

FAQ Guidance Regarding Use and Ownership of Educational Materials

1. Why is this Educational Materials policy being revised?

The University's Educational Materials policy has not been updated since 1976 and is outdated. The general framework and intent of the policy remain relevant and applicable, but updates to the policy are needed to modernize the policy and to ensure the policy is more inclusive, including faculty, staff, and graduate students who may be authors under this policy and to reflect new methods of course delivery, incorporate changes in applicable law and University policy, and add clarity for common questions related to Educational Materials received over the years.

2. What are examples of "Educational Materials" for purposes of this policy?

As defined in the policy, examples of Educational Materials include syllabi, lessons, assignment files, handouts, presentations, lectures, lecture notes, case studies, study guides, visual aids, images, diagrams, and other similar materials. This example list is not exhaustive and may grow as new technologies and formats for course development and delivery emerge.

3. When does a contribution to the development of Educational Materials warrant authorship?

Contributions warranting authorship shall be as defined under the University's [Authorship Policy](#).

4. Are textbooks, journal articles, and other similar publications authored by faculty considered to be Educational Materials?

No, these materials are generally considered to be Scholarly Works. It is the policy of the University that Scholarly Works are owned by the author unless there is a written agreement between the faculty member and the University asserting such work shall be owned by the University. For example, if the University commissions a faculty member to write a book on the history of the University, the faculty member and the University would enter into a separate written agreement providing that the University would own the resulting book.

5. Who owns Educational Materials authored for a University course?

An author generally retains ownership of Educational Materials developed at the University unless an exception applies. When an exception applies, the University will own the Educational Materials instead of the author. Exceptions apply where Educational Materials are created through Substantial University Resources, the Educational Materials are created for the purposes of providing information or services to the general public as part of the University's Extension mission, the terms of a sponsored project or other written agreement designate(s) that the University or other entity will own the Educational Materials, and other circumstances outlined in the policy.

6. Who owns Educational Materials created for Extension?

Educational Materials will be owned by the University when such materials are created for the purposes of providing information or services to the general public as part of the extension mission, including Educational Materials created as part of an author's extension appointment.

7. Suppose a group of faculty collaborate to develop course materials with the goal of standardization and instructional continuity, but the project does not require the use of Substantial University Resources. How does that affect ownership of educational materials under this policy?

When materials are co-authored by multiple collaborators, individual ownership may not apply. In these situations, it is recommended that the project organizer state in writing that materials developed for the project are intended for shared use at the request of the unit and will be owned by the University. Units should make this clear to authors on the project prior to their participation and the parties. Where there is an agreement between the University and the authors which specifies ownership, the terms of the agreement will take precedence over the terms of the policy.

8. What are examples of Substantial University Resources?

Substantial University Resources refers to the use of resources, support, or specialized services by an author greater than the resources or support normally available or provided to others in the author's unit. If an author needs a team of three dedicated support staff to create a course, or if an author needs to acquire highly specialized audio-visual equipment that is not available within the university to create a custom course, these examples are likely to be considered Substantial University Resources. Substantial University Resources may also include materials developed by an author using existing University-Owned Educational Materials.

Substantial University Resources does not refer to resources, support, or services available to those provided to others within the author's unit or to similarly situated University personnel. The definition of Substantial University Resources does not include:

- Use of a University computer, laptop, or tablet provided to University personnel to carry out University activities;
- Use of University software, including Microsoft, Blackboard, Canvas, Zoom, and other similar tools made available to the campus community by the University to assist authors in developing and delivering course content, including resources provided by the University's Center for Excellence in Learning and Teaching (CELT);
- Receipt of additional compensation, as defined in the University's Additional Compensation [policy](#); and
- Use of leave granted by the University, including the Faculty Professional Development Assignment (FPDA) program, granted to authors to develop course materials; and
- Student financial aid.

It is recommended that authors of Educational Materials consult with their department chair or dean before creating such materials to clarify if support constitutes Substantial University Resources.

9. How does this policy apply to undergraduate students who may be engaged by authors at ISU to create Educational Materials?

Undergraduate students at ISU generally own the rights in their academic work. However, the University may own the rights to Educational Materials developed by an undergraduate student in some circumstances, including if the student is paid for developing Educational Materials, if the student is participating in an ISU internship which requires assignment of intellectual property to ISU

or a third party, if the student is creating Educational Materials for use by Extension, if the student is creating Educational Materials pursuant to a sponsored project or other agreement requiring that the Educational Materials be owned by the University, or if there is a written agreement which specifies University ownership. Authors and University units wishing to collaborate with students to create Educational Materials are encouraged to be proactive in discussions regarding ownership and use under this policy to ensure University and author needs are met when students are creating materials covered by this policy.

10. My sponsored project agreement contains different requirements for the 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 that authors 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.

11. If Educational Materials are developed pursuant to sponsored project or written agreement which specifies the results must be openly accessible, how does that affect ownership of Educational Materials under this policy?

If Educational Materials are developed under a sponsored project or other agreement specifying that the Educational Materials must be openly accessible, the terms of the sponsored project or other agreement will govern the release of the materials.

12. A P&S staff member creates Educational Materials as part of the staff member's regular duties. Who owns these Educational Materials?

Generally speaking, Educational Materials developed by P&S staff members as part of the staff member's regular University duties will be owned by the University. However, where a University staff member teaches or conducts research at the University with a level of responsibility and self-direction similar to that exercised and enjoyed by faculty in a similar activity and the activity results in the creation of Educational Materials, the staff member shall have the same ownership as faculty under this policy. Staff members who create Educational Materials should consult with their supervisor or unit director to clarify ownership of Educational Materials as it relates to their role.

13. Why are authors expected to share author-owned Educational Materials with the University for continued use even if the author is no longer employed by the University or responsible for teaching a course using those Educational Resources?

Authors are expected to share Educational Materials with their University colleagues to ensure academic and educational program continuity and that institutional commitments are met, understanding that the University users of these Educational Materials are also expected to use the materials ethically and to give appropriate credit to all source material and coauthors as applicable. Sharing Educational Materials for use by the University in these circumstances is consistent with the tradition of the academy to ensure the wide dissemination of information to advance the mission of the university to educate and advance the discipline, and it is expected that University authors support the University and its mission through the sharing of Educational Materials for these purposes. Department chairs, unit directors, and supervisors are encouraged to be proactive and transparent in collecting and maintaining Educational Materials for these purposes through

continuity planning to ensure their continued accessibility and availability and through offboarding processes as personnel changes occur.

14. The policy provides that the University may use author-owned Educational Materials for an Internal Use Period of three years in order to ensure academic and educational continuity. What is the basis for this requirement and when does that time start for those three years?

This three-year internal use period dates back to the original 1976 policy. The Internal Use Period for Educational Materials begins when there is a change in an author's status at the University, including a change in position responsibilities or separation from the University, which may require the University to identify another person to fulfill the University's obligations to students and other external entities. The Internal Use Period is limited to three years to allow the University to ensure academic programming needs are met during a period of transition to allow filling positions and allowing new authors to develop their materials.

15. What constitutes "academic and educational continuity" for purposes of the Internal Use Period for author-owned Educational Materials?

When authors are re-assigned or not available to offer a class, the University can access and use those materials for a period not longer than three years. It is recommended that the institution move efficiently to minimize the amount of time necessary to use author owned material to ensure academic continuity and that the author and their supervisor work together to assure a smooth transition. Best practices at the unit, department, and college level will ensure open communication and transparency regarding the timeline.

16. If the institution uses author-owned materials, what type of attribution should be made to recognize the author's contribution?

It is best practice to recognize the author of Educational Materials in accordance with the University's [policy on Authorship](#) as applicable. Attribution should be managed at the department or unit level. In the case when author-owned Educational Materials are used, those using the materials should contact the author to determine the author's preference for attribution.

17. An author has included components of their Scholarly Work (photos, design plans, specialized exhibits) in author-owned Educational Materials. May an author request that these Scholarly Work components be removed from the Educational Materials for purposes of the University's Use during the Internal Use Period?

The inclusion of a creative component from a Scholarly Work in or any other materials owned by a third party in an author's Educational Materials does not by itself change the ownership status of the Scholarly Work or the third-party materials included. Department chairs, unit directors, and supervisors are encouraged to coordinate with authors to assure academic and educational continuity while respecting the rights of authors in the materials created and included in Educational Materials and also the rights of any other third parties whose content may be included in an author's Educational Materials that may not be owned by the author or University as needed.

18. How does this policy interact with Open Access scholarship?

This policy determines copyright ownership of Educational Materials and Scholarly Works, whereas Open Access provides pathways for copyright owners to make their scholarship open. Where an

author is the copyright holder of Scholarly Works or Educational Materials, the author may release such Scholarly Works or Educational Materials via Open Access when the work allows and in compliance with the Educational Materials policy as applicable. In addition, where Educational Materials are developed pursuant to a sponsored project or other written agreement designating that the Educational Materials must be openly accessible, access to such materials will be determined in accordance with the agreement terms.

19. 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.

20. Can an author use the Iowa State University name, trademarks, or logos appearing on author-owned Educational Materials?

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

21. A new faculty member is using Educational Materials authored by a previous faculty member for the same course. Will royalties be paid for the University's internal use of the previous faculty member's Educational Materials?

No. No royalties, additional compensation, or remuneration will be paid to the author for the University's internal use of Educational Materials during the University's Internal Use Period of three (3) years. The University will, however, recognize through established policies and procedures the author's additional effort in preparation of the materials.

22. The University is commercializing Educational Materials developed under Substantial University Resources. Will royalties be paid?

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 Patent Royalty Distribution policy](#).

23. A faculty member is planning to assign a textbook authored in a course taught by the same faculty member which will generate royalties for such sales. Is this allowed?

To avoid potential conflicts of interest, it is recommended that an author planning to assign his or her own Educational Materials or Scholarly works in his or her own courses assign those royalties or remuneration from external entities to the University or to a body mutually agreed upon by the University and the author unless an exception applies.

24. 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

25. 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.

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