

To: The Fort Wayne Senate  
From: The College of Arts and Sciences Council  
Subject: Purdue Online  
Date: February 20, 2019

WHEREAS, the College of Arts and Sciences Council, noting that Purdue Online has gained access to all online courses taught at Purdue Fort Wayne without prior faculty knowledge or consent, passed a resolution on February 4, 2019 asking the Purdue Faculty Senate to charge the Faculty Affairs Committee with creating a campus-wide policy to oversee the orderly and equitable transfer of teaching materials to Purdue Online,

WHEREAS, the COAS Council also noted that the relationship between Purdue Online and Purdue University Global is unclear and that faculty are concerned about the possibility of losing oversight and control over their intellectual property from both online courses and courses taught in classes with online components, such as seeing that content funneled into Purdue University Global and taught by other instructors, and;

WHEREAS, the COAS Council further noted that there is currently no policy in place that allows input from PFW faculty as to what teaching materials are transferred to Purdue Online, how those materials will be used, and who those materials will be used by,

BE IT RESOLVED, that the Purdue Fort Wayne Faculty Senate charge the PFW Faculty Affairs Committee with creating a campus-wide policy overseeing the orderly and equitable transfer of teaching materials to Purdue Online, which would include ensuring faculty giving prior and informed consent before any use of their intellectual property by Purdue Online or any other entity within the Purdue System, and;

BE IT FURTHER RESOLVED, that the Purdue Fort Wayne Faculty Senate uses any and all available channels of shared governance to advocate for compliance with this policy at all campus and system levels.

DATE: February 4, 2019

TO: College of Arts and Sciences Council

FROM: COAS Executive Committee

SUBJECT: Purdue Online

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WHEREAS, Purdue Online has obtained access without prior faculty consent to any and all online courses, including instructional materials that are the intellectual property of Purdue University Fort Wayne (PFW) faculty “for possible use to corporate clients,”<sup>1</sup> and;

WHEREAS, Purdue Online has instigated this action without any meaningful attempt to go through existing shared governance structures or attempt to get input directly from the PFW faculty, and;

WHEREAS, the Deputy General Counsel of Purdue has stated that “Purdue Online’s request for access is entirely within the institution’s rights and we need not wait for instructor permission to grant access,”<sup>2</sup> and;

WHEREAS, this action by Purdue Online represents a direct conflict between faculty’s contractual obligations to Purdue, and faculty rights to their own intellectual property, and;

WHEREAS, Purdue Online is a new entity and Purdue University Global is a new acquisition, and the relationship between the two remains unclear, and;

WHEREAS, COAS faculty are concerned about the possibility that they will lose oversight and control over their intellectual property from both online courses and courses taught in classes with online components, such as seeing that content funneled into Purdue University Global and taught by other instructors, and;

WHEREAS, there is currently no policy in place that allows input from PFW faculty as to what teaching materials are transferred to Purdue Online, how those materials will be used, and who those materials will be used by, and;

WHEREAS, the 2013 AAUP Statement on Intellectual Property states that unless “specifically and voluntarily created as works made for hire,” all faculty lectures and original instructional materials constitute faculty intellectual property that “cannot be revised, edited, supplemented, or incorporated into courses taught by others without the consent of the original creator,” nor can these materials “as a

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<sup>1</sup> See Karen VanGorder’s email October 3, 2018 (attached).

<sup>2</sup> Ibid.

whole be assigned to another instructor without the consent of the faculty member who created the course, and;

WHEREAS, a bedrock standard of shared governance gives faculty control over the curriculum, including control over how, when, where, and in what modality faculty deliver that curriculum,

BE IT RESOLVED, that the Council calls upon the PFW Faculty Senate to charge the PFW Faculty Affairs Committee with creating a campus-wide policy overseeing the orderly and equitable transfer of teaching materials to Purdue Online, which would include ensuring faculty giving prior and informed consent before any use of their intellectual property by Purdue Online or any other entity within the Purdue System, and;

BE IT FURTHER RESOLVED, that the Council urges development of campus-wide policy that will address faculty concerns about an orderly and equitable transfer of teaching materials to Purdue Online or any other entity within the Purdue System, and;

BE IT FURTHER RESOLVED, that the Council urges Senate to use any and all available channels of shared governance to advocate for compliance with this policy at all campus and system levels.

Karen Van Gorder

Wed 10/3/2018 12:08 PM

To:

Angela Williams

Cc:

Julie Yoder;

Manoochehr Zoghi;

Melissa Gruys;

Eric Link;

James Burg;

John O'Connell

Inbox

Good morning all:

Purdue Online (system level) has asked for access to all of Purdue Fort Wayne's courses in Blackboard for possible use to corporate clients. I asked some questions and here is the response I received from Trent Klingerman, Deputy General Counsel:

*"It is my limited understanding that there was a concern voiced at PFW over permitting Purdue Online personnel access to syllabi, etc. for purposes of a necessary and urgent readiness assessment. The concern was relayed to me as whether such access was consistent with the principle of faculty ownership of their instructional works.*

*I am happy to discuss this with you and answer any questions; but, in a nutshell, the university has a right (by virtue of a non-exclusive, royalty-free license) to these materials for all research and educational purposes. In my judgment, Purdue Online's request for access is entirely within the institution's rights and we need not wait for instructor permission to grant access."*

Access is being granted this morning. Please direct any questions to Dr. Drummond.

Karen L. VanGorder, CPA, MBA  
Executive Director, Division of Continuing Studies  
Purdue University Fort Wayne (PFW)



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