

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

Purpose: This policy details University of Northern Iowa (UNI) procedures regarding the creation, ownership, storage and use of copyrights of ~~web-based~~ **online** courses. This policy is designed to encourage the development of quality ~~distributed and/or distance~~ **online** learning materials. In spelling out clear rights and responsibilities, this document will allow freedom in the development and distribution of ~~web-based~~ **online** courses. Further, it will recognize that ownership and intellectual property rights for ~~distributed~~ **online** 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, cultural trends and preferences.

Policy Statement:

1. Faculty own the copyright to all supplementary digital materials they develop to accompany traditional site-based courses or textbooks.

2. ~~Faculty who develop an on-line course while employed at the University own the copyright with the following conditions.~~ **Faculty who develop an online course while employed at UNI own the exclusive copyright of course materials, regardless of whether or not the faculty member was paid a participatory stipend for attending a workshop or tutorial (see §3, below, for exceptions pertaining to courses wherein a faculty member is paid a per unit stipend).**
 - a. **Online course materials may only be utilized by an instructor other than the original faculty content developer only after written consent of said content developer.**

 - b. **After the original faculty content developer has ended employment at UNI, online content may be utilized by another faculty member without the content developer's consent for a maximum of one semester following the departure, incapacitation or unexpected absence of the content developer, with the written approval of the head of the academic department for which it was originally created.**

- 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 also reserves the right to offer the course using~~

~~other faculty 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 is teaching the course.~~

3. Faculty who are paid a per unit stipend to develop an online course with support from the Office of Online and Distance Education, or through another specified agreement, share in the copyright and ownership of the initial course materials with the collaborating office. The initial materials developed for said courses may not be utilized by another instructor without written consent of the faculty content developer for a period of two academic years following their creation, or another duration agreed upon by all parties, whichever comes later. The University of Northern Iowa reserves the right to make, maintain and use copies of all materials for said courses after this time, or if the faculty member first leaves the University.

~~b. On-line 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.~~

4. 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.

~~c. An on-line 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 UNI's Policies and Procedures on Copyrights and Patents~~

5. 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 UNI's Policies and Procedures on Copyrights and Patents.

~~3. Please also see the definitions of work for hire included in the UNI Intellectual Properties Policy.~~

6. Please also see the definitions of work for hire included in the UNI Intellectual Properties Policy.

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:

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

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

Development – is the creation of online course syllabi, course outlines, lecture notes, bibliographies, texts, tests, and other activities that support teaching activities. The person(s) who perform(s) these tasks is (are) called “Content developer.”

Faculty – anyone currently employed on a faculty appointment (full or part-time).

Office of Intellectual Properties, ~~11/05/01~~

Faculty Senate, ~~03/11/02~~

Provost’s Office, ~~04/02/02~~

President’s Cabinet, approved ~~04/28/03~~