

FAQs - Intellectual Property for Course Materials

Last reviewed \$ S U L O

1. When a faculty member prepares a syllabus for a course - who owns the material?

When a syllabus is developed, and it does not fall within one of the categories of University owned works set out in section 100.030.A.2 of the Collected Rules, the syllabus is owned by the author. The course belongs to the faculty member who developed it. As a general rule, the course syllabus, lecture notes, class handouts, lab manuals, and digital presentations are the intellectual property of the instructor who created them, unless they fall within one of the categories of section 100.030.A.2. Section 100.030.A.2. of the Collected Rules provides that the University owns the copyright in these categories of works:

- x Works that are commissioned for University use by the University
- x Works that are created by employees if the production of the materials is a specific responsibility of the position for which the employee is hired
- x Sponsored works, or works resulting from grants (but not if the production of the copyrighted work is ancillary to the purpose of the grant)
- x Works created with the use of substantial University resources

2. What role does copyright notice and registration play in protecting the work?

If a faculty member holds the copyright to a work, it would be advisable to put the copyright notice on the work, which includes the copyright symbol, year it was written, and name of author, i.e., "© 2010 Pat Doe". Though this is not necessary to secure copyright protection, it may deter others from copying it.

Registration of the copyright with the U.S. Copyright Office is a prerequisite to bringing suit for copyright infringement. If there is any concern that the work may be infringed, a faculty member may want to register the copyright using the U.S. Copyright Office's online registration process <http://www.copyright.gov/eco/>. If the university owns the copyright to the work the author may request the university to register the copyright.

3. Under what circumstances must I share my syllabus with my department?

Excellence in teaching demands that faculty colleagues have access to syllabi that are prerequisite courses to theirs. Likewise, faculty should know what the expectations are in the syllabi of courses for which theirs is a prerequisite. Accreditation bodies, departmental curriculum committees and Promotion & Tenure committees would naturally have the right to review the course syllabus, assignments, lab materials, and exams. This is important to maintain consistency between sections of a course and to maintain program quality.

If a faculty member leaves the University, she would retain copyright to her syllabus and related materials. In all instances, faculty should bear in mind the tradition of the academy to share as much information as possible to advance the mission of the university to educate and advance the discipline.

4. In the collected rules 100.030 one section refers to the concept "if substantial university resources will be used in the development of educational materials". What exactly does that mean?

are not considered substantial University resources; "limited secretarial support, uses of the library for which special charges are not normally made, and the employees' own time except as covered by subsections 2.a and 2.b" of 100.030. The University also takes the position that the mere use of Blackboard, Canvas, Zoom, and similar tools to deliver course content does not constitute the use of substantial University resources.

8. What happens if substantial University resources are used to develop a course and there is no written agreement?

If substantial University resources are used to develop instructional materials and there is no written agreement, the University may claim ownership according to section A.2.d.2. However, sections D and E of section 100.030 of the collected rules and regulations give the author additional s 8(384)-16.639302ond.4266 (06lfJT5)-1h-tf-1-s(m(5w 5 0 (006. w-5 (o-0h9)Tj4 (n0 134lw-5 (Tw-5 (c455T40 0h1)T

did not use any substantial University resources (including internal or external grants), the copyright is hers.

In all cases, it is recommended that authors confirm your ownership and/or other rights in writing in advance in accordance with either 100.030.A.4. or A.5. to ensure there are no misunderstandings.

10. Can a University employee use material that he developed for a university course for a non-university purpose such as a short course or workshop?

The employee retains rights to the course material and the entirety of the compensation as long as the material does not fall within one of the categories of works set out in section 100.030.A.2 and does not otherwise conflict with the university's policy on conflict of interest. The University's conflict of interest policy and policy on faculty consulting are both contained with the Policy on Conflict of Interest in Section 330.015 of the Collected Rules.

If substantial University resources were used in generating the coursework material then the employee is required to negotiate with the University the distribution percentage of the compensation prior to conducting the event. Honorariums are specifically exempt from this requirement.

11. Who owns a