University of Colorado
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APS JUSTIFICATION

Policy Title: Intellectual Property That is Educational Material: Administrative and Instructional Use

APS Number: APS 1014 **APS Functional Area:** ACADEMIC

Date Submitted:	September 3, 2025 (Updated 12/23/25)
Proposed Action:	Revision
Brief Description:	This policy provides definition, structure, and detail for implementation of Regent Policy 5K on Intellectual Property that is Educational Material.
Desired Effective Date:	February 1, 2026
Approved by:	President Todd Saliman (pending)
Responsible University Officer:	Vice President of Academic Affairs
Responsible Office:	Office of Academic Affairs
Policy Contact:	Office of Academic Affairs
Supersedes:	APS 1014: Intellectual Property that is Educational Material
Last Reviewed/Updated:	July 1, 2013
Applies to:	All University employees

Reason for Policy: Through its policies on intellectual property (IP), the University of Colorado reaffirms its commitment to encouraging and rewarding authors, creators, researchers, and inventors who are developing IP. Regent Policy 5.H defines educational material and scholarly/creative works and assigns ownership of both forms of intellectual property to the author(s) who created the works. With educational material, the university retains the rights to administrative use of the materials in certain cases, and for limited use as part of the instructional mission of the primary unit. APS 1014 provides implementation details for administrative and instructional use of educational material.

I. REASON FOR PROPOSED ACTION

APS 1014, last revised in 2013, was due for review. In 2020, the Vice President of Academic Affairs met with a working group consisting of a faculty member from each campus to begin discussion of IP that is educational material. Staff researched policies at other institutions to help inform the APS revision process. In 2021, APS 1014 was re-written and shared with stakeholders for feedback. The re-write/feedback process was repeated with two additional versions of the policy drafted over the course of several years. The final draft APS provides implementing details for Regent Policy 5.K, which was also reviewed during this time period, and approved by the regents on June 20, 2024. Regent Policy 5.K has since been renumbered as Regent Policy 5.H.

Ownership of intellectual property (IP) that is educational material is straightforward. Regent Policy 5.H assigns ownership of IP associated with educational materials to the author(s) who have broad rights in their subsequent use of the material both in and outside the university.

Use of IP that is educational material by the university is complex for several reasons.

1. Across our campuses and academic units, the culture of use varies from no instructional use beyond the author(s) to materials being generally and widely shared.

2. Concern exists among faculty that certain instructional use can either be unfair or lead to unfair treatment of the author(s).
3. Many courses have been developed through primary unit curricular processes to have specified syllabi, learning goals/outcomes, and use common infrastructure such as labs or software with common instructional materials. In other words, some primary units have common or shared educational materials.
4. The modern use of closed learning management systems (LMS) has dual purpose - to communicate course educational materials, and as containers for student work and student communications with faculty and others in the class.
5. The use in courses of copyrighted materials not owned by the faculty member.

Other issues, such as derivative work, might also be cited as a complication, but these will suffice.

Developing a policy to address all issues is a massive undertaking with potentially minimal return. Regent Policy 5.H and this associated APS 1014, provide a framework, responding to faculty and administrative concerns to address the most common critical issues, vesting important decisions beyond the policy with the primary unit, and, importantly, allowing the author(s) and administration to enter into individual agreements to address the myriad of possibilities not covered.

The implementation of APS 1014, taken literally, is again a significant task with minimal return. Individuals working in good faith should be able to resolve many singular situations, however, rather than mandating separate appeal/grievance procedures, the policy uses author ownership as the final determinant. The exceptions are claims of plagiarism or unauthorized use of IP, which are handled with currently existing procedures.

Finally, for educational material developed for asynchronous delivery (e.g., Coursera) or specifically for ongoing offerings across multiple faculty (e.g., certain non-degree certificates), while the IP is still owned by the author(s) and available for administrative use as described in this policy, there may be instructional usage negotiated and approved in separate documents that are not meant to be captured in this APS.

Updates to APS 1014 are consistent with the framework just described, with exceptions handled as described.

II. RECOMMENDATIONS

- Regent Policy 5.H and APS 1014 both govern IP that is educational material. With updates to the APS, there is less repetition of content between regent policy and APS.
    - IP ownership rights for educational material are captured in 5.H, along with a statement that the university retains certain rights to administrative and instructional use.
    - These limited usage rights and implementation details are captured in APS 1014, which is appropriate to APSs rather than regent policy.
    - The title of the APS is updated to reflect its focus on administrative and instructional use.

- A previous draft of the APS included a “policy framework” section that included history of the revision process for APS 1014 along with a broad rationale for the re-write of the APS. Based on feedback, the background/framework was moved to section I of this justification.

- The APS introduction is revised to include a statement of the university’s goals with respect to administrative and instructional use of educational material.

- The updated APS defines administrative use of educational material for both accreditation activities (which is in current policy), and educational improvement activities of a campus, school/college, and primary unit. The APS references examples of educational improvement activities.

- For instructional use of educational material, the APS authorizes primary units within certain limits for both “shared use” and “single course use” of educational material.
    - Some primary units already operate with shared use of material, which new language in the APS now acknowledges. Based on stakeholder feedback, a statement was added that authors of educational material may not revoke the status of the materials as shared use, and that once granted, they may not restrict use by the primary unit. (Updated 12/23/25)
    - The APS states a default policy that a primary unit may use educational materials associated with a single course in one instance of the course within a year of the initial use of the material. The APS grants an option

to the primary unit to modify the default policy (extend or limit) based on primary unit shared governance decisions. The updated language in the APS on single course use provides flexibility to the primary unit and vests authority to decide with the faculty shared governance of the primary unit. (Updated 12/23/25)
    - Updated language and new sections in the APS specify responsibilities of the primary unit and author(s) with regard to instructional use.
    - Negotiated individual agreements between the author(s) and head of the primary unit are permitted for instructional use circumstances not covered by the APS.

- The sections on "use of substantial university resources" have been removed from the updated APS.

- The section in current policy that creates a "system-wide educational materials IP board" has been removed from the updated APS. This board was never operational.

- The campus chancellor continues to have responsibility for designating a campus official to administer the APS.

- The updated APS also includes guidance on perceived violations to the APS, specifies requirements with communications and training on the APS and for regular review of the policy.

III. LEAD STAKEHOLDERS ENGAGED IN THE POLICY REVIEW

Provosts
Faculty Council Educational Policy and University Standards Committee
Campus Faculty Assemblies
University Counsel

IV. LEGAL REVIEW

1. Do you think legal review would be required for these proposed changes? **Yes**

    1. If no, please explain.

    2. If yes, what is your plan to get the legal review? **There have been several drafts of APS 1014 and University Counsel has reviewed each one.**

2. Date legal review completed: **December 22, 2025**

3. Person completing legal review: **Erica Weston and Annalissa Philbin**

V. FISCAL REVIEW

Are there any financial (human resources, technology, operations, training, etc.) or other resource impacts of implementing this policy (e.g., cost savings, start-up costs, additional time for faculty or staff, new systems, or software)? **No.**
If yes, please explain: