THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION

Subject: Rights of Authors

Over the past several months, SACUA has focused attention on several key issues and initiatives designed to support and strengthen the rights of individual faculty and scholars as authors and creators, and to ensure both appropriate access and rights critical to the timely exchange and long-term preservation of scholarly knowledge. SACUA reviewed and endorsed the CIC's initiative to help secure the rights of authors from CIC institutions, and reviewed and endorsed the University Library's efforts to create alternative publishing venues and to secure rights for University authors through licensing agreements with vendors. SACUA also identified problems and concerns with the current University copyright policy governing faculty rights as authors and creators. Accordingly, SACUA recommends creating a joint faculty/administration committee to draft a new policy.

Many publishers ask authors to sign away their copyrights during the publication process, thus limiting an author's ability to redistribute or use his or her work for teaching, research, posting on websites, or archiving in a repository. For this reason, earlier this year, the CIC Provosts approved model language that faculty can seek to incorporate as an addendum to contracts with publishers. SACUA has endorsed this addendum and submitted it to Senate Assembly for consideration. Meanwhile, faculty governance bodies from seven other CIC institutions have already reviewed and endorsed the addendum: University of Illinois at Chicago, University of Illinois at Urbana-Champaign, Michigan State University, University of Minnesota, Northwestern University, and University of Wisconsin- Madison. The addendum may be useful, but SACUA recognizes that the willingness and ability of individual faculty members to negotiate inclusion of it in their contracts will be very limited.

The existing University copyright policy approved by the Regents on November 14, 2002, *Ownership of Copyrighted Works Created At or In Affiliation with the University of Michigan*, states a set of principles applying to works produced by University faculty and other members of the University community. This policy states that "all faculty own instruction materials and scholarly works created at their own initiative with usual University resources." The deep ambiguity in what constitutes "usual University resources" warrants review of this policy. Moreover, faculty may be misled by what appears to be language contradicting the policy included in the agreement that all new employees sign at the time of hire; this problem ought to be fixed, fixing this problem should not be difficult, but it should not be ignored.

SACUA unanimously approved the following resolution on author's rights on July 30, 2007 and agreed to ask the Senate Assembly for endorsement of the resolution at the October 22, 2007 Senate Assembly meeting:

Recognizing how important it is that the University of Michigan maintain a copyright policy that serves the

best interests of both the University and its faculty authors, Senate Assembly endorses in principle the "Addendum to Publication Agreements for CIC Authors" and the University Library's additional efforts on behalf of University authors' rights in the Library's negotiations with publishers. At the same time, Senate Assembly further recommends that the University's current copyright policy be reviewed and rewritten in order to clarify and strengthen the ownership rights of faculty in the instructional and scholarly works that they create. To that end, the Senate Assembly endorses the establishment of a joint faculty and administration committee to draft a new policy.

(Submitted October, 2007)

Regents' Bylaw 4.04. The Senate Assembly shall serve as the legislative arm of the senate…The assembly shall have power to consider and advise regarding all matters within the jurisdiction of the University Senate which affect the functioning of the University as an institution of higher learning, which concern its obligations to the state and to the community at large, and which relate to its internal organization insofar as such matters of internal organization involve general questions of educational policy.