

PROPRIETARY RIGHTS POLICY

Division: Academic Affairs

Policy Statement

When required or necessary, institutional faculty may develop new courses, create distance learning sections of, or materially change, existing courses.

The following policy defines the criteria required for proprietary rights and ownership of instructional materials related to new course development and/or material changes to existing courses, including creating distance learning sections of existing courses..

Policy Details

New course development or material changes to existing courses shall be a collaborative effort between the College and the faculty.

Course development opportunities, including the creation of distance learning sections of existing courses and the material changes to an existing course will be offered first to qualified full-time faculty, and then to qualified adjunct faculty if qualified full-time faculty either decline or are not available.

Non-Distance Learning Courses

Courses offered by the College and the related materials developed to meet the requirements for College and/or accrediting body approval, including the course syllabus, outline or plan of work, course description, or textbook information, are considered property of the College and can be accessed by the College for any course taught by the College.

Faculty member material generated in support of teaching the course including notes, handouts, presentations, assignments and tests are property of the faculty member and can only be accessed with permission from the faculty member. Faculty members are encouraged to share these materials, but are not required to do so.

Distance Learning Courses

New distance learning courses or distance learning sections of existing courses may be developed by institutional faculty. This development may occur in one of two ways following an agreement between the Director or Division Dean and faculty member:

1. The faculty member may use his/her own materials and time to develop the Distance Learning Course to procure the ownership of the intellectual property rights associated with such course development to the extent such ownership rights are consistent with applicable law.
2. Payment for development of a Distance Learning Course will be made utilizing the number of hours (see Article XII—Section 12.04—Supplemental Compensation of the Terra Faculty Association (TFA) Contract). The ownership of the intellectual property rights when courses are developed in this manner belongs to the College for use at the College; however, when the College sells these materials outside of Terra State Community College, the faculty member that developed the materials will be entitled to ten percent (10%) of the net revenue generated by the sale.

Material Changes to Existing Courses

Proprietary Rights of course materials created as a result of a material change to an existing course follow the same provisions as indicated in the above sections, depending on the delivery method of the materially changed course.

Supplemental Procedures

1. The Academic Deans (or designee) will maintain a database to identify those course sections by year/academic term where the proprietary rights belong to the College. Otherwise the proprietary rights of all course materials are assumed to be owned by the faculty member. Faculty members may be granted access to the database at any time to verify accuracy.
2. The faculty member has control of the course that he/she created for purposes of first refusal rights to teach, update, edit or revise the course as needed unless the faculty member declines to teach, update, edit or revise the course or is no longer qualified to teach in the subject area. The faculty member will receive appropriate compensation for significant updates, edits and revisions (as agreed upon by the Academic Dean and Faculty member) when intellectual property rights belong to the College consistent with Article XII Section 12.04 of the Faculty Contract. (See the Faculty Contract Article VIII Section 8.09F).
3. Rare instances, where College staff or administrators are allowed access to faculty owned course content, are specified in the LMS Access Policy.
4. The College may not copy or disseminate course content unless it is identified as College owned intellectual property by being listed as such in the database established in clause 1 above. Exceptions to this clause are specified in the LMS Access Policy.

If this policy conflicts with any other current provisions related to proprietary rights in Article VIII of the Faculty collective bargaining agreement, this policy shall not cancel or override those related provisions negotiated in the Faculty Collective Bargaining Agreement.

Procedures

Resources

LMS Access Policy

Terra Faculty Association Contract

Documentation

Definitions

Term Definition

Proprietary Rights

Legal rights that give someone the power to own or control something, whether it is tangible or intangible. These rights allow the owner to decide how and by whom their property is used.

Approval History

<i>Date</i>	Policy/Procedure or Entire Document	Notes (Types of Actions)	**Approved by
11/17/2004	Policy	Issued	Unknown
7/31/2023	Policy	Update of 2004 policy Transfer to new policy template	Ann Sergent, Dean of LIAB and Andrew Shella, Dean of TSKT
9/28/2023	Policy	CASA Approved with changes	William Taylor, VPAA
10/23/2025	Policy	CASA Approved	CASA Co-Chair, Dr. Doug Mead

**Full name of CASA Committee Chair, signatory, or designee

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