CUNY Faculty Affairs Advisory Board

Meeting Minutes
September 28, 2018
205 East 42nd Street, Rooms 818/819 (8th floor)
2:00 – 4:00 pm

Participants: Rebeca Araya, BCC; Ned Benton, John Jay; Jim Berg, BMCC; Barbara Bake-Campbell, QCC; Margaret Carroll, Medgar Evers; Vincent Cheng, BMCC; Matthew Cotter, UFS; Angela Crossman, John Jay; Jane Davis, OGC; Madeline Ford, Hostos; Michael Guy, OAA; Pa Her, CityTech; David Humphries, QCC; Julia Jordan, CityTech; Sharona Levy, Brooklyn; Dan McCloskey, OAA/Research; Ann Mester, Hostos; Michael Nagel, KCC; Annemarie Nichols-Grinenko, OAA; George Otte, SPS/OAA; Janine Palludan, KCC; Allison Pease, John Jay; Ralf Peetz, CSI; Patricia Price, Baruch; Robin Rogers, Queens/UFS; Patricia Sokoloski, LaGuardia; Zun Tang, OAA/OIRA, Greet VanBelle, York; Alyssa Vine, OAA

1) Welcome

2) Approval of Minutes of meeting of April 16, 2018
   • The minutes were approved.

3) Announcements
   • Applications are being accepted for the Spring 2019 Mid-Career Faculty Fellowship Program. The deadline is October 30, 2018.
   • The NYS Joint Commission on Public Ethics (JCOPE) has issues an ethics reminder about faculty accepting free textbooks from publishers (see Appendix A)
   • The COACHE faculty satisfaction survey will open the week of February 5th, 2019 and close on April 7, 2019. All colleges have at least two COACHE liaisons – one in the Provost’s Office and one in the Office of Institutional Research. Annemarie is the university point person and will be convening the college liaisons on October 11, 2018.
     o Our current goal is to encourage faculty to participate so that the results are meaningful and representative. FAAB members are encouraged to work with their college COACHE liaisons, Provost and faculty governance leaders to do that.
   • Please let Annemarie know if you have topics you’d like the FAAB to discuss.
4) Accessibility update

- Alyssa Vine, Associate Director of Communications, CUNY Academic Affairs, presented a new self-paced accessibility course – developed by the CUNY School of Professional Studies and available on Blackboard (Bb).
  - The course addresses accessibility and the basic principles of universal design, as well as specifics related to making Bb, PDFs, PPTs, Word, Excel and other media accessible.
  - Please see Appendix B for information about accessing the Bb course.
- The Office of Academic Affairs received a small grant to develop a technology accessibility training session for faculty who teach computer science, programming or digital design. The workshop will be held on October 29, 2018 and applications are due by October 15, 2018. Please see Appendix C for additional details.

5) FAAB Requested Topic – Intellectual Property and Online Courses

F. Warren “Ned” Benton, Professor, Department of Public Management, John Jay
Jane E. Davis Esq., Senior Counsel, CUNY
George Otte, Senior Associate Dean, Academic Affairs and CUNY School of Professional Studies (SPS)

- **CUNY’s Intellectual Property (IP) Policy** was developed in 2002. The most relevant piece for this discussion is copyright, which covers syllabi and course content.
  - If CUNY didn’t have a copyright policy, all course material would belong to the university
  - CUNY’s copyright policy gives ownership of course materials to the creator, with some exceptions
- John Jay and SPS are using different models for handling IP and online courses
  - SPS uses a copyright assignment model that recognized that the faculty member created and retains certain rights (e.g., to create a textbook) to the course material, but assigns the copyright to SPS and SPS pays the faculty member who created the materials
  - At first, SPS paid faculty member $3000 for rights to the course in perpetuity and then additional money for course revisions (after 3 years, a revision becomes a new course in terms of payment). Faculty are treated as vendors delivering a deliverable.
  - Now, SPS is reconsidering this model because of issues related to courses/programs taught with open educational resources (OER) and other issues
  - At John Jay, they use a copyright licensing model in which the faculty member retains the copyright, but the college pays the faculty member a licensing fee for using the materials. There are some restrictions about what a faculty member can do with the copyright while still a CUNY employee.
While the faculty members owns the course materials, by licensing the materials, the college can use the materials with other instructors.

- Discussion issues included
  - The need to think about protections for multi-section courses with common materials used by multiple professors.
  - The fact that not every (online) course needs to be memorialized with a copyright agreement. It is fine for faculty to do what they’ve been doing forever, i.e., sharing materials with others as long as materials are properly cited.
  - But copyright licensing or assignment can help incentivize faculty to create online courses.
Appendix A

Ethics Reminder

Accepting Free Textbooks from Publishers:
Specific gift rules for CUNY and SUNY educators

Overview

Instructors at both the SUNY and CUNY systems are usually responsible for selecting the required textbooks for their courses. So, what does a teacher or professor do if he or she receives a complimentary copy of a textbook from a publisher hoping the educator will select its volume for use in the classroom? Providing free textbooks to instructors who, in turn, decide what book their students must purchase for required reading happens all the time. Teaching faculty need to consider what the Public Officers Law says about accepting such complimentary textbooks from publishers.

Section 73(5) of the Public Officers Law prohibits State employees from accepting any gift having more than a nominal value, regardless of the form of that gift, when one can reasonably infer that the gift was offered in an attempt to influence— or would have that effect on—someone in the performance of their official duties. Even a “complimentary” textbook could, under some circumstances, be considered an unlawful gift for purposes of the statutory gift ban.

It is important to remember that the fundamental purpose of the gift restriction is to remove improper influences from State government (including public universities and colleges) decision making. A textbook publisher that simply provides a sample of its product is not exerting improper influence, nor could it be expected to have that effect. Educators must evaluate a textbook before selecting it for classroom use; the textbook, even if not selected for course work, may serve as an informational resource and contribute to the performance of that educator’s official duties.

Therefore, a complimentary copy of a textbook provided to a State educator does not constitute a prohibited gift, so long as the following conditions are met:

• The textbook’s subject matter is directly related to the recipient’s duties or field of study;
• The textbook is used solely in connection with the recipient’s official duties;
• The recipient does not resell or trade the textbook for money or any other thing of monetary value;
• The recipient does not request or receive multiple copies of the same textbook; and
• The recipient does not ask a publisher for copies of textbooks for personal interests, or for the personal or professional interest of others.

A complimentary textbook that does not meet these conditions could be a prohibited gift. If in doubt, please contact your agency Ethics Officer or JCOPE for guidance.

Violating Public Officers Law § 73, including the gift ban provisions, can result in a maximum fine of $40,000 and the value of any gift, compensation, or benefit received in connection with such violation, and is punishable as a class A misdemeanor.

Remember:

The Joint Commission on Public Ethics periodically releases Ethics Reminders. Each reminder is a brief and easy to understand synopsis of the laws and rules under the Commission’s jurisdiction. Ethics Reminders are issued to assist those subject to the Commission’s jurisdiction in understanding and complying with their obligations under the law.

Have Questions? Contact us by calling 1-800-87-ETHICS (3-8442) or by e-mail at legal@jcope.ny.gov

All communications with JCOPE are confidential.
Appendix B
CUNY Blackboard Accessibility Training

The Blackboard Accessibility Course is a new self-paced, online course, created by CUNY faculty, for CUNY faculty. The course presents step-by-step instructions for making online courses and course materials accessible to all students, with tutorials for using accessibility features in Blackboard, Microsoft Office documents, PDF documents, multimedia content, and materials from publishers. All CUNY faculty and staff can access the course by logging into Blackboard and clicking on a new “Accessibility Training” tab. (See below for a screenshot, or watch a video developed by CIS for instructions on how to find it in Blackboard.)
Appendix C

Technology Accessibility: A Curriculum Enhancement Training Session for CUNY Faculty

Monday October 29, 2018
2:30pm-5:00pm
CUNY Office of Academic Affairs
205 East 42nd Street, 9th Floor, Room 962

With more than 274,000 students in undergraduate and graduate degree programs as well as continuing education and professional programs, CUNY prides itself on being an engine of social mobility and a pipeline for the city’s workforce across sectors. This context provides an interesting lens for thinking about disability awareness and opportunities for scale—not only in service to the university’s thousands of students with disabilities, but also for creating an university-wide culture of inclusivity and an academic environment that seeks to train skilled professionals who embrace universal design and access in every field.

With funding from Teach Access, CUNY’s Office of Academic Affairs will offer a half-day training workshop for faculty in computer science, web development, programming, and media design programs, to inform curriculum enhancements and ensure that CUNY students in those disciplines graduate with a fundamental understanding of related industry standards, or the skills to create compliant content. The training session will aim to:

- Raise awareness around disability, assistive technologies, digital accessibility and the various tools and resources that are available to support accessible design and development work.
- Incorporate modules, exercises, and assignments into course syllabi in order to provide students with technical skills for developing digital content that incorporates principles of universal design and is compliant with WCAG.
- Highlight the existing/future job market for trained designers, and developers with working knowledge of accessibility standards.

Applications will be accepted through Monday October 15.

Contact Alyssa Vine in CUNY's Office of Academic Affairs with any questions: alyssa.vine@cuny.edu