Communication from the Committee on Academic Freedom
Miriam Kuppermann, PhD, MPH, Chair

November 19, 2008

David Gardner, MD
Chair, UCSF Academic Senate
500 Parnassus Avenue, Box 0764

Re: Review of the SOM Release Form/License Agreement

Dear Chair Gardner,

The Committee on Academic Freedom has reviewed a Recording Release Form and Non-Exclusive Electronic Dissemination License Agreement given to lecturers in School of Medicine courses. There were concerns regarding the first paragraph on the second page which states, *I hereby agree to indemnify The Regents and its officers, employees, agents, successors, heirs, and assigns, for any and all claims, liabilities, damages, and expenses, including reasonable attorneys' fees actually incurred, due to any claimed infringement of copyrights, trade names, trademarks, service marks, right of publicity or privacy, or other proprietary, personal or property right arising from publication of the Work through Rocket or as a result of my breach of any covenant or warranty herein contained. The Committee on Academic Freedom's response is as follows:

- It is understood that the University must protect itself from what faculty may do in their lectures, but does it imply that the faculty member will have to pay all costs if sued, for example, for using a figure from a book which is cited? If a faculty member wants to use some of their data which was published in a paper, can they just cite the paper, or are there limitations? A concern is that faculty need to have the iRocket people provide guidance and some overview of what faculty will offer and what may be used in iRocket in case some unsuspecting faculty has not understood all of the regulations, particularly the way they are written in this document.

Sincerely,

The Committee on Academic Freedom
Miriam Kuppermann, PhD, MPH, Chair
Roberta Rehm, RN, PhD, Vice Chair
Descartes Li, MD
Teri Melese, PhD
C. Anthony Hunt, PhD
Arthur Miller, PhD
Maurice Zwass, MD
Elizabeth Smith, PhD