Alfred University Policy on Copyrights and Ownership of Course Materials  
October 2015

Introduction

Alfred University works to insure attainment of our mission and operationalization of our values through the development of clear policies. A policy on copyright and ownership of course materials is a tool to clarify expectations and responsibilities of faculty and the administration, while safeguarding the values adopted by our institution. The Alfred University Values Statement encompasses the following items, which can inform appropriate policy development:

At Alfred University we value:

- A learning environment that promotes open exchange of ideas, critical thinking, global awareness, technological literacy, intellectual honesty, and community involvement;
- A work environment that promotes open communication, recognition of achievement, and the development of personal potential;
- Research and scholarship that advance the frontiers of knowledge, contribute to graduate and undergraduate teaching, and demonstrate creativity in all fields of endeavor;
- A caring community that respects each individual, fosters intellectual curiosity and growth, promotes and models good citizenship, and encourages enlightened leadership.

Policy Purposes and Principles

The Policy on Copyrights and Ownership of Course Materials serves to extend the current Alfred University Intellectual Property (IP) Policy (May 2008) beyond the scope of research products, inventions, technology, and published scholarly works addressed in the IP Policy, to address broader issues of intellectual property rights for instructional materials. These broader issues have become more salient as (a) higher education institutions have expanded to include offsite, online, and distance education models; (b) web-based learning platforms have facilitated sharing, retrieval, and storage of electronic course materials with faculty and students within and outside institutions; (c) social media has promoted student sharing of course materials; and (d) continuity of course content and curriculum integration is desired when adjunct and short-term faculty members are used to meet faculty shortages and vacancies.

This Course Materials Policy is founded on the Principles for Intellectual Property, as defined by the Consortium for Educational Technology for University Systems (CETUS, as cited by Peterson, 2003). The policy serves to:

- Foster the creation of intellectual properties of the best possible quality in order to further the academic mission of higher education;
- Foster the dissemination of new knowledge and the maintenance of high academic standards;
- Provide incentives for faculty, staff, and students to fully participate in the use and creation of intellectual properties; and
- Support the concept that the ownership of intellectual property rights is not necessarily an all-or-nothing proposition.
Foundational Concepts

The 1909 Copyright Act is frequently cited in documents guiding the creation of copyright and course ownership policies (Levine & Russell, 2012; Peterson, 2003). This law established that employers own work performed as part of paid employment. However, the common law “teacher exemption” whereby the author of instructional materials (the instructor) owns academic works has been common practice, and is cited in most institutional intellectual property policies (Peterson, 2003; SUNY, 2015).

The concept of “work for hire,” inherent in business copyright practice, has been applied to educational institutions by allowing for separate contracts or agreements for faculty employees to perform work outside the scope of regular employment. Such cases typically involve additional compensation, and assignment of ownership rights to the institution (Levine & Russell, 2012; Twigg, 2000).

The act of creation of intellectual materials automatically creates protection over them by copyright. Policy guidance documents note that it is not necessary to place a copyright symbol or notice on materials, nor seek registration with the U. S. Copyright Office (Peterson, 2003), though this practice, may serve as a reminder that the creator owns the work.

Policy Text

1. Alfred University recognizes that faculty members retain ownership of course materials created by a faculty member for use in teaching. These materials include, but are not limited to: syllabi, lectures, lecture notes, handouts, Powerpoint presentations and other visual aids, laboratory manuals, images, video and audio recordings, bibliographies, course assignments, study guides and examinations, and web content.

2. While the syllabus itself is copyrighted and owned by the faculty creator, the University retains rights to utilize the syllabus, without specific permission from the faculty creator, for the following purposes:
   - Maintenance of archived syllabi as documentation of the learning contract between the instructor and the students for each course.
   - Archived as evidence that student learning outcomes defined by the division, school, or university are addressed through course content. Syllabi may be shared with accreditors and program review teams without the faculty member’s approval for the purpose of demonstrating student learning outcomes.
   - Presentation to the New York State Education Department, or other credentialing and accrediting agencies, as evidence of content coverage for the purposes of approval of new or revised programs of study.
   - Sharing with new or prospective course instructors to illustrate content and learning objectives covered in a specific course, thus insuring continuity of curriculum integration and assessing the competence of subsequent instructors to teach the course.

3. Course approval documents are created for the purposes of approving courses and maintaining a catalogue of course offerings. They include the course description, a statement of learning
objectives, a topical outline for the course, and a sample syllabus. Course approval documents are owned by the university. Curriculum development for new program initiatives may be arranged as work for hire.

4. Work made for hire comprises specific work assignments, agreed upon in advance by the faculty or staff creator of such work and that person’s supervisor. A written contract specifying the nature of the assignment and the expected outcome(s) will be produced, signed by all parties involved, and kept on file with the Business Office and Human Resources before any work begins. The university shall own the copyright for such works. If no such agreement is on file or was not completed before work began on a project, the faculty or staff creator of the work owns the copyright.

5. Faculty members may use their own copyrighted works for the following purposes:
   • Sharing with peers at other academic institutions for noncommercial academic or personal use
   • Submission and distribution for scholarly publication
   • Inclusion in guest teaching or lecturing at other institutions while employed at Alfred University
   • Teaching the content at another institution after leaving Alfred University
   • Other activities consistent with the dissemination of knowledge, sharing of pedagogical practice, and production of scholarship.

6. Faculty members who wish to teach at other institutions using syllabi and course materials developed for Alfred University courses while employed at Alfred must declare such additional use of course materials in accordance with the Conflict of Interest Policy.

Policy Review and Revisions

This policy shall be reviewed by the Faculty Senate every 5 years, or more often, if requested by the Provost, Faculty Senate, or university attorney. An ad hoc review committee will be created by the Provost for this purpose.

Bibliography


**Development Committee:**
Nancy Evangelista, Associate Provost and Dean of College of Professional Studies (Chair)
Robert Bitting, Associate Director of Downstate Programs
Chris Bond, Director of Office of Sponsored Research
Steve Byrne, Assistant Professor of Counseling & Faculty Senate Representative
Meghanne Freivald, Instructional Technology Specialist
Gary Roberts, Director of Instructional Technology Services