

Resolution for November Faculty Senate Meeting

Brought forward by the Educational Policies Committee

Whereas an effective educational environment requires an atmosphere of trust among the participating students and faculty, and

whereas the faculty member in charge of a course is responsible for the accuracy of the material disseminated, and

whereas materials created by a member of the faculty in preparing courses should be considered the intellectual property of that faculty member,

therefore be it resolved that it be Cornell policy that

lectures and course materials presented, transmitted or distributed by Cornell faculty and/or class participants are intended exclusively for use by students enrolled in the subject class in furtherance of their academic pursuits;

... and that ...

students are not authorized to replicate, reproduce, copy or transmit such materials, or "derivative" materials, including class notes, for sale or general distribution to others without the written consent of the faculty member or class participant who is the original source of such materials;

... and that ...

violations of the above may result in withdrawal from the course in question and appropriate disciplinary action;

... and that ...

the Dean of the Faculty see that this policy is clearly brought to the attention of faculty and students through publication in the *Courses of Study*, in the *Policy Notebook for the Cornell Community*, in student and faculty handbooks, and in registration materials such as the Course/Room rosters

Rationale and Comments

The proposed resolution is in *italics*.

This resolution stems from the recent activities of web-based providers of class notes who have, in general, not obtained the approval of the faculty member in charge of the course to place the notes on the web. [See, *e.g.*, <http://www.versity.com>]. Hopefully we have made it a little broader than that, without watering it down. University Counsel **has** been involved in the process of drafting this resolution.

The three "whereas" clauses cover the three most commonly heard concerns about these Internet providers

Whereas an effective educational environment requires an atmosphere of trust among the participating

students and faculty, and

Note that this does not limit our concern to just the faculty but to the overall environment of the classroom setting.

whereas the faculty member in charge of a course is responsible for the accuracy of the material disseminated, and

whereas materials created by a member of the faculty in preparing courses should be considered the intellectual property of that faculty member,

We have used the words "should be", not "are". Counsel has made it clear that attempts to bring legal action based on intellectual property rights have **not** been upheld in the courts; articles in the *Chronicle of Higher Education* also indicate that such legal claim are hard to defend in court.

therefore be it resolved that it be Cornell policy that

Exactly where this policy belongs has perhaps been the hardest aspect to finalize. While there is an issue of academic **trust**, violations of academic integrity typically involve misrepresenting someone else's work as your own - clearly **not** the case here. This issue is described more below, after the last paragraph.

lectures and course materials presented, transmitted or distributed by Cornell faculty and/or class participants are intended exclusively for use by students enrolled in the subject class in furtherance of their academic pursuits;

We specifically included other class participants to protect students from having their contributions to the discussion similarly abused. Cornell policy already allows the faculty to evict from the classroom **anyone** not registered in the course; even auditors need faculty permission to attend.

... and that ...

students are not authorized to replicate, reproduce, copy or transmit such materials, or "derivative" materials, including class notes, for sale or general distribution to others without the written consent of the faculty member or class participant who is the original source of such materials;

The word 'original' is somewhat important so that one does not take the narrow reading that the source of the written notes is the **student** who took them.

... and that ...

violations of the above may result in withdrawal from the course in question and appropriate disciplinary action;

Counsel and the committee spent a long time on this phrasing. To quote from Counsel: "Either the Code of Academic Integrity or Campus Code of Conduct may apply and a later judgement could be made as to which course to pursue". Counsel also urged us to back away from **requiring** withdrawal as part of the resolution.

... and that ...

the Dean of the Faculty see that this policy is clearly brought to the attention of faculty and students through publication in the Courses of Study, in the Policy Notebook for the Cornell

Community, in student and faculty handbooks, and in registration materials such as the Course/Room rosters.

Individual faculty members who are concerned about this activity in their classrooms should also include this policy as part of their course handouts and make appropriate announcements at the beginning of the semester.

Many Cornell policies are **not** part of either the Campus Code of Conduct or the Code of Academic Integrity. Many other policies involving the classroom **are** in the *Courses of Study* and/or *Policy Notebook* . If the Senate feels that this policy should eventually have a more specific "home", a separate, later resolution could be made to address that concern.