

# Tenure Clock Extensions and Copyright Ownership of Online Lectures

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Dear Faculty Colleagues,

I write today to share the latest decisions emergent from my meetings with the academic deans and other key personnel.

## 1. Extension of the Tenure Clock for Current Tenure-Track Faculty

The deans and I recognize that current events have necessitated fast and substantial adjustments in how we at SLU continue to educate our students, conduct research, and provide health care. Challenges normally associated with these activities are magnified in the COVID-19 environment, and likely are contributing additional stress to our tenure-track faculty colleagues who are concerned about the potential impact of the semester's changes and disruptions on their future applications for promotion and/or tenure.

To help ease that worry, the deans and I have agreed that most current tenure-track faculty, regardless of where they are in their probationary period, will be able to request an "extraordinary" one-year extension of their tenure clock. The faculty eligible for this extension also retain eligibility, if applicable, for extensions addressed in the existing [Policy on the Extension of the Probationary Period that Applies to the Granting of Tenure](#). And those who may have already maxed out the allotted number (two) of extensions per that policy will still be eligible for this opportunity.

To qualify eligibility further for faculty who have P&T applications under review now:

- Current tenure-track faculty in their **final year of eligibility** for tenure now AND whose dossiers are undergoing review by the University Committee on Academic Rank and Tenure (UCART) and Provost as part of the 2019-2020 P&T cycle are not eligible for this extension. The reason is that their applications are not impacted by the current situation.
- Current tenure-track faculty **on leave this semester for reasons that preclude their participation in University business** are not eligible for this extension because their applications are not impacted by the current situation.
- Current tenure-track faculty who have applied **early** for tenure in the 2019-2020 P&T cycle and who are denied tenure may request this special one-year extension and also be eligible for the extensions permitted by the existing *Policy on the Extension of the Probationary Period That Applies to the Granting of Tenure*

The details of this "opt-in" process are being finalized and eligible faculty will be contacted by my office via email early next week. The deadline for these extension requests will be 5pm on Friday, May 8<sup>th</sup>.

## 2. Copyright Ownership of Online Lectures

My [March 18<sup>th</sup> update](#) on key academic decisions included guidance from our Office of General Counsel regarding flexibility concerning the "fair use" and "single use" provisions of

federal copyright regulations. Since then, questions have arisen regarding (1) ownership of online lectures presented by SLU faculty via Zoom and similar platforms; and (b) recourse for the University and faculty lecturers if these lectures are recorded and uploaded by students to third party online platforms. The Office of General Counsel recommends the following based on current copyright law and existing SLU policies.

- Under US copyright law, the author of an original work owns the copyright in the work. Original course materials and lectures are considered copyrightable works. The University's policy on [Copyright Ownership](#) is clear that unless there is a specific written agreement between the University and a faculty member, the faculty member is the owner of his/her/their course materials including online lectures.
- The unauthorized recording and distribution of online lectures can have both legal and University disciplinary ramifications for students. Recording an online lecture without faculty permission constitutes copyright infringement as does reposting the recording to another platform or otherwise further distributing it. The faculty member, as the copyright owner, has the right to demand that this infringing behavior discontinue and that any unauthorized posting be taken down under the Digital Media Copyright Act (DMCA). Students are also required to comply with copyright laws under the University's student handbook and violations may make them subject to disciplinary action.

In order to discourage the unauthorized recording of online lectures by students, faculty should include the following language in their syllabi and are encouraged to draw attention to it verbally at the start of online lectures:

*Saint Louis University prohibits recording and transmission of classroom lectures and discussions by students unless written permission from the class instructor has been obtained and all students in the class as well as guest speakers have been informed that audio/video recording may occur. Recordings, course materials, and lecture notes may not be exchanged or distributed for commercial purposes, for compensation, or for any other purpose other than study by students enrolled in the class. Public distribution of such materials may constitute copyright infringement in violation of federal or state law, or University policy. Violation of this policy may subject a student to disciplinary action under the University's [Student Handbook](#).*

If faculty become aware that their lectures have been recorded and posted on a third party platform, they may take two actions: (1) Send a Digital Media Copyright Act (DMCA) takedown notice to the company who hosts the website demanding that the infringing material be removed. (See [linked template](#) for use by faculty). Most websites provide specific instructions for reporting copyright infringement and an electronic form that can take the place of a separate letter (e.g., <https://www.coursehero.com/copyright/>); and (2) Send a cease and desist letter to the student who has uploaded the materials without permission (see [linked template cease and desist letter](#) for use by faculty).

Sincerely,

Chet Gillis, PhD  
Provost