

## **An Analysis of Copyright Policies for Distance Learning Materials at Major Research Universities**

Kathryn Ann Loggie, Ann E. Barron, Elizabeth Gultiz,  
Tina N. Hohlfeld, Jeffrey D. Kromrey, Melissa Venable  
University of South Florida

Phyllis Sweeney  
St. Petersburg College

### ***Abstract***

*This study describes an investigation of the intellectual property policies of a stratified random sample of public and private Carnegie Doctoral Research – Extensive Universities. Current copyright law was reviewed as well as the status of the “academic exception.” University policies were examined to determine whether or not they included provisions for distance learning materials or courseware, what provisions were made for ownership, and what exceptions, if any, were applicable. In addition to providing summary statistics, public and private universities’ policies were compared. Policies that were determined to be exemplary and noteworthy were profiled. Results were interpreted in terms of the need for comprehensive and explicit policies to support online course development and delivery.*

### **Overview and Introduction**

The National Center for Education Statistics reported that 89% of public two-year institutions offered distance education courses during the 2000-2001 academic year (Waits & Lewis, 2003). This shows a marked increase from the previous report (based on the 1997-1998 academic year), which reported 78% for four-year institutions and 62 percent for two-year institutions (Lewis, Snow, Farris & Levin, 1999). The *Growing by Degrees* study sponsored by the Sloan Consortium reported that online courses have penetrated 64.3% of the undergraduate level and 78.09% of the graduate level programs at doctoral/research institutions (Allen & Seaman, 2005). The trend toward online courses raises questions about the ownership of course materials, a topic that can increase tensions between faculty members and their universities regarding rights and responsibilities associated with intellectual property. These questions and tensions are especially important issues for digital resources because of the portability of such courses. As Twigg (2000) pointed out, “There has never been much need to figure out if one party owned a course as a commodity that could be sold elsewhere. But information technology and the Internet appear to have changed the status quo” (p. 1).

The American Association of University Professor’s (AAUP) position on copyright ownership asserts that the faculty member who created the work is the legitimate owner of the work, regardless of the physical medium in which the work appears, yet acknowledges that there are circumstances in which the university has claim to co-ownership rights (AAUP, 1999b). The AAUP recommends that the allocation of copyright ownership interests should “be reflected either in widely available institutional policy documents or in collective bargaining agreements” (AAUP, 1999a). The statement further articulates that the institution should be reimbursed for

...unusual financial or technical support. That reimbursement might take the form of future royalties or a nonexclusive, royalty-free license to use the work for internal educational and administrative purposes. Conversely, where the institution holds all or part of the copyright, the faculty member should, at a minimum, retain the right to take credit for creative contributions, to reproduce the work for his or her instructional purposes, and to incorporate the work in future scholarly works authored by that faculty member. In the context of distance-education courseware, the faculty member should also be given rights in connection with its future uses, not only through compensation but also through the right of "first refusal" in making new versions or at least the right to be consulted in good faith on reuse and revisions (AAUP, 1999a).

*Copyright law:* Article I, § 8 of the U.S. Constitution provides Congress with the power "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." The first Copyright Act was passed in 1790, and there have been a number of subsequent revisions.

Copyright is an author's independent and original expression recorded in a fixed and tangible form. As soon as the copyrighted material is recorded in a tangible format, such as a manuscript or an electronic file, it automatically becomes protected; however, registration with the copyright office provides additional protections in case of infringement and is often in the best interest of the author if infringement becomes an issue. A copyrighted work can be reproduced, adapted to create derivative works, distributed, displayed or performed in public by the author. The author can also transfer rights to others. If copyrighted material is reproduced without the permission of the owner, the violator can be liable for copyright infringement. Some examples of copyrightable works are poems, software, and multimedia materials. In the context of copyrightable works in an academic setting, examples include books, scholarly publications, syllabi, presentation files, web-based course content, and lecture notes.

*Work made for hire:* A revision to the copyright law in 1909 specified that the "author" of a copyrightable work "shall include an employer in the case of works made for hire" (Copyright Act of 1909, p. 1087-1088); however, the term, "works made for hire," was not defined. In the 1976 revision to the copyright law, the term was defined as "a work prepared by an employee within the scope of his or her employment" (Copyright Act of 1976, 17 U.S.C §101). This provision has been interpreted by the courts to provide ownership to the employer when the copyrighted work is created in a traditional employer-employee relationship; namely, when there is a long-term employment relationship with salary and benefits for the employee, the employer provides the work resources and space to produce the copyrightable material, and the employer assigns the work schedule and projects (*Committee for Creative Non-Violence v. Reid*, 1989).

*Faculty exception:* Faculty have traditionally benefited from an exception to the work for hire doctrine even though they may enjoy a long-term employment relationship with benefits covered by academic institutions, are assigned a teaching and research load by the employer, and use university resources to produce their work. This exception was established by case law subsequent to the 1909 revision of the copyright law (*Williams v. Weisser*, 1969). The general rationale for the exception reserved to faculty work was to promote academic creativity and freedom of thought and expression. Traditionally, faculty members have been free to select their research agenda, course materials, and presentation materials. However, when the copyright law

was amended in 1976, no faculty exception to the work for hire doctrine was incorporated therein. While some concluded that this omission meant that the faculty exception had been eliminated, others took the view that a specific provision was not necessary inasmuch as the faculty exception was so widely acknowledged to exist (Townsend, 2003). Lape (1992) asserted that “the 1976 Act did not disturb the professors’ exception from the work-made-for-hire doctrine; to the extent that such an exception ever existed, it continues to exist” (p.246). Nevertheless, since the statute is silent on the faculty exception and there has been no definitive case law subsequent to the 1976 copyright law revision, ownership rights to faculty materials should be clarified in writing.

*Creative Commons and OpenCourseWare:* The Massachusetts Institute of Technology (MIT) introduced the concept of OpenCourseWare (OCW) in 2001 when they announced that some of their online curricular materials would be publicly accessible. Approximately 50 other universities now participate in the OCW initiative (Center for Open and Sustainable Learning, 2006).

The licensing agreement generally associated with OCW is called *Creative Commons*, which incorporates an “Attribution-NonCommercial-ShareAlike” policy (Creative Commons, n.d.). This means that the material can be copied and derivative works can be created, however, the works must be attributed to the originating institution/faculty, must be used for non-commercial purposes, and must be offered freely to others under the same terms (Center for Open and Sustainable Learning, 2006b).

It is important to note that participants in the OCW initiative, such as MIT and Tufts, do not require faculty members to relinquish their copyrights, nor do they require that all faculty contribute to the OCW. For example, a press release on MIT’s website states:

Participation of MIT faculty in MIT OCW will be voluntary, although judging by the number who already actively utilize the web as part of their teaching, we expect that within 10 years, over 2000 MIT courses will be available on the MIT OCW website. Resources will be available to provide teaching assistants and professional production support for developing and maintaining the MIT OCW website (Massachusetts Institute of Technology, 2001).

### **Previous Research on Intellectual Property Policy**

*General Issues Related to Intellectual Property:* Three previous, large-scale studies have investigated the rights of university professors as they relate to the creation and ownership of intellectual work. Lape (1992) and Packard (2002) reviewed the intellectual property policies of 70 research universities in the United States. More recently, Kromrey et al. (2005) used a similar framework to investigate the online policies of 42 research-intensive universities. In 1992, 77% of the universities had a written policy (Lape, 1992). Less than 10 years later, Packard (2001) studied the same sample of universities and found that all but one (98.5%) had adopted a policy. The 2005 study (Kromrey et al.) revealed that 100% of the universities had a formal policy, and they were all available online.

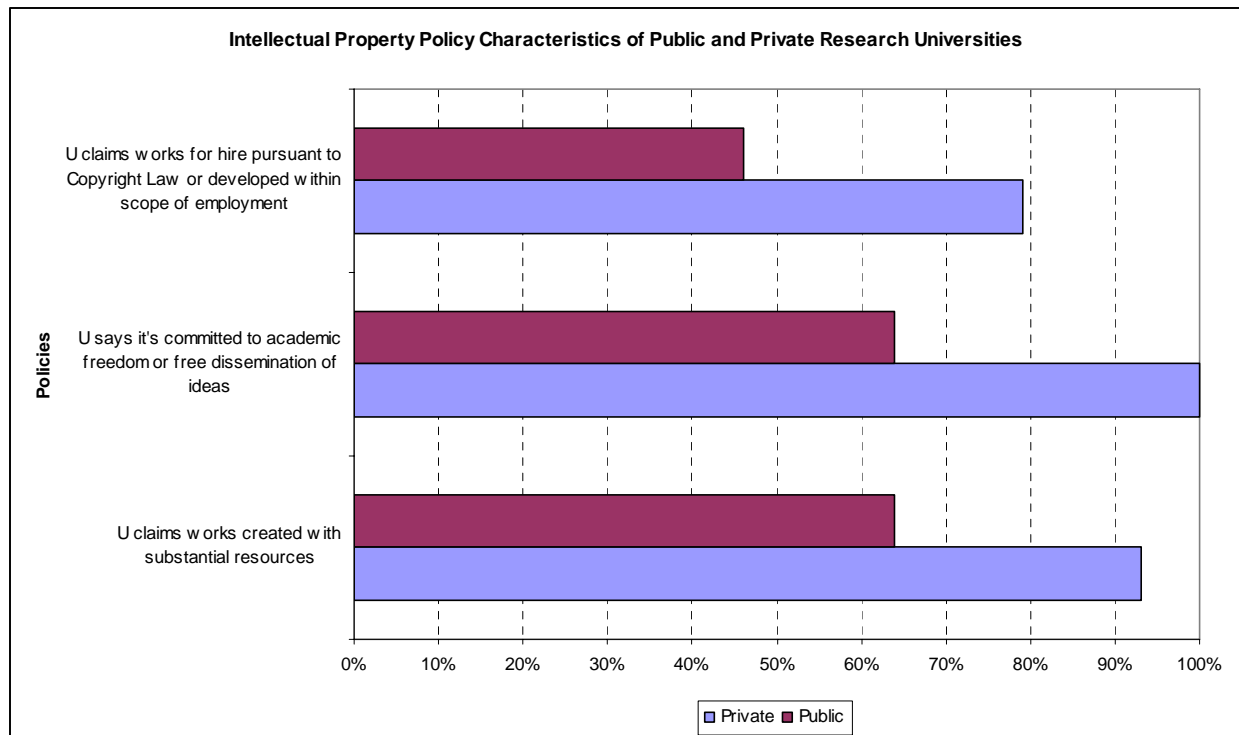
Over the years, there was a shift toward recognizing more “academic freedom” in the university policies. Lape (1992) reported 26%; Packard (2002) reported 42%; while Kromrey et al. (2005) found that 74% of the policies included language that reflected commitment to academic freedom and free dissemination of ideas. However, all of the policies asserted the university’s claim to ownership of at least some faculty works. The typical justification for such

ownership was that faculty works were created with the use of a substantial amount of university resources. Although there are many variations to the definition of “substantial” across the universities, Lape (1992) found that 60% of the universities studied included this type of language in their claim. In 2002, Packard reported 83% of the universities included a “substantial use” restriction, and Kromrey et al. (2005) found that 74% of the universities claimed ownership of works created with substantial university resources. Conversely, Lape (1992) found 23% of the policies disclaimed ownership of ‘traditional’ scholarly works (such as books and journal articles); Packard (2002) found 71% with such disclaimers; and Kromrey et al. (2005), reported 93%.

The “work for hire” concept is used by many universities to define what faculty work can be owned by the university. The number of universities using this justification jumped from 35% to 53% to 76% from Lape in 1992 to Packard in 2002 to Kromrey et al. in 2005. It is important not to look at just these numbers in comparison, but also at how the university defines work for hire. Some define this work as it relates to the Copyright Act, while others have created their own unique definitions within their policies and may require faculty member signatures before they begin such work.

In cases of disagreements about claims of ownership, some policies delineate arbitration processes to be followed to resolve such disputes. In the policies that address arbitration, most rely on a committee of some sort within the university system to make judgments and clarifications. The Lape (1992) study does not provide numbers, but Packard (2002) notes that 48% of the reviewed institutions require this type of in-house arbitration and Kromrey et al. (2005) reports 55%. It is also interesting that all of the studies noted conflicting information in the policies, along with confusing language and undefined terms.

*Public vs. Private Policies Related to Intellectual Property:* The Kromrey et al. (2005) study also investigated differences in the properties of the intellectual property policies at public vs. private research universities. The analyses revealed three items that were statistically significant: claiming works created with substantial resources, explicit statement of commitment to academic freedom, and citation of the works for hire aspect of the copyright law (see Figure 1).



**Figure 1. Intellectual Property Policy Characteristics of Public and Private Research Universities**

Although a majority of both public and private institutions claimed works created with substantial resources, a significantly larger percentage of private universities (93%) asserted such claims than did public universities (64%). Similarly, 79% of the private universities in the sample claimed works for hire pursuant to copyright law or within the scope of employment in their copyright policies while only 46% of the public universities did so. In contrast to these aspects of the universities' policies, 100% of the private universities' policies stated a commitment to academic freedom but only 64% of the public universities included such a statement.

*Intellectual Property Issues Related to Online Materials:* In the context of distance learning, some institutions and faculty tend to face an impasse when no policy is present to dictate who owns produced materials. The institutions often claim ownership of electronic materials because a significant amount of resources (such as instructional personnel, server space, specialized software, and other infrastructure) are required to produce and maintain the materials. Conversely, faculty members devote considerable time and effort, and also wish to retain their intellectual investments. One element that complicates matters is that materials developed by faculty with institutional resources can easily be transferred through digital media, and can rapidly reach large audiences. Therefore the need to have a clear understanding of who owns the digital materials becomes extremely important to ensure creators are compensated appropriately, institutions are awarded a return on their infrastructure and other investments, and conflicts and frustration are minimized for everyone.

In 2002, the University of Maryland University College (UMUC), Center for Intellectual Property, conducted a study that focused on the ownership of distance education materials (Kelley, Bonner, McMichael & Pomea, 2002). The study included 79 two- and four-year regionally accredited colleges and university where the distance education program enrollments equaled 2,000 or more students. The majority of the responding institutions reported that they had a single policy governing ownership of all intellectual property (including web-based educational materials) and that the institutions used contracts to supplement or replace policies in lieu of work-for-hire agreements. It was also noted that exemplary policies recognized the academic exception allowing faculty to retain ownership in scholarly works developed without substantial use of university resources, and that “specialty policies for distance education are not in widespread use but are well crafted” (Kelley et al., 2002). The study further reports that the dominant characteristics of separate policies on distance education and faculty ownership:

1. Typically define what distance education is,
2. Focus on specifying, in detail, the terms of ownership, and
3. Typically set a threshold that defines when the institution has an interest in a product developed by a faculty member or employee of the university (Kelley et al., 2002).

It is not clear how well university policies will hold up under the scrutiny of the courts. The outcome of future cases will likely mean changes in how these policies are written and enforced, for both traditional and online resources. In 2005, the Kansas Supreme Court resolved the *Pittsburg State University/Kansas NEA v. Kansas Board of Regents* case by determining that neither state nor federal law prevents copyright ownership from being the subject of bargaining between a public employer and a public employee organization. In dicta, the court discussed the work-for-hire doctrine at length, concluding that “whether any particular creative work of a faculty member constitutes work for hire will depend on...whether it is the type of work the faculty member was hired to create; whether it was created substantially within the time and space limits of the job; and whether it was motivated by a purpose to serve the university employer” (*Pittsburg State University/Kansas NEA v. Kansas Board of Regents*, 2005).

## Method

The purpose of the current study was to investigate intellectual property policies of U.S. research universities to determine whether or not they included provisions for distance learning materials or courseware, what provisions were made for ownership, and what exceptions, if any, were applicable. A stratified random sample of 42 Carnegie Doctoral Research-Extensive universities was drawn consisting of 28 public universities and 14 private universities, which reflects the ratio of public to private universities in this Carnegie category. A sample of 42 policies provides statistical power of .80 for tests of differences in proportions, if the effect size is at least medium (Cohen, 1988) and provides 95% confidence intervals that are no larger than  $\pm 13\%$ . This sample is the same as the sample used in the Kromrey et al. (2005) study, and while some of the universities are the same as those studied by Lape (1992) and Packard (2002), many are different because Carnegie classifications have changed over the years. However, the sample for each study represents the top classification of research universities at the time. Copyright and intellectual property policy documents were obtained from university websites (Appendix A). In some cases, more than one web document was located for a single university. Common locations for the policies included faculty rules,

administration rules, faculty manuals or handbooks, and, in some cases, a stand-alone Intellectual Property policy. A preliminary framework for content analysis was developed based on the work of Kelley et al. (2002). The data collection method used by Kelley et al. (2002) was a survey consisting of 19 questions (see [http://www.umuc.edu/distance/odell/cip/ip\\_survey.html](http://www.umuc.edu/distance/odell/cip/ip_survey.html)). Some survey questions, which sought opinions, could not be formulated for use in the framework for this research which relied on an Internet search for data collection; however, all major components of the Kelley et al. (2002) survey were included. This preliminary framework resulted in 12 categories, including whether or not there was a separate policy for faculty-developed course materials and whether or not the university used a contract or agreement to clarify copyright ownership or assign rights. The researchers also investigated who owns courseware and incorporated a question to address this issue into the framework. The final worksheet used to code the universities' policies contained 13 categories (Appendix B).

Six researchers worked on coding the university policies using the 13-item framework. After extensive discussion and agreement on terms by the entire research team, each university's policy was independently coded by two individuals, who then resolved any differences in item ratings. The item level agreement between raters ranged from 67% to 100% with an average agreement of 86%.

## Results

The results of this study are presented in three sections: a description of the findings related to the Intellectual Property Policies of all of the universities; an analysis of differences between public and private research universities; and a description of the typical research university policy in 2005.

*Characteristics of Intellectual Property Policies:* For each intellectual property characteristic, the proportion of sample universities is presented in Table 1. Confidence intervals of 95% were constructed around each sample proportion to guide inference to the population.

This study had similar results as previous studies. In this sample, 100% of the universities had published their intellectual property policies online. Forty-three percent of the universities had a separate or subordinate policy for faculty-developed course materials (with a confidence interval (C.I.) ranging from 29% to 58%). Sixty-seven percent of the universities (C.I. from 52% to 79%) use a contract or agreement to clarify copyright ownership or assign rights. Only 10% of the universities included ownership in their collective bargaining agreement; however, the proportion may be higher since most of the universities did not have online bargaining agreements to review. Very few of the universities had a subordinate or separate copyright ownership policy relating specifically to distance education (7%, with C.I. between 2% and 19%). Almost half of the universities (45%) were a part of a larger system (all of which were public institutions), and, of these universities, 63% had a single comprehensive intellectual property policy that governs all system colleges and universities.

The majority of the universities (88%; C.I. between 75% and 95%) designated in their policies that faculty owned courseware. However, 73% of the policies among this group of universities (C.I. between 57% and 85%) designated that the university owned the copyright when there is a previous agreement or the development of courseware is included in the job description, or when additional compensation is provided in the form of additional release time or additional financial payment beyond salary. Further, 81% of the policies among this group of

universities (C.I. between 66% and 91%) designated that the university owned the copyright when there is substantial use of university resources or technological support.

**Table 1. Intellectual Property Policy Characteristics with 95% Confidence Intervals**

Item	N	Yes	%	95% C.I.	
				Lower Limit	Upper Limit
Has intellectual property policy	42	42	100%	92%	100%
Separate or subordinate policy for faculty-developed course materials	42	18	43%	29%	58%
University uses a contract or agreement to clarify copyright ownership or assign rights	42	28	67%	52%	79%
University has a collective bargaining agreement that contains language concerning faculty ownership of course materials	42	4	10%	4%	22%
University has a subordinate or separate copyright ownership policy relating to distance education	42	3	7%	2%	19%
University is part of a larger system	42	19	45%	31%	60%
System has a single comprehensive intellectual property policy that governs all system colleges and universities	19	12	63%*	41%	81%
Faculty owns courseware	42	37	88%	75%	95%
University owns courseware	42	5	12%	5%	25%
University owns when there is a previous agreement; part of job description; or additional compensation (time or money)	37	27	73%**	57%	85%
University owns when there is substantial use of university resources or technological support	37	30	81%**	66%	91%

\*Percent based on 19 universities that are part of larger systems.

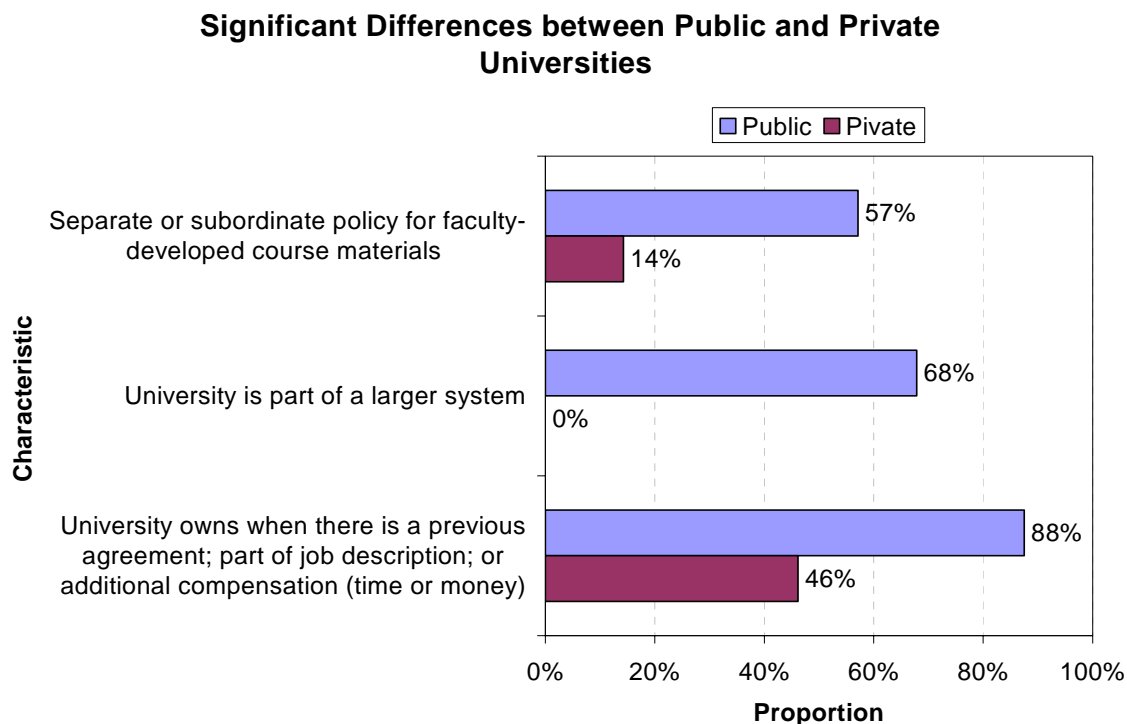
\*\*Percent based on 37 universities that faculty own courseware.

*Differences between Public and Private Universities:* Differences between the public and private research universities were investigated by computing the sample proportions within each university type, then testing for differences between types of institution using chi-square tests of independence. For all tests, alpha was set at the .05 level.



These tests revealed three characteristics in which differences were evident between public and private universities (see Table 2 and Figure 2). First, public universities (57%, C.I. = 39% to 73%) vs. private universities (14%, C.I. = 4% to 40%) are more likely to have a separate or subordinate policy for faculty-developed course materials ( $\Pi^2 = 7.000$ ,  $p = .008$ ). Second, more public universities (68%, C.I. = 49% to 82% vs. 0% of the private universities) are part of a larger system ( $\Pi^2 = 17.348$ ,  $p < .0001$ ). Finally, significantly more public universities own the copyright when there is a previous agreement; part of job description; or there is additional compensation in the form of time or money (public universities = 88%, C.I. = 69% to 96% vs. private universities = 46%, C.I. = 23% to 71%).

On the other hand, both public and private universities have similar characteristics in their intellectual property policies on the rest of the items that were investigated. Several characteristics are very prevalent among intellectual property policies. All of the private and public universities published their intellectual property policies online. Over 85% of both public and private universities designate faculty as owning copyright of their courseware (public = 86%, C.I. = 69% to 94% vs. private = 93%, C.I. = 69% to 99%). Over three quarters of both public and private universities designate the university as owning copyright to courseware when there is substantial use of university resources or technological support for digital materials (public = 83%, C.I. = 64% to 93% vs. private = 77%, C.I. = 50% to 92%). Interestingly, there continues to be few universities that directly address copyright in distance education. Indeed, less than 10% of both public and private universities have a subordinate or separate copyright ownership policy relating to distance education (public = 7%, C.I. = 2% to 23% vs. private = 7%, C.I. = 1% to 31%).



**Figure 2. Significant Differences between Public and Private Universities**

Table 2.

*Public vs. Private Intellectual Property Policy Characteristics with 95% Confidence Intervals*

Item	Public					Private				
	N	Yes	%	Lower Limit	Upper Limit	N	Yes	%	Lower Limit	Upper Limit
Has intellectual property policy	28	28	100%	88%	100%	14	14	100%	78%	100%
Separate or subordinate policy for faculty-developed course materials	28	16	57%	39%	73%	14	2	14%	4%	40% *
University uses a contract or agreement to clarify copyright ownership or assign rights	28	17	61%	42%	76%	14	11	79%	52%	92%
University has a collective bargaining agreement that contains language concerning faculty ownership of course materials	28	4	14%	6%	31%	14	0	0%	0%	22%
University has a subordinate or separate copyright ownership policy relating to distance education	28	2	7%	2%	23%	14	1	7%	1%	31%
University is part of a larger system	28	19	68%	49%	82%	14	0	0%	0%	22% *
System has a single comprehensive intellectual property policy that governs all system colleges and universities	12	12	100%	76%	100%					
Faculty owns courseware	28	24	86%	69%	94%	14	13	93%	69%	99%
University owns courseware	28	4	14%	6%	31%	14	1	7%	1%	31%
University owns when there is a previous agreement; part of job description; or additional compensation (time or money)	24	21	88%	69%	96%	13	6	46%	23%	71% *
University owns when there is substantial use of university resources or technological support	24	20	83%	64%	93%	13	10	77%	50%	92%

\* Significant as determined with Chi Square with Type I error rate &lt;.05

*Typical Research University Policy:* A typical copyright policy can be constructed based on both previous research and the results found in this study. The following outline includes characteristics found in the majority of the reviewed copyright policies, and represents wording found in the reviewed policies.

- Academic Freedom
  - The university recognizes and encourages the traditional academic freedom of its employees to create and disseminate knowledge. The university strives to establish an environment of respect that allows employees to create and publish works without restriction. (Purdue, Oklahoma State, Oregon State, Duke)
- Copyright Ownership
  - Academic faculty and staff are obligated to follow the policy established by the university upon signing a Contract of Appointment, in this way assigning rights to material created while employed with the University. If the University should require specific work of the employee, a separate agreement written in advance will address the use of University resources, as well as control and ownership of the work directed. (Oregon State, Maryland, Notre Dame)
- Use of University Resources
  - The University shall claim ownership of any works created by academic faculty and staff using substantial University Resources. University resources shall be defined as University time, as well as facilities (excluding libraries), equipment, personnel, funding, or materials provided by the University. (Purdue, Oklahoma State)

## Discussion and Conclusions

All 42 of the Intellectual Property Policies reviewed at research universities were available online, making them accessible to the researchers. Many of these policies incorporate a separate or subordinate policy specifically related to course materials developed by faculty. This is more prevalent in public universities.

A typical intellectual property policy at a research university includes the following: use of a contract or other written agreement to clarify ownership and assign rights; faculty ownership of courseware; University ownership of work related to a previous agreement, job description, or additional compensation; and establishment of University ownership of work created with substantial use of University Resources.

These findings must be interpreted in light of the limitations of this study. Even though the sample of research universities was selected randomly, it is possible that the sample set does not accurately represent the population of all research universities. Because all of the intellectual policies examined were found online, and the findings were not verified by the university administration, it is possible that the documents examined were not the latest versions. Only a few universities published their collective bargaining agreements online. Although two researchers independently examined the Intellectual Property Policy documents from each university, it is possible that the interpretations were not the same as the university's intended meaning.

While intellectual property policies are not new to higher education, an examination of these existing policies reveals a lack of information specifically addressing distance education

and digital materials. There is a need to more closely attend to the ownership issues related to course development in distance education.

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## Appendix A

## Web Sources for Intellectual Property Policies

University	URL
Brown University	<a href="http://www.brown.edu/Faculty/Faculty_Governance/rules.html">http://www.brown.edu/Faculty/Faculty_Governance/rules.html</a>
Colorado State University	<a href="http://facultycouncil.colostate.edu/files/manual/sectionj.htm">http://facultycouncil.colostate.edu/files/manual/sectionj.htm</a>
Duke University	<a href="http://www.duke.edu/web/ost/invention/docs/IntelProp.pdf">http://www.duke.edu/web/ost/invention/docs/IntelProp.pdf</a>
Emory University	<a href="http://www.ott.emory.edu/share/policies/intellectual_property.pdf">http://www.ott.emory.edu/share/policies/intellectual_property.pdf</a>
Georgetown University	<a href="http://otl.georgetown.edu/GU_Patent_Policy_12.01.03.pdf">http://otl.georgetown.edu/GU_Patent_Policy_12.01.03.pdf</a> and <a href="http://www.georgetown.edu/facultysenate/handbook.html#copyrights">http://www.georgetown.edu/facultysenate/handbook.html#copyrights</a>
Loyola University Chicago	<a href="http://www.research.luc.edu/informationpolicies/intellectualproperty/copyrightpolicy">http://www.research.luc.edu/informationpolicies/intellectualproperty/copyrightpolicy</a>
Marquette University	<a href="http://www.marquette.edu/orsp/policies/ippolicy.pdf">http://www.marquette.edu/orsp/policies/ippolicy.pdf</a>
Oklahoma State University	<a href="http://home.okstate.edu/policy.nsf/483c0b76d56e01c2862562b100059b03/37f5475bbb9a4e5f862562d800604ad9!OpenDocument">http://home.okstate.edu/policy.nsf/483c0b76d56e01c2862562b100059b03/37f5475bbb9a4e5f862562d800604ad9!OpenDocument</a>
Oregon State University	<a href="http://oregonstate.edu/admin/printing/copyright/imds6.htm">http://oregonstate.edu/admin/printing/copyright/imds6.htm</a> and <a href="http://oregonstate.edu/research/technology/policies/higher_education.htm">http://oregonstate.edu/research/technology/policies/higher_education.htm</a>
Pennsylvania State University – University Park	<a href="http://guru.psu.edu/policies/RA11.html">http://guru.psu.edu/policies/RA11.html</a> and <a href="http://grants.psu.edu/PSU/res/entrep.htm">http://grants.psu.edu/PSU/res/entrep.htm</a> and <a href="http://grants.psu.edu/PSU/res/ip.htm">http://grants.psu.edu/PSU/res/ip.htm</a> and <a href="http://www.psu.edu/dept/prov/fachand/research4.html">http://www.psu.edu/dept/prov/fachand/research4.html</a>
Purdue University	<a href="http://www.purdue.edu/oop/policies/pages/teach_res_outreach/b_10_print.html">http://www.purdue.edu/oop/policies/pages/teach_res_outreach/b_10_print.html</a>
Rice University	<a href="http://professor.rice.edu/professor/Copyright_Policy_No_334.asp">http://professor.rice.edu/professor/Copyright_Policy_No_334.asp</a> and <a href="http://fachandbook.rice.edu/emplibrary/fac_handbook.pdf">http://fachandbook.rice.edu/emplibrary/fac_handbook.pdf</a>
Stanford University	<a href="http://www.stanford.edu/dept/DoR/rph/Chpt5.html">http://www.stanford.edu/dept/DoR/rph/Chpt5.html</a> <a href="http://www.suny.edu/Board_of_Trustees/PDF/Policies.pdf">http://www.suny.edu/Board_of_Trustees/PDF/Policies.pdf</a> and <a href="http://www.rfsuny.org/tto/softsuny.htm">http://www.rfsuny.org/tto/softsuny.htm</a> and <a href="http://www.rfsuny.org/tto/cpyrgt.htm">http://www.rfsuny.org/tto/cpyrgt.htm</a> and <a href="http://www.suny.info/policies/groups/public/documents/policies/pub_suny_pp_038023.htm#P26_508">http://www.suny.info/policies/groups/public/documents/policies/pub_suny_pp_038023.htm#P26_508</a> ;
SUNY – Stony Brook	<a href="http://naples.cc.sunysb.edu/Admin/policy.nsf/23e5e39594c064ee852564ae004fa010/85140e57e27da6b085256bb900478d10?OpenDocument">http://naples.cc.sunysb.edu/Admin/policy.nsf/23e5e39594c064ee852564ae004fa010/85140e57e27da6b085256bb900478d10?OpenDocument</a>
Tufts University	<a href="http://www.tufts.edu/tccs/p-intellectual.html">http://www.tufts.edu/tccs/p-intellectual.html</a> and <a href="http://www.tufts.edu/central/research/Property.htm">http://www.tufts.edu/central/research/Property.htm</a>
University of Alabama	<a href="http://www.ua.edu/academic/facsen/handbook/Appendix%20H%20-%20Copyrightable%20materials%20(adopted%202005).html">http://www.ua.edu/academic/facsen/handbook/Appendix%20H%20-%20Copyrightable%20materials%20(adopted%202005).html</a>
University of Arizona	<a href="http://web.arizona.edu/~ott/IP_policy.pdf">http://web.arizona.edu/~ott/IP_policy.pdf</a> and

University	URL
University of California – Berkeley	<a href="http://w3fp.arizona.edu/senate/Intellectual%20Property%20Policy.html">http://w3fp.arizona.edu/senate/Intellectual%20Property%20Policy.html</a> <a href="http://ipira.berkeley.edu/page.php?nav=43">http://ipira.berkeley.edu/page.php?nav=43</a> and <a href="http://www.ucop.edu/ucophome/coordrev/policy/8-19-92att.html">http://www.ucop.edu/ucophome/coordrev/policy/8-19-92att.html</a>
University of California – Santa Barbara	<a href="http://www.universityofcalifornia.edu/copyright/systemwide/pcoi.html">http://www.universityofcalifornia.edu/copyright/systemwide/pcoi.html</a> and <a href="http://www.ucop.edu/ucophome/coordrev/policy/8-19-92att.html">http://www.ucop.edu/ucophome/coordrev/policy/8-19-92att.html</a>
University of Connecticut	<a href="http://www.research.uconn.edu/PDF/brochures/research_collaborations.pdf">http://www.research.uconn.edu/PDF/brochures/research_collaborations.pdf</a> and <a href="http://www.rac.uconn.edu/pdf/primer.doc">http://www.rac.uconn.edu/pdf/primer.doc</a>
University of Denver	<a href="http://www.du.edu/intellectualproperty/iprop.html">http://www.du.edu/intellectualproperty/iprop.html</a>
University of Florida	<a href="http://regulations.ufl.edu/chapter1/1018.pdf">http://regulations.ufl.edu/chapter1/1018.pdf</a> and <a href="http://rgp.ufl.edu/otl/pdf/ipp.pdf">http://rgp.ufl.edu/otl/pdf/ipp.pdf</a> ; <a href="http://rgp.ufl.edu/otl/ent_inventors_7.html">http://rgp.ufl.edu/otl/ent_inventors_7.html</a>
University of Georgia	<a href="http://www.ovpr.uga.edu/rpph/rph_chp2.html">http://www.ovpr.uga.edu/rpph/rph_chp2.html</a>
University of Hawaii - Manoa	<a href="http://www.mic.hawaii.edu/faculty/borpolicy.html">http://www.mic.hawaii.edu/faculty/borpolicy.html</a>
University of Idaho	<a href="http://www.webs.uidaho.edu/fsh/5300.html">http://www.webs.uidaho.edu/fsh/5300.html</a>
University of Illinois - Urbana-Champaign	<a href="http://www.uillinois.edu/trustees/rules.html">http://www.uillinois.edu/trustees/rules.html</a>
University of Iowa	<a href="http://www.uiowa.edu/~our/opmanual/v/30.htm">http://www.uiowa.edu/~our/opmanual/v/30.htm</a>
University of Kansas	<a href="http://www.kansasregents.org/download/aca_affairs/policymanual/policymanual.pdf">http://www.kansasregents.org/download/aca_affairs/policymanual/policymanual.pdf</a> and <a href="http://www.provost.ku.edu/policy/intellectual_property_policy/">http://www.provost.ku.edu/policy/intellectual_property_policy/</a>
University of Louisville	<a href="http://thinker.louisville.edu/ippolicy.htm">http://thinker.louisville.edu/ippolicy.htm</a> and Appendix 1 <a href="http://thinker.louisville.edu/IP_Policy_2005_07_14_appendix1.doc">http://thinker.louisville.edu/IP_Policy_2005_07_14_appendix1.doc</a>
University of Maryland – College Park	<a href="http://www.president.umd.edu/policies/docs/IV-320A.pdf">http://www.president.umd.edu/policies/docs/IV-320A.pdf</a>
University of Missouri-Columbia	<a href="http://www.umsystem.edu/ums/departments/gc/rules/business/100/030.shtml">http://www.umsystem.edu/ums/departments/gc/rules/business/100/030.shtml</a>
University of New Mexico	<a href="http://handbook.unm.edu/E70.html">http://handbook.unm.edu/E70.html</a>
University of Notre Dame	<a href="http://www.nd.edu/~research/Pol_Proc/IP.html">http://www.nd.edu/~research/Pol_Proc/IP.html</a> and in faculty handbook at <a href="http://www.nd.edu/~provost/pdf/Faculty_HB_04.pdf">http://www.nd.edu/~provost/pdf/Faculty_HB_04.pdf</a>
University of Pennsylvania	<a href="http://www.upenn.edu/assoc-provost/handbook/v_e.html">http://www.upenn.edu/assoc-provost/handbook/v_e.html</a> and <a href="http://www.upenn.edu/almanac/volumes/v51/n22/pdf_n22/patent_policy.pdf">http://www.upenn.edu/almanac/volumes/v51/n22/pdf_n22/patent_policy.pdf</a> <a href="http://www.uri.edu/facsen/Appendix_H.html">http://www.uri.edu/facsen/Appendix_H.html</a> and
University of Rhode Island	<a href="http://www.uri.edu/facsen/CHAPTER_1004.html">http://www.uri.edu/facsen/CHAPTER_1004.html</a> and <a href="http://www.uri.edu/facsen/CHAPTER_504.html">http://www.uri.edu/facsen/CHAPTER_504.html</a> and <a href="http://www.uri.edu/research/tro/UManual1040.htm">http://www.uri.edu/research/tro/UManual1040.htm</a>



University	URL
University of Rochester	<a href="http://www.rochester.edu/ott/policies/#general">http://www.rochester.edu/ott/policies/#general</a>
University of Southern Mississippi	<a href="http://www.usm.edu/pubs/factbook/Faculty_Handbook_9_2_04.pdf">http://www.usm.edu/pubs/factbook/Faculty_Handbook_9_2_04.pdf</a> and <a href="http://www.usm.edu/admin/Administrative_Manual_Final_Draft.pdf">http://www.usm.edu/admin/Administrative_Manual_Final_Draft.pdf</a> ; <a href="http://www.usm.edu/pubs/factbook/index.htm">http://www.usm.edu/pubs/factbook/index.htm</a> ; <a href="http://www.usm.edu/de/odes_policy.html">http://www.usm.edu/de/odes_policy.html</a> ; <a href="http://www.ihl.state.ms.us/admin/downloads/policiesandbylaws.pdf">http://www.ihl.state.ms.us/admin/downloads/policiesandbylaws.pdf</a> ; <a href="http://www.usm.edu/sacs/comp_standards/Section%203%20Supporting%20Documentation/3.2.14%5B2%5D%20University%20IP%20Policy.pdf">http://www.usm.edu/sacs/comp_standards/Section%203%20Supporting%20Documentation/3.2.14%5B2%5D%20University%20IP%20Policy.pdf</a>
University of Utah	<a href="http://www.admin.utah.edu/ppmanual/6/6-7.html">http://www.admin.utah.edu/ppmanual/6/6-7.html</a>
Utah State University	<a href="http://www1.usu.edu/hr/policies/327.htm">http://www1.usu.edu/hr/policies/327.htm</a>
Virginia Commonwealth University	<a href="http://www.pubinfo.vcu.edu/wss/ipp/ipp.pdf">http://www.pubinfo.vcu.edu/wss/ipp/ipp.pdf</a> and <a href="http://www.at.vcu.edu/policies/ippolicy.html">http://www.at.vcu.edu/policies/ippolicy.html</a>
Virginia Polytechnic Institute and State University	<a href="http://www.policies.vt.edu/13000.html">http://www.policies.vt.edu/13000.html</a>
Washington University	<a href="http://www.wustl.edu/policies/intelprop.html">http://www.wustl.edu/policies/intelprop.html</a>

Appendix B  
Policy Coding Framework

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University
1. Intellectual Property Policy (Y/N)
2. Web address
3. Year (including revisions or amendments)
4. Separate or subordinate policy for faculty-developed course materials
5. Web address for above
6. Does the university use a contract or agreement to clarify copyright ownership or assign rights?
7. Does the university have a collective bargaining agreement that contains language concerning faculty ownership of course materials? (Y/N)
8. Does the previous agreement (H) cover face-to-face course materials, online course materials, or both? (Y/N)
9. Does the university have a subordinate or separate copyright ownership policy relating to distance education? (Y/N/NM)
10. Web address for above
11. Is the university part of a larger system? (Y/N)
12. If above is Y, does the system have a single comprehensive intellectual property policy that governs all system colleges and universities? (Y/N)
13. Who owns courseware? (cite section of policy and provide quotation)

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