

**Faculty Senate Meeting
Agenda for October 16, 2014
UC Blue Ash College—Room 100 Walters Hall**

3:30 – Meeting of the Faculty Senate – Call to Order

3:32 – Approval of Minutes of the September Meeting

3:34 – Report of the Faculty Chair (T. Herrmann)

3:45 – Report of the President (S. Ono)

4:05 – Old Business

4:10 – New Business

- TEACH Act and Fair USE Policy (C. Edwards, D. Peterson)
- AFTL Report (R. Leugers)
- Nominating Committee Report (A. Johnson)
- Other

4:40 – Dialogue with the Provost (B. Davenport)
Topic: Faculty Diversity and Retention

4:59 -- Reports from the Undergraduate Student Government Association (C. Beer)—regrets due to course conflict, See written report provided on p. 13

4:59 -- Graduate Student Government Association (A. Mazman)—regrets due to conference, See written report provided on pp. 14-15

4:59 – Report from the AAUP President (G. Loving)—regrets due to meeting conflict

5:00 – Adjourn

DRAFT Minutes of the Faculty Senate Meeting, September 11th, 2014.

1. Call to order.

The meeting was called to order at 3.37 PM by our Chair (TH)

2. Approval of the August minutes (provided in the meeting packet).

Motioned (CV) Seconded (RR)

Unanimously approved with no abstentions.

3. Report of the faculty Chair. Available online and reproduced here.

Report of the Faculty Chair September 11, 2014 Faculty Senate Meeting

- Faculty Senate Standing Committees are gearing up for September meetings and will be considering the feedback provided at the Faculty Senate Bootcamp as well as other current topics.
- Are you reporting to your constituents? The information you share with the faculty at your college is critical to the distribution of important ideas and topics. Please share all pertinent information with your colleagues and bring any questions or ideas back to the senate.
- The HB 616 Textbook Bill is being looked at for further clarification by our Academic Affairs Committee. Please contact Sally Moomaw (sally.moomaw@uc.edu) with your questions and concerns.
- TEACH Act and fair use policies have been drafted and will be reviewed by our IT Committee with a presentation to follow at the October Faculty Senate meeting. Please contact Robert Rokey (robert.rokey@uc.edu) with any questions.
- Today we will hear from Bleuzette Marshall, Chief Diversity Officer, regarding the Climate Survey that was conducted last spring. The Human Relations committee will be considering this more fully. Please note any questions or ideas you have regarding the survey and contact Datina Juran (datina.juran@uc.edu) with your questions and concerns.
- There have been some questions about faculty responsibilities during Reading Days. The following information has been acquired in response to these questions.
 - The Faculty Senate Resolution is available at <http://www.uc.edu/content/dam/uc/facultysenate/senate/docs/resolutions/Fall%20Break%20or%20Reading%20Days.pdf>
 - In consultation with Richard Miller, Matt Serra, and the AAUP: Reading Days are a suspension of classes to allow students "catch up" time. They are not considered vacation time. When proposed, faculty wanted to be able to use reading days for rehearsals, thesis defenses, class trips, etc. That is why the calendar on the registrar's website says "classes cancelled, co-curricular activities continue." Also, faculty are paid for these days. It is reasonable to say faculty could be required to perform reasonable duties during reading days.
- Please consider nominations for the Faculty Chair position to be elected in October.

- The next Faculty Senate meeting is on October 16, 2014 at 3:30 p.m. at UC Blue Ash College in Walters Hall Room 100. Please contact Tracy Herrmann at tracy.herrmann@uc.edu if you need to use the shuttle.
- October 23, 2014 is the All University Faculty meeting. Please mark your calendar and promote this with your college faculty.

Respectfully Submitted,

Tracy Herrmann, University Faculty Chair

4. Report of the President (S. Ono).

President Ono shared that he is excited to start off this Academic Year, and that UC remains one of the most attractive destinations locally, nationally and internationally. We had a student enrolment of 43,600 students, an all-time high. Application rates are even higher: we have a larger pool of applicants, because interest in UC is up therefore we can recruit students with higher standardized test scores. Our Situation is better than almost all of our peers. *President Ono then quoted some statistics from US News and World Report and other sources regarding UC's position over the past 5 years.* There have been challenges: Federal funding is a primary focus as we leverage the 3rd Century initiative. The erosion in federal funding for research has been more marked at UC. Our priority is to recruit new faculty to support existing faculty and research programs. The 3rd Century initiative supports research and research faculty so that UC can remain a top research ranked institution.

We have a big focus on cluster hiring; there have been a lot of good proposals from across all campuses. We are investing in current faculty and helping recruit new faculty. We are also devoting more capital to infrastructure and buildings. For example, the Medical Sciences Building on the East Campus is the biggest building rehabilitation project in the state. Now we can funnel money to other needed places such as classrooms, studios and laboratory space. There will be a renovation of Teacher's college and we have just approved the renovation of the Health Professions Building, which has been waiting over a decade. Wherry Hall will be demolished, and a new home for the College of Allied Health Sciences will be built. We also need to invest in Lindner College of Business and DAAP. The University and the Board of Trustees has been focusing on the Research Mission of UC to keep it in the high Carnegie ratings. We need to raise dollars to keep UC up there. UC Health, the UC Foundation and the Cincinnati Children's Research Foundation are all in alignment so now we can really ramp up this effort. We would like to reach \$225-250M per year.

There are also 2 smaller initiatives I'd like to talk about.

(i) Life of the Mind Series. There has been a budget proposed and we will fund this from the president's budget beginning next semester, probably March.

(ii) We are an outlier in terms of having a University Press that published books and Journals. We plan to do that in a very strategic manner, and Xuemao Wang (Dean of Libraries) is chairing this committee.

We have invested \$3.6M in Public Safety over the last 2 years and crime has dropped 40%. This is still not enough for me. Some students and parents have transferred out of UC because of the crime. I will continue to meet with the mayor and Chief of Police monthly, and we have several finalists for the position of UC Police chief, which is very important.

Q. Has the targeted enrollment, e.g. in Chicago, yielded results?

SO: Yes, tremendously. This is probably why we are ahead of the other OH Universities.

Q. What is our International Strategy?

SO: I will discuss that next time.

Q. Can you talk more about suicide prevention?

SO: I participated in the Brogan Dulle run to raise money for suicide prevention on this campus. We have identified the Nation's experts to come and speak to UC students and faculty. They are from a Federally-funded program in Akron-Canton, OH.

5. Any Old Business

None was raised.

6. New Business.

(i) Climate survey report.

Bleuzette Marshall (Chief Diversity Officer) presented a summary of the Climate Survey that was sent out to the entire faculty. This report was circulated separately and can be found on the faculty Senate webpage.

Q. What was the number of people that began the survey but did not finish it?

BM: Around 900 clicked through but did not fill out any text boxes. Around 224 started, but did not finish, the survey. The data from these groups were not included in the survey analysis.

TH: Any other new business?

None was raised.

7. Dialog with the Provost (B. Davenport).

Dr. Davenport presented data regarding student diversity and retention. These slides are available on the Faculty Senate Website.

Q. Scholarships bring URM (Underrepresented Minorities) students to campus, but sometimes they leave because they have been offered better scholarships elsewhere. How do we address this loss of URM students?

BD: Unfortunately there has been a lack of tracking in this regard, and we have no written goals for scholarships. We don't have many named scholarships and professorships, and the money we do have is spread over many students (therefore there is less money per student).

BM: There may be opportunities with the Turner scholars program, or the Cincinnatus scholarship program.

Q. What about scholarship for talent-based programs (CCM)?

Q. Are there scholarships for older students?

BD: We (UC) cannot be exclusive based on race, gender or age, but there are scholarships from foundations available.

Q. Is there a difference between 2005 and 2014 with regard to class placement?

BD: Yes. The preparation of the student for college is the best predictor of success. The average ACT of the successful applicants has risen 15% in this time.

Q. So the students we accept have had better tutoring and counselling?

BD: Yes. And students that took 15 or more credits in their first semester did better.

Q. How do the statistics compare looking at URM by % on branch campuses vs. Main campus?

BD: There is a difference, and we will be examining the reasons for that.

TH: We really wanted to address Faculty retention, and there are slides for that, but perhaps we will discuss that more fully in the next meeting.

8. Report from the Undergraduate Student Government Association (C. Beer).

Reproduced here as provided by C. Beer.

Report of the Student Body President - Undergraduate Student Government
Christina Beer
September 9, 2014

- We are off to a great start to the school year!
- The Be Smart Be Safe Campaign will sponsor magnets for students. They will include important numbers such as UCPD emergency and non-emergency, CPD, CAPS, and NightRide. Students can use these to hang on their refrigerators in their residence halls, apartments, or off-campus houses.
- The First Year Leadership Program doubled the number of applications from last year to 185!! We are going to expand the program to 70 freshmen. Interviews are taking place this week. Thank you for promoting our program!
- Are you going to the football games this year? If not, you should! If so, stop by Bearcats at the Banks. We will be closing down Freedom Way in between Joe Nuxhall Way and Walnut Street. There will be food, drinks, a DJ and activities! Hope to see you there!
 - More info can be found here: <http://www.gobearcats.com/sports/m-footbl/spec-rel/090314aac.html>
- I am currently serving on the Public Safety Director and Title IX Coordinator search committees. These positions will hopefully be filled by the end of the month.
- If you teach any leadership-based or project-based classes, let me know if there is anything I can do to help! Students who were in a leadership class for the Honors Program actually came to me to learn about planning an event for UC. I would be happy to visit class or meet with students outside of class. My contact info is below.

If you have any questions or new ideas, please feel free to reach out to me! Here is my contact info:

- Christina Beer
- Email: beerca@mail.uc.edu
- Cell: 513-509-1941
- Office: 655 Steger Student Life Center

Go Bearcats!

A couple of items were discussed in addition.

We are currently testing a NightRide App for mobile devices. It will be available to everyone with a UC username.

Q. I have a student who had surgery and is on crutches. There does not seem to be any facility for her to park closer to class.

CB: send the details to me. We are in the process of negotiating that kind of thing with UC.

BM: She should contact disability services.

Q. Some other student ns have expressed concern over downtown travel (the football games are being held downtown while our stadium is being refitted).

CB: Only students with a season ticket can ride the shuttle, but we are trying to get that changed.

Q. I have son in freshman year. We parents were told that students could ride the shuttle to the games...

CB: Interesting!

9. There was no report from Ayca Mazman (Graduate Student Governance Association) this month.

10. Report from the AAUP President (Greg Loving)

We continue to implement the contract, especially the parental leave items.

TH: I'd like to encourage anyone who has ideas for the Life of the Mind to join the steering committee.

11. Motion to adjourn: MH, Seconded, BR.

Chair of the Faculty Report for October 16, 2014 Faculty Senate Meeting

- As Faculty Chair, I have been promoting the value of faculty teaching and service. My September report to the Board of Trustees highlighted the importance of university, professional and community service and shared the extensive amount of work required to teach today's students effectively in person and on-line. In addition, I discussed the need for additional recognition of service with both the Provost and the President and I plan to work toward developing the possibilities that have been identified.
- As the faculty representative to all university committees, I report the following. The Athletics Advisory Council shared the academic success of student athletes and progress on construction of the Nippert Stadium renovation. Ideas for the future renovation of 5/3 arena were also discussed. Financial issues were removed from charge of this committee last spring. The IT Council and eLearning committees reported on requirements for accessibility to on-line course resources (504 & 508 compliance), improvements in the Dell contract, security and information security. The President's Cabinet discussed Title IX (Sexual Assault) support services and the University Advisors Committee comprised of prominent alumni and business leaders. This group is designed to share their expertise and provide guidance and vision for the further development of the University.
- The President is planning to hold two faculty teas per semester (open to all faculty) and college dinners on a monthly basis. Faculty Senators will be asked to provide a list of representative faculty from their college to be invited to these dinners in consultation with college faculty governance structures.
- Planning is under way to restart the Life of Mind speaker series. The intent is to highlight University of Cincinnati Faculty excellence. More information will be coming soon.
- A committee has been established to consider and develop the creation of a UC Press. This initiative is being proposed by Xuemao Wang, Dean of the University Libraries.
- The Joint Committee is planning for the COACHE Survey with a projected timeframe for survey responses to occur during the last week of January through early April. Comparative reports are projected to be available in July. For more information you can visit the COACHE website at <http://isites.harvard.edu/icb/icb.do?keyword=coache&pageid=icb.page385671> .
- The Ohio Faculty Council (OFC) discussed the debt ratios for Ohio universities. Information about this topic is available at <https://www.ohiohighered.org/campus-accountability> . General information and meeting minutes for the OFC are available at <https://www.ohiohighered.org/ofc>. Click on meetings and reports and resolutions for detailed information.
- I would like to thank our standing committees for all the work they have already accomplished this year. The Budget & Priorities committee is initiating discussions with administrative representatives regarding recommendations from their white paper published last spring. The Human Relations Committee has initiated the process for the selection of faculty service awards and is looking at the Diversity Climate survey results. The IT Committee is reviewing the policies for the Teach Act and fair use and the Governance Committee is making plans to propose modernized by-laws and investigate shared governance. The Research & Scholarship Committee will host a cross-disciplinary research roundtable discussion at All University Faculty meeting. The Academic Affairs committee is looking at HB 616 regarding proprietary

textbooks and residency requirements. The Planning committee plans to review the role of faculty in the Third Century plan, and provide input into the Bicentennial celebration and Life of Mind series. Please see the minutes posted on the Faculty Senate web-site for more details as they unfold.

- The All University Faculty meeting will be held on October 23 at 3:00 – 5 p.m. Please attend and bring your faculty posse with you. The agenda will include a report from the Faculty Chair and the President as well as a round table discussion regarding cross-disciplinary research.

Respectfully Submitted,
Tracy Herrmann, Chair of the University Faculty

Faculty Senate/All University Committee Report (2014-2015)

Committee:	Academic Affairs	Prepared By:	Sally Moomaw	Date:	9-28-14
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Committee Members at the Meeting:	Kathryn Rafferty, Deborah Page, Rebecca Leugers, Sally Moomaw
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Topics Discussed: provide a brief description of each	<p>The Committee met on Sept. 11 with follow-up on several issues.</p> <ol style="list-style-type: none"> 1. Need for a representative from FS Academic Affairs on the Technology Backpack distribution committee 2. HB 616 (the textbook bill), which would prohibit faculty from using materials that they author in their own classes if they receive any remuneration, such as royalties 3. The committee considered a list of topics generated at the FS Bootcamp.
Action Items: List item and attach supporting document if action requires such background	<ol style="list-style-type: none"> 1. Rebecca Leugers will represent FS Academic Affairs on the Technology Backpack Committee. 2. Margie Rolf sent an email (attached) indicating that in her opinion, the bill would apply to faculty who use a textbook that they authored and that is published by a textbook company if the faculty member receives any royalties. At the Senate Cabinet meeting, some faculty had interpreted this bill differently and thought that it only applied to self-published materials. Greg Vehr concurred with Marcie's interpretation of the bill. 3. Committee responses to items from Faculty Senate: <ol style="list-style-type: none"> a) Facilitating cross-college teaching – <i>This is being handled by the Scholarship and Research Committee.</i> b) Ensuring consistently high standards in distance learning – <i>This is being handled by a Faculty Senate Task Force.</i> c) Reappointment/Promotion criteria for field service – <i>This is a topic that is already being handled by the Joint Provost/Faculty Committee, as verified by Rich Miller.</i> d) Balance of tenure track vs. non-tenure track faculty – <i>This topic is also under consideration by the Joint Provost/Faculty Committee meeting. Rich Miller will send numbers on this in several weeks. Numbers are currently being compiled for a state report by Institutional Review.</i> e) Examine mix of cross college committees and recommend best practices – <i>This topic is under consideration by a committee under Gisela Escoe.</i> f) Ban grading on a curve – <i>There is already a Faculty Senate document on grading.</i> http://www.uc.edu/content/dam/uc/facultysenate/senate/docs/resolutions/Resolution_20on_Grading_Academic_Affairs_Committee_June_9_2011.pdf g) Residency requirements in colleges – <i>This was clarified by Tracy Herrmann. It relates to students who may want an Associate degree or other degree from a college when they</i>

	<p><i>haven't taken any credits at that college but took their coursework at UC. For example, at Blue Ash there are transfer programs that include the courses in the first two years of a Bachelor's degree on the uptown campus. Sometimes students don't get admitted into their Bachelor's program or are unsuccessful but they want an associate degree for the courses they've taken, and they look to Blue Ash to give that degree even if they've never set foot on the campus. Faculty Senate would like the committee to discuss and make recommendations.</i></p>
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Describe action needed on items above (discussion and input, vote, etc):	By Whom:
<p>Recommendations on HB 616 will be formulated and forwarded to Senate.</p> <p>Recommendations on Residency Requirements for degree authorization will be formulated and forwarded to Senate.</p>	<p><input type="checkbox"/> By Faculty Senate</p> <p><input checked="" type="checkbox"/> By Cabinet</p> <p><input type="checkbox"/> Others (List-)</p>
<p>Next Meeting: October 8, 2:00 – 3:00</p> <p>Topics:</p> <ul style="list-style-type: none"> • HB616 • Residency requirements • Tuition Refunds • Emeritus Status • Others, as needed 	

Email response from Margie Rolf regarding HB 616.

Sally,

The only thing I can refer you to is the definition provided in the legislation which reads as follows:

(2) "Proprietary textbook" means a textbook that is used, produced, or marketed under exclusive legal right of any state institution of higher education or of a faculty member of any state institution of higher education, and for which the faculty member or institution earns royalties or other financial benefit upon the textbook's purchase.

I can see where both interpretations you describe below could be correct. My read is that really what is at question is if the faculty member or institution earns royalties or makes a profit from the sale. It does not matter if the textbooks is self-published or unpublished or published by a publisher.

I do want to restate that I don't anticipate the bill moving forward this session due to the remaining time left.

Margie

From: Sally Moomaw [mailto:sally.moomaw@uc.edu]
Sent: Wednesday, September 10, 2014 5:36 PM
To: Rolf, Margaret (rolfm)
Cc: Herrmann, Tracy (herrmaty)
Subject: clarification of HB 616

Margie,

Could you provide clarification of what is meant by “proprietary textbook” in HB 616? At the Faculty Senate Cabinet meeting, there was a difference of opinion among faculty members. Some thought that it referred to self-published or unpublished textbooks in which the faculty member sold the books directly to students. Others felt that it meant any textbook authored by a faculty member who was teaching the course, even if it was published by a publisher and sold commercially, because the faculty member received royalties.

The Senate Academic Affairs Committee will be discussing the bill, and I am Chair of that committee.

Thanks so much for your help.

Sally

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Faculty Senate/All University Committee Report (2014-2015)

Committee:	Budget and Priorities Committee	Prepared By:	Chia-Chi Ho	Date: Sep 18
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Committee Members at the Meeting:	Steven Boyce (Med), Anastasios (Tasos) Ioannides (CEAS), Peter Disimile (CEAS), Tom Ridgway (A&S), FenFang Hwu (A&S), Chia-Chi Ho (Chair)
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Topics Discussed: provide a brief description of each	<ol style="list-style-type: none"> 1. Meeting called to order at 2:37 PM. 2. Introductions: All members introduced themselves. Each shared prior experience and on goals for committee membership. 3. Charge of Committee statement reviewed. "There shall be a standing committee known as the budget and priorities committee. It shall have seven members elected by the faculty senate, serving two-year staggered terms. The chairperson of the university faculty shall annually appoint an individual who is both a member of the committee and a member of the faculty senate to serve as the chairperson of this committee. The committee on committees shall nominate, when feasible, two persons for every vacancy of the committee. The budget and priorities committee shall examine financial matters of the university and recommend to the faculty senate ordering of priorities for new funds and for reallocation of present resources, including specific dollar amounts. As feasible, the committee shall also suggest possible sources for new funding. One or more of its members may serve as faculty senate representative and liaison to all university committees responsible for budget and priorities." 4. Letter from Coalition on Intercollegiate Athletic (COIA). Background summary of COIA, the antitrust exemption issue for COIA and the letter from COIA were emailed to committee members for review. Discussion was deferred to future meeting when Kent (the Faculty Senate's representative to COIA) is present. Kent has also provided committee members a documentation to review from COIA titled "Framing the Future: Reforming Intercollegiate Athletics". 5. Priorities Brainstorming Review <ol style="list-style-type: none"> a. Examine the university overall budget, capital and academic budget. b. Examine the capital and debt management involved with buildings and facilities on and around campus. c. Receive feedback from faculty and administration on the white paper from Budget and Priorities committee accepted by the senate last semester d. Determine approaches to advance the third century initiative and academic excellent including setting FT tenure track hiring and retention as a priority, additional support for TA and tuition support for RA, and additional instructional support e. Prioritize funds toward safety within and around the campus 6. Agenda Setting and Meeting Schedule---The FSBPC will meet the 2nd Wednesday of each month from 12:30 to 1:30 PM in the Faculty Senate Conference Room. The agenda for next month will be discussion with Senior Vice President for Administration and
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	Finance Bob Ambach on capital spending and debt management 7. Recap—Chia-Chi recapped key points from today’s meeting. 8. Meeting adjourned at 3:30
Action Items: List item and attach supporting document if action requires such background	

Describe action needed on items above (discussion and input, vote, etc):	By Whom: <input type="checkbox"/> By Faculty Senate <input type="checkbox"/> By Cabinet <input type="checkbox"/> Others (List-)
Next Meeting: Oct 8 12:30-1:30pm	

When complete, save your report with the committee name and report date as the file name. Please send the file to Tracy Herrmann (tracy.herrmann@uc.edu). Thank you!

Report of the Student Body President - Undergraduate Student Government

Christina Beer

October 16, 2014

- Sorry I won't be able to make it! I have now picked up a class that meets during Faculty Senate. I should be able to catch the very tail end of Senate meetings next time the meeting is back in TUC.
- On Thursday, October 16th at 11:30am, Bowties for Scholarship will kick-off! This will help raise money to go to need-based scholarships for students. For more info, please visit <http://www.uc.edu/bowtie.html>
- On October 15th, Student Government is sponsoring two events featuring Jamie Utt. At 5pm, we are holding an internal Diversity Training. At 8pm, we are hosting an event called Positive Sexuality and Sexual Violence Prevention Workshop. Here are more details: https://www.facebook.com/events/306937119495360/?ref_dashboard_filter=upcoming
- Our Student Government Retreat will be held on November 1st.
- We are continuing to work with GSGA on an Off-Campus Housing Search that will be hosted on uc.edu. We are finalizing details, and hoping to have a partner selected soon. For an example of this site, please see UCONN's site. <https://offcampushousing.uconn.edu>
- Don't forget to save the date for October 31st for the Bearcat Birthday Party! It will be held outside TUC, and the rain location is the lobby of Lindner Center.

If you have any questions or new ideas, please feel free to reach out to me! Here is my contact info:

- Christina Beer
- Email: beerca@mail.uc.edu
- Cell: 513-509-1941
- Office: 655 Steger Student Life Center

Go Bearcats!

Graduate Student Governance Association (GSGA) Report to the Faculty Senate for October 16 Meeting

Ayça Mazman

President, Graduate Student Governance Association

- GSGA held its annual Welcome Back to School Party on Friday, September 5th in Mecklenburg Gardens. Over 200 graduate students attended.
- Last year, upon President Ono's request, GSGA created a document which included three diversity and inclusion action steps. These action steps were discussed in GSGA's General Assembly last year and came out of the feedback provided by the graduate students. In this month's General Assembly meeting, we revisited the Diversity and Inclusion Action Steps from last year. We came to the conclusion that we have a long way to go for achieving our priority goals. (You can find these goals below the report).
- In collaboration with the undergraduate Student Government, we are working on creating a Student Council for Diversity and Inclusion. The Council will include 2-3 graduate student members.
- Our annual Cricket Tournament will take place this weekend, October 16th and our Soccer Tournament is going to take place the weekend after. Also, we are in the process of planning our annual Halloween Party which will take place on Saturday, November 1st at 6.30pm in Great Hall in TUC.
- Over the summer, we hired a web designer (a graduate student in CCM with a background in IT and web design). Our brand new website was launched on Monday, October 6th. We are still resolving some issues during this transition but please check out our new website: www.uc.edu/gsga
- Lastly, the GSGA Research Fellowship deadline is fast approaching. The deadline is Friday, November 21st. Please encourage your students to apply. For more details, please see: <http://www.uc.edu/gsga/awards/student-awards/research-fellowship.html>

Graduate Student Governance Association – Diversity and Inclusion Action Steps

- 1) **More teaching support, resources and education for graduate students:** The retention rate for minority undergraduate students is significantly low after their first year in college. Graduate students are responsible for actively teaching or being the teaching assistant for 1000-level classes in most Departments. Yet, they are not offered proper resources which would make them better teachers. We suggest that diversity, inclusion and curriculum infusion to become a part of the graduate student education.
 - a) For all graduate students, it would be best if there are mandatory teaching trainings which include issues surrounding diversity and inclusion. It is crucial for these trainings to be taken seriously by the faculty who will teach it. Without a full commitment from the faculty as role models in diversity and inclusion initiatives, the graduate student education will only go so far.
 - b) International graduate students bring some values from their home countries which may not be compatible with UC's Diversity Strategic Plan. We suggest that issues surrounding diversity and inclusion are integrated in the welcome orientation for international students.
 - c) On the other hand, sometimes the international graduate students are not received well by the undergraduate students they teach due to the fact that the students are not exposed to people with diverse backgrounds. In this sense, the undergraduate student education and awareness is crucial for the success of diversity and inclusion initiatives on campus.
- 2) We propose that **more diversity and inclusion-oriented events take place on campus.** Currently, the groups who regularly attend the diversity and inclusion events are usually the ones who already have the awareness of the need for diversity and inclusion. The new events should target majority groups and cultures. One suggestion is to have year-round minority and international culture/awareness days. Instead of fighting "your neighbor stranger" on every divisive issue, we suggest setting up minority and international culture days on campus, and use them to create opportunity for conversations. These events need to be attractive to most. We would like the upper administration and President Ono to actively advertise for these events, and keep the issues surrounding diversity and inclusion at the forefront.
- 3) **Community Outreach:** Graduate students are future faculty. With that in mind, it is important to have a more diverse graduate student body to assure the implementation of a diversity and inclusion culture at the University. We need more incentives for international, minority and women students to go to graduate school. One suggestion is to have a Graduate School Career Day and provide information to targeted undergraduate students on graduate programs UC offer and on academic career options. We believe that it is also important to have outreach programs at high school level in order to get a more diverse undergraduate student body.

As Introduced

130th General Assembly
Regular Session
2013-2014

H. B. No. 616

Representative DeVitis

Cosponsors: Representatives Terhar, Butler, Thompson, Milkovich,
Hagan, C.

—

A BILL

To enact section 3345.47 of the Revised Code with
regard to the selection, availability, and
purchase of textbooks that are required for a
course offered by any state institution of higher
education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3345.47 of the Revised Code be
enacted to read as follows:

Sec. 3345.47. (A) For purposes of this section:

(1) "State institution of higher education" has the same
meaning as in section 3345.011 of the Revised Code.

(2) "Proprietary textbook" means a textbook that is used,
produced, or marketed under exclusive legal right of any state
institution of higher education or of a faculty member of any
state institution of higher education, and for which the faculty
member or institution earns royalties or other financial benefit
upon the textbook's purchase.

(3) "Customized textbook" means any customized educational
material, any combination of original manuscripts, published

journal articles, book excerpts, photographs, or illustrations, 19
including, but not limited to, course instructional materials 20
authored in part by the faculty member who assigned the textbook. 21

(4) A course of instruction is "exclusively offered" by a 22
state institution of higher education when the subject matter of 23
the course is discrete, unique, and not offered by any other state 24
institution of higher education in the same or substantially 25
similar format or manner. A course of instruction is not 26
"exclusively offered" by a state institution of higher education 27
when the course is transferable as determined by the chancellor of 28
the Ohio board of regents or as provided for in sections 3333.16, 29
3333.161, or 3333.162 of the Revised Code. 30

(B)(1) No state institution of higher education shall 31
produce, publish, or require a student to purchase a proprietary 32
or customized textbook unless that textbook is required for a 33
course of instruction that is exclusively offered by the 34
institution. 35

(2) No faculty member of a state institution of higher 36
education shall require a student to purchase a proprietary 37
textbook or a customized textbook for use in that faculty member's 38
course of instruction unless the course of instruction is 39
exclusively offered by the institution. 40

(C) If a student is required to purchase or use a specific 41
textbook for a course offered by any state institution of higher 42
education, that textbook shall be made available for purchase 43
through at least two suppliers, one of which shall not be an 44
entity owned or affiliated with the institution. This division 45
does not apply to any textbook that is required for a course of 46
instruction that is exclusively offered by the institution. 47



Departmental GPA Highlights

- For 12 straight grading periods and in 18 of the last 19 grading periods, our student-athletes have earned a cumulative GPA above a 3.0.
- 11 of 17 teams posted a 3.0 GPA or higher in Fall 2013 and 12 of 17 teams posted a 3.0 GPA or higher in the spring 2014 semester.
- 11 of 17 teams posted a 3.0 GPA or higher for the 2013-2014 academic year: Baseball, Men's Golf, Women's Golf, Women's Lacrosse, Women's Soccer, Women's Swimming, Women's Tennis, Women's Track, Men's Cross Country, Women's Cross Country, and Volleyball.
- In Fall 2013 52% of UC student-athletes were recognized on the Bearcat Honor Roll for a 3.0 GPA or higher followed by 60% for the Spring 2014 semester.
- 34% of Bearcat student-athletes were named to the Dean's List, earning a 3.4 GPA or higher in Fall 2013 and 37% in the Spring 2014 semester.
- 51 student-athletes achieved a 4.0 GPA during the fall or spring semester, eight of which achieved a 4.0 for the year: *Woody Wallace (MBA), Andrea Malek (WGO), Jennifer Walsh (WLA), John Cottrell (MSO), Megan Cravenor (WSO), Katie Nemann (WSW), Hannah Wille (WTE), Kaitlyn Good (WTK).*
- Several teams achieved record high GPA marks in Spring 2014: Football (2.99), Baseball (3.347), Women's Tennis (3.584), and Women's Golf (3.613).
- Bearcat student-athletes combined for the highest ever departmental GPA of a 3.125 for the Spring 2014 semester.

Academic Awards

- Chase Beckmann, Men's Track and Field/Cross Country and Emily MacIntyre, Volleyball were named the 2013-2014 Nancy Hamant Scholar-Athletes.
- Eric Lefeld (MFB), Kaitlyn Good (WTK), and Olivia Dose (WGO) were named as American Athletic Conference Sport Excellence Award winners.
- Austen Bujnoch (MFB) was named to the 2014 National Football Foundation Hampshire Honor Society.
- Football had 20 members of the team named to the American Athletic Conference All-Academic team for the 2013 season.
- 179 Bearcat Student-Athletes were named to the 2013-2014 American Athletic Conference All-Academic team.
- Lacrosse had 18 of its members named to the Big East All-Academic Team.
- Baseball was named as a 2013-2014 American Athletic Conference Team Academic Excellence Award winner.
- Women's Tennis received the NCAA Public Recognition Award for their APR score of 1000. This honors teams that have posted a multi-year APR in the top 10 percent of all squads in each sport across the nation.

Graduates

87 UC student-athletes graduated during the 2013-2014 year. 10 student-athletes graduated in August 2013, 19 in December 2013, and 58 in April 2014.

Baseball- Andrew Streng, Justin Glass, Matt Ring, and Matt Williams

Men's Basketball- Alex Eppenstainer, Kelvin Gaines, Cheikh Mbodji, Derek Cox, Sean Kilpatrick, Jaquon Parker

Women's Basketball- Dayeesha Hollins

Football- Brandon Mills, Colin Lozier, Blake Annen, Greg Blair, Andre Cureton, Deven Drane, Brad Harrah, Cory Keebler, Dan Sprague, Jordan Stepp, Chris Williams, Adrian Witty, Arryn Chenault, Jacob Giltrow, Anthony King, Eric Lefeld, John Lloyd, Roney Lozano, Jeff Luc, Tony Miliano, Josh Russ, Elijah Shuler, Will Sadler, and Soloman Tentman

Men's Golf- Zach Bates

Women's Golf- Oliva Dose and Andrea Malek

Women's Lacrosse- Kelsey Conway, Chanelle Coulon, Megan Knoop, Jennifer Walsh, and Taylor Young

Men's Soccer- Francesco Furio, Zachery Patterson, Shamar Shelton, Matthew Bahner, Peter Jannelli, Christian Myton, Michael Millay, and Mike Brizzi

Women's Soccer- Liz Miller, Jae Atkinson, Kaitlyn Buczek, Natalie Domanic, Katie Greer, and Jazmine Rhodes

Men's Swimming and Diving- Adam Monk, Rob Walsh, and Chris Williams

Women's Swimming and Diving- Amanda Hardewig, Katie Nemann, Shannon Connors, Ashley Yanza, and Bailey Laban

Women's Tennis- Jasmine Lee, Elise Woulfe, Sierra Sullivan, and Ashleigh Witte

Men's Track- Kyle Kubera, Evan Baum, Chase Beckmann, Oliver Book, Josh Dangel, Darnell Gilbert, David Payne, and Dillon Risser

Women's Track and Field- Frida Akerstrom, Cameron Gardner, Kaitlyn Good, Morgan Gordon, Jessica Molyet, Sarah Rasnick, and Michelle Eby

Volleyball- Karen Onuki and Emily MacIntyre

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STUDENT ATHLETE SUPPORT SERVICES



SASS Year in Review

2013-2014



Student-Athlete Academic Awards



Chase Beckmann (Men's Track and Field/Cross Country) and **Emily MacIntyre**, (Volleyball) were named the **2013-2014 Nancy Hamant Scholar-Athletes**.

Matt Ring (MBA) was nominated for the **American Athletic Conference Michael Tranghese Postgraduate Leadership Award**. *The nominee must be admitted to a graduate or professional program, have a 3.25 GPA, and have demonstrated outstanding athletic and community performance.*



The following were recognized as a **Scholar-Athlete of the Month** during the **2013-2014 academic year**: **Peter Jannelli** (MSO), **Andrea Malek** (WGO), **Tony Miliano** (MFB), **Madi Lang** (WVB), **Brian Barney** (MTK), **Amanda Hardewig** (WSW), **Joe Scherpenberg** (MSW), **Megan Knoop** (WLA), and **Matt Ring** (MBA).

Austen Bujnoch (MFB) was named to the **2014 National Football Foundation Hampshire Honor Society**.

Eric Lefeld (MFB) was nominated for the **2013 National Football Foundation Scholar-Athlete award**.

John Michael O'Toole was named a **Cleveland Golf/Srixon All-America Scholar**.

Amanda Hardewig (WSW) was nominated for the **NCAA Postgraduate Scholarship**.

Brendon Kay (FB), **Eric Lefeld** (FB), **Tony Miliano** (FB), **Jae Atkinson** (WSO), **Megan Cravenor** (WSO), **Laura Rose** (WSO), **Ian Happ** (MBA), **Devin Wenzel** (MBA) and **Bryan Chenoweth** (MBA) were nominated for the **CoSIDA Capital One Academic All-America Award**. *The program highlights both academic and athletic achievements. Nominees must have at least a 3.30 cumulative GPA and be a starter or important reserve and have participated in 50 percent of the team's games.*

Olivia Dose, **Andrea Malek**, and **Ashley Cassidy** were named to the **Women's Golf Coaches Association All-American Scholar Team**.

Jessica Molyet, **Kailyn Good**, and **Alyssa McBride** were named as **USTFCCCA Track and Field All-Academic honorees**.

Jackie Keire (WSW) was named a **CSCAA Scholar Academic All-American**.

Eric Lefeld (MFB), **Kaitlyn Good** (WTK), and **Olivia Dose** (WGO) were named as **American Athletic Conference Sport Excellence Award winners**.

Laura Bellinger, **Caitlin O'Gara**, **Kelly Poggensee-Wei**, and **Hanna Wille** were recognized as **Intercollegiate Tennis Association Scholar-Athletes**. *Nominees must have a 3.50 or higher GPA.*





Team Academic Awards



Football had **20 members** of the team named to the **American Athletic Conference All-Academic Team** for the 2013 season.

Lacrosse had **18 members** of the team named to the **Big East All-Academic Team**.

Baseball was named a **2013-2014 American Athletic Conference Team Academic Excellence Award** winner.

Both the **Men's and Women's Swimming and Diving** programs were **CSCAA Fall Scholar All-American Team Honorees in 2013**.



Women's Tennis earned an **Intercollegiate Tennis Association All-Academic Team** award for achieving a team GPA of 3.56 for the 2013-2014 academic year.

Women's Lacrosse was named as a **Big East Team Academic Excellence Award** winner and as an **IWCLA Honor Squad** for posting a GPA of 3.438 for the 2013-2014 academic year.

Men's Soccer was nominated for the **National Soccer Coaches Association of America College Team Academic Award** for achieving a team GPA of over a 3.0.

Women's Soccer was nominated for the **National Soccer Coaches Association of America College Team Academic** Award for achieving a team GPA of over a 3.0.



Men's Track and Field were named as a **USTFCCA Track and Field All-Academic Team** for having over a 3.0 cumulative team GPA.

Women's Track and Field were named as a **USTFCCA Track and Field All-Academic Team** for having over a 3.0 cumulative team GPA.

Women's Tennis received the **NCAA Public Recognition Award** for their APR score of 1000. This honors teams that have posted a multi-year APR in the top 10 percent of all squads in each sport across the nation.



Departmental GPA Highlights



For 12 straight grading periods and in 18 of the last 19 grading periods, our student-athletes have earned a cumulative GPA above a 3.0.

11 of 17 teams posted a 3.0 GPA or higher in Fall 2013 and 12 of 17 teams posted a 3.0 GPA or higher in the Spring 2014 semester.

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Bearcat student-athletes combined for the highest ever departmental GPA of a 3.125 for the Spring 2014 semester.

179 Bearcat Student-Athletes were named to the 2013-2014 American Athletic Conference All-Academic Team

Fall 2013	Academic Statistics	Spring 2014
438	Total Athletes Reported	407
52% (231/438)	Bearcat Honor Roll	6-% (247/407)
34% (152/438)	Dean's List	37% (151/407)
25	TopCat (4.0)	26
3.019	Department Semester GPA	3.125
2.86	Male Athlete Semester GPA	3.00
3.28	Female Athlete Semester GPA	3.32

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STUDENT ATHLETE SUPPORT SERVICES

Fall 2013 TopCats

Mitch Patishall- MBA
Woody Wallace- MBA
Dylan Coombs- MFB
Jared Golden- MFB
Tony Miliano-MFB
Jordan Stepp- MFB
Ali Jakubecz- WGO
Andrea Malek- WGO
Meg Gulmi- WLA
Jennifer Walsh- WLA
Jon Cottrell- MSO
Megan Cravenor - WSO
Alexa Fiehrer - WSO

Christi Howard- WSO
Miranda Hampton- WSW
Jackie Keire- WSW
Katie Nemann- WSW
Milli Puth- WSW
Kirsten Rissover- WSW
Hannah Wille- WTE
Ben Wollenslegel-MTK
Kaitlyn Good- WTK
Gabby Calderone- WTK
Madi Lang- WVB
Emily MacIntyre- WVB

Kyle Seeger- MBA
Woody Wallace- MBA
Brad Harrah- MFB
Eric Lefeld- MFB
Kyle Taubenheim-MFB
Jennifer Walsh- WLA
Andrea Malek- WGO
Jon Cottrell- MSO
Michael Millay- MSO
Calvin Opperheim- MSO
Megan Cravenor - WSO
Taylor Jackson – WSO
Michael Arnold- MSW

Spring 2014 TopCats

Robbie Caudy- MSW
Jimmy McMahon- MSW
Amanda Coffey- WSW
Katie Nemann- WSW
Hannah Wille- WTE
Ashleigh Witte- WTE
Hannah Christ- WTK
Kaitlyn Good- WTK
April McPherson- WTK
Kaitlyn Meyer- WTK
Anne Pace- WTK
Sarah Rasnick- WTK

Graduates

87 UC student-athletes graduated during the 2013-2014 year. 10 student-athletes graduated in August 2013, 19 in December 2013, and 58 in April 2014.

Baseball- Andrew Strenge, Justin Glass, Matt Ring, and Matt Williams

Men's Basketball- Alex Eppenstainer, Kelvin Gaines, Cheikh Mbodji, Derek Cox, Sean Kilpatrick, Jaquon Parker

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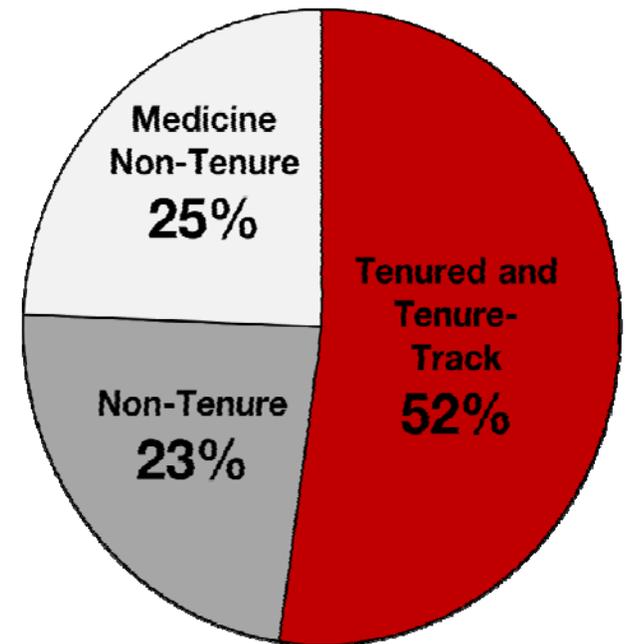
Men's Track- Kyle Kubera, Evan Baum, Chase Beckmann, Oliver Book, Josh Dangel, Darnell Gilbert, David Payne, and Dillon Risser

Women's Track and Field- Frida Akerstrom, Cameron Gardner, Kaitlyn Good, Morgan Gordon, Jessica Molyet, Sarah Rasnick, and Michelle Eby

Volleyball- Karen Onuki and Emily MacIntyre

Faculty Size

College	Tenured and Tenure-Track	Non-Tenure Track
Arts and Sciences	301	142
Medicine	185	560
Engineering & Applied Science	127	22
UC Blue Ash	124	44
CCM	86	17
UC Clermont	75	23
DAAP	71	14
CECH	64	63
Business	51	34
UC Libraries	29	9
Allied Health Sciences	27	33
Law	21	11
Pharmacy	19	14
Nursing	14	90
Professional Practice	6	20
Hoxworth Research	1	0
Faculty Totals	1,201	1,096



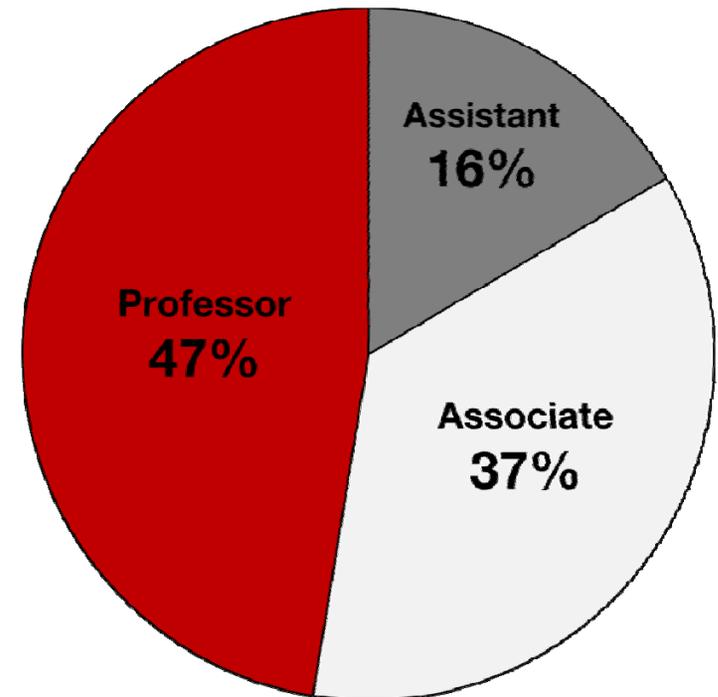
Total Full-Time Faculty
2,297

Faculty Demographics

Full-Time Faculty

- Average Age.....50
- Eligible to Retire.....25%
- Male.....62%
- Female.....38%
- Underrepresented Minority*20%

Tenured and Tenure-Track Faculty Percentages by Rank



*Includes American Indian or Alaska Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Pacific Islander, and Two or More Races

URM Tenured & Tenure-Track Faculty

College	Underrepresented Minority*			
	Fall 2007		Fall 2013	
	#	%	#	%
Admin Unit ¹	*	100%	*	100%
Allied Health Sciences	6	21%	6	22%
Applied Science	13	16%		
Arts and Sciences	51	15%	60	20%
Business	17	31%	11	22%
CCM	11	12%	9	10%
CECH	14	18%	11	17%
Clermont	6	12%	11	15%
DAAP	17	19%	16	23%
Engineering & Applied Science	49	37%	46	36%
Law	7	28%	*	19%
Medicine	46	18%	39	21%
Nursing	*	14%	*	14%
Pharmacy	*	19%	*	26%
Professional Practice	*	25%	*	33%
UC Blue Ash	16	13%	18	15%
University Library	*	3%	*	3%
Total URM	266	18%	242	20%
Total University	1,449		1,201	

¹ Admin Unit includes Hoxworth Research.

* Includes American Indian or Alaska Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, and Two or More Races

* Cells containing a value of 5 or less

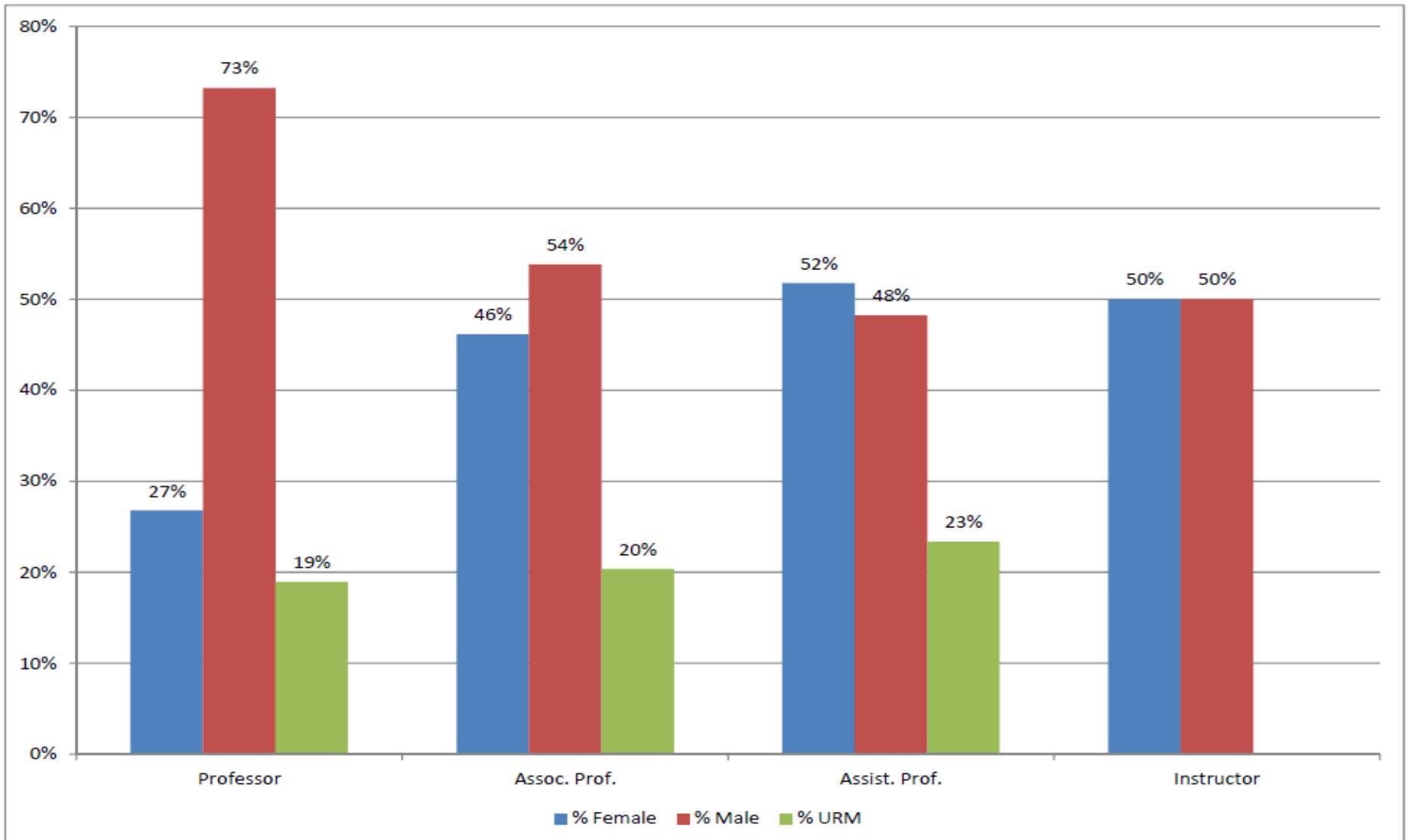
Female Tenured & Tenure-Track Faculty

College	Female			
	Fall 2007		Fall 2013	
	#	%	#	%
Allied Health Sciences	20	69%	19	70%
Applied Science	33	40%		
Arts and Sciences	101	31%	111	37%
Business	13	24%	11	22%
CCM	27	29%	27	31%
CECH	33	42%	35	55%
Clermont	24	46%	41	55%
DAAP	32	36%	30	42%
Engineering & Applied Science	9	7%	14	11%
Law	9	36%	11	52%
Medicine	46	18%	39	21%
Nursing	26	93%	12	86%
Pharmacy	*	14%	*	26%
Professional Practice	8	67%	*	83%
UC Blue Ash	84	68%	79	64%
University Library	22	59%	18	62%
Total Female	490	34%	447	38%
Total University	1,449		1,201	

* Cells containing a value of 5 or less

Faculty by Gender, URM and Rank

Fall 2013



Full-Time Faculty Retention

Year	2009	2010	2011	2012	2013
Separated	63	58	62	56	54
Retired	44	39	37	47	49
Total	107	97	99	103	103

Questions?

 <p>Category:</p> <p>Policy applicable for:</p>	<p><i>Policy Title:</i></p> <p>Copyright Compliance in Courseware</p> <p>Effective Date: mm/dd/yyyy</p> <p>Prior Effective Date: mm/dd/yyyy</p> <p>Enabling Acts: 17 U.S.C. §110(2)</p>	<p><i>Policy Number:</i></p> <p>0.0.0</p> <p>Policy Owner:</p> <p>Responsible Office(s):</p>
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Background

The University of Cincinnati, among other services, provides faculty with platforms to deliver audiovisual works to students for educational purposes and provides services including digitization of those works. In performing such services, compliance with applicable copyright laws is a paramount consideration, whether such compliance might be achieved by using works in a manner that constitutes Fair Use (17 U.S.C. §107) or in a manner that complies with the Teach Act (17 U.S.C. §110).

Fair Use, a defense to copyright infringement, is a multifactor legal test with uncertain predictability.

The TEACH Act provides a straightforward legal means to use copyrightable works in distance learning or digital streaming.

Policy

It is the policy of the University of Cincinnati to respect the rights of all copyright owners, to inform its faculty, staff, and students about the laws of the United States relating to copyright, and to promote compliance with the same.

This policy guides the distribution of digital content in accordance with Copyright law via enterprise level systems (Kaltura and Echo 360) by faculty in the context of teaching university courses. Faculty are encouraged to distribute digital materials only through the means identified by this policy. The university will remain permissive of other means until the means identified herein are well-established, after which, discipline referrals must be made in order to continue to meet the legal safeguards of the TEACH Act.

Where TEACH Act procedures are substantially onerous and impractical, exploration of a Fair Use approach is also described in this policy.

Procedures

- (A) Communication Procedures: University Libraries, with assistance from General Counsel, shall develop and post informational materials that accurately describe, and promote compliance with, the laws of the United States relating to copyright.
- (B) Distribution Procedures.
- (1) UCIT, in partnership with unit-level representatives, shall enable and administer a system for faculty to distribute digital materials to students registered in their classes through a system integrated with UC's learning management system. The system must apply technological measures that reasonably prevent--
 - (a) retention of the work in accessible form by recipients of the transmission from the transmitting body or institution for longer than the class session; and
 - (b) unauthorized further dissemination of the work in accessible form by such recipients to others.
 - (2) UCIT shall ensure that a copyright notice is displayed within the learning management system course template, which refers to this policy and contains a notice to students that materials used in connection with the course may be subject to copyright protection.
- (C) Faculty Requirements for distributing materials under the TEACH Act:
- (1) the content distribution is to be done at the direction of the instructor;
 - (2) the material to be distributed is directly related and of material assistance to the teaching content of the course;
 - (3) the material to be distributed is not a distance learning-specific product, unless the content is allowed under a license held by UC; and,
 - (4) the material to be distributed was not bootlegged or pirated.
- If University Libraries is asked to digitize and host copyrighted works, then it shall jointly with the faculty member analyze each such request on a case-by-case basis using the TEACH Act Checklist attached as Exhibit A, to determine whether such request is permissible under the provisions of the TEACH Act. University Libraries and the faculty member's academic unit shall retain electronic copies of the completed checklist in an indexed and searchable file.
- (D) Fair Use. Where TEACH Act procedures are substantially onerous and impractical, exploration of a Fair Use approach may proceed as follows:
- If University Libraries is asked to digitize and host copyrighted works, then it shall jointly with the faculty member analyze each such request on a case-by-case basis to determine whether such request might constitute a fair use of any copyrighted works. They shall make use of the worksheet attached as Exhibit B

for weighing the fair use factors of “purpose,” “nature,” “amount,” and “market.” University Libraries shall request that the faculty member or requestor provide a written discussion relevant to the fair use factor of “purpose” and trusts the faculty to cooperate in good faith regarding the purpose of the digitized works. UC Libraries and the faculty member’s academic unit shall store these work papers, along with the ultimate conclusion based on the Four Factor Worksheet, in an indexed and searchable file.

- (E) In the event the material to be distributed does not fall under the TEACH Act or Fair Use guidelines, faculty member shall work with University Libraries to seek permissions/license from the copyright owner.

Exhibit A

Teach Act Checklist for UC Faculty

To ensure your compliance with the Teach Act you must satisfy **all** of the following:

- ✓ My institution is a nonprofit accredited educational institution or a governmental agency
- ✓ My institution has a policy on the use of copyrighted materials
- ✓ My institution provides accurate information to faculty, students and staff about copyright
- ✓ My institution's course delivery platform (Blackboard) requires authentication of users by requiring username and password, limiting access to enrolled students and protecting course materials using a secure server
- ✓ The materials I want to use are specifically for students in my class
- ✓ The materials are accessible only to students enrolled in my class
- ✓ The materials will be provided at my direction during the relevant lesson
- ✓ The materials are directly related and of material assistance to my teaching content
- ✓ My class is part of the regular offerings of my institution
- ✓ I will include a notice that the materials are protected by copyright **
- ✓ I will use technology that reasonably limits the students' ability to retain or further distribute the materials
- ✓ I will make the materials available to the students only for a period of time that is relevant to the context of a class session
- ✓ The materials will be stored on a secure server and transmitted as permitted by this law
- I will not make any copies other than the one I need to make the transmission
- The materials are of the proper type and amount the law authorizes:
 - Entire performances of non-dramatic literary and musical works
 - Reasonable and limited parts of a dramatic literary, musical, or audiovisual works
 - Displays of other works in amounts similar to typical displays in face-to-face teaching
- The materials are not among those the law specifically excludes from its coverage:
 - Materials specifically marketed for classroom use for digital distance education
 - Copies I know or should know are illegal
 - Textbooks, coursepacks, electronic reserves and similar materials typically purchased by students for independent review outside the classroom or class session, or works specifically developed by the copyright owner for online instructional sales
- If I am using an analog original, I checked before digitizing it to be sure:
 - I copied only the amount that I am authorized to transmit
 - There is no digital copy of the work available except with technological protections that prevent my using it for the class in the way the statute authorizes

Course Number/Course Title/Term-Year offered (e.g., 14FS_SACN1001001 Intro to SACN):

Faculty Name (printed): _____

Faculty Signature _____ Date _____

Received

by: _____

**** Suggested notice to be posted to the LMS course site: "The materials in this course site are protected**

by copyright and are only for the use of students enrolled in this course for purposes associated with this course and may not be retained or further disseminated.”

Exhibit B

Fair Use Checklist

Instructor Name: _____

Department: _____

Course: _____

Content Title(s): _____

Purpose of use: _____

Reviewer: _____

Purpose

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit educational institution
- Criticism
- Comment
- News reporting
- Transformative or productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

Opposing Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

Nature

Favoring Fair Use

- Published work
- Factual or nonfiction based
- Important to favored educational objectives

Opposing Fair Use

- Unpublished work
- Highly creative work (art, music, novels, films, plays)
- Fiction

Amount

Favoring Fair Use

- Small quantity
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

Opposing Fair Use

- Large portion or whole work
- Portion used is central to or "heart of the work"

Effect

Favoring Fair Use

- User owns lawfully purchased or acquired copy of the original work
- One or few copies made
- No significant effect on the market or potential market for copyright work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyright work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on the Web or in other public forum
- Repeated or long-term use

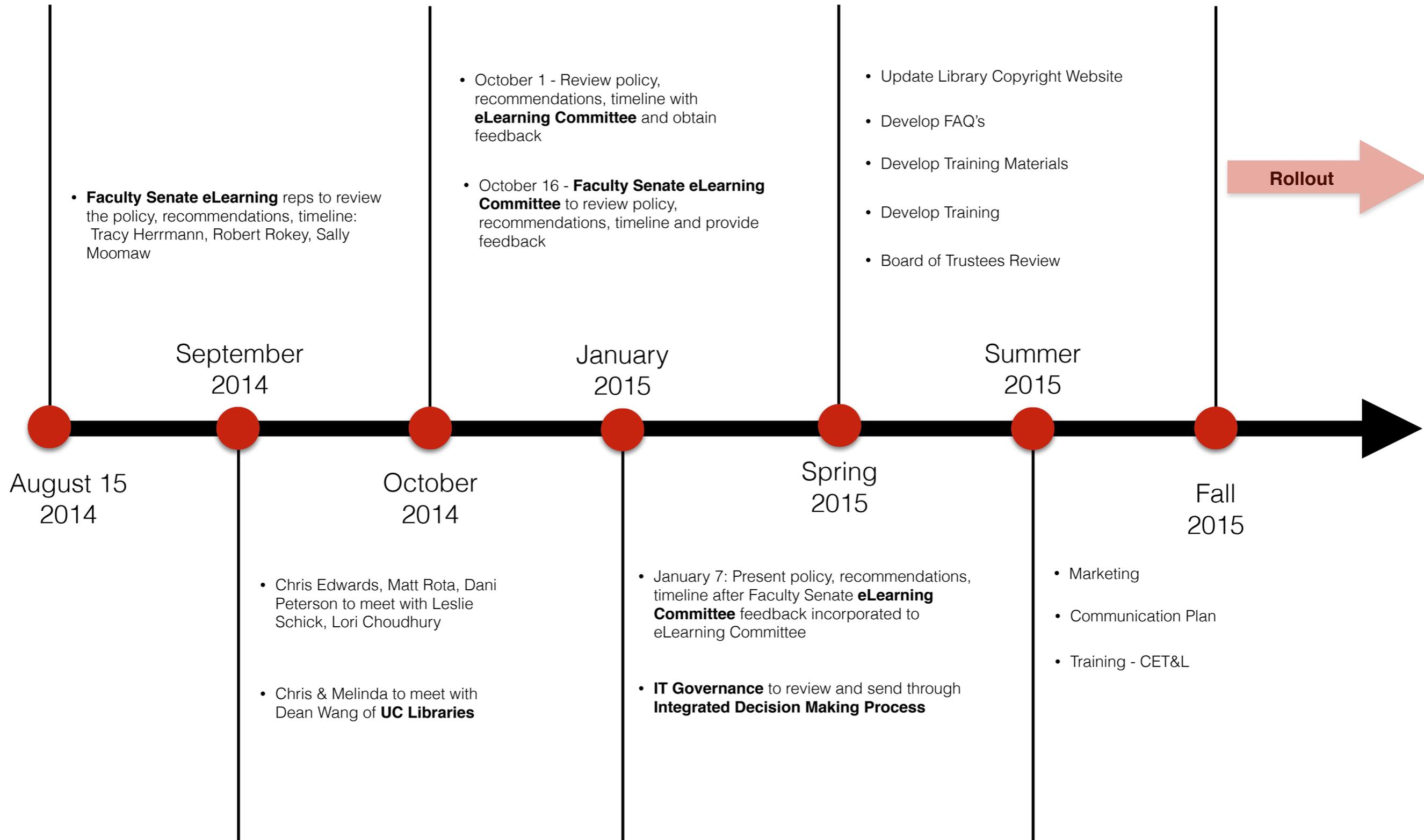
Determination

Use of material favors

- Fair Use
- Not Fair Use

Date: _____

UC TEACH ACT TIMELINE



Fair Use Checklist

Introduction

The Fair Use Checklist and variations on it have been widely used for many years to help educators, librarians, lawyers, and many other users of copyrighted works determine whether their activities are within the limits of fair use under U.S. copyright law (Section 107 of the [U.S. Copyright Act](#)). [Fair use is determined](#) by a balanced application of [four factors](#) set forth in the statute: (1) the purpose of the use; (2) the nature of the work used; (3) the amount and substantiality of the work used; and (4) the effect of the use upon the potential market for or value of the work used. Those factors form the structure of this checklist. Congress and [courts](#) have offered some insights into the specific meaning of the factors, and those interpretations are reflected in the details of this form.

Benefits of the Checklist

A proper use of this checklist should serve two purposes. First, it should help you to focus on factual circumstances that are important in your evaluation of fair use. The meaning and scope of fair use depends on the particular facts of a given situation, and changing one or more facts may alter the analysis. Second, the checklist can provide an important mechanism to document your decision-making process. Maintaining a record of your fair use analysis can be critical for establishing good faith; consider adding to the checklist the current date and notes about your project. Keep completed checklists on file for future reference.

How to Use the Checklist

As you use the checklist and apply it to your situations, you are likely to check more than one box in each column and even check boxes across columns. Some checked boxes will favor fair use and others may oppose fair use. A key issue is whether you are acting reasonably in checking any given box, with the ultimate question being whether the cumulative weight of the factors favors or turns you away from fair use. This is not an exercise in simply checking and counting boxes. Instead, you need to consider the relative persuasive strength of the circumstances and if the overall conditions lean most convincingly for or against fair use. Because you are most familiar with your project, you are probably best positioned to evaluate the facts and make the decision.

**Adapted from Fair Use Checklist by Kenneth D. Crews (Columbia University) & Dwayne K. Butler (University of Louisville). <http://copyright.columbia.edu/copyright/fair-use/fair-use-checklist/>*

Fair Use Checklist

Instructor Name: _____

Department: _____

Course: _____

Content Title(s): _____

Purpose of use: _____

Reviewed by: _____

Purpose

Favoring Fair Use

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- Research
- Scholarship
- Nonprofit educational institution
- Criticism
- Comment
- News reporting
- Transformative or productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

Opposing Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

Nature

Favoring Fair Use

- Published work
- Factual or nonfiction based
- Important to favored educational objectives

Opposing Fair Use

- Unpublished work
- Highly creative work (art, music, novels, films, plays)
- Fiction

Amount

Favoring Fair Use

- Small quantity
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

Opposing Fair Use

- Large portion or whole work
- Portion used is central to or "heart of the work"

Effect

Favoring Fair Use

- User owns lawfully purchased or acquired copy of the original work
- One or few copies made
- No significant effect on the market or potential market for copyright work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyright work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on the Web or in other public forum
- Repeated or long-term use

Determination

Use of material favors

- Fair Use
- Not Fair Use

Date: _____

The TEACH Act

Copyright law typically treats digital and non-digital copyright-protected works similarly, but uses for online education present limitations and the need for additional requirements. While Fair Use does not allow for some of the special copyright requirements of online, the Technology, Education, and Copyright Harmonization Act of 2002 (TEACH Act) amends the copyright law to specifically address those limitations and balance the protection of copyrighted works against their effective use for enhancing online education.

The TEACH Act amends § 110(2) and 112 of the U.S. Copyright Law “governing the conditions under which accredited, nonprofit educational institutions in the U.S. may use copyrighted materials without permission from the copyright owner and without payment of royalties” in online education. Such “materials” are inclusive of, but not limited to, print, still images, audio recordings, video recordings, diagrams, charts, and graphs. Please note that the TEACH Act does not include eReserves. Fair Use or copyright permissions should be utilized for all electronic reserves.

Under specific conditions, the TEACH Act **allows**:

- Performance and display a non-dramatic literary works
- Performance of non-dramatic musical works
- Performances of any other work, including dramatic or audiovisual works in “reasonable and limited portions”
- Displays of any copyrighted work “in an amount comparable to that which is typically displayed in the course of a live classroom session”
- Conversion of analog works into digital in the amount authorized (pursuant to the revised Section 110(2) if no digital version is available.

The TEACH Act **excludes**:

- Performance or display a textbook, coursepack, or other material in any media which is typically purchased or acquired by students for their independent use and retention.
- Performances or displays given by means of copies “not lawfully made and acquired” under the U.S. Copyright Act, if the educational institution “knew or had reason to believe” that they were not lawfully made and acquired.

Instructor Responsibility:

- The performance or display “is made by, at the direction of, or under the actual supervision of an instructor.”
- The materials are transmitted “as an integral part of a class session offered as a regular part of the systematic mediated instructional activities” of the educational institution.
- The copyrighted materials are “directly related and of material assistance to the teaching content of the transmission.”
- A copyright notice must be provided to the students in the Blackboard® course site
 - Suggested statement: *“The materials in this course site are protected by copyright and are only for the use of students enrolled in this course for purposes associated with this course and may not be retained or further disseminated.”*

Technology, Education and Copyright Harmonization Act, Public Law 107-273, U.S. Statutes at Large 116 (2002): 1910, codified at 17 U.S.C. § 110(2), 112(f) (2005).

Kenneth Crews, *Copyright Law for Librarians and Educators*, (Chicago: ALA, 2006) 62.

Teach Act Checklist for UC Faculty

To ensure your compliance with the Teach Act you must satisfy **all** of the following:

- ✓ My institution is a nonprofit accredited educational institution or a governmental agency
- ✓ My institution has a policy on the use of copyrighted materials
- ✓ My institution provides accurate information to faculty, students and staff about copyright
- ✓ My institution's course delivery platform (Blackboard) requires authentication of users by requiring username and password, limiting access to enrolled students and protecting course materials using a secure server
- The materials I want to use are specifically for students in my class
- The materials are accessible only to students enrolled in my class
- The materials will be provided at my direction during the relevant lesson
- The materials are directly related and of material assistance to my teaching content
- My class is part of the regular offerings of my institution
- I will include a notice that the materials are protected by copyright **
- I will use technology that reasonably limits the students' ability to retain or further distribute the materials
- I will make the materials available to the students only for a period of time that is relevant to the context of a class session
- The materials will be stored on a secure server and transmitted as permitted by this law
- I will not make any copies other than the one I need to make the transmission
- The materials are of the proper type and amount the law authorizes:
 - Entire performances of non-dramatic literary and musical works
 - Reasonable and limited parts of a dramatic literary, musical, or audiovisual works
 - Displays of other works in amounts similar to typical displays in face-to-face teaching
- The materials are not among those the law specifically excludes from its coverage:
 - Materials specifically marketed for classroom use for digital distance education
 - Copies I know or should know are illegal
 - Textbooks, coursepacks, electronic reserves and similar materials typically purchased by students for independent review outside the classroom or class session, or works specifically developed by the copyright owner for online instructional sales
- If I am using an analog original, I checked before digitizing it to be sure:
 - I copied only the amount that I am authorized to transmit
 - There is no digital copy of the work available except with technological protections that prevent my using it for the class in the way the statute authorizes

Course Number/Course Title/Term-Year offered (e.g., SACN1001-001/Intro to SACN/14FS):

Faculty Name (printed): _____

Faculty Signature _____ Date _____

Received by: _____

**** Suggested notice to be posted to the LMS course site: "The materials in this course site are protected by copyright and are only for the use of students enrolled in this course for purposes associated with this course and may not be retained or further disseminated."**