

## Article 35. Distance Learning (DL)

The term "courses" as used in this Article shall be understood to mean credit-bearing courses utilizing the distance learning mode of instruction.

- 35.1 The procedure for the development and approval of DL courses shall be determined through established collegiate governance processes. Normally, courses shall be developed and taught by members of the bargaining unit. However, if no member of the bargaining unit is willing or qualified to develop and/or teach a course, the academic department may contract with individuals outside the unit to develop and/or teach such course.
- 35.2 The name and campus affiliation of the faculty member who teaches a DL course and the name of the individual (if any) who holds intellectual property rights to the course content and materials shall be identified.
- 35.3 Faculty will have access to technical support to the extent that it is currently provided.
- 35.4 The evaluation of teaching in DL courses shall be subject to the provisions of Article 33 of the Agreement.
- 35.5 Generally, faculty teaching online shall not be monitored by anyone without the faculty member's consent. However, in the event of student complaints about the instructor of a DL course, the instructor shall be notified and given an opportunity to address the problem. Only after notification, and after sufficient opportunity has been provided for the instructor to address the concern, shall electronic monitoring be allowed. Instructors shall be informed if they are subject to electronic monitoring. Monitoring shall be limited to the specific course and semester for which the complaints were received. However, if complaints are received late in the semester or after the completion of a course, monitoring may extend for one subsequent semester. Monitoring shall be limited to that which is reasonably related to the nature of the complaint(s) and shall not impinge on the academic freedom of the instructor. This provision is not intended to restrict usual administrative practices such as collecting data for reports or ensuring that course content is ready when the course is set to commence.
- 35.6 (a) Ownership- Course content and materials that are developed by a faculty member and associated with DL courses shall, except as stipulated below in Sections 35.6 (b) and (c), be treated as Exempted Scholarly Works under the Policy on Intellectual Property<sup>16</sup>. Consequently, such content and materials shall not be subject to the exceptions or exclusions of the Policy, such as those set forth in Section III.B, nor shall the faculty member be required to license such content and materials to the University, without specific agreement among the faculty member, the University, and FSU. For example, a separate intellectual property agreement may need to be reached in order to meet external grant or contract requirements. As

another example, a separate intellectual property agreement may be made among the faculty member, the University, and FSU when a department wishes to have the faculty member originate/create/develop a DL course to be assigned to multiple and varying instructors ("Departmental DL course"), and the department retains the intellectual property rights to the Departmental DL course content and materials.

(b) College Use – Payment in the amount of \$3000 for non-Departmental DL course development shall entitle the College to the continued use of the course content and materials as developed/adapted provided such use is consistent with the terms and conditions specified in this Agreement. The originating faculty member shall have the right of first refusal should this course be offered in subsequent semesters. If the originating faculty member elects not to teach this course, and this course is taught by another faculty member without substantial adjustments in course materials, the College shall pay to the originating faculty member a stipend of \$500 per course offering.

(c) Commercial Use – If the non-Departmental course or course materials developed by a faculty member for a DL course per Section 35.6 (b) achieves commercial value through the University's out-licensing of the course or course materials to non-end users of those courses and course materials, all proceeds shall be disbursed consistent with the Board of Trustee policy T96-040. All remaining terms for such agreements for commercial value shall be approved by and, when required by the remaining terms of the agreements, signed by the originating faculty member, University, and FSU.

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<sup>16</sup> T96-040 at <https://www.umassp.edu/sites/default/files/board-policies/IntellecPropUMA-Boston.pdf>