Reason for revision: Policy language is updated to clarify faculty ownership of the online courses and course materials that they have developed.

10.08 University of Northern Iowa Policy on Intellectual Property Rights for Online Courses

Purpose:
This policy details University of Northern Iowa (UNI) procedures regarding the creation, ownership, storage and use of copyrights for online courses and course materials. This policy is designed to encourage the development of quality online and/or distance learning materials. In spelling out rights and responsibilities, this document will allow freedom in the development and distribution of online courses. Further, it will recognize that ownership and intellectual property rights for online 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 when the University provides compensation for the development of online courses.

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 of course materials when the courses are developed and faculty are not compensated the per unit online course development stipend.

3. Faculty who develop an online course using resources of the Office of Online Continuing and Distance Education continue to own the copyright of the course materials when those resources include only payment for completing a Quality Matters workshop (two-day Quality Matters professional development workshop or abbreviated Quality Matters Essentials workshop) or other workshop (not including a course development workshop with a per unit stipend). Faculty who complete these workshops and receive the per unit stipend are expected to redesign and teach an online course that meets Quality Matters standards and HLC expectations in the following year.

4. 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. Faculty who develop an online course using the support of the Office of Continuing and Distance Education, including an online course development stipend and assistance from professional staff, share in the copyright and ownership of the course materials.
   a. While it is assumed that the faculty member developing the course will continue to teach the course, the department head and the Office of Online Continuing and Distance Education retain the right to reassign the course to another faculty member.
   b. If taught by another faculty member within two academic years following the year of creation of the course materials, the new faculty member may use or adapt the initial course materials developed from this stipend and assistance only with the written consent of the faculty creator.
   c. Following the period of written consent, the initial course materials under shared copyright can only be used by another faculty member for semesters in which the faculty member who developed the course no longer decides to teach it, is unable to do so, or unable to teach sufficient enrollment.
d. Additionally, the University reserves the right to continue utilizing the initial course materials offering the course if the faculty member leaves the University.

5. 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.

6. An online course, that is commercialized, relying substantially on University resources, shall be subject to a negotiated contract (and possibly licensing) between both the university and original faculty creator prior to commercialization of the course. Please see UNI's Policies and Procedures on Copyrights and Patents

7. When a professor is offered a contract which is inconsistent with the provisions of this policy, the professor must be provided with a copy of this policy and a written explanation of the differences prior to signing said contract.

8. 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 online courses, the following definitions are recognized.

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

Online Courses/Web-based – refers to courses that are available to students predominantly online 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).

UNI Faculty Senate approved, April 25, 2022