University Senate Agenda
February 12, 2021, 2:00-3:15, Zoom

2:00-2:30

1. Approval of agenda
2. Introduction of visitors
3. Approval of minutes from December meeting
4. President's report
   i)   COVID-19 updates:
        i.   Testing and reporting
        ii. Vaccinations
   ii) Promotion MOA for Lecturers
   iii) Promotion for Professional Staff
   iv) Committees to revise MOAs
   v)   ¾ time faculty
   vi) Rowan College partners
   vii) Remote teaching and work after the pandemic
   viii) Calendar committee

2:30-3:10

5. Update on Budget (Chris Simons)
6. Curriculum report (attached)
7. Copyright Policy for Online Education (page 2)
8. LMS Third Party Integration Policy (page 8)

3:10-3:15

9. New business
10. Adjournment

Title: Copyright Policy for Online Education

Subject: Information Resources and Technology
Policy No:
Applies: University-wide
Issuing Authority: Senior Vice President for Information Resource and Technology and Chief Information Officer, Senior Vice President for Strategic Enrollment Management and Rowan Global, and Provost/Senior Vice President for Academic Affairs.
Responsible Officer:
Adopted:
Last Revision:
Last Reviewed:

I. Purpose

This policy governs how Rowan University, in cooperation with the University Senate and the [Rowan University Copyright Policy](#), defines the terms and conditions on which members of the institution may use copyright protected materials in distance education - including on websites, Learning Management Systems (LMS), and by other digital means - without permission from the copyright owner and without payment of royalties. This policy also governs the responsibilities of obtaining copyright, if needed.

II. Accountability

This policy shall be implemented and enforced by the Provost with respect to Academic Teaching Materials and content and by the Divisional Vice President for other areas of the university.

III. Applicability

This policy applies to all Rowan University employees.

IV. Definitions

    A. Course Developer: The faculty member under contract with Rowan Global designated to develop a new online or hybrid course or redevelop an existing online or hybrid course.
    B. Instructor: The faculty member on record through Banner who is designated to teach a course or section of a course.
    C. Instructional Designer: The staff member employed by Rowan University designated to work with Course Developers and Instructors to design and maintain online or hybrid courses offered through Rowan Global.
    D. Transformative: Use of a copyrighted work where the intent is of a different purpose than the purpose of the original work. Not intended to be a substitute

for the original work, transformative use adds value and repurposes the work for a new audience.

E. Fair Use: Legal doctrine and framework, as noted by Section 107 of the Copyright Act, and in judicial cases further interpreting and applying the Section that permits the use of copyright-protected works in certain circumstances to promote freedom of expression without permission or payment.

F. Distance Education: General term covering all instances where students and the instructor may not meet for class in the same physical space. Materials and content will be hosted digitally to support any mode of education, including online, hybrid, and traditional (face-to-face) and is typically delivered via a variety of technologies, including the internet, open broadcast, television, satellite, wireless communications, fiber optics, audio conferencing, and media (such as DVDs, CDs, etc.).

V. Policy

A. Responsibility of Obtaining Copyright

1. Course Developer (of Online and Hybrid courses developed through Rowan Online)
   a) The course developer is responsible for obtaining permission for use of any third-party work in his/her online or hybrid course.
   b) The course developer must ensure that any usage of third-party work within his/her online or hybrid course does not infringe on copyright.

2. Course Instructor (of Online and Hybrid courses developed through Rowan Online and Rowan University Remote courses)
   a) The course instructor is responsible for obtaining permission for use of all third-party work in his/her online course.
   b) For Online and Hybrid courses developed through Rowan Online, some works may be used under permission obtained by the original course developer (if the developer and instructor are not the same) if said permission is transferable to the instructor and has not expired.

3. Instructional Designer
   a) The instructional designer will not make requests for permission on behalf of an instructor or designer.
   b) The instructional designer will collect a copy of any notice that grants permission for a given work and keep it on file with the course archive.

B. Ownership of Created Content

1. **Online and hybrid courses developed through Rowan Global under contract**

a) Course Developer
   (1) The University acknowledges and agrees that the content and related materials (and all rights therein, including, without limitation, copyright) supplied for the course by the course developer belong to and shall be the sole and exclusive property of the course developer. Notwithstanding course ownership, Rowan University shall be permitted to use the course, its content and related materials, for a period of twenty-five (25) years. Other approved uses must be made explicit in the signed contract. The same use authorization/license for use will be extended to any future revisions and updates made by the course developer to the course, its content, and related materials.

b) Course Instructor
   (1) An instructor may modify existing course content for the purposes of correcting or updating content for the current offering of the course. This includes any new content the instructor creates while teaching the course.
   (2) Rowan Online shall also have the right to modify and revise course content during the license period. Rowan Online shall document in writing changes made to the material.

2. **All other Rowan University courses using the Learning Management System**
   a) Content is the sole property of the instructor except for instances whereby circumstances require the use of said content to ensure instructional continuity. Examples include, but are not limited to:
      (1) Instructor must go out on emergency medical leave for a period of time during which another instructor must be assigned to the course.
      (2) Instructor is in the process of departing from or being terminated by the University and another instructor must be assigned to the course.
      (3) Instructor is unable to continue teaching the course in question.

C. **Online Content Distribution Technologies**

1. Authorized Users
   For all systems hosting educational content, media, and other digital materials, access should only be granted to authorized users within Rowan University and by using official Rowan University network accounts.

a) Access to online and digital course content must be limited to those students, faculty, and employees officially enrolled in the course or are otherwise officially authorized to have access to the course content.

2. Media Download Prevention
In an effort to protect third-party media works and other digital video content hosted on Rowan University operated digital content distribution platforms, downloading of media works is prohibited and the ability to download is disabled by default. Distribution technologies are designed to prevent duplication or copying of the content. Content is streamed on-demand and not downloaded to a user's local machine.

3. Content Hosting
   a) All third party works used within online courses hosted, managed, and maintained by Rowan University must comply with US Copyright law.
   b) Rowan University employees who assist with instructional technologies, such as an Instructional Designer or support technician, are not responsible for reviewing works for copyright compliance or making a determination as to whether or not the use of a work is copyright law compliant.
   c) Works hosted as files in a course in the LMS and third-party content hosted on the streaming digital video platform are secured and accessible by the specific students, instructors, and Rowan University staff registered and authorized to access the content of the course.
   d) Content that is known to not be copyright compliant will not be allowed to be distributed on any Rowan University digital content platform and/or may be removed with notice to the Course Developer and/or Instructor (notice may be sent after removal).
   e) Rowan University will immediately comply with any official *takedown* or *cease & desist* requests and stop all distribution of any work in question. The Course Developer and/or the Instructor will be notified by Rowan University after the work is removed from the system.
   f) Owner provided copyright statements must be displayed with the hosted work.
   g) Works hosted within any Rowan University digital content distribution system that are being used under Creative Commons or other licensure must be accompanied by a statement of justification that clearly addresses how use is copyright compliant.

D. Copyright Law Compliance
In an effort to ensure that all third-party works distributed digitally on any of the

Rowan University systems are compliant with current U.S. Copyright laws, instructors are obliged to follow the procedure and requirements listed below:

1. The instructor must determine if the work is available for use without permission
   a) Unprotected and free to use works including U.S. government documents, works licensed under creative commons, and works in the public domain.
   b) Visible attribution and/or acknowledgement may be required if available.
2. If the work is not available for use without permission, consider employing the Fair Use and/or Teach Act provisions of U.S. Copyright law. Specific to Distance Education, the instructor must ensure the following for compliance:
   a) Performance and display of the work is limited to reasonable portions as necessary for the purpose of its use in the class.
   b) Use of the work is directly applicable to the course content, topics, objectives, activities, and/or assignments.
   c) Use of the work is transformative. Transformative uses are those that add something new, such as with a further purpose or different character, and do not substitute for the original use of the work.
   d) Hosting and distribution of the work must use the designated Rowan University content distribution technologies to ensure that the appropriate precautions are in place to limit access to registered students and limit their ability to retain and/or redistribute the work.
3. If the work is not available for use without permission and the instructor cannot employ the Fair Use and/or Teach Act provisions for the work as outlined in Item 2, then the instructor must attempt to obtain written permission/consent to use works.
   a) The instructor will be required to produce written permission/consent on demand for compliance if questioned.

E. Dispute and Appeal of Copyright Compliance
1. The instructor may dispute any decision to remove content from Rowan University digital media distribution technologies by making an appeal to the Office of the Rowan University General Counsel. The instructor shall provide the course title and a description of the content removed as well as any documentation relating to the removal. Decisions made by Rowan University General Counsel are final.

VI.   References

American Library Association. (2020). *Copyright: Distance education and the TEACH Act.* http://www.ala.org/advocacy/copyright/teachact/distanceeducation

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Kleymeer, P., Smith, R., Weeramuni, L. (2009, October). *Code of best practices in Fair Use for OpenCourseWare.* Center for Media & Social Impact. https://cmsimpact.org/code/code-best-practices-fair-use-opencourseware/

Copyright Clearance Center. (2011). *The TEACH Act: New roles, rules and responsibilities for academic institutions.* https://www.copyright.com/wp-content/uploads/2015/04/CR-Teach-Act.pdf

Harper, Georgia K. (2007). *The Copyright Crash Course*. University of Texas Libraries. http://copyright.lib.utexas.edu

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Rowan University Campbell Library. (2020, August 31). *Copyright: Fair use.* https://libguides.rowan.edu/copyright

Technology, Education and Copyright Harmonization Act of 2001, S.487 (2002). https://www.congress.gov/bill/107th-congress/senate-bill/487?q=S.+487+%2810 7%29

The Pennsylvania State University. (2020). *Copyright information for university teaching and research.* https://copyright.psu.edu/copyright-basics/fair-use/

U.S. Copyright Office. (2014). *Copyright Law of the United States [Circular 92]*. http://www.copyright.gov

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Title: LMS Third-party Integration Policy

Subject: Information Resources and Technology
Policy No:
Applies: University-wide
Issuing Authority: Senior Vice President for Information Resource and Technology and Chief Information Officer, Senior Vice President for Strategic Enrollment Management and Rowan Global, and Provost/Senior Vice President for Academic Affairs.
Responsible Officer:
Adopted:
Last Revision:
Last Reviewed:

I. Purpose

The Canvas Learning Management System (LMS) supports the use of third party integrated applications, learning tools, or courseware. Integrations may be any software or service that is not provided as a built-in part of Canvas and may include websites, cloud-based applications, course packs, textbook publisher content, or other software applications that integrate in some way for use within the Canvas platform. Rowan Online has established a list of tools that have been reviewed and vetted for use in Rowan Canvas courses. (See *Approved Integrations*). Integrations have various implementations, and new integrations have to be scrutinized for their impacts on the overall system and information security, as well as their cost to implement and operate and IRT's ability to support. The policy below governs how Rowan Online manages third party integrations with the Canvas system.

II. Accountability

Under the direction of the Chief Information Officer, the Provost, and the Sr. Vice President of Strategic Enrollment Management and Rowan Global, Rowan Online shall ensure compliance with this policy. The Vice Presidents, Deans, and other members of management will implement this policy in their respective areas.

III. Applicability

This policy applies to all Rowan University employees.

IV. Definitions

A. Integration Levels
   1. Course - the integration installation is bound to the course only and does not impact parts of the LMS system beyond the course.
   2. Account - the integration installation is bound to the account level in the LMS and impacts any courses associated with the account. This level requires sufficient testing to ensure that courses associated with the given account are not negatively impacted.
   3. System - the integration installation is bound to the entire system or root level in the LMS and impacts all users and courses. This level requires the most testing and vetting to ensure that courses and users across the entire system are not negatively impacted.

B. Pass-through vs. Deep Integration
   1. Pass-through - the integration installation and functionality is such that it serves as a single sign-on feature for its users where all functionality other than authentication is controlled by the third party system. Effectively, the LMS passes user credentials to the integration's application.
   2. Deep - the integration installation and functionality allows two-way data transmission between the LMS and the third party application (e.g., grading information is shared for assignments).

C. LTI - the integration employs the IMS Global Learning Consortium *Learning Tools Interoperability* (LTI) standard. This is a standard protocol for secure data exchange between any Learning Management System and another software.

D. API - the integration employs the Application Programmer Interface (API) often required for a Deep integration. API integrations require system authorization, thorough security evaluation, and significant testing.

E. Single Sign-On (SSO) - is an authentication process that allows a user to log in with a single ID and password to any of several related, yet independent, software systems. For LMS third party integrations, login happens when users access the LMS. Integrations that employ SSO receive user authentication credentials from the LMS.

V. Policy

A. Approved Integrations

The vendors/products listed below have third party integrations that are installed and approved for use system-wide within the LMS. These third party integrations

were approved after careful evaluation through Rowan Online and Information Resources & Technology.

B. List of Integrations

Rowan employees are encouraged to visit and review the [List of LMS Third-Party Canvas Integrations](). The list has three tabs:
1. Approved - Integrations on this list are readily available for use.
2. Requested - Integrations on this list have been requested and are under review.
3. Not Approved - Integrations on this list have been reviewed have not been approved. Notes are provided to help explain why the integration was not approved.

B. How to Use

Instructors may install or activate approved integrations at will into any course where they are enrolled as an instructor. Instructions for installation, activation, and use vary by integration. For assistance, please submit a request to support@rowan.edu.

C. Limitation of Support

Be advised that for many third party integrations, Rowan Online's ability to provide technical support is limited to the integration implementation. That is, for integrations where content and services are primarily hosted on systems operated and maintained by the integration vendor, it is likely that the vendor is solely responsible for support. In such cases, Rowan Online cannot provide remedy for issues with the vendor's courseware, application, or related systems. Instructors are advised to consider responsiveness and reputation of a third party integration vendor prior to adoption. Issues submitted to Rowan Online support for integrations where the integration vendor provides primary support will be remitted to the vendor and/or the instructor for the course.

D. Request for New Integration

1. Process Overview

    Rowan Online has a request, review, and approval process for considering new third party integrations with the Canvas system. Any member of Academic Affairs may submit a request at any time for Rowan Online to consider a new integration.

As such integrations can have lasting impact on a variety of operational areas (security, support, training, instructional design services, etc.) Rowan Online carefully considers each request and depends on the scrutiny of the IRT Division to ensure universal and sustainable support for approved integrations. In addition, the Senate Technology Resources Committee, under the guidance of the Provost's Office, will be responsible for prioritizing multiple, concurrent requests and for determining a preferred integration for academic use in the event that there are requests for integrations offering similar services and features.

The time to complete the process of evaluating and implementing an integration varies with size and scope of the project and is dependent on available resources. For this reason, requests should be made as far in advance as possible. Requestors will be informed about evaluation progress and estimated launch dates during the evaluation and implementation processes.

2. Factors Considered

   a) Compliance with FERPA regulations for protecting student information and data.
   b) Cost and who will pay (IRT, academic departments, Rowan Global, etc.).
   c) Security, including University responsibility, liability, and other security and privacy concerns for student, employee, and University data to be transmitted to and/or from a third party.
   d) Impact on other Rowan policies, agreements, and applications.
   e) Impact on Rowan Online's ability to support students using the third party integration?
   f) Impact on existing Rowan Online courses, programs, and other operations?
   g) Is the integration a duplication of existing technologies and services?
   h) Requirements for students to agree to third party terms of service, including the use of student personally identifiable information (PII).
   i) Level of integration functionality with respect to access to similar services without the need for integration.

      (1) Is the integration *pass-through or deep*?

      (2) Is there value to the integration such that the effort to implement and maintain the integration is justified?

j) Are the appropriate resources available for developing guides, training, communication to users, etc., based on the level of impact of the integration?

k) What is the reputation of the vendor providing the integration, and does Rowan University have a history with that vendor? If not, have peer and/or aspirant institutions worked with that vendor?

3. Request Process

To request that Rowan Online consider a new third party integration, the Rowan Online *Third Party Integration Questionnaire* must be completed by a single internal sponsor or primary point of contact.

a) Rowan employees (faculty, staff, and administrators) may submit a request at any time using the [Third Party Integration Questionnaire](#). You must log into Google with your Rowan account in order to complete the form.

b) Requests are reviewed on a rolling basis. The intake form outlines the processing procedure and associated timelines.

c) Turnaround times from the date of request submission to implementation of the integration into the production LMS may be shorter or longer depending on factors like vendor response times, technical issues during implementation and testing, or complexity of the integration.

d) Exceptions to deadlines and/or turnaround timelines will be considered with justification clarifying extenuating circumstances provided in writing to the Rowan Online department.

4. Review and Evaluation

a) The Rowan Online department will conduct an initial evaluation of each request. Information collected in the questionnaire is thoroughly reviewed and considered against the factors outlined in Section III, B. Additional information may be collected by the committee as deemed necessary during the evaluation process. Testing of the integration may commence in the LMS Test environment in order to confirm integration operation and evaluate overall potential impact to the system and users.

b) Priority is given to requests that will benefit the greatest number of users.

c) After the Rowan Online evaluation, The University Senate Technology Resources sub-committee under the guidance of the Provost's Office,

    (1) Will advise Rowan Online as to how to prioritize multiple, concurrent requests

    (2) Will determining a preferred integration for academic use in the event that there are requests for integrations offering similar services and features.

d) Approved submissions are endorsed by the internal evaluation committee and the Rowan Online department head. A determination will be made for the approved level of integration (course, account, or system). Rowan Online will work with the requestor to submit an IRT ITAP request (see *Section III, E*).

e) Declined submissions will be provided a reason as to why the committee chose not to endorse the third party integration. The requestor has the right to appeal to the Rowan Online department head in writing.

5. ITAP (IRT) Evaluation

Following the internal evaluation (*see Section III, D*), Rowan Online will work with the requestor to submit an ITAP request to IRT. IRT will further evaluate the third party integration application based on its own evaluation criteria (*see the* Rowan University Data Governance: IT Acquisition Policy) including an information security analysis. Integrations that are approved by ITAP will be

staged and implemented into Rowan Online's production learning management system.

6. Implementation

Integrations that have been approved by Rowan Online (*see Section III, D*) and by the ITAP process (*see Section III, E*) will be scheduled for implementation into the production LMS environment. Rowan Online will provide an expected date to launch the integration into the Canvas environment. However, requestors are advised that various factors may impact the implementation time, including vendor response to Rowan Online needs for customer service and support.

7. Annual Review

Rowan Online will conduct an annual review of existing integrations in the middle of each academic year and determine if any integrations should be considered for decommission. Decommissioning of an integration will consider (but is not limited to) the following:
   a) Integrations that have not been used for a period of at least one academic year.
   b) Integrations that have experienced frequent or regular technological and/or support issues as documented by Rowan Online and/or IRT.
   c) Integrations where the vendor has announced an end of life with an end of support date and said date is approaching or has passed, or a deviation from their original security and privacy standards
   d) Integrations for which funding has been removed, is coming to an end, or for which costs of licensing/operation have increased significantly.
   e) Integrations that may be replaced by a University-wide standard application/integration.

Following its annual review, Rowan Online will provide a list of proposed changes to existing integrations and supporting documentation to the University Senate Technology Resources sub-committee under the guidance of the Provost's Office. The University Senate Technology Resource sub-committee will have

30 days from receipt of the list to approve proposed changes. Rowan Online will implement changes following approval.