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Policy 5K: Policy on Intellectual Property that is Educational Material [1]

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electronic media, syllabi, tests, assignments, monographs, papers, models, musical compositions, works of art, unpublished manuscripts, and the like--will be the sole and exclusive property of the creator or author.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.

Work for Hire

Works specifically commissioned by university contract (also known as "work for hire") or undertaken as part of an explicitly designated job assignment, other than standard teaching responsibilities, shall be the property of the University.

Scope of Policy

This policy is applicable to all units of the University including its colleges, schools, departments, centers, and institutes, and hospitals, and to all University employees including faculty, instructors, and staff. Employees receiving salaries or other remuneration from the

University, including part time employees, University employees on sabbatical who receive remuneration from the University, and employees on a leave of absence who are using substantial University resources are bound by this policy. Students are covered in this policy if employed by the University or if they have used substantial University resources to develop educational materials. Students will own the materials they create, unless their work is part of a larger work over which the University has rights and intends to exercise them.

The University of Colorado shall be permitted to use educational materials for administrative purposes, such as satisfying requests of accreditation agencies for faculty-authored syllabi, assessments and course descriptions.

Copyright of Professional Journals and Books

Publication of research and/or other scholarly materials and activities typically occurs in professional/academic journals, books, and other professional resources and traditionally requires that the author(s) sign over the copyright to the publisher. Nothing in this policy shall be construed to restrict or constrain these traditions.

Written Agreements

If substantial resources are used, or their use is anticipated, at any point in the creation of educational materials, then a negotiated written agreement must be signed by the creator(s) and a designated representative from the campus where the educational materials shall be created.

Reporting Requirements

Any person formally affiliated with the University shall be obligated to report in a timely manner any efforts to create educational materials that might fall under the authority of this Regent policy and other University policies, such as the conflict of interest policy, the conflict of commitment policy, and the policy on the use of the University name.

Last Amended: January 16, 2003

History:

Source: Regent Action of January 16, 2003

Groups audience:
Board of Regents
OG vocabulary:
Regent Policies

Source URL: https://www.cu.edu/regents/policy-5k-policy-intellectual-property-educational-material

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[1] https://www.cu.edu/regents/policy-5k-policy-intellectual-property-educational-material