



ADMINISTRATIVE POLICY STATEMENT

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

2 **APS Number:** APS 1014

3 **APS Functional Area:** **ACADEMIC**

4 **Brief Description:** This policy provides definition, structure, and detail for implementation of Regent Policy
5 5.HK on Intellectual Property that is Educational Material.

6 **Effective:** TBD (Pending)

7 **Approved by:** President Todd Saliman (Pending)

8 **Responsible University Officer:** Vice President of Academic Affairs

9 **Responsible Office:** Office of the Academic Affairs

10 **Policy Contact:** Office of Academic Affairs

11 **Supersedes:** Intellectual Property that is Educational Material, July 1, 2013

12 **Last Reviewed/Updated:** TBD (Pending)

13 **Applies to:** All University employees

14 **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.HK 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. POLICY FRAMEWORK

24 **Intellectual Property (IP) associated with educational materials is both very simple—ownership, and potentially
25 daunting in its complexity—administrative and instructional use of the material. Before providing policy language
26 we want to address this dichotomy.**

27 **Ownership is straightforward, Regent Policy 5.K gives ownership of IP associated with educational materials to the
28 author(s) who have broad rights in their subsequent use of the material both in and outside the university.**

29 **Use by the university is complicated for several reasons.**

- 30 **1. Across our campuses and academic units, the culture of use varies from no instructional use beyond the
31 author(s) to materials being generally and widely shared.**
- 32 **2. Concern exists among faculty that certain instructional use can either be unfair, or lead to unfair
33 treatment of the author(s).**

36 3. Many courses have been developed through primary unit curricular processes to have specified syllabi,
37 learning goals/outcomes, and use common infrastructure such as labs or software with common
38 instructional materials. In other words, they have common or shared educational materials.
39 4. The modern use of closed learning management systems (LMS) for both the communication of course
40 educational materials and also as containers for student work and student communications with faculty
41 and others in the class.
42 5. The use in courses of copyrighted materials not owned by the faculty member.

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

44 Developing a policy to address all of these concerns is a massive undertaking with potentially minimal return.
45 Therefore, this policy provides a framework, responding to faculty and administrative concerns to address the most
46 common concerns, vest important decisions beyond the policy with the primary unit, and, importantly, allows the
47 author(s) and administration to enter into singular agreements to address the myriad of possibilities not covered.

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

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

56 In providing the following policy statements we are working within the framework just described, with exceptions
57 handled as described.

58 **H.I. INTRODUCTION**

59 Regent Policy 5.HK defines educational material and scholarly/creative works and assigns ownership of both forms
60 of IP to the author(s) who created the works. Through this APS, and with further detail in campus and primary unit
61 policies, the university distinguishes ownership rights to educational material, which are assigned to author(s)
62 without exception in Regent Policy 5.HK, from usage rights, which permit specific and limited conditions for use
63 of educational materials by the university.

64 With respect to administrative and instructional use of educational materials, the university has the following goals
65 including but not limited to:

66 - To collect as needed, educational material for courses to support the requirements of accreditors, including
67 tracking student learning outcomes and tracking continuous improvement
68 - To support faculty and primary units in their efforts to advance professional development
69 - To support the continuity of the teaching and learning-focused missions within primary units
70 - To protect the privacy of students and student data
71 - To ensure appropriate acknowledgement of the intellectual contribution of faculty and staff in creating
72 educational materials and promote appropriate use of copyrighted materials

73 **H.II. POLICY STATEMENT**

74 **A. Administrative Use of Educational Material**

77 Administrative use of educational materials is use of the materials outside of instructional settings to support
78 administrative requirements of the university, campus, and primary unit, as applicable. This type of use is primarily
79 focused on accreditation and educational improvement activities.

80 **1. Administrative Use: Accreditation**

81 a. Institutional – All course related materials, including educational materials, as determined by the
82 requirements of the institutional accreditor, shall be stored by the primary unit at the end of each course, in
83 a manner determined by the campus, for the duration required by the institutional accreditor.

84 b. Professional - All course related materials including educational materials, as determined by the
85 requirements of the professional accreditor, shall be stored by the primary unit at the end of each course, in
86 a manner determined by the primary unit/school/college, for the duration required by the professional
87 accreditor.

88 c. In both cases, any student-related information will be protected as required by FERPA and other
89 applicable laws, Further, any educational materials used in accreditation reports will be appropriately
90 credited to the author(s).

91 **2. Administrative Use: Educational Improvement Activities**

92 Each campus, school/college, and primary unit may use educational material¹ for the purposes of
93 educational improvement activities¹ such as, but not limited to, individual faculty evaluation and mentoring
94 support, activities that are part of any regular curricular development and continuous improvement process,
95 as examples of best practices, and in support of award nominations.

96 **B. Instructional Use of Educational Material**

97 **1. Instructional Use by Author(s)**

98 The author(s) of educational material own the ir educational material they create and therefore may use it
99 for instructional purposes and similarly, may permit others within the university to use their educational
100 material for instructional purposes. Author(s) may also use their educational material outside of the
101 university, for example, making the educational material available as Open Educational Resources (OER)
102 and for other professional purposes. In any case, author(s) must follow the principles for use of their
103 educational material set forth in Section III.C of this policy.

104 **2. Instructional Use within the Primary Unit**

105 With certain limits, educational material may be used within the instructional mission of the primary unit in
106 which the material was developed. The following principles are applicable for such use by the primary unit:

107 a. Shared Use: Some educational materials are created with the intent to be used across multiple
108 instances of a course or across different courses (e.g., training or support instructional materials for
109 hardware or software use, lab manuals, syllabi, course learning objectives etc.). These shared use
110 materials are owned by the author(s) (where clearly identifiable), and their continued use is subject
111 to the regular curricular development and approval processes of the primary unit.

112 i. Educational materials in a course which that were not created for shared use purposes, may
113 only become shared use educational materials with permission of the author(s).

114 ii. Author(s) may not revoke the status of their educational materials as shared use and, once
115 granted, may not restrict use by the primary unit.

122 ii.iii. Shared use educational materials should be clearly identified as such.

123
 124 b. Single Course Use: By default, unless otherwise modified by the primary unit through its shared
 125 governance process, educational materials associated with a single course, which may have
 126 multiple sections in the same term, may be used for one future instance of the course in the primary
 127 unit, which may include multiple sections, whenever that term occurs within one year of the initial
 128 use of the educational material in a course. Note that any single course instance may have multiple
 129 sections, and the educational materials may be used across all such sections.

130
 131 i. The primary unit, through its shared governance process, may modify (extend or limit)
 132 the default use of choose to allow educational materials associated with a single course
 133 to be used in additional instances of the course.
 134 ii. Primary unit modifications may apply to all courses offered by the primary unit, or on
 135 a course-by-course basis.
 136 iii. The primary unit may not prevent the use of educational materials in a single future
 137 instance of the course.
 138 iv. The number of additional instances of use may vary by course, as determined by the
 139 primary unit.

140
 141 c. Responsibility:

142 i. It is the responsibility of the primary unit to have mechanisms for tracking the use of
 143 educational materials and maintaining compliance with this policy and primary unit rules.
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 145 ii. It is the responsibility of the primary unit to clearly identify shared use materials and have
 146 a mechanism to maintain appropriate agreements with the shared use material.
 147 iii. It is the responsibility of the primary unit to have mechanisms for tracking the use of
 148 educational materials and maintaining compliance with this policy and primary unit rules.
 149 Faculty have the responsibility to follow the usage rules of the primary unit and cannot opt
 150 out of the primary unit rules. However, the author(s), as owners of the IP, may approve use
 151 beyond the primary unit rules.
 152
 153 iv. As referenced in section II.B.1, author(s) create and own their educational materials, and
 154 may use their materials within and outside of the primary unit. As a member of a primary
 155 unit, author(s) may not circumvent overarching primary unit rules for shared or single
 156 course use of educational material within their primary unit (see section II.B.2), where
 157 exceptions should be handled in accordance with primary unit policy, rules, or practice.
 158
 159 v. Just as faculty have legal requirements/responsibilities in the use of copyrighted material in
 160 their teaching and scholarship, educational material is viewed as copyrighted material and
 161 should be treated accordingly. Violation of copyright laws is subject to existing processes
 162 and penalties.

163 3. Individual Agreements regarding Instructional Use

164
 165 Instructional use circumstances Other instructional uses of educational materials by the primary unit not
 166 covered by this policy are to be negotiated between the author(s) and the head of the primary unit. If an
 167 agreement is not reached, the educational material cannot be used by the primary unit.

168 4. Violation of Policy

169 This APS defines usage rights rights related to the usage of educational materials, which and permits
 170 specific and limited conditions for use of educational materials by the university. Perceived violation of this

171 policy regarding in terms of the number of instances of use of educational material may be grieved
172 according to the deancampus policy. Perceived violation of the copyright of educational HP-materials will
173 be treated as plagiarism and subject to the associated university policies.

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175 **C. Principles Applicable to Both Administrative and Instructional Use of Educational Materials**

176 **1. Reference to Author(s)**

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178 Violation of copyright laws is subject to existing processes and penalties.
179 In either administrative or instructional use of educational materials, the author(s) must be clearly identified
180 in or on the material.

181 a. It is the responsibility of the primary unit, in concert with the author(s), and in compliance with
182 university branding guidelines, to establish processes for author(s) identification.
183 b. Any unattributed educational materials may be used without restriction but must be noted as
184 unattributed and always remain unattributed.
185 c. Falsely attributing the work of others to oneself or others will be treated as plagiarism and
186 subject to associated university policies.

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188 **2. License Requirements at Different Institutions**

189 When an author(s) intends to use materials at the University of Colorado that they developed at another
190 institution in teaching a course at the University of Colorado and which that are subject to license
191 restrictions by that other institution as educational materials, the author(s) must inform their primary unit of
192 these restrictions. Regardless of limitations for instructional use beyond use by the author(s), if the
193 educational material is used in the teaching of a course at the University of Colorado, the educational
194 material must be available for administrative use by the University of Colorado.

195 **3. Use of University's Trademarks, Name, and Branding**

196 While the author(s) who owns the copyright to specific educational material may use it outside of the
197 university, any such use that includes reference to the University of Colorado name, word mark, logo, etc.,
198 must comply with university trademarks and branding guidelines. There are no restrictions on the use of
199 material that does not contain reference to the University of Colorado name, word mark, logo, etc.

200 For additional guidance, see Article 14, part A of the Regent Laws of the Regents, and Regent Policy 14.A
201 and 14.B, and APS 2025: University Brand Identity and Logo Usage.

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203 **5. Conflict of Interest and Commitment**

204 Regent Policy 8.A.3 requires members of the university community to avoid actual and perceived conflicts
205 of interest related to their work and position, and to appropriately disclose actual and potential conflicts of
206 interest. With respect to educational materials, each campus shall have a process for reporting and assessing
207 potential conflicts of interest. See APS 5012: Conflicts of Interest and Commitment in Research and
208 Teaching (sections II and section III.B).

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210 **IV. UNIVERSITY RESPONSIBILITIES**

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212 **A. Designation of Responsible Authority**

217 The campus chancellor shall be responsible for campus policies and procedures related to this APS,
218 including designating a campus official(s) who will be responsible for administering the policy.
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220 **B. Communications and Training**

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222 Reference to this APS shall be part of [each](#) appropriate employment agreement and referenced on all
223 primary unit websites along with primary unit rules relative to this APS. Additionally, the provisions of
224 this APS shall be part of all faculty orientation programs.
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226 **C. Review of Policy**

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228 This policy shall be reviewed [with faculty shared governance input](#) according to the usual APS review
229 cycle. Any proposed changes that impact Regent Policy 5.[HK](#) shall be brought to the Regent Governance
230 Committee in the form of proposed revisions to Policy 5.[HK](#), and when approved shall be incorporated into
231 APS 1014. Changes to this APS that do not impact Regent Policy 5.[HK](#) shall be approved by the
232 chancellors and president.
233

V.IV. SCOPE AND APPLICABILITY

234
235 As set forth in Regent Policy 5.[HK](#):

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237 A. Regent Policy 5.[HK](#) and APS 1014 are applicable to all units of the university, including its colleges,
238 schools, departments, centers, and institutes, and to all university faculty, staff, and student employees.
239
240 B. This policy does not apply to works of authorship made by university employees in the course and scope of
241 their employment in the furtherance of administrative responsibilities associated with a position, such as
242 university staff, department chair, dean, provost, [and](#) chancellor, and president, whose works are owned by
243 the university as works made for hire.
244
245 C. This policy does not apply to works of authorship made by university employees where the development of
246 the work is required as a part of a sponsored program or a funding agreement administered by the
247 university. Ownership of such works are governed by the terms of the associated contract/grant, which
248 generally assign ownership to the University of Colorado or impose on the University of Colorado other
249 obligations that necessitate ownership by the University of Colorado.

250 **VI. DEFINITIONS**

251 A. **Scholarly and Creative Works** – See definition in Regent Policy 5.[HK](#)5.

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253 B. **Educational Material** – See definition in Regent Policy 5.[HK](#).4. As further clarification, educational
254 materials do not include:

255 1. Student identifiable information.
256 2. Email, chat, and other messaging between the faculty and students, or between/among
257 students.
258 3. Software, whether in source code, executable code, or other machine-readable form, and
259 other discoveries, which are [Scholarly or Creative Works discoveries](#) whose ownership and
260 administration are governed by Regent Policy 5.[I](#), [APS 1013: Intellectual Property Policy](#)
261 [on Discoveries and Patents for Their Protection and Commercialization](#), and any related
262 campus policies.
263 4. The course taken as a whole, which, because of a student and student-faculty interactions
264 can never be replicated.
265

265 In cases where it is not clear whether a particular work is an educational material, a scholarly or creative
266 work, or a material owned by the university, author(s) are strongly encouraged to seek clarification from
267 the campus official designated by their campus chancellor as required by Section IVIII.A of this APS.

268 **C. Author(s)** - For the purposes of this policy, the university defines "author" as employees who, as part of
269 the course and scope of their employment, develop or co-develop scholarly and creative works or
270 educational materials. University employees who engage learners in an educational setting at the university
271 are not necessarily the author(s) who developed the educational materials being used in that setting. To be
272 clear about the difference, these non-author individuals are referred to generically as "faculty" in this
273 policy.

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275 **VI. RELATED POLICIES**

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277 **A. Regent Laws and Policies**

278 1. Regent Law 5, Part B – Academic Freedom
279 2. Regent Policy 5.H – Intellectual Property that is Educational Material or Scholarly/Creative Work
280 3. Regent Policy 5.IJ – Intellectual Property on Discoveries and Patents for Their Protection and
281 Commercialization
282 3. Regent Policy 5.K – Intellectual Property that is Educational Material or Scholarly/Creative Work
283 4. Regent Policy 8.A.3 – Conflicts of Interest
284 5. Regent Law 14, Part A-4 – Official SealProperty
285 6. Regent Policy 14.A – Use of the University Seal Law 14, Part A.2 – Commercial Seal
286 7. Regent Policy 14.B - Use of University's Name and Marks in Advertising and Marketing by External
287 Entities

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289 **B. Administrative Policy Statements**

290 1. APS 1013 – Intellectual Property on Discoveries and Patents for Their Protection and
291 Commercialization
292 2. APS 2025 – University Brand Identity and Logo Usage
293 3. APS 5012 – Conflicts of Interest and Commitment in Research and Teaching

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295 **VIII. HISTORY**

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297 • Initial policy approved January 16, 2003
298 • Revised June 1, 2006
299 • Revised July 1, 2013