

## EDUCATIONAL MATERIALS POLICY

### A. BACKGROUND

This purpose of this policy is to encourage and support the exercise of academic freedom, innovation, and creativity and clarify the rights of ownership and the rights to use educational materials at Iowa State University (University) in a way that:

- Enables the development and dissemination of educational materials resulting from academic instruction, extension, and research;
- Preserves the rights granted to authors in traditional scholarly works;
- Permits the University to retain ownership of and/or use educational materials under certain circumstances; and
- Does not conflict with applicable policies and federal and state laws and regulations regarding the use and management of educational materials.

This policy is intended to supplement existing University policies on intellectual property that may also apply.

### B. DEFINITIONS

1. "Educational Materials" means instructional materials produced for academic programs, extension, or research in any format, including print materials, digital materials, and audio and video recordings. Examples include syllabi, lessons, assignment files, handouts, presentations, recorded lectures, case studies, and other similar materials.
2. "Author" means faculty or staff responsible for creating Educational Materials whose contributions warrant authorship. Students whose contributions warrant authorship may be included if engaged as employees of the University, are supported with University funds on an assistantship, or their contributions have University Sponsorship.
3. "University Sponsorship" means the University has made a substantial contribution by providing specialized University equipment, facilities, materials, or support services for the production of Educational Materials or the University has provided release time or additional financial support for such production.
4. "Scholarly Works" means traditional scholarly, literary, and artistic works such as journal papers, books, essays, poems, paintings, sculptures, musical scores, and other similar creative works.

### C. POLICY STATEMENT

Ownership of Educational Materials rests with the author unless the Educational Materials are created through University Sponsorship, the Educational Materials are created for the purposes of providing information or services to the general public as part of the extension mission, or the terms of a sponsored project or other written agreement designate(s) that the University or other entity will own the Educational Materials. Scholarly Works shall be owned by the author unless there is a written agreement between the University and the

author for a specific work asserting such work shall be owned by the University (e.g., University commissioned art installations).

Where Educational Materials are created through University Sponsorship, the Educational Materials shall be owned by the University.

Where Educational Materials are created for the purposes of providing information or services to the general public as part of the extension mission, the Educational Materials shall be owned by the University.

Where the creation of Educational Materials is supported by sponsored project or other agreements requiring that the Educational Materials be owned by the University or other entity, the Educational Materials shall be owned by the University or other entity as provided.

The University may assign its rights in the Educational Materials to the Iowa State University Research Foundation, Inc. (ISURF), a sponsor or other third party as necessary to meet University obligations.

#### **D. USE OF EDUCATIONAL MATERIALS**

##### **1. University-owned Educational Materials**

For University-owned Educational Materials, the University may use, reproduce, adapt, modify, update, display, distribute, or create derivative works of the Educational Materials for instruction or education, including teaching, research, extension and service in the public interest, and may permit others to do so on its behalf. If updates are necessary, the University will offer the author the first opportunity to perform such updates. If, within a reasonable period of time as determined by the University, the parties are unable to reach an agreement or the author is unwilling or unable to update the materials, the University may engage another author to make such necessary updates.

The use of University-owned Educational Materials should include appropriate attribution where feasible and the author should be consulted regarding their preferred attribution when possible. The author should also be given the option not to be listed as a source of the material if they prefer not to be associated with its subsequent usage or update by the University.

The University will grant to the author a non-exclusive, royalty-free limited license to use the University-owned Educational Materials for the author's own personal and educational non-commercial purposes provided such use does not conflict with any applicable University policies, including the Conflict of Interest and Commitment policy.

##### **2. Author-owned Educational Materials**

###### **a. Internal Use**

For Author-owned Educational Materials, the University is granted a non-exclusive, royalty-free license for the internal use of Educational Materials by

any unit of the University for instruction or education including teaching, research, extension and service in the public interest.

Unless otherwise specified, the license for the University's internal use will continue until the Educational Materials are no longer in use by the University to ensure the availability and continuity of academic and educational programming and until the author has requested to terminate the University's license in writing, whichever is later. The University and the author will work together in good faith to update the Educational Materials as mutually agreed upon. If, within a reasonable period of time as determined by the University, the parties are unable to reach an agreement regarding updates or the author is unwilling or unable to update the materials, the University may engage another author to make such necessary updates.

All internal use of Educational Materials should include appropriate attribution where feasible and the author should be consulted regarding their preferred attribution when possible. The author should also be given the option not to be listed as a source of the material if they prefer not to be associated with its subsequent usage or update by the University.

b. External Use

If the author consents, the University may permit the external use of Educational Materials by educational institutions, government or nonprofit institutions, and other third parties. The author may use the Educational Materials outside of the University subject to the University's internal license granted above and provided such use does not conflict with any applicable University policies, including the Conflict of Interest and Commitment policy.

**E. ROYALTIES**

Any royalties generated through the external use of University-owned Educational Materials and disclosed to ISURF as agreed by University and ISURF, shall be distributed consistent with ISURF's royalty distribution policy.

No royalties, additional compensation, or remuneration will be paid to the author for the University's internal use of Educational Materials. The University will, however, recognize through established policies and procedures the author's additional effort in preparation of the materials.

An author who uses his or her own Educational Materials or Scholarly Works in courses for which they receive royalties or remuneration from external entities shall assign those royalties or remuneration to the University or to a body mutually agreed upon by the University and the author. Authors may be allowed to retain royalties under either of the following circumstances:

- The use of such Educational Materials or Scholarly Works is in accordance with departmental procedures for selecting such materials and the author does not participate in the selection process; or
- Because of exceptional circumstances the department chair recommends the author be allowed to retain the normal royalties, and the recommendation is approved by the appropriate dean and the Senior Vice President and Provost (SVPP)

## **F. MANAGEMENT**

The implementation and management of this policy, including determination of ownership, will be the responsibility of the author's department and college, in consultation with other University offices as necessary. The Office of the Vice President for Research should be consulted if the Educational Materials involve sponsored projects or other external agreements. If the Educational Materials contain patentable items or copyrightable software, the Patent Policy and Copyright Ownership and Management of Software Policy should be consulted.

If ownership is unclear or if there is a dispute regarding ownership, a faculty, staff member, or student may appeal to a committee convened by the SVPP which shall include the following members:

- A representative designated by the SVPP, who will chair the committee
- The associate dean for academic affairs of each author's college
- The associate dean for research of each author's college, if it is a dispute involving research
- Each author's department chair
- A representative of the senate or council based upon each author's status (e.g., Faculty Senate, Professional and Scientific Council, Graduate and Professional Student Senate, or Student Government)

## **RESOURCES**

[Patent Policy](#)

[Copyright Ownership and Management of Software Policy](#)

[Royalty Distribution Policy](#)

[Authorship Policy](#)

[Conflicts of Interest and Commitment Policy](#)

FAQ Guidance on Educational Materials

## Educational Materials FAQ Guidance

### **1. What are examples of University Sponsorship?**

University Sponsorship does not include incidental or ancillary use of University resources, including use of resources typically provided to University employees. Use of Microsoft, Blackboard, Canvas, Zoom, and other similar tools to develop or deliver course content does not generally constitute University Sponsorship absent use of specialized resources. Specialized resources include the use of specialized equipment, materials or facilities to create Educational Materials or the extensive use of multimedia and technology staff support. It is recommended that authors of Educational Materials consult with their department chair or dean before creating such materials to clarify if support constitutes University Sponsorship.

### **2. My sponsored project agreement contains different requirements for ownership and use of Educational Materials than this policy. What requirements do I have to follow?**

The terms of any sponsored project agreement will apply and supersede this policy, if applicable. It is recommended you review the terms of the applicable sponsored project agreement and sponsor requirements with the Office of Sponsored Programs Administration (OSPA) or the Office of Intellectual Property and Technology Transfer (OIPTT) as applicable.

### **3. Is permission required for student use of Educational Materials, including class presentations?**

Students may take written notes or make other recordings of course presentations for educational purposes, but specific written permission to sell notes or recordings must be obtained from the presenter. The complete policy is available at:  
[https://catalog.iastate.edu/academic\\_conduct/#classesrecordingtext](https://catalog.iastate.edu/academic_conduct/#classesrecordingtext)

### **4. When might an author's use of Educational Materials conflict with Iowa State University's conflicts of interest and commitment policy?**

A conflict may arise when an author is asked to create educational materials for a course to be taught outside of Iowa State University that the author might reasonably be expected to teach while employed by Iowa State University. Individuals are encouraged to discuss development and use of Educational Materials and disclose any planned arrangements with their department chair prior to undertaking any external activity.

### **5. Can an author use the Iowa State University name, trademarks, or logos on Educational Materials authors retain ownership of and, as permitted, teach elsewhere?**

An author may not use the Iowa State University name, trademarks, or logos on Educational Materials for any non-University use unless such use is approved in writing by the University's Trademark Licensing Office.

### **6. If the Educational Materials are owned by the author, will Iowa State University be responsible for helping to protect the copyright?**

No. It is the responsibility of the author(s) to protect their proprietary interest in the Educational Materials.