

# Question

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**TO:** Senate

**QUESTION FROM:** Senators Hébert and Bernard

**RESPONSE FROM:** Senator Rosie Goldstein, Vice-Principal (Research and Innovation)  
Senator Christopher Manfredi, Provost and Vice-Principal (Academic)

**SUBJECT:** Question and Response Regarding Sale of Lecture Materials by Students and Companies

**MEETING DATE:** March 22, 2017

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**PREAMBLE:** In many departments, it is now common practice for students to coordinate the taking of word-for-word notes of lectures, and re-selling transcripts of these notes to benefit various student organizations. However, this is also being done by for-profit companies, which can subsequently own the copyright of an individual professor's work. These for-profit companies are either buying notes created by our students, or generating them in some other way, see for example: <https://sleepingpolarbear.ca/>

A recent report on this issue can be found in the link below:

[https://www.mcgill.ca/maut/files/maut/sept\\_21\\_2015\\_sieber\\_selling\\_course\\_materials.pdf](https://www.mcgill.ca/maut/files/maut/sept_21_2015_sieber_selling_course_materials.pdf)

Lecturers often go to great lengths to provide timely access to slides, course recordings and other lecture-related material to students. We often have to post this material such that there are no restrictions to how it is downloaded. For example, students prefer to be able to download rather than stream course recordings. This is particularly frustrating in an era where courses are routinely overbooked, and there is an implicit expectation that professors record lectures and make our lecture materials available which can have a tremendous impact on student course evaluations. There is significant pressure for lecturers to maintain the policy of offering courses that students can, in effect, take as remote, on-line courses.

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**QUESTION:** How can McGill more effectively address this issue to protect the work of lecturers, their copyright and intellectual property?

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**RESPONSE:** We thank Senators Hébert and Bernard for raising this important question.

The Intellectual Property Policy of the University indicates clearly that teaching materials are owned by their authors, subject to some rights for the University to use them for the purpose of teaching. The consequence

of that rule is that professors and lecturers are responsible for the enforcement of their intellectual property rights.

However, the University has and will continue to take measures to limit infringement of the IP rights of its instructors. The issue is complex, because it requires balancing the rights of instructors to protect their intellectual property with those of students who should have easy access to the materials they need to learn. Among the measures implemented to date are the:

- Adoption of myCourses, where access to course material is restricted to students registered in a course. Prior to the implementation of this tool, instructors were often uploading their course material on the internet.
- Development of guidelines and tools for instructors concerning watermarking or stamping their course material in such a way that copyright is clearly advertised.
- Development of the Course Outline Guide ([www.mcgill.ca/tls/teaching/course-design/outline](http://www.mcgill.ca/tls/teaching/course-design/outline)), which recommends using a copyright protection statement in the following terms: “© *Instructor-generated course materials (e.g., handouts, notes, summaries, exam questions, etc.) are protected by law and may not be copied or distributed in any form or in any medium without the explicit permission of the instructor. Note that infringements of copyright can be subject to follow up by the University under the Code of Student Conduct and Disciplinary Procedures.*”

Although myCourses is an improvement over older tools, it is not perfect. For obvious reasons blocking the option to download materials would not be consistent with our wish to ease access to materials for our students. Once materials are downloaded, however, we have no control over its dissemination. It is likely that most dissemination is done in good faith and that students do not realize it is inappropriate, and sometimes illegal. There is also some confusion concerning what material is protected by copyright.

Neither instructors nor the University has the resources necessary to identify and go after copyright infringers. However, technology evolves quickly, and new measures that could help further restrict unlawful dissemination of teaching materials may now exist.

Research and Innovation will work with the Office of the Provost and Vice-Principal (Academic) to examine how best to communicate the responsibilities of all members of the McGill community under policies governing intellectual property at the University. Indeed, a good occasion for this is presented by virtue of the fact that the IP Policy is being reviewed, with revisions presented to Senate this term.