

Developing and implementing successful intellectual property policies for online courses

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Why is this important?



- Intellectual property policy and online course delivery strategies
 - All online
 - Partly face-to-face and online
 - Online materials as a supplement
- Aging policies and organizational relevancy
- Preservation of a stable production environment
- Programmatic policy strategies

Today's agenda

- <http://www.mcli.dist.maricopa.edu/educause/Live07.php>
- Resources
- “Production environments”
- Intellectual property policy disaggregation
- Comprehensive policies and examples

Ownership (and management) in a dynamic environment

- Instructional technology continuum
- 3 course development models
 - Collaborative production model
 - Subject matter expert, designer, programmer, etc.
 - Semi-collaborative production model
 - Subject matter expert, designer
 - Individuals working alone
 - One-at-a-time production model
 - Individual developing a course in an isolated environment

Intellectual Property Policy Categories



- Ownership and control of products
- Product disaggregation
- Scope of the policy
- Exemplary distributed learning

Ownership and control of products



- 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?



Product disaggregation

- Does policy address ownership and control according to the type of product?
- Are online learning products or activities specifically addressed in the copyright policy?
- Does policy address categories in distributed learning continuum? Or areas in which organization is most active?

Scope of the policy



- Does the policy address
 - Employees involved in the production process
 - Work time/course of employment issues
 - Resources expended
 - University units involved
- Does the policy address the conditions under which ownership/control may be asserted
 - Work for hire
 - Within the scope of employment
 - Substantial use of institutional resources

Exemplary distributed learning policy characteristics

- How does the policy address course materials developed for online or blended courses or other forms of instructional technology?
- Does policy address activity in advance (proactive) or promote pre-planning and information sharing?

Comprehensive policies

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

Comprehensive policies (continued)

- Include incentives
- Encourage innovation
- Preserve the right to refuse what faculty-developed products
- Protect their investment
- Address product maintenance
- Address use of institution's name

Policy examples: University of Illinois

- http://www.vpaa.uillinois.edu/policies/courseware_report.htm
- 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

Policy examples: Brigham Young University

- <http://ipsinfo.byu.edu/ippolicy.htm>
- 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

Policy examples: University of Texas System

- <http://www.utsystem.edu/OGC/intellectualproperty/whowns.htm>
- 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



Sustainability & Maintenance

- Increased development of online learning products
- Decentralization of ownership and responsibility
- Knowledge of product design, format and roles, and procedures
- Potential use across systems, in multiple formats

Policy analysis and development

- Develop your policy according to the 4 categories previously described
- Utilize scenarios and case studies
 - Scenario I: Totally faculty or staff generated course materials
 - Scenario II: Minimal university resources
 - Scenario III: Substantial university resources are provided

Policy questions



- Does the policy address your organization's online learning environment(s)?
- Does the policy provide for an environment that will produce and maintain quality online course products?
- Does policy align with institutional vision and mission?



Policy questions (continued)

- Are different roles of faculty members noted (adjunct, non-tenure track, clinical, tenure or tenured)?
- Does policy adhere to higher-level institutional or system policy?
- Are exceptions to policy included?
- Is date of policy implementation and future revisions included?