

## MEMORANDUM

TO: CFA  
FROM: Steering Committee  
RE: Interim Policy on Use of Copyrighted Materials  
DATE: November 3, 2021

**Background:** On October 19, 2019, President Foster approved an interim policy on the use of copyrighted materials. This policy should be reviewed through the normal Governance process.

**Charge:** In keeping with the timeline outlined below, Steering asks CFA to review and, if needed, revise the Interim Policy on Use of Copyrighted Materials. CFA should seek testimony from Academic leaders, Faculty Senate, Staff Senate, Student Government, Office of General Counsel, and from any other constituent bodies it deems appropriate. CFA should consider changing the name of the policy to indicate that the policy covers both the issue of the use of copyrighted material and the issue of copyright ownership.

**Testimony Tier:** Tier II from Faculty and Staff

The issue requires moderate testimony from the campus community. The assigned council or committee should consult with relevant individuals and groups in developing a preliminary recommendation. The completed preliminary recommendation should then be made available to the relevant stakeholder groups, and testimony should be solicited in the form of written feedback (through a survey and or e-mail).

**Timeline:** CFA should begin work immediately on the charge, with the goal of completing its preliminary review by March 1, 2022 and making a Final Recommendation to Steering by the end of the Spring 2022 semester.

### TCNJ Governance Processes

#### *Step 1–Steering issues a charge*

#### *Step 2-Governance prepares a Preliminary Recommendation*

Once the appropriate standing committee or council has received the charge, it should start by collecting data needed to make a preliminary recommendation. It should receive input from affected individuals and all relevant stakeholder groups prior to making a preliminary recommendation. For issues that have broad implications or that affect a large number of individuals, initial testimony should be solicited from the campus community at large. For some issues, sufficient initial testimony may come from input through committee membership or

solicitation from targeted constituent groups. When, in the best judgment of the committee, adequate clarity of the principles contributing to the problem are known, a preliminary recommendation should be drafted and disseminated to the campus community.

*Step 3–The Relevant Stakeholders provide Testimony*

Once a preliminary recommendation has been completed, the standing committee or council should seek testimony from the campus community. The testimony should be gathered in accordance with the Testimony Tier (see below) assigned to the issue by Steering.

For issues that require public testimony from the campus community, the chair of the standing committee or council should approach the president of the appropriate representative bodies to schedule the next available time slot at a meeting of that body.

Testimony should be gathered in a way that allows stakeholders to weigh in fully on the issue. Members of the standing committee or council that wrote the preliminary recommendation should be present to hear and record the testimony.

*Step 4–Governance prepares a Final Recommendation*

Once the standing committee or council has received appropriate testimony, it should revise the preliminary recommendation into a final recommendation. Once the final recommendation is complete, the standing committee or council should use sound judgment to determine whether or not more public testimony is required. If, in its feedback to the original preliminary recommendation, a stakeholder representative body requests to review an issue again, the committee or council is bound to bring it back to that body. If a full calendar year has passed since the formal announcement of the preliminary recommendation, the committee must re-submit a preliminary recommendation to the campus community. When the committee or council has completed the final recommendation, it should forward it to the Steering Committee. The final recommendation should be accompanied by a cover memo that summarizes the initial charge, how testimony was gathered and the nature of that testimony, and how the committee responded to that testimony, including a description of how the preliminary recommendation evolved as a result of testimony.

*Step 5–Steering considers the Final Recommendation*

*Step 6–The Provost and/or President and Board consider the Final Recommendation*

*Step 7–Steering notifies the Campus Community Testimony*

*For a complete description of all steps and of the testimony tiers, see [Governance Structures and Processes, 2019 Revision](#), pages 23–27.*