

Policy on Ownership of Course Materials

I. Purpose and Scope

The University of California Policy on Copyright Ownership (August 19, 1992) sets forth the University's policy for works produced at, by, or through the University of California, its campuses, and the Department of Energy Laboratories.

The purpose of this policy is to supplement the existing Policy on Copyright Ownership to address copyright ownership issues related to materials prepared for instructional purposes at the University of California.

II. Definitions

A. For purposes of this Policy, the following definitions shall apply:

1. Course Materials

Materials prepared for use in teaching, fixed or unfixed, in any form, including, but not limited to, digital, print, audio, visual, or any combination thereof. Course materials include, but are not limited to, lectures, lecture notes, and materials, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, web-ready content, and educational software.

2. Course Approval Documents

Documents submitted, reviewed and approved pursuant to applicable Academic Senate regulations related to the approval of courses of instruction, typically consisting of a course description, a statement of learning objectives and a topical outline.

3. Exceptional University Resources

University Resources (including but not limited to *University Facilities* and *University Funds*, as described below) significantly in excess of the usual support generally available to similarly situated faculty members. Such things as ordinary secretarial support, library facilities, office space, personal computers, ordinary access to computers and networks, and academic year salary are not Exceptional University Resources.

4. Designated Instructional Appointees

Those University employees who serve as instructors of record and have a general obligation to produce course materials. Included are all members of the Academic Senate and Clinical Professors. Appointees in other academic titles may also be designated by the President.

B. The following definitions from the University of California Policy on Copyright Ownership are also used in this Policy:

1. *Originator(s)*

One who produces a work by his or her own intellectual labor. When there is more than one originator, the ownership of each originator's contribution shall be considered separately pursuant to this Policy.

2. *University Facilities*

Buildings, equipment, and other facilities under the control of the University, that are designated by the appropriate Chancellor, Laboratory Director, or Vice President as requiring an advance agreement, from non-University personnel and University personnel acting outside the scope of their employment, concerning the disposition of any copyrighted works that are originated with the use of these facilities. Such facilities normally include campus computer centers and normally do not include University libraries. For the purposes of this Policy, the Department of Energy Laboratories are considered to be under the control of the University.

3. *University Funds*

Funds, regardless of source, that are administered under the control, responsibility, or authority of the University.

4. *University Resources*

University funds or facilities.

5. *Work*

Any copyrighted expression, including literary work (written lectures are included); musical work including any accompanying words; dramatic work, including any accompanying music; pantomimes and choreographic work; pictorial, graphic, and sculptural work; motion pictures and other audiovisual work; sound recordings; and computer software.

III. Ownership of Course Materials

A. Ownership of Course Materials Originated by Designated Instructional Appointees.

Except as provided below, ownership of the rights to *Course Materials*, including copyright, shall reside with the *Designated Instructional Appointee* who creates them. However, the University retains a fully paid-up, royalty-free, perpetual, and non-exclusive worldwide license to any *Course Approval Documents* for the purpose of continuing to teach the course of instruction for which the documents were prepared, with the non-exclusive right to revise and update as required for this purpose.

B. Personal Work, Student Work, Sponsored Work, Commissioned Work, and Contracted Facilities Work.

Ownership of *Course Materials* that constitute Personal Works, Student Works, Sponsored Works, Commissioned Works, or Contracted Facilities Works are defined in and shall be governed by the University of California Policy on Copyright Ownership.

C. Course Materials Created with the Use of Exceptional University Resources.

Ownership of the rights to *Course Materials* created, in whole or in part, by *Designated Instructional Appointees* with the use of *Exceptional University Resources* shall be governed by a written agreement entered into between the *Originator(s)* and the University. The agreement shall specify the way in which rights will be owned and controlled and the way in which any revenues will be divided if the materials are commercialized.

Chancellors are responsible to identify and manage *University Resources* under their control. Consistent with this responsibility, Chancellors shall develop consistent campus policies and procedures to assist campus resource managers to determine when *Exceptional University Resources* are involved and assess the need for an agreement prior to the commitment of resources to a project to which this provision might apply. The University may at any time request a new agreement, or renegotiation of an existing agreement, as a condition for the subsequent allocation or continuation of *Exceptional University Resources* provided to *Designated Instructional Appointees*. For purposes of this policy, in the absence of an agreement, course materials will not be deemed to be created with the use of *Exceptional University Resources*, and ownership of these materials shall be governed by Articles III. A, III. B, and III.D. of this Policy.

To promote increased Universitywide understanding of the evolving circumstances of the use of University resources in instruction, copies of all agreements on *Course Materials* created with the use of *Exceptional University Resources* shall be filed with the UC Standing Committee on Copyright.

D. Jointly Originated Works.

Ownership of rights to *Course Materials* that are created by the intellectual labor of more than one person shall be owned jointly, pursuant to the provisions of the University of California Policy on Copyright Ownership, Section V. If *Course Materials* are created jointly, including the intellectual labor of *Designated Instructional Appointee(s)* and others, ownership of the contributions of *Designated Instructional Appointee(s)* shall be governed by this Policy, and the contribution of others shall be governed by the University of California Policy on Copyright Ownership. Ownership of the rights to jointly originated *Works* shall be determined by separately assessing the Category of Work of each *Originator* pursuant to the University of California Policy on Copyright Ownership.

IV. Standing Committee on Copyright

For the purposes of promoting Universitywide consistency in the interpretation of this Policy and providing a means for the University to gain the benefit of the diverse

experiences of the campuses, the UC Standing Committee on Copyright shall oversee implementation of this Policy and regularly review the agreements on *Course Materials* created with the use of *Exceptional University Resources*, and will make recommendations to the Provost and Senior Vice President for Academic Affairs for policy revisions or implementation guidelines that may be needed to achieve these purposes.

V. Using Course Materials Outside the University.

In using *Course Materials* outside the University of California, *Designated Instructional Appointees* shall abide by applicable University policies, including, but not limited to:

- The use of the University's name (DA 0864, May 3, 1985) (<http://www.ucop.edu/ucophome/coordrev/da/da0864.html>) and seal (DA 0865, May 3, 1985) (<http://www.ucop.edu/ucophome/coordrev/da/da0865.html>)
- The Policy on Conflict of Commitment and Outside Activities of Faculty Members (APM 025) (<http://www.ucop.edu/acadadv/acadpers/apm/apm-025-07-01.pdf>).
- The prohibition on use of University facilities for commercial purposes (APM 015 Part II.C.3) (<http://www.ucop.edu/acadadv/acadpers/apm/apm-015.pdf>)

Final draft, 4/16/03