

EPUS Committee Report
September 2017

- There are 18 policies under review this year that have an EPUS committee member on the review committee (3 new policies; 12 existing policy reviews; 3 policy reviews that carried over from last year).
- EPUS has endorsed new UCCS Policy 200-025 Intellectual Property that is Educational Material and is recommending endorsement of this new policy by the Faculty Representative Assembly. A copy of the policy is attached.

Background: This new policy is required by the System APS 1014 Intellectual Property that is Educational Materials (<http://www.cu.edu/ope/aps/1014>). APS 1014 states that "*the University of Colorado assigns any ownership it has in Educational Materials to the person or people who create such Materials*" with 4 exceptions:

1. *those cases in which the production of such materials is a part of sponsored programs;*
2. *those cases in which the materials are created under the specifically assigned duties of employees other than faculty;*
3. *those cases in which substantial University resources were used in creating educational materials; and*
4. *those cases which are specifically commissioned by University contract, or done as part of an explicitly designated assignment made in writing, other than normal faculty scholarly pursuits.*

In those 4 cases, the University retains the ownership rights to the materials.

The UCCS policy establishes the Kramer Family Library as the repository for materials that fall under one of the 4 exceptions.

During the EPUS discussion of this policy, concerns were raised regarding exception #3 since the policy definition of 'substantial University resources' includes supplemental pay and offloading from regular duties. EPUS committee members were concerned that there were no parameters, in particular no minimum amount, associated with the designation of supplemental pay as a substantial University resource. Since this is an issue with the system APS and not the UCCS policy, EPUS forwarded the concern to a campus representative to the System EPUS committee.

Under both the System APS and the UCCS campus policy, faculty do have the ability to negotiate to retain the intellectual property rights to materials they develop, even if supplemental pay or an offload from regular duties is involved. Such arrangements should be written and agreed upon prior to the development of the materials.

Submitted

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EPUS Chair 2017-2018



UCCS CAMPUS POLICY

Policy Title: Intellectual Property that is Educational Materials

Policy Number: 200-025

Policy Functional Area: ACADEMIC

Effective: Pending
Approved by: Venkat Reddy, Chancellor
Responsible Vice Chancellor: Executive Vice Chancellor for Academic Affairs (EVCAA)
Office of Primary Responsibility: EVCAA
Policy Primary Contact: EVCAA, 719-255-3700
Supersedes: N/A
Last Reviewed/Updated: New Policy
Applies to: All employees, faculty and staff

Reason for Policy: To implement campus requirements found in APS 1014.

I. INTRODUCTION

This policy implements University of Colorado Administrative Policy Statement 1014 “Intellectual Property that is Educational Materials” (“APS 1014”).

II. POLICY STATEMENT

A. **Duty to Disclose and Reporting Requirements.** According to APS 1014, the University generally assigns any intellectual property ownership it has in *educational materials* to the person or people who create such materials (“author(s)”). Exceptions to this assignment of intellectual property ownership are outlined in APS 1014. Any person formally affiliated with UCCS shall be obligated to report in a timely manner any efforts to create *educational materials* that might fall within the exceptions to the assignment of ownership enumerated in APS 1014 Section II.1.a. Such reporting shall be to the author’s direct supervisor.

- B. **Designation of responsible authority.** The Chancellor designates the Executive Vice Chancellor for Academic Affairs or Provost (“Provost”) as the responsible party for undertaking an initial assessment of any matters relating to *educational materials*, including making a determination as to whether substantial University resources have been used, and whether a negotiated agreement is necessary. The Provost shall seek out appropriate assistance and expertise as may be necessary from the Office of University Counsel, Technology Transfer, Finance, the author’s academic department and School or College, and the author and shall be responsible for developing any required negotiated written agreement as described in APS 1014 Section II.2.c. To the extent possible, any required negotiated written agreement shall be executed prior to any creation of *educational materials*.
- C. **Designation of campus repository.** The Chancellor designates the Kraemer Family Library as the repository for *educational materials* matters. It is the responsibility of the author to submit required *educational materials* in which the university has an ownership interest to the Kraemer Family Library in accordance with its procedures. The Chancellor designates the Office of the Provost as the repository for all documents disposing of *educational material* matters, including negotiated written agreements.

III. **KEY WORDS**

- A. Educational Materials
- B. Substantial Use of Resources

IV. **RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES**

- A. Administrative Policy Statements (APS) and Other Policies

Regent Policy 5K “Policy on Intellectual Property that is Educational Material,”
<http://www.cu.edu/regents/policy-5k-policy-intellectual-property-educational-material>

Administrative Policy Statement 1014 “Intellectual Property That is Educational Materials,” <http://www.cu.edu/ope/policy/aps-1014-intellectual-property-educational-materials>

- B. Procedures
- C. Forms
- D. Guidelines
- E. Other Resources (i.e. training, secondary contact information)

UCCS Media Services Information Technology: Copyright and Intellectual Property,
<http://www.uccs.edu/it/security/resources/campus-and-general/copyrights.html>

F. Frequently Asked Questions (FAQs)

V. **HISTORY**