwide license to use works owned by the ~~faculty~~ employee.
2. The District may not authorize the for-profit publication of such works in return for royalties paid solely to the District without written authorization from the ~~faculty member~~ employee (s) who created the works.
3. The District may not sell or re-transmit any recording of any classroom instruction, lecture or other instructional or performance event produced by the ~~faculty member~~ employee for transmission, except under the terms of a written agreement between the District and the ~~faculty member~~ employee specifying the terms of such re-transmission or sale, including distribution of net profits from the sale or rebroadcast.
4. The District shall not authorize anyone to create derivative works (for example, companion materials, or updated versions) without the written agreement of the ~~faculty member~~ employee (s) who own the work.

E. District Use of Scholarly Works

1. Material created for ordinary teaching use in the classroom and in department programs, such as syllabi, assignments, and tests, shall remain the property of the ~~faculty author~~, employee, but the District shall be permitted to use such material for internal instructional, educational, and administrative purposes, including satisfying requests of accreditation agencies for faculty-authored syllabi and course descriptions.
2. By accepting the assignment of a distance learning course as part of their faculty load, ~~the~~ a faculty member implicitly authorizes the District to transmit or record for transmission, any classroom instruction, lecture or other instructional or performance event produced by the faculty member as part of that specific distance learning course-section.

F. ~~Faculty~~ Employee responsibilities on Scholarly Works

1. If a scholarly work is created by two or more ~~faculty members~~, employees, it is the responsibility of the ~~faculty members~~ to employee determine the manner in which they share ownership of the copyright to that work.
 - a. It is their responsibility to prepare (or have prepared at their own expense) a written agreement between them documenting their determination.
 - b. No grievance against the District may be asserted by ~~faculty members~~ employee arising out of any consequences of their failure to make or document an agreement concerning the manner in which they share ownership of the copyright
2. It is the responsibility of the ~~faculty member~~ employee to ensure that any scholarly work does not include intellectual property owned by others. If it does include such intellectual property, the ~~faculty member~~ employee is responsible for obtaining the appropriate releases/permissions for the use of the material.
3. As the copyright for Scholarly Works are held by the ~~faculty member~~, employee the District assumes no liability for any legal action arising from the contents of the scholarly work.
For example, the District takes no responsibility for any claims made of plagiarism, or any claims arising if an individual alleges an injury based on inaccurate or misleading information provided in a scholarly work.

G. Request for Substantial Support

1. An ~~faculty member~~ employee may request the District to provide substantial support. Such a request must be provided in writing to the appropriate cabinet-level administrator.
2. The District has no obligation to support the request.
3. If approved, a formal agreement will be written out between the District and the ~~Faculty member~~ employee prior to the start of any work. This written agreement shall include, at a minimum:
 - a. the terms of the substantial support to be provided,
 - b. conditions or timelines that must be met to ensure continued support;
 - c. whether such work is considered a “Commissioned Work” or a “Scholarly Work”; and
 - d. Shall specify whether the work is owned solely by the faculty member, or whether ownership shall be shared between the parties.
- c. No grievance against the District may be asserted by ~~faculty members~~ employee arising out of any consequences of their failure to make or document an agreement concerning the manner in which they share ownership of the copyright
4. It is the responsibility of the ~~faculty member~~ employee to ensure that all scholarly work complies with District policies and state and federal laws, including copyright and privacy

296 laws, in creating works. ~~Faculty~~ Employees must obtain all required licenses, consents, and
297 releases necessary to avoid infringing the rights of third parties.

- 298
- 299 5. As the copyright for Scholarly Works are held by the ~~faculty-member~~ employee, the District
300 assumes no liability for any legal action arising from the contents of the scholarly work
301 *For example, the District takes no responsibility for any claims made of plagiarism, or any*
302 *claims arising if an individual alleges an injury based on inaccurate or misleading information*
303 *provided in a scholarly work.*

304

305 **H. Use of Names, logos**

- 306
- 307 1. The District's names, logos, and trademarks are copyrighted material that may not be used
308 without consent of the District.
- 309
- 310 2. ~~Faculty members~~ Employees may use their employment title for any work that they create
311 while an employee of the District.
312 *For example, "Valerie Valencia, Professor of Advanced Bioengineering, College of the Canyons"*
313
- 314 3. If for any reason the District does not wish its name or the College's name to be identified, the
315 District has the right to require the ~~faculty-member~~ employee not to identify his or her
316 relationship with the District; and in such a case, the ~~faculty-member~~ employee will agree to
317 stop doing so as soon as reasonably possible.
- 318
- 319 4. The District agrees that when it uses a work created by a ~~faculty-member~~ employee the District
320 will identify the ~~faculty-member~~ employee who created the work, for as long as the work
321 continues to be used by the District.

322

323 **I. Alternative Copyright Agreements**

- 324 1. The CEO may waive the District's property rights by executing a written waiver.
- 325 2. ~~Faculty members~~ Employees and the District may, if they wish, enter into individual
326 agreements with one another concerning copyright ownership and usage rights to specific
327 works, the terms of which differ from those set forth above.
- 328 ii. The terms of any such individual agreement will supersede the terms of ~~this Article~~ these
329 procedures, once such an agreement is signed by the ~~faculty-member~~ employee and an
330 authorized representative of the District.
- 331 ~~iii. Any such agreement will be provided to Faculty union.~~
- 332 3. In the event the provisions of these procedures and the provisions of any operative collective
333 bargaining agreement conflict, the collective bargaining agreement shall take precedence.
- 334
- 335

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337 **BOARD PROCEDURES –**
338 **IMPLEMENTATION OF INTELLECTUAL PROPERTY RIGHTS: STUDENTS**
339

340 **A. Student and Public Intellectual Property Rights**

- 341 1. District students own the intellectual property rights for intellectual property created to meet
342 course requirements using college or District resources.
- 343 2. The methods used by faculty to grade, certify, and assess a student's intellectual work created
344 to meet course requirements shall not be construed as a violation of a student's intellectual
345 property rights.
- 346 3. Members of the public who create intellectual property using district resources available to the
347 public retain the rights to those intellectual works

