**10.08 University of Northern Iowa Policy on Distributed Learning and Intellectual Property Rights**

**I. Purpose:**

 This policy details University of Northern Iowa (UNI) procedures regarding the creation, ownership, storage and use of copyrights of web-based courses.  This policy is designed to encourage the development of quality distributed and/or distance learning materials. In spelling out rights and responsibilities, this document will allow freedom in the development and distribution of web-based courses. Further, it will recognize that ownership and intellectual property rights for distributed learning materials are held by the content developer while acknowledging that creation of intellectual properties and exclusive ownership of these materials are to benefit both the content developer and the University that supports the development of intellectual properties. Although copyrighted work created by faculty who are commissioned (contracted or paid) specifically for such work are generally considered “Work made for hire”; ordinarily a work made for hire is owned by the employer of the person(s) who creates the work. (US Copyright Office [www.copyright.gov](http://www.copyright.gov))

 In doing so, this policy does not preclude the adaptation of future policies and guidelines to respond to changes in technologies, trends and preferences.

**II. Policy Statement:** A. Faculty own the copyright to all supplementary digital materials they develop to accompany traditional site-based courses or textbooks.

 B.Faculty Rights on Commissioned and Non-Commissioned Course Development

1. **Commissioned Course Development** - ~~Copyrighted work created by faculty who are commissioned (contracted or paid) specifically for such work are generally considered "work made for hire"; ordinarily, a work made for hire is owned by the employer of the person(s) who creates the work. However,~~ (Note: Moved the previous sentence to the end of the Purpose statement above.) Faculty who are contracted or paid (e.g., in the form of extra compensation, stipend, fellowship, grant) to develop an online course or who rely substantially (See definition in Appendix) on University resources in developing an online course while employed at the University own the copyright with the following conditions.

a. The University of Northern Iowa reserves the right to continue offering the course if the faculty member leaves the University. The University may make, maintain and use copies of all materials. In addition, UNI reserves the right to offer the course using other faculty to teach it should the faculty member decide not to teach it or be unable to teach sufficient sections while still employed at UNI. In that event, the faculty member who originally developed the material may negotiate continued property interest, even if another faculty member is teaching the course.

b. Online courses developed at UNI may not be offered at another institution while the faculty member is still employed at UNI without the recommendation of the Dean of the College of the course offering and the express written approval of the Provost.

c. An online course that is commercialized, relying substantially on University resources, shall be subject to a negotiated contract (and possibly licensing) prior to commercialization of the course. Please see  [10.03 Inventions, Patents, Copyrights, Trademarks and Other Intellectual Properties](http://www.uni.edu/policies/1003)

2. **Non-Commissioned Course Development** - Cases in which a faculty member develops an online course but is not contracted or paid specifically to do so or does not rely substantially on university resources.

a. The University of Northern Iowa has the right to continue offering the course if the faculty member leaves the University.~~,~~ ~~but~~ T~~t~~he University ~~doesn’t have the right to make,~~ may not make, maintain and/or use copies of all materials without the written permission of the faculty member (Panopto lectures, etc. what else?)

b. Online courses developed at UNI may be offered at another institution while the faculty member is still employed at UNI without the recommendation of the Dean and the express written approval of the Provost, which shall not be unreasonably withheld.

 Nancy Cobb suggested at our meeting with her on 12-9-14 that we should have the AAC review statement II.B.2.b., as it may be a bigger issue having to do with Iowa Code/regulations, etc.

 At the IPC meeting on 12-11-14 the committee members also questioned whether the course could be offered while the faculty member is still employed at UNI and, if so, they felt the faculty member would need the approval of the Dean of the College of the Course offering and the Provost.

C. Please also see the definition of “work made for hire” included in
 the [Definition of Terms used in UNI Copyright Policy, University of Northern Iowa Rod Library](http://guides.lib.uni.edu/content.php?pid=214597&sid=2362479)

**III. Appendix: Definitions of Terminology**

 In order to employ a reasonable and successful policy for intellectual property rights of web-based courses, the following definitions are recognized.

 A. Commercialization – includes marketing, distribution, licensing, and management by for-profit vendors.

 B. Online/Web-based – refers to courses that are available to students predominately over the web.

 C. Development – is the creation of online course syllabi, course outlines, lecture notes, bibliographies, texts, tests, and other activities that support teaching/learning.
 D. Faculty – anyone currently employed on a faculty appointment (full or part-time).

 E. Substantial Use–

 Examples of substantial use include but are not limited to the following:
 1. Compensation received for an alternate assignment, and/or special assignment for a specific project or task, in addition to regular appointment salary.
 2. Use of dedicated university owned computing resources, leased equipment, facilities, materials, technological information not generally open to the university as a whole, beyond use of library resources, computers, learning management systems.
 3. Support provided by other outside entities, public or private organizations, when it is arranged, administered, or controlled by the University
 4. Assistance received of one or more University employees/students, or others who are assigned to a project or task.
 5. Internal university grants (unless the university specifically disclaims any ownership interest).

 Substantial use does not include the following when customarily or ordinarily provided to administrators, faculty members, professional and scientific staff, merit employees, postdoctoral scholars, or students’ in their respective department or division, shall not be considered substantial use of University resources: 1. Regular appointment salary.
 2. Normal academic use of resources commonly available to university faculty, such as library resources,
 offices, computers, Internet services, learning management systems.
 3. General incidental use of secretarial/support services/resources/facilities.
 4. Use of university sabbatical leave, unless there was substantial use of University resources.

Office of Intellectual Properties, --/--/14
Faculty Senate, --/--/14
Provost’s Office, --/--/14
President’s Cabinet, approved --/--/14