

Proposal:

Create an SU Intellectual Policy that amends the BOR IV-3.20 in the following sections:

III. DEFINITIONS

H. Technology-Mediated Instructional Materials. Materials including but not limited to course syllabi; tests, quizzes, exams and assignments; lectures that are fixed in a print, audio-video, electronic, or digital form; laboratory manuals; visual materials such as tables, charts, diagrams, transparencies, films and film strips, photographs and illustrations; video and/or audiotaped readings, performances, programs; computer programs and software; and multimedia materials and projects incorporating some or all of the above materials that are used in course instruction.

I. University. Salisbury University.

VIII. TECHNOLOGY-MEDIATED INSTRUCTIONAL MATERIALS.

A. Ownership

- 1) By Creator. Personnel and Students shall own original Technology-Mediated Instructional Materials that they create unless:
 - a) Otherwise agreed to, in writing, with the University; or
 - b) Technology-Mediated Instructional Materials are created pursuant to a Sponsored Research Agreement.
- 2) By Written Agreement. The agreements referred to in Section VIII.A.1) shall address, at a minimum:
 - a) Responsibility for payment of costs incurred to develop Technology-Mediated Instructional Materials; and
 - b) Limitations and conditions on the right of the University, Personnel or Students to use Technology-Mediated Instructional Materials; and
 - c) Authority to register copyright in, seek patent protection for, or otherwise protect Technology-Mediated Instructional Materials; and
 - d) Compensation to and, under appropriate circumstances, Revenue sharing with Personnel or Students. Compensation to Personnel and Students shall not be based on enrollment without the prior written approval of the provost; and
 - e) Authority to evaluate and modify Technology-Mediated Instructional Materials; and
 - f) Authority to select and selection of instructors for Technology-Mediated Instruction; and
 - g) Compliance with copyright law.

B. University Rights of Use. The University shall have a right and license to use Technology-Mediated Instructional Materials and Technology-Mediated Instruction that it does not own pursuant to Section VIII but for which it has provided, pursuant to a written agreement, resources beyond Resources Usually and Customarily Provided. The University's use shall be solely in connection with University-offered programs of instruction and education and may not significantly devalue the Creator's intellectual property. Associated with this use, the University shall take reasonable steps to protect the Creator's intellectual property. Any other use shall require explicit permission from the creator and may involve modified and/or additional written agreements between the Creator and the University.

C. Commercialization of Technology-Mediated Instructional Materials

- 1) Authority to Sell Technology-Mediated Instructional Materials. Personnel and Students shall not license, sell or otherwise grant third parties a right to use Technology-Mediated Instructional Materials or Technology-Mediated Instruction that they have created and own, and which include

the name of the University, any University trademarks, service marks or symbols, or any intellectual property of any kind that is owned by the University without the prior approval of the President or designee. (See associated Misappropriation of Course-Based Intellectual Property on the [Course-Related Policies and Resources](#))

- 2) Revenue Sharing. The allocation, distribution and use of net Revenue obtained from the Commercialization of Technology-Mediated Instructional Materials shall be agreed upon by the parties in writing on a case-by-case basis.