

Developing and Implementing Successful Intellectual Property Policies for Distributed Learning Environments

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Overview

- Knowledge management models
- NSOPF
- Survey of participants' institutions
- Distributed learning continuum
- Break
- Intellectual property policy review
- Building a policy
- Policy review/critique



Shift in Knowledge Management

■ Models

- Pre-digital
- Intellectual capital
- Sharing/reciprocal
- Contribution pedagogy
- Open knowledge

Implications and future considerations

Management

- Viability, credibility of knowledge products
- Erosion of proprietary, licensing, sole provider models
- Management within consortia networks

Distribution

- Standards & Specifications
 - [SCORM](#)
 - [IMS Project](#)

Sustainability

- Increased reliance and development of distributed learning
- Knowledge association to faculty or institution

Maintenance

- Decentralization of ownership and responsibility
- Knowledge product design, format and roles and procedures


National Study of Postsecondary Faculty

- <http://nces.ed.gov/surveys/nsopf/>
- Measures faculty and institutional behavior at national level
- Next NSOPF: 2004 (available in late 2005)
- Distributed learning activity by Carnegie Classification
 - Email: Research I, Liberal Arts I, Publics
 - Websites: Research I, Publics
 - Distance Learning: Doct I & II, Comp I, Publics

NSOPF (continued)

■ Distributed learning by discipline

- Email: Business & Engineering
- Websites: Business, Engineering, Natural Science
- Distance Learning: Agriculture, Business, Health Sciences



Distributed Learning Institutional Priorities Activity

- Continuum of distributed learning activity
- Identify your institution's top priority
- Identify other less active areas of distributed learning behavior

Intellectual Property Policies

■ Review of Policy Database

- <http://lrc.eller.arizona.edu/news/ipseminar.aspx>
- Research I & II Public & Private
- Community colleges

Exemplary Policies (faculty)

■ What are they?

- Academic exception to the work for hire clause
 - Faculty members retain copyright, unless specified by university's copyright policy
- Define what distance education is today and tomorrow
- Specify, in detail, the terms of ownership
- Typically set a threshold that defines when the institution has an interest in a product developed by a faculty member or employee of the university



Exemplary Policies (institution)

- Include incentives
- Encouraging innovation
- Right to refuse what faculty create
- Protect their investment
- Product maintenance
- Use of their institution's name
- Updated/current

Examples of Exemplars

■ University of Illinois

- Academic exception clearly defined
- Sample documents
- Specifies the terms of ownership and is designed for implementation before a work is begun to ensure clarity and avoid misunderstandings when the work is ready for distribution
- Web tools with multiple contributors clearly defined
- Quality control defined
- Proactive

Examples of Exemplars

■ Brigham Young University

- Creative works defined
- Expansive language in asserting ownership with work for hire defined
- *Nominal/substantial* university resources defined with examples
 - Includes use of Center for Instructional Design
- University-commissioned course development defined
- Creative works ownership examples



Examples of Exemplars

■ University of Texas System

- Model *System* policy
- Ownership defined
- Acknowledgement of maintenance
- Student works addressed
- UT System Copyright Crash Course
- Fair use and commercialization
- Examples of releases for faculty to use

IP Policy Categories

- Ownership and control of products developed by faculty members
 - How do selected policies restrict or control ownership of the products of faculty activities, and what are the claims on the proceeds of these activities?
 - How and by whom are the distributed learning products maintained, if at all?

IP Policy Categories (continued)

■ Product disaggregation

- Does the institution address ownership and control according to the type of product?
- Are distributed learning products or activities specifically addressed in the copyright policy?
- Does policy address different categories in distributed learning continuum?

IP Policy Categories (continued)

■ Scope of the policy

- Do the policies address employees involved in the production process, work time/course of employment, resources, and university units involved?
- Do they use language such as “work for hire,” “within the scope of employment,” and “substantial use of institutional resources” that addresses the conditions under which institutions may claim rights to faculty work?

IP Policy Categories (continued)

- Exemplary distributed learning policy characteristics
 - How does the policy address course materials developed for distributed learning activities or products to include distance education activity or other forms of instructional technology?
 - Does it address activity in advance or promote pre-planning?



Policy Critique

- Select a policy of your choice
 - From handouts or online from website
 - Critique according to 4 categories previously described



Policy Development

- Using the 4 categories as a guide, develop a policy that addresses each area
- Considerations
 - How policy will affect various constituencies
 - Faculty
 - Students
 - Administrators
 - Distributed learning area



Policy Critique II

■ Scenarios

- I: Totally Faculty or Staff Generated Course Materials
- II: Minimal University Resources
- III: Substantial University Resources Are Provided

■ Questions for policy analysis

- What happens when this existing policy is enacted?
- How can this policy be improved?



Conclusion

- Open discussion
- Questions and answers