

**TITLE 131
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF DIRECTORS**

**SERIES 48
POLICY REGARDING THE RIGHTS AND
RESPONSIBILITIES OF TELEVISION TEACHING**

§131-48-1. General.

1.1. Scope. -- This rule governs television teaching.

1.2. Authority. -- W. Va. Code §18-26

1.3. Filing Date. -- November 4, 1976

1.4. Effective Date. -- January 4, 1977

§131-48-2. Policy Introduction.

2.1. This statement of principles is to be used to guide the development of television instruction at each institution of the West Virginia system of higher education. The policy is intended to protect the rights of individual faculty members and the rights of institutions.

2.2. A television instructor, as defined by this policy, includes those faculty members involved in the actual production of a television course of instruction.

§131-48-3. Responsibility for Televised Courses.

3.1. The faculty of a department or other instructional unit shall determine the extent to which television should be used and has the primary responsibility for the academic content and conduct of any televised course of instruction taught by a member of that instructional unit.

3.2. Television teachers shall have the usual faculty prerogatives and responsibilities concerning the content and structure of courses assigned to them.

3.3. Instructional units utilizing televised instruction shall arrange to provide members of faculty and staff assigned to televised instruction sufficient released time, staff assistance, class meeting adjustment and control of specific subject matter content to assure high quality instruction.

§131-48-4. Ownership of Materials.

4.1. Each college or university has a substantial investment in any televised course. State law requires the institution to maintain ownership of materials, discoveries and programs produced in instructional facilities and by institutional personnel.

4.2. Recorded programs and teaching materials, prepared by television teachers as a part of their regular institutional duties, are the property of the institution. On the other hand, television teachers have ownership rights to original notes, literary and artistic efforts in common with other personnel who contributed. Where the programming is to be reused on a free-loan or cost-only basis, within or without the institution, the instructor shall be given reasonable notice of not less than sixty (60) days that such use is contemplated. The instructor shall have the right to review and suggest revision or to refuse release. If, in the opinion of the department of instruction, the revision or refusal is unreasonable or revision is impractical or unnecessary, the department may arrange for such reuse, provided proper recognition of the instructor's disclaimer of responsibility be given.

4.3. Where the programming is to be reused on a profit or income-producing basis beyond institutional facilities or responsibilities, similar arrangements concerning instructor

notice, review and revision shall be followed. In addition, the instructor shall be paid a reasonable royalty, either in addition to his regular salary, if still employed, or by direct payment, if he has left employment.

§131-48-5. Written Agreement.

5.1. There shall be a written agreement between the on-campus teacher and the institution made before going into production. The special written agreement should specify clearly the rights and responsibilities of the teacher in areas covered by this policy statement.

5.2. Certain key production personnel may share in ownership rights, which should be adjusted, agreed and reduced to writing by the parties prior to commencing production.