



**ANTELOPE VALLEY COLLEGE  
ACADEMIC SENATE MEETING  
AGENDA  
March 2, 2017  
3:00 p.m. – 4:30 p.m.  
L-201**

To conform to the open meeting act, the public may attend open sessions

1. CALL TO ORDER AND ROLL CALL
2. OPENING COMMENTS FROM THE SENATE PRESIDENT
3. OPEN COMMENTS FROM THE PUBLIC
4. APPROVAL OF MINUTES
  - a. February 16, 2017 Academic Senate Meeting (attachment)
5. REPORTS (5 minutes maximum)
  - a. Academic Policies & Procedures Committee - Dr. Darcy Wiewall
  - b. Faculty Professional Development Committee - Kristine Oliveira
  - c. Distance Education & Technology Committee - Perry Jehlicka
6. DISCUSSION ITEMS
  - a. Inclusive Access - Dawn Mcintosh
  - b. Open Education Resources (attachment)
  - c. Faculty Recognition Event - Dr. Susan Lowry, Dr. Jessica Harper, Van Rider
  - d. AP 3100 Organizational Structure (attachment)
  - e. BP 3710 Securing of Copyright for District Materials from AVC (attachment)
  - f. AP 3710 Securing of Copyright for District Materials from AVC (attachment)
  - g. Senate President Term Feedback
  - h. Subject Area Awards/Honors Convocation - John Vento
7. ACTION ITEMS
  - a. Bylaws 105.1.4 (attachment - 2/3's senate action)
  - b. Bylaws 102.4 (attachment - simple majority)
8. INFORMATIONAL ITEMS
  - a. Tenure Review Committee
    - Bassam Salameh
9. ANNOUNCEMENTS
10. ADJOURNMENT

<b>2017 ACADEMIC SENATE MEETINGS &amp; COMMITTEE REPORTS</b>	
<b>February 16, 2017</b> Honors Committee Program Review Committee	<b>March 2, 2017</b> Distance Education & Technology Committee Faculty Professional Development Committee Academic Policies & Procedures Committee
<b>March 16, 2017</b>	<b>April 20, 2017</b> Distance Education & Technology Committee
<b>May 4, 2017</b> Faculty Professional Development Committee Academic Policies & Procedures Committee Program Review Committee	<b>May 18, 2017 **ANNUAL REPORTS AGENDIZED**</b> Honors Committee

#### NON-DISCRIMINATION POLICY

Antelope Valley College prohibits discrimination and harassment based on sex, gender, race, color, religion, national origin or ancestry, age, disability, marital status, sexual orientation, cancer-related medical condition, or genetic predisposition. Upon request, we will consider reasonable accommodation to permit individuals with protected disabilities to (1) complete the employment or admission process, (b) perform essential job functions, (c) enjoy benefits and privileges of similarly-situated individuals without disabilities, and (d) participate in instruction, programs, services, activities, or events.

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ANTELOPE VALLEY COLLEGE  
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MINUTES  
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To conform to the open meeting act, the public may attend open sessions

1. CALL TO ORDER AND ROLL CALL

The Academic Senate meeting of March 2, 2017 was called to order at 3:07 p.m. by Dr. Irit Gat, Academic Senate President.

2. OPENING COMMENTS FROM THE SENATE PRESIDENT

- The call for Academic Senate President closes in two (2) weeks. Anyone interested should submit their letter of interest to the senate coordinator.
- Senators were encouraged to submit nominations for the Outstanding Adjunct honorarium as none have been received. Deadline is Friday, March 3, 2017.
- Federal Career Day at AVC will be held on March 10, 2017, 8:00 a.m. - 2:00 p.m. in the Performing Arts Theatre.
- David Adams took the AVC Mock Trial Team to compete in the AMTA Regional Competition at Pomona College. The team ranked 11<sup>th</sup> and finished in the top half.

3. OPEN COMMENTS FROM THE PUBLIC

- Diane Flores-Kagan reported seven (7) writing tutors attended the So Cal Writing Centers Association Tutor Conference recently. Three (3) presented a breakout session that was well-received.
- Dr. Scott Lee reported the 1<sup>st</sup> Vice President, Treasurer and Adjunct Representative union seats are open. Nominations run March 20 - April 10, 2017. The election will be held on April 17, 2017.

4. APPROVAL OF MINUTES

- a. February 16, 2017 Academic Senate Meeting (attachment)  
*A motion was made by Mr. Larry Veres and approved by Mrs. Susan Knapp to approve minutes of the February 16, 2017 Academic Senate Meeting.  
Motion carried with two (2) abstentions.*

5. REPORTS (5 minutes maximum)

- a. Academic Policies & Procedures Committee - Dr. Darcy Wiewall  
Tabled until March 16, 2017 meeting.
- b. Faculty Professional Development Committee - Kristine Oliveira  
The Faculty Professional Development Committee report was presented by Kristine Oliveira, Co-chair - see attachment.
- c. Distance Education & Technology Committee - Perry Jehlicka  
The Distance Education & Technology Committee report was presented by Mr. Perry Jehlicka, Co-chair - see attachment.

6. DISCUSSION ITEMS

- a. Inclusive Access - Dawn McIntosh  
Dawn McIntosh addressed the senate to discuss *Inclusive Access* - see attachment. The *Inclusive Access* program is a new textbook model in collaboration with top publishers that converts books into digital content. The digital book would be available to the entire class one week before class begins. Senators discussed pros and cons.

*Approved: Academic Senate Meeting of March 16, 2017*

The company is working through issues for students with disabilities. Dawn will put together a handout for senators to take back to divisions for feedback.

- b. Open Education Resources (OER) (attachment) - Dr. Irit Gat  
Dr. Gat led discussion regarding a national movement to provide students with free textbooks, rather than textbooks from publishers - see attachment. The trend from textbooks to free resources is catching on. Faculty are writing their own textbooks and making them available to students for free. The exorbitant price of books is a barrier, making college unaffordable. Sixty percent of students do not buy textbooks because they cannot afford them. *Open Stacks* offers a psychology book online for free. Dr. Gat asked senators to share the attached PowerPoint with constituents.

The bookstore is has agreed to provide a printed version of textbooks to students who request them.

Effective in 2018, courses will be required to disclose whether a free version of a required textbook is available. The movement is expected to result in an increase in enrollment. Grant-funding is available for programs that can create a pathway for a zero-cost degree. *Open Stacks*, *EBSCO* and other resources are listed in the attachment. The national movement is growing, and initially concentrated on high-demand classes: Sociology, Math and Sciences. Email Dr. Gat for a specific class and she will post to **LISTSERV**.

The OER team (Dr. Gat, Kathryn Mitchell, Zia Nisani and Dr. Mark McGovern) submitted a request to present an FPD workshop - hopefully on Opening Day. ASO is excited and will help get the word out to students.

Email Dr. Gat for more information.

- c. Faculty Recognition Event - Dr. Susan Lowry, Dr. Jessica Harper, Van Rider  
The Faculty Recognition Day event will be held on Thursday, May 11, 2017, between 4:00 p.m. - 7:00 p.m., likely in the Health Sciences quad. Fun games and competitions are planned. The menu is being decided. A great way to help build community - encourage all faculty to attend.
- d. AP 3100 Organizational Structure (attachment)  
Dr. Gat received feedback from Dr. Ed Beyer.
- e. BP 3710 Securing of Copyright for District Materials from AVC (attachment)  
No comments.
- f. AP 3710 Securing of Copyright for District Materials from AVC (attachment)  
No comments.
- g. Senate President Term Feedback  
Consensus is a 2-year term for Senate President. Dr. Gat will ask the Bylaws Task Force to create language for the 2-year term, list of effects and recommendations.
- h. Subject Area Awards/Honors Convocation - John Vento  
Professor John Vento asked senators to encourage constituents to attend the 2016-17 Honors Convocation, to be held on Friday, May 12, 2017, 8:00 a.m. - 10:00 a.m. in the Performing Arts Theater. He asked that everyone remain until the end to show support of and take photos with honorees. Subject Area Award nominations are due to deans by March 24, 2017.

7. ACTION ITEMS

- a. Bylaws 105.1.4 (attachment)  
*A motion was made by Mr. Van Rider and seconded by Dr. Susan Lowry to approve Bylaws 105.1.4 as presented - see attachment.*  
 It was suggested the item be tabled until the presidential term is decided.  
 Motion carried with two (2) oppositions and two (2) abstentions.
  
- b. Bylaws 102.4 (attachment - simple majority)  
*A motion was made by Dr. Susan Lowry and seconded by Mr. Jason Bowen to approve Bylaws 102.4 as presented - see attachment.*  
 One senator noted the revision puts the liaison at a higher plateau than the president or executive committee. Another explained the executive body has the authority to correct or remove an item, allowing compliance. It was suggested to return the revision to the Bylaws Task Force to consider recommendations presented.  
*Motion carried with two (2) oppositions and one (1) abstention.*

8. INFORMATIONAL ITEMS

- a. Tenure Review Committee
  - Bassam Salameh
 Mr. Bassam Salameh was appointed to fill the vacancy as a faculty representative on a Tenure Review Committee.

9. ANNOUNCEMENTS

April 20 - 22, 2017	Spring Plenary Session	San Mateo Marriott
June 14-16, 2017	Faculty Leadership Institute	TBA
July 12- 15, 2017	Curriculum Institute	Riverside Convention Center

10. ADJOURNMENT

The Academic Senate meeting of March 2, 2017, was adjourned at 4:31 p.m. by Dr. Irit Gat, Academic Senate President.

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*Approved: Academic Senate Meeting of March 16, 2017*

## FPDC Senate Report

2 March 2017

1. Spring 2017 Opening Day Evaluation
  - a. There were too few evaluations of the event to glean meaningful information
2. Goals Updates
  - a. DHH: The AVC Filmmakers Showcase was the first major event that required extensive use of closed captioning, and while the accessibility was imperfect, the event has offered us an opportunity to find gaps in the processes for making and captioning film. I will be working with Tamira Palmetto Despain to develop a step-by-step process for faculty to follow, with the intention of presenting an FPD event this May and also in the August. The Committee thanks Prof Scott Covell and Prof Charles Hood for sharing their processes as we work to create clear, supportive protocol for ensuring accessibility for the deaf and hard of hearing.
  - b. FPD Program Evaluation: Under the leadership of Dr Rona Brynin and Bonnie Suderman with the support of Institutional Effectiveness, Research & Planning, the Committee is now in the revision process of new event and program evaluations, and we are honing in on making those evaluations easier to access.
  - c. Faculty Mentorship Program: Prof Mark Hoffer, Dr Jeffery Cooper, and I have established purpose and basic principles that reflect the purpose and structure of the FPD Program (with the 3 Standards), starting with the Faculty-to-Faculty Peer Mentorship Program.
    - i. PURPOSE: To orient, familiarize, and re-energize faculty members in the enhancement of teaching and assessment methods, in the promotion of interdisciplinary exchange, lifelong learning, and cultural diversity, and in the encouragement of scholarly engagement and participation in professional activities.
    - ii. PRINCIPLES: 1) direct faculty-to-faculty mentorship, 2) continual development through master classes, led by committed colleagues, and 3) the fostering of an ongoing culture of mentorship.
  - d. Campus Organization and Committee Calendar At-a-Glance: The Committee and I are coordinating with Patty McClure in the President's Office to draft a generic monthly calendar of all of the standing committee and campus organization meetings so that faculty are able to strategize their community involvement. The calendar supports our college-wide commitment to transparency.
3. FPD Proposals are in: We received 75 proposals for next year, not including Tech Training and Student Equity events. The Committee will be meeting over the course of the next month to rank, select, and schedule next year's FPD Calendar. Please share with your colleagues our sincere thanks for helping to strengthen this important component of our academic culture.
4. 4CSD: 4CSD Annual Conference--California Community College Council for Staff and Organizational Development on March 16 & 17, 2017 in Claremont, CA. Dr Jeff Cooper, Michelle Hernandez from First Year Experience and AVID, and I are attending. Michelle and I are presenting a roundtable discussion called "Faculty Professional Development as Shared "Brave Spaces": How can we Develop a Social Justice Pedagogy in FPD Events?" We are presenting on the first day, after lunch, and are honored have been selected.
5. ConferZoom: The online training platform has been changed from CCC Confer to ConferZoom. AVC's Technical Trainer, Greg Krynen will demo ConferZoom at our next FPDC meeting.
6. Sabbatical: Recommendation from the Committee will be made next week.
7. As the FPDC Co-chair, I am concerned that our sub-committee budget has been collapsed in with all of the other sub-committees, and in the service of transparency, would like to see us go back to itemized subcommittee budgets.

## DETC REPORT

1. OEI Kick-Off meeting at AVC on January 18th. Campus OEI Implementation team will start having regular meeting to help the campus with the OEI.
2. Will be meeting with FPD about Faculty Mentorship Program for online Instructors.
3. As we are getting closer to Blackboard going away and Canvas becoming the campus LMS, Dr. Beyer is going to be offering intense training in using Canvas to help with the transition.

## INCLUSIVE ACCESS

Inclusive Access is a newer concept that allows immediate access to the selected textbook for all students.

When a student registers for class and pays the fees, they are given access to the textbook, digitally, beginning the first day of class. (Access dates can be negotiated).

Our understanding is that all students will have access for a 14-day period. Once that time frame is complete, the student must “opt-out” of the program or they will be charged for the digital book and components. There is also an option to “opt-in” if the student determines, after they have “opted-out” that they really need the information, they can just click back in and continue along.

The communication regarding the “opt-out” would ideally come from both faculty and the Marauder bookstore – the bookstore would send a minimum of 3 emails explaining the process, the start and end trial dates, and the “opt-out” deadlines. The faculty utilizing the product would mention during class the importance of the dates.

It is critical that the faculty member assign something in the packet within the first 2 weeks so that the students can see how the platform works and why it will help them be successful in class.

These statistics we were provided are from a 2 year school in Canada:

ABC grade: with access 77% without access 66%

DF grade: with access 15% without access 23%

Withdraws: with access 7% without access 11%

An example from AVC regarding cost of the product:

Math 65: Textbook with mymathlab is \$168 Inclusive Access book is \$99.95

<b><u>Participating Publishers/Vendors</u></b>	<b><u>Pros</u></b>	<b><u>Cons</u></b>
Pearson	Student Success	Cost
McGraw	Immediate Access	No more used books
Cengage	Cost	Results regarding digital use are still unclear
Redshelf	Opt Out for Students	Publisher control of the textbook market
Verba	Achievement	Have the book for a limited time
		Student Digital Competence OSD Options



**Questions.....**

Do you think our students are ready for a transition to digital?

Is it a good transition?

Will there be a positive impact on SLO's? And the Student Success Platform?

Are we "stuck" doing the same thing we've always done by not moving this direction?

What factors do we need to consider before we work toward this platform?

OER's are also digital content – with limited options for printed content –

Would you consider an Inclusive Access option and be willing to test that option?

What questions do you have that we can get answers for?

I would love the opportunity to discuss the pros and cons and what your thoughts are!

My office is located in the Marauder Bookstore – stop by anytime!

My email is [dmcintosh1@avc.edu](mailto:dmcintosh1@avc.edu)

My extension is 6986

Thank you all so much for your time and input.

# Open Education Resources

# OER Resources

- [CA Open Online Library for Education: Course Showcase](#)
- [OER Policy Development Toolkit](#)
- [OpenStax](#)
- [Open Textbook Library](#)
- [College Open Textbooks](#)
- [SUNY Open Textbooks](#)
- [Community College Consortium for Open Ed Resources](#)
- [OER Commons Module Builder for Higher Ed](#)
- [Saylor Academy Bookshelf](#)

# OER Resources, cont.

- [American Institute of Mathematics Open Textbook Initiative](#)
- [SkillsCommons](#)
- [Directory of Open Access Journals](#)
- [British Columbia Campus Open Textbook List](#)
- [The Global Text Project](#)
- [MERLOT](#)
- [Open Course Library](#)
- [Open Education Consortium](#)
- [MIT OpenCourseWare](#)

# OER Resources, cont

[American Institute of Mathematics Approved Textbooks](#)

[Alamo Colleges Learning Hub](#)

[Arabic Language Learning](#)

[BC Campus Open Ed Textbook Search](#)

[Bay College Library - OER](#)

[California Social Work Education Center Hub](#)

[Center for Open Educational Resources and Language Learning](#)

[Center for Human Services Resource Barn - UC Davis](#)

[Cool 4Ed](#)

[Common Core OER](#)

[Connexions](#)

[Community College Consortium for OER](#)

# OER Resources, cont.

[Free Tech Books \(Computer Science\)](#)  
[Green Tea Press \(Computer Science + STEM\)](#)  
[InTech \(STEM\)](#)  
[Kirkwood Community College](#)  
[Michigan College Hub](#)  
[NSDL - National Science Digital Library](#)  
[Open Oregon](#)  
[Open SUNY Textbooks](#)  
[Open Text Bookstore \(Mostly Math\)](#)  
[Open Textbook Library](#)  
[Open Washington](#)  
[The Global Text Project](#)  
[SmART History \(Art History\)](#)  
[UMass Amherst Libraries](#)  
[Writing Spaces \(College Level Writing\)](#)

# OER Resources (various)

[AMASER Resources](#)

[Columbia Gorge Community College](#)

[Creative Commons Search](#)

[Curriki](#)

[Encyclopedia of Life \(science related\)](#)

[Journ](#)

[Merlot II](#)

[MIT Open Courseware](#)

[Illinois Open Educational Resources](#)

[OER Commons](#)

[OER Dynamic Search Engine](#)

[OER Commons Network Hubs](#)

[Open Course Library](#)

[Skill Commons](#)

[The Orange Grove](#)

[TES](#)

[Xpert](#)

# Questions?

If you have questions or would like more information, contact Irit Gat at

[igat@avc.edu](mailto:igat@avc.edu)

Note: Sources are taken from various resources including Melanie Jeffrey at Cerro Coso Community College & College of the Canyons webpage



# AP 3100 Organizational Structure

Reference:

***Education Code Section 72400; Title 5, Section 53200***

The District's organizational structure shall be:

ORGANIZATIONAL DIVISIONS, DEPARTMENTS AND OFFICES (See  
Appendix I – Organizational Charts)

## President's Executive Council-Level Administration

President's Executive Council level administration consists of those officials and functions that control the organization and operation of the college system, or employees whose responsibilities extend over a major administrative division of the college.

In the Antelope Valley Community College District, President's Executive Council-level administration shall consist of the President; Vice President Academic Affairs; Vice President Student Services, Vice President of Human Resources and Employee Relations; Executive Director of Business Services; Executive Director of Information Technology Services, Executive Director of Facilities; Dean of Institutional Effectiveness, Research and Planning; Executive Director of Marketing and Public Information and Executive Director of the Foundation.

## Line of Responsibility (EC 70902)

Each District employee shall be responsible to the Board through the President. Supervision of District employees shall be exercised by personnel to whom such responsibility has been specifically delegated.

District personnel shall refer matters requiring administrative action to the administrative officer having immediate responsibility of the area in which the problem arises.

Administrative officers shall refer such matters to the next higher authority if circumstances warrant.

All District employees have the right to appeal any decision made by an administrative officer to the next higher authority and, through appropriate successive steps, to the Board.

## President's Executive Council

### Purpose

It is the desire of the Board that democratic working relationships be maintained among the personnel of the administrative staff, and to maintain a free flow of communications involving College Administration and District employees.

### Meetings

Regular meetings shall be held at periodic intervals as determined by the President. The President may also call special meetings as conditions may warrant.

## Responsibilities

The President's Executive Council shall function in an advisory capacity to the President on matters related to District policies, administrative problems, collective bargaining issues or any issue related to the District's education program or school operation.

The President's Executive Council shall also serve as a channel of communication in the administrative organization of the District.

## Administrative Council

In an endeavor to promote communications with middle management and supervisory officials, the President may establish an Administrative Council whose membership shall consist of management personnel.

The responsibilities of the Administrative Council shall be communication and operation. Meetings shall be held at the discretion of the President.

## PROCEDURE FOR CHANGING THE ORGANIZATIONAL STRUCTURE OF THE COLLEGE

This procedure describes the organizational units at Antelope Valley College, which persons or groups can initiate a review of the current organizational structure, the steps for reaching recommendations for proposed changes, and who has the authority to implement proposed changes. The goal of such reviews shall be to improve efficiency and/or cost effectiveness of services, programs, learning outcomes or operational outcomes:

- A. Organizational Units: Antelope Valley College is organized into four structural levels.
  1. College
  2. Offices: Superintendent/President; Academic Affairs; Human Resources and Employee Relations; Business Services; Information Technology Services; Marketing & Public Information; Facilities; Institutional Effectiveness, Research and Planning; AVC Foundation.
  3. Areas/Divisions: (these synonymous terms for subdivisions of offices are used for instructional divisions and non-instructional areas, e.g. Health Sciences Division.
  4. Departments (subdivisions of areas/divisions)
- B. Initiation of a review
  1. The Superintendent/President may initiate a review of any of the organizational units.
  2. The College Coordinating Council (CCC) and Strategic Planning Committee may request a review of any organizational unit by sending a request for a review to the Superintendent/President.
  3. The administrative head of any office, area/division, or department may request a review for his/her own organizational unit by sending a request for a review to the Superintendent/President through the administrative structure.
  4. All requests for a review must be in writing and state the rationale and provide data that support the goals of such reviews.
  5. The Superintendent/President will inform the President's Executive Council and CCC of any requests for a review.
  6. The Superintendent/President has the final authority to initiate a review of an organizational unit.
  7. The Superintendent/President will initiate a review by sending a memo to notify all

constituencies that a review is being implemented. This memo will appoint an administrator to oversee the review, set forth the rationale and data that justify the review, and establish a timeline for the formulation of proposed changes.

### **C. Process for organizational changes**

#### **Intra-divisional changes**

**Intra-divisional department re-organization will be completed within the division, with approval of the majority of the faculty, the dean, and the Vice President. Information of the change will be provided to the Academic Senate.**

#### **Other organizational changes**

1. The administrator in charge of the review will solicit input from all employees in the organizational unit(s) affected by the review, including any not identified in the initial review that might be impacted as a result of proposed changes.
2. Based on this input, the administrator will formulate proposed changes through dialogue/discussion with the affected organizational units.
3. A written summary of the proposed changes will go out to the entire campus allowing two weeks for discussion. During that period, administrators and employees should evaluate any adverse impact that might arise from the proposed change.
4. The campus community will give input/feedback to the administrator overseeing the review.
5. The administrator overseeing the review will present the proposed changes and a summary of campus feedback to CCC for discussion.
6. The Superintendent/President will make the final decision on proposed changes based on feedback from the campus community and the discussion at CCC.
7. This final version of the proposed changes will go out to the entire campus for discussion/feedback for at least one week.
8. The Superintendent/President will take the final changes to the Board of Trustees for information.
9. The Superintendent/President will communicate the final changes to the appropriate vice presidents, deans, directors, and employees and follow up with implementation.

**11/7/05**

**Revised: 10/9/06**

**Revised: 4/9/07**

**Revised: 6/11/07**

**Revised: 6/14/10**

**Revised: 11/14/16**

**Revised: 3/17/17**

## BP 3710 Securing of Copyright for District Materials

Reference:

***Education Code Sections 72207, 81459, 17 United States Code 201***

The Superintendent/President is directed to develop appropriate administrative procedures to implement the provisions of the Education Code that authorize the securing of copyright protection for works, including but not limited to registering copyrights and policing infringements, on behalf of the District. The procedures developed by the Superintendent/President shall assure that the District may use, sell, give or exchange published materials and may license materials prepared by the District in connection with its curricular and special services.

These procedures shall not infringe upon the rights established through collective bargaining as described in Article XIX of the Faculty Collective Bargaining Agreement titled "Intellectual Property Rights."

**See Administrative Procedure #3710**

**Adopted: 11/7/05**

**Reviewed: 3/13/17**

# AP 3710 Securing of Copyright for District Materials

Reference:

***Education Code Sections 72207; 81459, 17 United States Code 201***

The President, through legal counsel, shall initiate the process for securing copyright for any materials the District is entitled to ownership and for which the District wishes to obtain copyright protection to safeguard its rights of using, selling, giving or exchanging and licensing of those materials. Through legal counsel, the Superintendent/President shall initiate action to protect the District's copyrights against infringement.

## **Copyright Issues in the Library (17USC108)**

### **Interlibrary Loan**

#### **Lending**

The library may make one copy of an article from a periodical or chapter of a book in order to fulfill a request for this material from another library through interlibrary loan.

- The copy must become the property of the requestor.
- The copy must have a notice of copyright.
- The copy must be for private educational purposes.

#### **Interlibrary Loan/Reserve Photocopy Notice**

Notice: This material may be protected by copyright law. (Title 17 U.S. Code)

#### **Borrowing**

Issues surrounding the borrowing of materials are complex. It is considered appropriate to follow the **CONTU Guidelines on Photocopying and Interlibrary Loan Arrangements**.

- The library may only receive in any calendar year five copies of an article or articles from any one particular journal or periodical published within the last five years prior to the date of the request. This is known as "The Rule of Five". Subsection 108 (g) (2)
- The Rule of Five does not apply to works prior to the last five years.
- The requested copies must become the property of the requestor.
- The copies may be used only for "private study, scholarship or research."
- The library shall keep records of all requests "until the end of the third complete calendar year after the end of the calendar year in which the respective request shall have been made". (CONTU Guidelines 4)
- The "Warning of Copyright" must be printed on the interlibrary loan request form and be prominently displayed at the place where interlibrary loan requests are taken.

## **"Warning of Copyright" Notice**

### **Notice**

#### **Warning Concerning Copyright Restrictions**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under Certain Conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use", that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

### **Photocopy Machines**

#### **Photocopy Machine Liability**

**General Exemptions.** Clause (1) of subsection (f) specifically exempts a library or archives or its employees from liability for the unsupervised use of reproducing equipment located on its premises, provided that the reproducing equipment displays a notice that the making of a copy may be subject to the copyright law. Clause (2) of subsection (f) makes clear that this exemption of the library or archives does not extend to the person using such equipment or requesting such copy if the use exceeds fair use. Insofar as such person is concerned the copy or phonorecord made is not considered "lawfully" made for purposes of sections 109, 110 or other provisions of the title.

#### **Photocopy Machine Notice**

Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

### **Other Library Copyright Issues (17UCS108)**

#### **Replacement of Damaged Copy**

Subsection (c) authorizes the reproduction of a published work duplicated in facsimile form solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost or stolen, if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price. The scope and nature of a reasonable investigation to determine that an unused replacement cannot be obtained will vary according to the circumstances of a particular situation. It will always require recourse to commonly-known trade sources in the United States, and in the normal situation also to the publisher or other copyright owner (if such owner can be located at the address listed in the copyright registration), or an authorized reproducing service.

#### **Out-of-Print Works**

Subsection (e) authorizes the reproduction and distribution of a copy or phonorecord of an entire work under certain circumstances, if it has been established that a copy cannot be obtained at a fair price. The copy may be made by the library where the user makes his request or by another library pursuant to an interlibrary loan. The scope and nature of a reasonable investigation to determine that an unused copy cannot be obtained will vary according to the circumstances of a particular situation. It will always require recourse to commonly-known trade sources in the United States, and in the normal situation also to the publisher or other copyright owner (if the owner can be located at the address listed in the copyright registration), or an authorized reproducing service. It is further required that the copy become

the property of the user, that the library or archives have no notice that the copy would be used for any purpose other than private study, scholarship, or research, and that the library or archives display prominently at the place where reproduction requests are accepted, and include on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

### **Multiple Copies and Systematic Reproduction**

Subsection (g) provides that the rights granted by this section extend only to the "isolated and unrelated reproduction of a single copy or phonorecord of the same material on separate occasions." However, this section does not authorize the related or concerted reproduction of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one individual or for separate use by the individual members of a group. With respect to material described in subsection (d)—articles or other contributions to periodicals or collections, and small parts of other copyrighted works—subsection (g)(2) provides that the exemptions of section 108 do not apply if the library or archive engages in "systematic reproduction or distribution of single or multiple copies or phonorecords." This provision in S. 22 provoked a storm of controversy, centering around the extent to which the restrictions on "systematic" activities would prevent the continuation and development of interlibrary networks and other arrangements involving the exchange of photocopies. After thorough consideration, the Committee amended section 108(g)(2) to add the following proviso:

- Provided, that nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

**11/7/05**

**Reviewed: 3/13/17**

#### B105.1.4 Presidential and Vice-Presidential Concurrent Vacancies

B105.1.4.1 Should the Vice President be unable to succeed to President or the position is vacant at the time of a Presidential vacancy, an Emergency Executive Committee shall be created.

B105.1.4.1.1 The Emergency Executive Committee shall consist of the Past President, First Executive Officer and Second Executive Officer. Should any or all of the three be unable or unwilling to participate, the vacant position(s) shall be filled by former Past Presidents, in reverse chronological order to their term.

B105.1.4.1.1.1 The first order of business for the Emergency Executive Committee shall be putting in place elections in accordance with §107.1 of the Constitution.

B105.1.4.1.1.2 The Emergency Executive Committee shall have the power to act as the President as well as the Executive Committee

B105.1.4.1.1.3 The Emergency Executive Committee shall not take any action aside from setting the agenda unless approved by a two-thirds vote of the Senate.

B105.1.4.1.1.4 For the purpose of representation, including chairing Senate meetings, the acting representative shall be, in order of precedence: Past President, First Executive Officer, Second Executive Officer, former Past Presidents, in reverse chronological order to their term.

B105.1.4.1.1.4.1 No member of the Emergency Executive Committee may chair any meeting that includes an election if they are running for that office.

B105.1.4.2 The Emergency Executive Committee shall remain in place until such time as elections can be held to determine a President.

B105.1.4.3 If there is a time where there are no more than two individuals to create an Emergency Executive Committee, all Senate business shall be suspended with the exception of putting in place elections in accordance with §107.1 of the Constitution.

B105.1.4.3.1 If all Senate business is suspended under B105.1.4.3, the Legislative Liaison shall oversee, conduct and chair the election.

B105.1.4.3.1.1 Should the Legislative Liaison be unwilling or unable to oversee, conduct and chair the election, the Faculty co-Chair of the Academic Policies and Procedures standing committee shall do so.

B401.1.19 Appoint advisors, who are faculty members, to the Senate as deemed necessary and proper, with consultation with Executive Committee.



B102.4 Out of Session Meetings

B102.4.1 All Out of Session meetings must take place in accordance to §110.0 of the Constitution.

B102.4.2 Prior to calling an Out of Session meeting, the Executive Committee must submit all agenda items to the Legislative Liaison.

B102.4.2.1 The Legislative Liaison shall analyze the agenda's action items and determine if any are under violation of §110.3 of the Constitution.

B102.4.2.2 If an agenda item is determined to be in violation, all parties involved in the agenda item, along with all sitting Senators, shall be notified in writing, the action item shall be removed from the agenda and no action shall be taken.

B102.4.2.2.1 The notification shall explain how said action violates the Constitution.

B102.4.2.3 Any action taken in an Out of Session meeting that has been determined to be in violation shall be declared immediately void.

B102.4.2.4 Removal of any or all of §B102.4.2 from these Bylaws shall require vote of seven-eighths of all Senate members eligible to vote.