



UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION  
Christopher Kelty, Chair  
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Assembly of the Academic Senate  
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November 10, 2011

Jim Phillips  
Director, Learning Technologies  
UC Santa Cruz

**Re: ETLG COPYRIGHT RECOMMENDATIONS**

Dear Jim,

In response to a request from UCEP, UCOLASC reviewed the ETLG UC copyright recommendations during its October 19<sup>th</sup> meeting.

In general the committee's reaction was that we did not support the proposed ETLG framework on fair use, primarily because of general resistance to further codifying fair use in any way. Fair use as a legal doctrine is uncertain, and this uncertainty is the source of its power. It gives faculty, staff and students the power to do what they think is right, and to take actions they feel do not harm others--as opposed to having rigid frameworks which are probably impossible to specify. Over-specification can have the negative effect of explicitly proscribing things that may not in all cases need to be proscribed. We would be happy to further consult on this issue, as it relates to many of the issues we regularly deal with.

UCEP also asked about the support that faculty currently have in retaining their copyright. While this issue is not directly relevant to ETLG's proposal, This is an issue-issue our committee is taking up in earnest this year as part of a general push to explore a solid policy in open access. I would say that this we have good support from UCOP and the Senate leadership in this area, but the challenge will be to explain to the faculty why we need such a mandate, and what it might mean for faculty retention of copyright.

Sincerely,

Handwritten signature of Christopher Kelty.

Christopher Kelty, Chair  
UCOLASC