**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.

 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.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, 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 on University resources in developing an online course while employed at the University own the copyright with the following conditions. These conditions do not apply to 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.

 1. 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.

 2. 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 and the express written approval of the Provost.

 3. 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)

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).

Office of Intellectual Properties, 04/10/14
Faculty Senate, --/--/14
Provost’s Office, --/--/14
President’s Cabinet, approved --/--/14