

LCP (formerly L-CAP)

May 11, 2022, at 3:00PM via Zoom

Present: Susan Braxton (chair), John Laskowski, Hoa Luong, Jake E. Metz (ex officio), Heather Murphy, Megan N Pearson, Will Schlaack (ex officio), Tracy Tolliver, Jen-chien Yu

Absent: none

Minutes: Megan N Pearson

Meeting called to order at 3:03PM

1. Approval of April Minutes: approved
2. Sara Benson visit to discuss Intellectual Property rights of APs and other non-faculty, and the implications.
 - a. General explanation of copyright: as long as a work is creative, written down, and something that can be copywritten (so not just facts), the author owns it automatically. General rule is that for works created after January 1, 1978, copyright lasts author's life plus 70 years, unless the work is made for hire; for corporations, the copyright is longer (approximately 120 years, depending on the situation). Public domain is works that are pre-1927 (the year advances every January 1, currently anything prior to 95 years before the current year).
 - b. With Work Made for Hire (WMFH), the "common law rule" is that if the author is an employee paid with FTE and benefits, and the work is produced within the scope of employment, then the work is automatically owned by the employer. For the University of Illinois, this is the Board of Trustees (BOT). Scope of employment can be tricky to define in some cases, but generally if the work has nothing to do with what the author does for a living (or it is "done on weekend time"), then it is owned by the individual author and not the BOT.
 - c. Technically, works produced by Faculty should be owned by BOT, but the University Statutes give this copyright back to the Faculty (in general; BOT is more interested in works that have monetary profit, such as data or patents and possibly trademarks, but things like research publications and lecture notes are owned by the Faculty author).
 - d. The reason there is an issue with Copyright for AP and staff is that the University Statutes do not explicitly mention them owning their own copyright; therefore, the "common law rule" applies (and this usually applies to graduate student employees as well). Sara noted that personally she is not pleased with this distinction and feels it is short-sighted.
 - e. To help guide employees, Sara worked with the Office of University Council to create the following matrix: <https://go.illinois.edu/ipownership>.
 - f. In order for APs/Staff to receive copyright for their work, they must apply to the UIUC Office of Technology Management (OTM) to get an exception waiver, and Sara is happy to help facilitate these conversations. The OTM contact is Svetlana Vranic-

- Sowers svsowers@illinois.edu, and more information (as well as the Form) can be found here: <https://otm.illinois.edu/portfolio/copyrighted-material-request-form>.
- g. It is important to note that there is not a “Copyright Police” checking up on this; however, as something could come up in later years, it is better to do things correctly upfront. The law is flexible and not always clear; much like Fair Use, it can be good and bad. It is good to know and be aware of the policy, but people should not be afraid of or wary of it; again, Sara is happy to help answer questions and facilitate conversations with OTM. In general, the BOT is concerned more with works that generate revenue, so a good general rule is if there’s a chance money can be made from the work, double-check with OTM.
 - h. Question from Jake: how does this apply to open source or [Creative Commons](#), and what rule takes precedence with remix requirements [MNP note: ShareAlike requirements under CC licenses such as [CC BY-SA](#)]? Sara: To make works created during employment (such as software) open access, technically APs would be required to get the exception waiver from OTM; however, since the BOT is more interested in revenue-generating works, open access works would not be of interest to them. With the remix requirement, most likely the BOT cannot override the license requirement and would have to abide by it. Tracy noted that Library IT put in their code a comment, which was developed with OTM, that the code is free to use but requires attribution; in her experience you need to go through OTM if making work like software that is available to others.
 - i. Question from Jen: Thinking about Canvas, the learning module has a commons section where anyone in campus can develop and share, but one of the fields asks for sharing license. If an AP creates a shared module, APs are not really in a position to pick a different license (since the BOT owns AP work copyright). What should an AP do in that case? Sara: if creating modules as AP without having a professor title, can designate it “In Copyright” because of the BOT, or ask OTM can make it open license even if technically the copyright belongs to the BOT. The simpler way is to say its “©BOT”, but that makes it not as easy for others to build on the module, and would recommend asking the OTM if CC0 license can be on it instead. It’s important to note that people often misunderstand copyright, and that just because something is on the internet does not mean copyright is waived, and people violate the “CC-BY” license often; for herself, Sara willingly takes the risk of people violating the license because she does want her work to be available and for people who do understand licensing to use the work.
 - j. Question from Hoa: in thinking about data management with the Research Data Service, how does copyright for data work with the different projects that want to share the data, especially those that are grant funded? Sara: this is something thought about recently, because in general data is owned by the BOT, so technically researchers are supposed to request waivers from the OTM. It might be a good idea to talk with the OTM and get policies set up – for example, if a grant requires data to be Open Access, then the terms of the grant should be followed.
 - k. Question from John: thinking about co-authorship for papers, if a student in a Practicum with an AP writes a paper from the practicum work, would it be better to

- have the student do single-author to avoid any ownership/copyright concerns between the different “classifications”? Sara: The student could potentially single-author, but Faculty/AP/Students co-author all the time, so they would really just need to sign the copyright of the paper correctly (AP to BOT though they could ask for waiver, and student on their own). Also, the student might not be comfortable with single-author and would prefer co-author. There’s also the general question of whether paper should be co-authored or not (if the AP is only guiding the student or if the AP is also doing part of the work and writing), as well as if it is to the AP’s advantage to be an author (promotion considerations, etc.).
- I. Question/comment from Susan: It sounds as though APs might need to be apprised of this situation, and understand that their process regarding copyright might be different (e. g., can’t sign away to Elsevier a copyright that you don’t own, though people are doing just that as they are not aware of the policy), so should the Library have some sort of guidance on what to do in that situation? Will agreed, noting that it might be beneficial to consider a presentation to all Library APs on this. Sara: it might be worth putting more information on the website. A Library-wide presentation at one of the Dean Hangouts might be a good idea too, as staff and graduate students are also affected by this policy; it might be better to wait until the fall semester to have a higher rate of attendance, and to have Svetlana Vranic-Sowers from OTM join as well.
3. Prep for LSSC/LCAP meeting with Library Academic Program Reviewers (scheduled for May 26)
 - a. Susan reached out to admin and asked if there would be a hybrid option for people uncomfortable with in-person meetings; has not heard back.
 4. EC/LSSC/LCP meeting about Salary Program (scheduled for May 23, 2022)
 - a. After concern about some members being unavailable for the meeting, Tracy noted that it seems as though it will mainly be feedback based on previous year’s strategy.
 - b. John agreed, noting that it seems as though Dean Wilkin has been trying to make a greater adjustment percentagewise for equitable implementation instead of an across-the-board increase at X%, and that the discussion may focus on whether this continues or changes.
 - c. Tracy agreed, and noted that historically there are some concerns with the Salary Program: performance evaluations for AP/CS are not valid to use as metrics unless they are standardized, which requires a lot of work from BHRSC, and in previous years when the available increases are low, it has been better to give the same rate than to individualize them. Also noted that last year’s new practice of incorporating flat dollar increases in addition to percentage increases was a great strategy.
 5. CAP updates
 - a. Guest speaker Vicky Gress, Acting Associate Chancellor and Vice Provost for Budget and Resource Planning, spoke about the Operational Excellence initiative <https://operationalexcellence.illinois.edu/>

- b. Legislative update from Deb Stone, Executive Director, Illinois Human Resources Policy and Administration: **Senate bill 3120** amends the child bereavement act to provide 10 work days of unpaid leave for miscarriage, failed adoption, failed surrogacy, or still birth, to begin Jan 2023. **House bill 1167**, effective April 5, 2022, amends the COVID Paid Administrative Leave benefits. We have received emails from the System's level administrators. The bill provides COVID leave to all employees, even those who don't normally have leave benefits. The legislation calls for restoration of personal leave used for COVID prior to this law. The University is still working on how to implement any changes. More will come as IHR works through details.
- c. Benefits choice opened May 1. There may be some changes to your premiums, copay, and flexible spending account limits (Check your benefits at <https://mybenefits.illinois.gov>).
- d. CAP voted to form an ad-hoc committee on Employee Wellness (more details forthcoming)
- e. Jake's seat on CAP as District 9 representative will open and Jake will not run again, so Library APs are advocated to [self-nominate](#) for the position. Susan will send an email to the listserv with this information, as the deadline is today.

Meeting adjourned at 4:04PM.