

Attending: Crawford, Raine, Knackendoffel, Keen, Stadtlander, Grinter, Ok, Brooks-Kieffer, Molidor (polycom from Salina), Bormann, Rintoul (chair). Guests: Ken Stafford and Pete Paukstelis

1. Minutes from FSCOT meeting of 9/21/2010 approved.
2. Distance Education task force will convene soon. Don Crawford will represent FSCOT on this task force. Time frame is fairly short for generating a plan and getting it to the regents.
3. Discussion of the possibility to give research faculty, who have grant funding, electronic access to the accounting reports for these grants in order to better track spending and plan future spending. Stafford and Grinter reported that the current version of PeopleSoft in use at KSU allows this access, and it should be possible to implement it relatively easily. Faculty members will probably get access to a read-only version of the data, and the data may be a day or so behind what is in the database accessed by accountants at the unit and administrative levels. Progress on this initiative will be expected soon.
4. Discussion continued on the prospects for allowing KSU faculty members to use iTunes University for their courses. University General Counsel sent a representative (Paukstelis) to answer questions from the committee members.
 - a. *What are the liabilities from the point of view of the University?* – The university has an obligation to address copyright issues arising from use of copyrighted material in posted material. The doctrine of “fair use” applies in the classroom, but not necessarily in work posted online for public use, or for profit. Other universities have resources to hire staff to clear the copyright issues for iTunes University users; KSU does not have those at present.
 - b. *Can faculty members just sign a waiver saying that copyright clearance is their responsibility, and not the responsibility of the university* – Yes, that can happen, but the folks who would sue for copyright violations would still probably go after the entity with the deepest pockets, i.e. the university.
 - c. *How is iTunes University different from K-State Online?* – KSQL access is limited to those with a KSU eID; in its present conformation it can’t be used to deliver material to those without that eID.
 - d. *What does the legal contract with iTunes University look like?* – Good question. There have been at least 3 different versions of the contract. Early adopters got a more university-friendly version than second-generation adopters. There may now even be a third version; we have not yet seen it. But this could be at least a partial answer to the question “How come big-time universities like Yale, Harvard, Princeton and Stanford don’t have legal issues with the contract”? If they were early adopters, at a time when Apple wanted to build this system and get prime content on it, that contract might be quite different from what they would offer KSU. And, as mentioned above, those universities have staff resources to help deal with copyright issues. Finally, Ken Stafford noted that there is a two-tier system for storage of content for free public access and content for pay access within iTunes (Ken, can clarify this for me? Which content appears where?)
 - e. *What are the other problems with iTunes University, or Apple in general?* – It is a closed system; iTunes is only available on Apple mobile devices, although it is available now for Windows and Linux PCs as well as for Apple computers. In addition, the contract typically allows Apple unlimited use of the university logo and trademark, which can be problematic for university marketing folks. Apple’s liability for misuse (e.g. copyright violations) is limited to \$50.

- f. *KSU faculty have uploaded lots of videos to YouTube, and some of them seem to have copyright violations. What's the difference?* – Good question. Maybe somebody needs to look at those videos on YouTube...
- g. *Do the attorneys for the Board of Regents have similar recommendations as the KSU attorneys? Is there a regents policy prohibiting KSU from joining iTunes University?* – The KBOR attorneys have also looked at the second-generation iTunes agreement and advised regents institutions not to join up. However, despite this advice and the advice of attorneys at their own institutions, both Fort Hays State University and the KU Medical Center are part of iTunes U.

More general discussions ensued. It appears that we need to get information from some other sources in order to have a complete picture of this situation. Faculty members who want to use this opportunity need to have a chance to tell us why the benefits outweigh the disadvantages from their perspective. Representatives from Jeff Morris' office need to be consulted vis-à-vis the marketing aspects and the loss of control over the logo and trademark. It would be good to survey the faculty, after gathering all the facts and preparing a fact sheet, to determine just how many KSU faculty members would avail themselves of the opportunity. The opinion was expressed that if this was just a few faculty members, it probably wasn't worth the cost in terms of time and resources. Perhaps this is an initiative that passed its "sell-by date" a couple of years ago. We need to look into the question of whether or not we can make KSOL functional for outside users. We need to figure out how smaller institutions like FHSU or KUMC provide support for dealing with the copyright issues.

Some of these questions should be answered by invited guests at our next FSCOT meeting 10/19/2010.