

The Senate of Michigan Technological University

PROPOSAL 3-73

AUDIO-VISUAL MATERIALS POLICY

PREAMBLE

The University recognizes the importance of developing audio-visual materials in teaching. Development of a policy on these materials is a complex matter. It involves the ability of the faculty member to get access to these materials, his need of time and facilities for developing them, and recognition and evaluation of his scholarly and pedagogic contribution to the University. It involves the duties of the University to act as custodian of materials and facilities, to regulate their use, and to assist the faculty member in their development and use.

The aim of this STATEMENT is to establish conditions that will encourage creativity on the part of the faculty members and at the same time prevent misuse of University resources. Recognizing that the relationship of a faculty member to the University in the use of audio-visual facilities for instruction is not yet established, this STATEMENT attempts to set forth basic rights and obligations, avoids detailed regulations, and does not attempt to provide for every contingency. For the latter, there is a provision for the continuing interpretation, guidance, and adjudication of disputes.

I. RIGHTS OF THE FACULTY

- A. This STATEMENT does not affect the traditional University policy that the faculty member shall have personal title to materials prepared by the faculty member and not commissioned by the University, and the preparation of which was not supported or assisted in any material way by the University.
- B. As a general statement of policy, it is recognized that faculty who are "creators" of instructional audio-visual programs have proprietary rights to any copyright materials employed therein, and that production staff, performers per se and sponsoring institutions are not considered "creators." Further, it is recognized that programs which utilize audio-visual materials may at times involve extraordinary expenses for the institution. Hence, it is agreed that the said "creators" shall be asked to announce the birth of their progeny and simultaneously to list the University resources employed in developing the program or materials. Thereupon, should the University determine for itself that extraordinary expense was involved to the point that the University should share in any income to be derived from the material, it would be entitled to enter a claim to the creator. In the event that the creator and the University do not agree on a settlement, the matter must be submitted for mediation to the Commission on Audio-Visual Materials Policy.

II. COMMISSION

- A. An Audio-Visual Materials Policy Commission shall be elected by the Faculty Senate. Its members shall be nominated by the President of the Senate, and elected

by the Senate members. Additional nominations may be made from the floor. Eligibility shall be limited to those members of the General Faculty having tenure. The Commission shall consist of five members, serving one-year terms, with no restrictions on reelection. Vacancies shall be filled by special election to be called as soon as possible after a vacancy is announced by the President of the Senate.

B. The Commission shall:

1. Act as a continuing body to interpret, expound, and develop plans and guidelines relating to audio-visual materials.
2. Recommend to the Senate such changes and additions to existing policy as may be necessary and proper. In doing this, they may seek such legal aid as may be deemed necessary.
3. Act as a mediatory agency for any disputes that may arise. Nothing in this statement shall be interpreted to deny to either party recourse to legal action, after remedies within the University are exhausted.

Proposal Returned to Committee by Senate: 23 May 1973
Replaced by Proposal 7-74