A RESOLUTION OF THE HISTORY DEPARTMENT OF BOISE STATE UNIVERSITY IN FAVOR OF ONLINE LEARNING OPPORTUNITIES FOR FACULTY AND STUDENTS AND THE PRESERVATION OF ACADEMIC FREEDOM AND INTELLECTUAL PROPERTY RIGHTS

WHEREAS, Boise State University has established the eCampus Quality Instruction Program for online courses, and, "faculty are strongly encouraged to participate (in this 2-part course of instruction) prior to developing online courses or teaching online." According to the program, faculty are to be paid $2000 for the first course and $3000 for the second course. In exchange for this compensation, participating faculty members must sign a copyright statement which states that: "A course (as a designed collection of assembled and authored material) produced under University sponsorship, where the University provides the specific authorization or supervision for the preparation of the course, is a work made for hire (as defined by law and BSU policy). A course specially ordered or commissioned by the University and for which the University has agreed to specially compensate or provide other support (such as release time) to the creator(s) is a commissioned work, (as defined by BSU policy). In either case, the copyright to the course will be held and exercised by the university."

WHEREAS, the history department intends to offer on-line courses to serve the needs of all students.

WHEREAS, the history department faculty members wish to participate in training to keep abreast of advances in technology and knowledge about best practices in education.

WHEREAS, the history department faculty members wish to receive incentives and resources offered to faculty members to participate in professional development.

NOW THEREFORE, BE IT RESOLVED THAT:

The teacher exception to the "work for hire" doctrine to copyright law should be recognized by the university. (The teacher exception holds that faculty members are the authors of their academic works - articles, books, and courses - since they are the creators of such work.) Professors should therefore retain copyright privileges to all courses including online courses, and no course created by one professor should be taught by another without the express and discrete permission of the course creator.¹

And Furthermore, Professors who create on-line and distance education courses should receive appropriate royalty compensation (a reasonable percentage of each unit sold) for on-line classes that Boise State University vends as part of its distance education program.

Approved and adopted the 11th day of January 2012. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the History Department.

Following Roll Call Vote:  Ayes: ______16_____
                              Nos: ______0_____
                              Abstention: ______0_____

Chair of History Department: ___Barton H. Barbour__________________________

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