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| EDU 613 Methods of Content Area Literacy (S2019) | http://www.dvc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Kaczmarek* | Syllabus, Objectives, Elaborations on Assignments, Rubrics for all Assignments | a) Course material created by terminated faculty listed in column 4 ("Terminated Faculty Materials") b) Material used for the courses listed in column 1 ("Post-Termination Course Materials") c) Any marketing materials, accreditation materials, NYSED program approval materials, articulation agreements and recruiting materials generated after September 7, 2018 ("Post-Termination Random Materials") | a) Any substantial similarity of Post-Termination Materials to Terminated Faculty Materials b) Any use of Terminated Faculty Materials after September 7, 2018 (NOTE: The Terminated Faculty Materials and the Post-Termination Faculty Materials are hosted on servers controlled by the College. The Terminated Faculty lost this access when they were terminated) |
| EDU 614 Curriculum and Instruction Capstone Project (F2019) | http://www.dvc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | DeWaters* | Syllabus, Objectives, Study Materials | | |
| EDU 614 Curriculum and Instruction Capstone Project (F2019) | http://www.dvc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Lalley* | Syllabus, Objectives, Study Materials | | |

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| EDU 620 Theories of Learning (S2019) | Syllabus, Course Description, Key Assignment Rubric http://www.dyc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Lalley | Syllabus, Objectives, Study Materials, Learning Exercises, Video Links, PowerPoint Presentations, Tests, Assignments, Rubrics | | |

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| EDU 620 Theories of Learning (S2019) | Syllabus, Course Description, Key Assignment Rubric http://www.dyc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Williams | Syllabus, Readings, Notes, Assignments, Rubrics | | |
| EDU 622 Needs of Exceptional Learners (F2019) | Syllabus, Course Description, Key Assignment Rubric http://www.dyc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | DeWaters* | Syllabus, Guidelines, Assignments, Charts, Grading Rubrics, | | |

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| EDU 637 Technology Literacy in Education (F2019) | http://www.dvc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Kaczmarek | Syllabus, Objectives, Rubrics for all Assignments, Readings | | |

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| EDU 651 Multiculturalism and Cultural Diversity (S2019) | http://www.dvc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Lochte | Syllabus, Assignments, Rubrics, Readings, Lecture notes | | |
| EDU 652 Curriculum Planning in Education (Summer 2019) | http://www.dvc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Carter | Syllabus, assignments, rubrics, readings, PowerPoint, video links, CANVAS modules including discussion board assignments | | |

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| EDU 653 Critical Issues in Education (S2019) | http://www.dvc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Lochte* | Syllabus, Assignments | | |
| EDU 653 Critical Issues in Education (S2019) | http://www.dvc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Williams* | Syllabus, Readings, Notes, Assignments, Rubrics | | |
| EDU 656 Philosophical and Social Foundations of Education (S2019) | http://www.dvc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Williams | Syllabus, PowerPoints, Lecture Notes, Rubrics, Class Activities, Readings | | |

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| EDU 658 Research in Education (Summer 2019) | http://www.dyc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Williams | Syllabus, PowerPoint, Lecture Notes, Rubrics, Class Activities, Readings | | |
| EDU 679 Special Topics: Young Adult Literature and Literacy (F2019) [Previously EDU 619] | http://www.dyc.edu/academics/schools-and-departments/arts-sciences-education/programs-and-degrees/education-ms.aspx http://www.nle.org.in/documents/NLE-M.Ed-Brochure.pdf | Kaczmarek* | Syllabus, Objectives, Clarification of Assignments | | |

*Indicates the course was also developed by the instructor.

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In addition to these courses, GRA courses were taught by education faculty in past semesters. A number of resources used in those courses would be applicable to the EDU 658 Research in Education course. Those courses were likely delivered using Moodle.

The D'Youville administration had access to the types of materials listed above through access to electronic archives it maintains, including Canvas and Moodle, as well as through the good-faith efforts of the retrenched education faculty who provided the administration with an extensive amount of materials that described or supported program development and modification.

The intellectual property rights that are being, and have been, violated are based on the following acts by D'Youville administration:

1. Offering the Curriculum and Instruction Master's program which was designed and developed by the retrenched education faculty. This includes program development, course development and the development of course sequencing, combinations and scheduling.
2. Use of education department course syllabi which, according to the collective bargaining agreement, the college has no right to use once the faculty who developed those syllabi have been separated from the college.
3. Use of education department instructional resources (e.g., readings, PowerPoints, audio visual materials, internet links, assignments, rubrics, tests, etc.) that were created/compiled by the retrenched education faculty.

Supporting Documents

Tab 1: Curriculum and Instruction Master's Program and course description, written by retrenched education faculty, on the D'Youville College website. Printed with web address and date of November 25, 2019.

Tab 2: Course descriptions with links to relevant course documents for EDU 620 and EDU 656. Printed with web address and date of May 6, 2019.

Tab 3: Course descriptions without links to relevant course documents for EDU 620 and EDU 656. Printed with web address and date of November 25, 2019. If the documents being linked to were created by those other than the retrenched education faculty, representative of the program, last taught on February 24, 2019, and, according to the college's attorney will not be taught in the foreseeable future, why would the documents be removed between May and November of 2019?

Tab 4: Program structure with FAQs from the website of D'Youville's partner, JBCN Education-Chalkboard School Solutions, regarding the director of the program (Hilary Lochte). Printed with web address and date of November 25, 2019.

Tab 5: Program structure with FAQs from the website of D'Youville's partner, JBCN Education-Chalkboard School Solutions, regarding the faculty delivering the program (Hilary Lochte, Julie Carter, James Lalley, Stephen Williams, Jamie DeWaters). Printed with web address and date of November 25, 2019.

Tab 6: Program structure with FAQs from the website of D'Youville's partner, JBCN Education-Chalkboard School Solutions, regarding the value of the program for professional growth and the pursuit of additional credentials. Arguably based upon the qualifications of the faculty members named in Tab 5. This assertion is made based on the fact that individual faculty college web pages continued to be available on the college's website in January 2019. An example of which is described in Tab 7. Program structure with FAQs was printed with web address and date of November 25, 2019.

Tab 7: Individual web page of Dr. James Lalley, retrenched professor of education, highlighting his training, experience and accomplishments. Printed with web address and date of January 25, 2019. More than four months after he had been released from the college.

Tab 7.1: Existing web paging touting the accomplishments of three retrenched faculty member (a published book by Julie Carter and Hilary Lochte including a chapter by James Lalley) on the D'Youville college website. All of whom are simultaneously listed on the JBCN Education-Chalkboard School Solutions website for the current Curriculum and Instruction Master's program. Printed October 4, 2019.

Tab 8: NYSED program development guidelines outlining full-time faculty requirements for post-secondary programs.

Tab 9: Curriculum and Instruction Master's Program brochure from the website of D'Youville's partner, JBCN Education-Chalkboard School Solutions. Retrieved November 25, 2019.

Tab 10: D'Youville course schedule with instructors' names listed. Beyond courses being taught part time by administrators, adjunct faculty from outside of the college were recruited and hired (includes Mary Shea, Tyler Watts, Aneela Amer, Blair Stamper). This is in direct violation of the CBA and MOA which both state that the retrenched faculty should have been rehired.

Tab 11: Curricular materials were provided to these outside individuals by the college administration (Marge [local union president] sent this to us, we did not send it to Marge).

Tab 12: email correspondence regarding communication between administration and a national union representative dated September 30, 2019 stating the Curriculum and Instruction program would not be offered next semester (spring 2020). Tab 12 shows that EDU 679 is being offered in the spring 2020. Tab 11 also indicates that DYC will make no guarantees to desist offering the Curriculum and Instruction program after spring 2020; the college intends to continue violating the intellectual property rights of the retrenched faculty. The college also intends to offer the program in violation of the terms set out in the CBA and MOA.

Tab 13: DYC Spring 2020 Schedule Pages