May 9, 2014

Professor Jan Reiff
Chair, Academic Senate

RE: Revised Version of the President’s Policy on Copyright and Fair Use

Dear Professor Reiff:

The Committee on Academic Freedom has reviewed the revised version of the President’s Policy on Copyright and Fair Use, and has no comment.

Sincerely,

Marco Iacoboni

Professor Marco Iacoboni
Chair, Committee on Academic Freedom

cc: Joel Aberbach, Vice Chair, Academic Senate
    Linda Sarna, Immediate Past Chair, Academic Senate
    Linda Mohr, Chief Administrative Officer, Academic Senate
To: Jan Reiff, Chair, UCLA Academic Senate
Fr: Christina Palmer, Chair, College Faculty Executive Committee
Date: April 28, 2014
Re: College FEC response to the proposed revisions to President’s Policy on Copyright and Fair Use

The College FEC appreciates the opportunity to review the proposed changes to UC policy in the areas related copyright and fair use. The committee discussed these proposed changes at the FEC’s April 25, 2014 meeting and a summary of the conversation appears below.

Two global issues were raised. The name of the document, “President’s Policy on Copyright and Fair Use,” leads one to think it will cover more than it does. The content of the document provides little guidance and so seems of little practical use.

In terms of the document coverage: It appears that the focus of document is on using copyrighted material. However, faculty would also like clarity about the copyright status of their courses, particularly as they relate to technology (e.g. podcast, course web sites, and other on-line formats). We recognize that this is a large issue that probably needs to be treated in its own right. But the new name of this policy “President’s Policy on Copyright and Fair Use” suggests that the policy would provide a global treatment of these important issues.

In terms of document content: The proposed revision to the President’s Policy on Copyright and Fair use states that the university supports both (i) the respect for copyrights and (ii) fair use. The problem is that in many situations these two objectives may be in conflict. The proposed policy, however, does not provide enough guidance as to what is appropriate in concrete situations that faculty are likely to face.

Thus, the College FEC suggests adding, to the document, a series of concrete situations and the respective appropriate response to each of those situations.

For example:
   a) Is it appropriate to upload in a course website a PDF of a chapter of a book?
   b) Is it appropriate to upload in a course website a paper published (or to be published) in a journal?
   c) Is it appropriate to upload in a course website a PDF of a chapter of a newspaper?
   d) What is the role of the UC librarians in giving orientation to faculty and students regarding copyrights and fair use?
   e) Can a faculty upload in a course website content of current research and be protected from plagiarism?

These are a few examples, but addressing them in a concrete way would be beneficial for the faculty and students.
As always, our membership appreciates the consultative process and welcomes the opportunity to opine on important matters like this. You are welcome to contact me at cpalmer@mednet.ucla.edu with questions. Kyle Stewart McJunkin, Academic Administrator, is also available to assist you and he can be reached at (310) 825-3223 or kmcjunkin@college.ucla.edu.

cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
    Lucy Blackmar, Associate College Dean, College of Letters and Science
May 8, 2014

Janice L. Reiff, Ph.D.
Chair, UCLA Academic Senate

RE: Proposed Revision to Presidential Policy on Copyright and Fair Use

Dear Professor Reiff,

The David Geffen School of Medicine Faculty Executive Committee (DGSOM FEC) reviewed and discussed the proposed revision to Presidential Policy on Copyright and Fair Use at its meeting of May 7, 2014.

The Committee expressed full support of these proposed revisions with the following recommendation to consider having an FAQ available at the website for faculty to be able to reference commonly asked questions about copyright issues that impact faculty the most in our university setting.

Sincerely,

Jonathan S. Jahr, M.D.
Chair of the Faculty (DGSOM Faculty Executive Committee)
Professor of Clinical Anesthesiology, Step VI
David Geffen School of Medicine at UCLA
Ronald Reagan UCLA Medical Center
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cc: Serge Chenkerian
At its meeting on April 4, 2014, the Graduate Council discussed the proposed revision of the presidential policy on copyright and fair use, renamed “University of California Policy on Copyright and Fair Use.” We were fortunate to have Professor Jody Kreiman, Chair of the Committee on Library and Scholarly Communication, present the proposal and provide a summary of its implications to the Council. In general, council members were supportive of the proposed changes in that they presented a more concise and clear principle for the campus community to follow. However, some concerns were raised about the vagueness of the new policy and whether it provides sufficient protection, especially of graduate students, with respect to copyright infringement.

Dr. Kreiman explained that the current policy became outdated in that it focused almost exclusively on photocopying. It was updated in response to changes in law, technology and academic practice and is complimented by a very detailed website that provides the information needed to ensure compliance. Dr. Kreiman also explained that the new policy is meant to serve as a guiding document that lays out general principles and not details of implementation, which can now be found via the website that will be updated more regularly than the UC policy itself. Some members felt that the policy was still “behind the times,” and that it should provide more guidance with respect to the use of online technologies. Additionally, graduate student representatives felt that it would be beneficial for the UC to clarify how and by what means the University will defend students (both as employees and students) if they are alleged of copyright infringement.

Upon implementation, the Graduate Council recommends wide dissemination of the new policy and marketing of the new website so that the campus community (faculty, students, and staff) is well aware of the issues related to copyright and fair use. Given the number of specific questions raised by our own membership about fair use, we also recommend a series of workshops and informational sessions to allow scholars and researchers to address their questions to the legal experts.

Thank you for the opportunity to opine on the revised policy. If you have any questions concerning this response, please do not hesitate to contact me.

cc: Linda Mohr, Chief Administrative Officer, Academic Senate  
Kyle Cunningham, Policy Analyst, Graduate Council  
Serge Chenkerian, MSO/Executive Assistant, Academic Senate
Los Angeles, April 30, 2014

Re: Review of UC Presidential Policy on Copyright and Fair Use

Dear Senate Chair Reiff,

Thank you for the opportunity to respond to the proposed revisions to the UC Presidential Policy on Copyright and Fair Use. The Committee met on April 17th to discuss the document and the UC copyright website that replaces it. The FEC duly noted that, in fulfilling their professional calling as authors, researchers, and educators, faculty members should increasingly see themselves as copyright owners, rather than mere contributors to the scholarly commons.

Sincerely,

Jean-François Blanchette
GSE&IS FEC Chair, 2013-2014
May 9th, 2014

TO: Jan Reiff, Chair Academic Senate

FROM: Scott J. Brandenberg, Chair, HSSEAS Faculty Executive Committee

RE: HSSEAS FEC Input on Revised President’s Policy on Copyright and Fair Use

Dear Jan:

The Faculty Executive Committee in the Henry Samueli School of Engineering and Applied Science discussed the Revised President’s Policy on Copyright and Fair Use. We have no objections to the revised policy. However, we do feel that the policy may be less protective of UC faculty members by removing the explanation of what constitutes fair use. The 1986 policy provided explicit "UC Guidelines for Determining 'Fair Use'”. For example, those guidelines allowed reproduction of an article in the classroom of less than 2500 words. The new policy does not provide such guidance. The extent to which this guidance would constitute a legal protection is unclear. However, faculty members who are accused of violating 'Fair Use’ would have at least been able to point to the President’s 1986 policy. They will no longer have this protection. We do not feel that this is necessarily problematic, but is perhaps something faculty members should be made aware of.