

WESTERN MICHIGAN UNIVERSITY  
FACULTY SENATE

PROFESSIONAL CONCERNS COMMITTEE  
Meeting Minutes of 17 January 2018  
Faculty Lounge, Bernhard Center

**Members Present:** Kelly Ackerson, Rob Eversole, Melissa Intindola, Valerian Kwigizile, John Miller, Marcel Zondag

**Members Absent:** Nora Lewis, Cindy Linn

**Ex Officio Member Present:** John Jellies

**Advisory Members Present:** Nicole Albee, Director, Office of Student Conduct, Kathy Mitchell, Ombudsman

**Guest:** Carrick Craig, University General Counsel

**Staff:** Sue Brodasky

The meeting was called to order by Chair Eversole at 12:31 p.m.

**PROCEDURAL ITEMS**

*Acceptance of the Agenda*

The information item of Policy Review was postponed until the next meeting. A motion was made and seconded to accept the agenda as amended. Motion carried.

*Approval of 15 November 2017 Minutes*

This item was postponed due to membership absences.

**ACTION / INFORMATION ITEMS**

*Coursehero.com and Other Exam Websites*

Eversole gave an example of a recent issue pertaining to a student professional note taker soliciting the faculty member for course materials. Jellies reported an issue raised at the December 7 Faculty Senate meeting where faculty asked for advice on what legal action(s) could be taken by the University. It was noted that all medical schools, including WMed, have paid scribes, it is the industry standard. Another issue is websites such as coursehero.com, which publish specific course materials posted by students who have taken the class. Craig stated that copyright law applies in instances where the documents are materials created by faculty. Copyright provides that once a faculty member puts something in a fixed format, they own it without having to file anything. If it is not in a fixed format, it is open source material. Specifically looking at coursehero.com, the site appears to be responsible shepherds of copyright law. The site has an on-line form to complete a Digital Millennium Copyright Act (DMCA) notice. It is a passive purveyor of content, and as such is immune from prosecution. Coursehero.com is very responsive, but it relies on the faculty to police the site for their content. Craig suggested that faculty sign up and monitor their course materials. The faculty's copyrighted material does not include notes taken by students, or the student's answers to quizzes and exams; it includes just the questions. Ackerson brought up the website Quizlet that includes test banks with textbook publisher's exam questions, to which Craig stated that is the publisher's copyrighted material so it is

up to the publishers to file DCMA forms. Discussion was held regarding suggested syllabus language. Craig agreed to create a resource guide for faculty that will include suggestions of syllabus language, define copyright law, and appropriate actions to be taken. Albee questioned the use of WMU email to solicit customers for paid note taking. It was confirmed that use of the WMU email system for commercial purposes is prohibited. Discussion was held.

*Establish a Timeline for Faculty to Report Academic Violations*

Eversole reiterated that faculty do not have a deadline for reporting students suspected of academic violations, while students are held to a 60-day deadline to respond. Mitchell explained that it only comes to her office's attention when the student applies for a grade appeal when the grade has been given as sanction to a violation but there has not been due process through student conduct. Albee provided examples. Eversole questioned if the AAUP Agreement has language about putting restrictions on faculty. Craig cautioned that whatever time limit would be imposed on faculty it would have to initiate from the time the faculty became aware of the violation. Eversole suggested it be 30 days from that point. Craig questioned what other universities have in place, if they have a time limit. He was asked to research the AAUP Agreement for any restrictions. Albee was asked to research peer institutions policy.

*Create a Cycle for Review for Policies*

Postponed to next meeting

**ADJOURNMENT**

The meeting was adjourned at 1:30 p.m. by Chair Eversole.

Sue Brodasky, Faculty Senate Administrator