

DRAFT

Proposed Policy: Intellectual Property Rights for Online and Hybrid Course Content

Introduction

This policy addresses the usage of and rights associated with online and hybrid course content and materials developed for the University of Central Arkansas (UCA). The purpose of this policy is to protect the rights of faculty, students, and the university, and to ensure the development of quality online and hybrid courses.

Definitions

Online courses and hybrid courses: Courses in which the majority of students' learning experiences and course materials are delivered using a web-based, asynchronous or synchronous delivery system.

Electronic/digital course materials: Content that exists in electronic forms of digital data either born digital or turned digital.

Owned by Faculty Developer

1. Electronic/digital course materials developed for online courses and hybrid courses that are developed solely by a faculty member are considered the intellectual property of the faculty member. Examples may include the course syllabus, original artwork or images, wording of assignments and test questions, and other material written solely by the faculty member. That content may not be used aside from UCA online and hybrid courses without written permission from the faculty member. However, if the faculty member shares that content with another faculty member, they have given implicit permission to that faculty member to use the content in perpetuity for the sole purpose of instruction (i.e., the receiving faculty member cannot sell the content to another entity).
2. In the event that a faculty member leaves UCA, the electronic/digital course materials developed by a faculty member for an online or hybrid course can be used non-exclusively by UCA for a period of no longer than twelve months.

Owned by UCA

1. Electronic/digital content developed solely by UCA staff members for the purpose of supporting the delivery of content developed by a faculty member is considered the property of the university. Examples may include online graphic interfaces such as navigation links, toolbars, dashboards, web banners, online guides and documentation, online videos, workshops, and orientations. That content may not be distributed to other non-UCA entities without the written permission of the university.

2. UCA shall have the absolute, unrestricted right to use electronic/digital course materials developed for online courses and hybrid courses created by faculty as a “Work for Hire.” A written contract is required to initiate this “Work for Hire” arrangement.
3. In the event that intellectual property rights are offered to UCA and UCA accepts them, UCA will own the intellectual property rights.
4. UCA will own the intellectual property rights to master electronic/digital course materials (e.g., master syllabi, common exams, common study guides) when developed by the faculty of an academic unit and used for multiple sections of the same course.

Joint Ownership

1. Electronic/digital content developed jointly by a faculty member and staff members for online courses and hybrid courses is considered the joint property of the faculty member and the university. Examples include photos, videos, and voice recordings of a faculty member produced by a staff member, or any other content in which the contributions of more than one developer cannot be separated. In this case, the faculty member may not distribute the content to any non-UCA entity without written permission from UCA, and the university may not distribute the content to any entity without written permission from the faculty member.
2. Joint owners may, but do not have to, agree to bear responsibility for enforcement of the copyright.
3. In the event that a faculty member leaves UCA, the electronic/digital course materials for an online or hybrid course that are considered the joint property of the faculty member and the university can be used exclusively by UCA for a period of no longer than twelve months.

Use of Student Work

Original works of students are controlled by copyright law under which students own copyright in their works and faculty/creators must obtain permission to incorporate student work in their work. Distribution by students of their original work must comply with UCA Board Policy 709 (Academic Integrity).

Third Party/Publisher Materials

Third party or publisher-developed electronic/digital course materials are copyrighted materials that are owned by the third party or publisher. Content generated by faculty as part of third party or publisher-developed electronic/digital course materials usually remains the intellectual property of the instructor. However, it is best to check with the individual publisher to ensure that this is their policy. Examples of third party or publisher-developed electronic/digital course materials:

- eBooks (electronic)
- Course cartridges or e-Packs are entire publisher-developed courses and copyrighted material that can often be loaded directly into the Learning Management System (LMS)
- Supplemental exercises or media that come with a textbook purchase, such as video clips, homework assignments using a computer interface such as Excel, PowerPoint slides, quizzes, tests, and companion websites

Faculty Responsibility for Copyright

Faculty developing online courses or hybrid courses are responsible for ensuring that all instructional materials and delivery methods are in compliance with copyright laws.

Grants

Ownership of electronic/digital course materials developed in the course of or resulting from a grant or contract with governments or their agencies or other entities shall be determined in accordance with the terms of the grant or contract. In the absence of such grant or contract terms, ownership shall be determined according to this policy.

Storage and Backup of Electronic/Digital Course Materials

UCA or an authorized vendor maintains the right to make backup copies of electronic/digital course materials in order to protect against accidental or other deletion /corruption.

All electronic/digital course materials shall reside on servers within the online course management system except in instances where content is authorized from an outside vendor.

Physical presence of instructional content on UCA servers does not automatically assign ownership to the university.