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# DOC 2014-01 Revision to Senate Document 12-01 "Revision to the University of Dayton Intellectual Property Policy and Procedures, August 24, 1994 to Include Faculty Ownership Rights Regarding Online Course Materials"

University of Dayton. Faculty Affairs Committee

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## PROPOSAL TO THE ACADEMIC SENATE

**TITLE:** Revision to Senate Document 12-01 "Revision to the University of Dayton Intellectual Property Policy and Procedures, August 24, 1994 to Include Faculty Ownership Rights Regarding Online Course Materials"

**SUBMITTED BY:** The Faculty Affairs Committee of the Academic Senate

**DATE:** Approved February 14, 2014

**ACTION:** Legislative Concurrence

**REFERENCE:** Senate Document 12-01 Revision to the University of Dayton Intellectual Property Policy and Procedures; Senate Document 94-8 University of Dayton Intellectual Property Policy and Procedures August 24, 1994

### **Background:**

The Senate passed a document in January 2012 to revise the University's Intellectual Properties Policy (1994). However UDRI continues to revise this policy (now nearing completion) and therefore the Senate's January 2012 revision has not yet been incorporated in the policy. The topic of ownership of online course materials needed to be reviewed. A subcommittee of FAC, including Matt Willenbrink (UDRI legal counsel representative), S. Cassiman, P. Donnelly, L. Hartley, and P. Vanderburgh, met during the fall 2013 term to discuss the incorporation of the senate's revision and any needed amendment. Their recommendation was provided to the Faculty Affairs Committee in November 2013.

### **Presently in Faculty Handbook (1994 IP), 3.3.1.1 (pg. 121):**

"Textbooks, manuals, or training materials developed in conjunction with class teaching are excluded from the "significant use" category, unless such materials were developed using UD funds paid specifically to support the development of such materials. The use of commonly provided resources, including libraries, offices, classrooms, and clerical support, does not constitute significant use of UD funds and facilities."

### **Current revision not yet inserted in Faculty Handbook:**

DOC 12-01 (Senate-approved document), to replace above in section 3.3.1.1: "Textbooks, manuals, training materials, and other course materials for traditional and online courses developed in conjunction with teaching are excluded from the "significant use" category, unless such materials were developed using UD funds paid specifically to support the development of

such materials. The formal development of online course materials initiated by departments or units, supported by UD resources, and intended for purposes beyond the efforts of a single faculty member for his or her own teaching constitutes significant use.”

**Proposed revision to DOC 12-01 to replace DOC 12-01 suggested revision for 3.3.1.1:**

“Course materials developed for teaching courses delivered fully online shall be excluded from the “significant use” category unless such materials were developed using UD funds paid specifically to support that development. In that case, such materials will be co-owned by the creator and the University, unless an alternative agreement is reached between the creator and academic unit. The formal development of online course materials initiated by departments or units, supported by UD resources, and intended for purposes beyond the efforts of a single faculty member for his or her own teaching constitutes significant use. Textbooks, manuals, training materials, and other course materials for courses that are not delivered fully online are excluded from the "significant use" category unless such materials were developed using UD funds paid specifically to support that development.”

Note: The term ‘co-ownership’ is used as defined in federal copyright law.

**Reference documents:**

Senate Document 12-01 Revision to the University of Dayton Intellectual Property Policy and Procedures

[http://ecommons.udayton.edu/cgi/viewcontent.cgi?article=1195&context=senate\\_docs](http://ecommons.udayton.edu/cgi/viewcontent.cgi?article=1195&context=senate_docs)

Senate Document 94-8 University of Dayton Intellectual Property Policy

[http://ecommons.udayton.edu/cgi/viewcontent.cgi?article=1130&context=senate\\_docs](http://ecommons.udayton.edu/cgi/viewcontent.cgi?article=1130&context=senate_docs)