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FAQs: Why is the Agreement for Development of an Online Course required? [1]

February 5, 2019 by Kim Penoyer | Office of Digital Education [2]

The Office of Digital Education is preparing to solicit proposals from the schools and colleges of CU Denver and Anschutz Medical Campus for development of new online programs. An important part of the program development grant is the development of courses for online delivery and the professional development opportunities that are available to faculty who are developing and teaching the online courses. Faculty developing these new courses are paid an online course development stipend and have always been required to sign the “Agreement for Development of an Online Course."

Why is this necessary?

Because we are reorganizing our operations and wanted to make sure we’ve got the most accurate and up-to-date information, we decided to meet with Chris Puckett, Associate Legal Counsel for CU Denver and Anschutz Medical Campus to verify that this was still a requirement. The answer is yes, the University’s Administrative Policy on Intellectual Property that is Educations Material is captured in the “Agreement for Development of an Online Course” and states the following:

Rights of Ownership to Intellectual Property that is Educational

Material Ownership of intellectual property is held by its authors, creators, researchers or innovators, except under the special circumstances as described in this policy and in the policy on discoveries, patents and software. Ownership and copyrights in scholarly and artistic works-- including, but not limited to, textbooks, electronic media, syllabi, tests, assignments, monographs, papers, models, musical compositions, works of art, unpublished manuscripts, and the like--will be the sole and exclusive property of the creator or author. Educational materials created for classroom and learning programs, including electronic media, such as syllabi, assignments, and tests, shall remain the property of the author, creator, researcher and innovator. Exceptions are: (1) those cases in which the production of such materials is a part of a sponsored program, (2) those cases in which the materials are created under the specifically assigned duties of employees other than faculty, or (3) those cases in which substantial university resources were used in creating educational materials.

Substantial Use of Resources

"Substantial use of resources" means use of university resources that goes above and beyond those that are customarily and currently provided to University employees. University resources include such things as equipment, staff support, supplemental pay, and offloading from regular duties. Substantial use of University resources gives the University of Colorado a claim to ownership, in part or in whole, of the intellectual property created by University employees.

In short, the agreement clarifies and affirms the shared ownership of a course.

According to Chris, “Agreement for Development of an Online Course” also has a clause that indemnifies the University if there were any copyright infringement issues with the online course.

The only portions of the agreement that ODE modifies are the course and development information, and the grant requirements that must be completed before the grant stipends are paid. Currently those grant requirements include faculty working with an ODE Instructional Designer to create a course map and participation in the Online Skills Mastery (OSM) program and/or other professional development as required.

If you have any questions, you can contact me at Kim.Penoyer@ucdenver.edu [3].

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