

SYSTEM REGULATION

17.02.02 Technology-Mediated Instruction

April 26, 2000

Supplements System Policy 17.02

1. GENERAL

The success of our component universities, agencies and the health science center (HSC) hinges greatly on the intellectual capacity and creativity of our faculty, staff and students. Education has endeavored to incorporate technology in the development and delivery of courses to students uninhibited by physical location. Technology-Mediated Instruction is an emerging area that The Texas A&M University System embraces and must support both on our campuses and as a gateway to distance education for our students. The creation of courseware by private sector entities or other public universities offers the prospect of the loss of tuition and formula funding vital to the components of The Texas A&M University System. The System's intellectual property management process recognizes the principle of the rights of authors to their works.

2. APPLICATION

This regulation shall be applicable only to copyrightable materials which are Technology-Mediated Materials developed to facilitate and support Technology-Mediated Instruction. System Regulation *17.02.01, Management of Intellectual Property*, shall be applicable to all other copyrightable materials.

3. DEFINITIONS

For the purposes of this regulation, the following terms are defined as follows:

- 3.1 **Technology-Mediated Instruction:** Instructional activities that use technological innovation in the development and delivery of course content to students whether in a traditional setting or through distance education.
- 3.2 **Technology-Mediated Materials:** Materials and the intellectual property rights on such materials that are copyrightable works developed to facilitate and support the instructional delivery of course content through Technology-Mediated Instruction.
- 3.3 **Institutional Works or Works for Hire:** Copyrightable works created as institutional rather than personal efforts, that is, created for institutional purposes in the course of the creators' employment, including but not limited to simultaneous or sequential contributions over time by numerous faculty, staff or students.

4. OWNERSHIP RIGHTS

The Texas A&M University System recognizes the essential role distance education plays in furthering the interests of the System and its components. Accordingly, each component will adopt a rule, guidelines and/or procedures governing, facilitating, and promoting distance education on its campus, with the following requirements:

- 4.1 The guidelines shall assure that the faculty or the developing employee owns Technology-Mediated Materials, except for certain limited exceptions, as outlined below.
- 4.2 If the work is “work for hire” then ownership resides with the component.
- 4.3 If the component’s contribution to the effort either rises to the level that it constitutes co-ownership interest or rises to the level that the resources contributed should be reimbursed by future royalties accruing to licensing or marketing, then partial ownership shall reside with the component.
- 4.4 In all cases where Technology-Mediated Materials are deemed owned by faculty, in whole or in part, the component shall retain a license to use the Technology-Mediated Material for its own noncommercial educational purposes, without payment of royalties.
- 4.5 Each component is responsible for developing the guidelines for determination of the conditions for partial ownership in the component, as described in Section 4.3 above, to the extent that the component asserts ownership.

5. AGREEMENT

- 5.1 It is the responsibility of the creator to notify the System component of the initiation of Technology-Mediated Instruction. The System component shall adopt a standard agreement form that can be modified as needed to meet the interests of all parties in accordance with the conditions set forth in Section 4 above. The agreement shall address issues of royalties or other benefits accruing from ownership of the intellectual property. The agreement shall also provide terms regarding:
 - (1) Identification and disposition of issues surrounding potential competition between the author and the institution for use of the work.
 - (2) How the rights to develop derivative works are assigned.
 - (3) How the work products can be used by the author or institution.
 - (4) How income derived from the work products will be allocated.
 - (5) Consideration given to the creator of the courseware if the institution assigns another faculty member teaching responsibilities using the courseware.
 - (6) Terms specifying which parties have rights to prepare derivative works.

6. OUTSIDE EMPLOYMENT

Technology Mediated Instruction courseware and materials developed for an external vendor or contractor must be reported through the approval process for outside employment.

7. INCENTIVES FOR DEVELOPMENT

To encourage Technology-Mediated Instruction the System components may develop incentives such as: release time from other duties; training and development in the use of new technologies, techniques or fields of study; positive effects on merit salary increases; and promotion/tenure decisions resulting from excellence in performance.

8. GUIDANCE

Guidance in the formulation of rules, procedures and institutional agreements should come from the *Recommendations of the Committee on the Treatment of Intellectual Property Associated with Technology-Mediated Instruction*.

CONTACT OFFICE: The Vice Chancellor for Academic and Student Affairs

HISTORY: Last version: New

[Section 17 Rules](#)