

Policy Statement Of
**Iowa State University Concerning
University-Sponsored Educational Materials**

Preamble

The development of educational materials is a natural and desirable output of intellectual activity. The creation of educational materials, such as textbooks, by the faculty, staff and students at Iowa State University has always been encouraged, and has resulted in the availability through commercial channels of numerous books, laboratory manuals, and other printed materials of real value to the educational process, teaching and research on a world-wide basis.

Creation of such works has come about through the extra effort expended by faculty and staff members who concurrently have satisfied their normal employment commitments with the University to teach, do research, or carry out administrative functions. The works created have been due to the efforts of one individual (or a small informal group), with the University providing encouragement and support through the unrestricted use of the employee's office, library facilities, assistance in the preparation of graphs and charts, minor secretarial assistance and other similar services to assist in the production of the work. Faculty improvement leaves have been, and continue to be, granted to faculty where the desire of the grantee has been to create a written work. Such expressions of ideas through the written word result in manuscripts which are, under Iowa law, the sole property of the author to dispose of as he/she may wish. The only exception to this has been those works created by individuals employed for the specific purpose of writing such works.

Through years of development and trial, the freedom to create such works, and the encouragement by the University for faculty and staff members to do so, has resulted in the desirable practice described above.

This practice has come to be known as the "traditional textbook policy" at Iowa State University. No change from this policy is anticipated by this document.

Because of advancing technology, and the recognition of the value of audio and visual aids in education, new forms of educational materials have come into existence at Iowa State University. Motion pictures, slides and video tapes are examples of such valuable educational materials. While most often initially developed for internal use at Iowa State University, these educational materials are often in a form that directly meets

educational needs at other universities or educational facilities elsewhere in the United States and in other countries.

- Approved by the Faculty Council on December 9, 1975;
- Approved by the General Faculty on February 26, 1976;
- Approved by the State Board of Regents on March 12, 1976, which may be found at Pages 444-445 of the Minutes of the March 11-12, 1976, meeting of the State Board of Regents, in the volume including July 1, 1975, through June 30, 1976.

For further information contact the Vice-President for Academic Affairs or the Iowa State University Research Foundation, Inc.

On the other hand, these new forms of educational materials, due to their nature, require a more substantial level of direct support by the University to allow their creation.

The new technologies involved require not only the initial creative effort of an author, but often the additional services of a variety of specialists, equipment and production facilities. The cost of such services and facilities to adapt the author's creative effort into a desired medium may be substantial, and require the expenditure of significant University funds by a college or department. It is also true that the author must spend extra time and effort, and even learn new skills, to assure that a high quality final educational product will result.

In the production of these new forms of educational materials, the proportional investment of time and money by the author and the University varies substantially from that involved under the "traditional textbook policy."

Accordingly, one purpose of this document is to set forth an equitable basis for voluntary agreement between the University and prospective authors (faculty and staff members employed in the variety of departments and colleges at the University) when educational materials are to be developed for internal and external use. It is a further purpose of this document to structure a practical mechanism for the implementation of such agreements, to the benefit of all parties involved.

It is possible that textbooks could be developed under this policy, but in a manner different from the "traditional textbook policy." In such a situation, and with the expressed and voluntary written agreement of the faculty or staff member, the University might desire to have a textbook written to meet an educational need, employing the faculty member on a release time basis to write the needed text. In such a situation, this policy would be used to provide a mechanism for the equitable distribution of income from the sale of the text to others.

This policy is not intended to be retrospective, or to lay any claim to works developed in the past under traditional or nontraditional ways. This policy is prospective. It is somewhat flexible and open to interpretation purposely in some aspects, since not all situations can be anticipated. But above all, it is a basis for voluntary agreement on an equitable basis for meeting new and changing demands for superior educational materials—a common goal of every employee of Iowa State University.

A. POLICIES

1. Iowa State University encourages the development of educational materials to assist in meeting its responsibilities for academic instruction, extension and research.
2. The University encouragement is provided by assistance in the preparation of such materials (through salary support, stenographic

services, materials and supplies, art work, filming and other services) as authorized by the appropriate administrative officer(s).

3. The University recognizes the vested rights of an author under Iowa code. However, if the educational materials are to be developed with University sponsorship, the author is expected to assign these rights for the benefit of the University. It is not intended that this policy affect the traditional University relationship to faculty members' ownership of books or other instructional materials whose preparation was not supported or assisted in a substantial way by the University.
4. Individuals preparing or planning to prepare educational materials are encouraged to clarify whether the materials are covered by this policy through consultation with the appropriate Department Head and Dean.
5. In cases in which a prospective author wishes to receive support from the University in a proposed development of educational materials covered by this document, the University will enter into an agreement with the prospective author prior to the development of the University-sponsored educational materials setting forth the extent of support, if any, associated with their development and providing for payment to the author and/or the distribution of earnings, if any should accrue from the use, rental, royalties or sale of the educational materials.
6. Monies in excess of costs and appropriate reserves that are received from use, rental, royalties or sale of the University-sponsored educational materials shall accrue to the benefit of the University, with the author receiving by prior agreement a specified portion of the net income. However, the author may receive a share of first receipts.
7. Operational responsibility for University-sponsored educational materials is vested in the appropriate Deans or their designated representatives.

B. DEFINITIONS

1. "Educational materials" includes written, reproduced, or other designated audio-visual aids, including study notes, guides, texts, syllabi, bibliographies, tests, films, film strips, slides, charts, transparencies, video and audio recordings or broadcasts, and programmed instructional media or other materials.
2. "Author" includes faculty or staff members responsible for creation of educational materials, but shall not include those employees whose primary function in employment is writing, producing, or assisting in the creation of educational materials unless they are also a contributing author. Students may be included in special cases, but only through their express written agreement with the University.

3. "University sponsorship" means the University has made a substantial contribution by providing equipment, materials, funds or services for the production of educational materials or has provided release time for such production.

C. PROCEDURES

1. When the production of educational materials by University sponsorship as defined in Article B is contemplated, the author shall enter into an agreement with the University through the appropriate Dean regarding the use and/or sale of the materials developed. The agreement should be based upon the same general principles that are applicable to patents, specifying the appropriate share of net income, if any, and initial royalty payment based on sales, if any, to the author.

D. AGREEMENT CONDITIONS

1. Ownership and Assignment

All rights to intellectual properties (properties based on intellectual activities of faculty, staff and students of Iowa State University) reside by statute of the State of Iowa with the individual.

In return for any significant direct or indirect sponsorship by the University of the creation or production of educational materials, and with the recommendation of the appropriate Dean, the author shall assign his or her rights to the Iowa State University Research Foundation or similar nonprofit organizations for management of requirements relating to copyright, use or sale of educational materials.

2. Internal Use

Internal use of educational materials may be by any unit of the University for Instruction or education including teaching, research, extension and service in the public interest, but such use requires approval of the department and college primarily responsible for the materials. Approval by the author for internal use is implied in the procedures by which the departments and colleges schedule courses and assign duties.

3. External Use

External use of educational materials is by other than a unit of the University; i.e., other educational institutions, government or nonprofit institutions, and lease or contractual agreements for commercial or other distribution of the materials.

Educational materials can be used for external use only with the consent of the author. Licensing or sale of University-sponsored materials shall be according to the written agreement outlined in Article C.

4. Time Limitations and Provisions

Unless otherwise specified, approval for internal use by the University will be for a three-year period, called the consent period. Revisions in the material may be made at any time if mutually agreed upon; however, at the end of the consent period the author may request a review of the material to determine whether the material shall continue to be used, until such a request is made by the author an implied consent period will continue.

If either party wishes the material withdrawn, and revision is not feasible, the material will be withdrawn from use and any copyrights shall be reassigned to the author. However, the name of the University, or reference to the University, must be deleted from such works before other use is made of them, unless an agreement to the contrary is negotiated. If a staff member terminates employment with Iowa State University, the University shall retain the right to use, for internal and external purposes, and University-sponsored materials for whatever part remains of the consent period. The University may, however, negotiate a contract with the former staff member or his/her estate for subsequent use of the materials.

5. Payments

When University-sponsored educational materials are prepared primarily for internal use, and used only internally, no additional compensation or remuneration for their production will normally be granted. The University will, however, recognize through established policies and procedures the faculty member's additional effort in the preparation of the materials.

When University-sponsored educational materials are made available for external use, the University may arrange for sale or use in accord with the previously developed agreement (Article C).

6. Non-University Funding

When the University administers, under a grant or contract, funds provided by non-University agencies for the production of educational materials, the University may enter into agreements with the funding agency recognizing rights, in whole or in part, to the ownership and use of the materials produced. The author, before using such funds, must agree to be bound by the terms and conditions of such agreements.

E. MANAGEMENT

1. The Vice-President for Academic Affairs shall appoint a committee on University-sponsored educational materials with not fewer than seven members, a majority of whom shall be chosen from the faculty.
2. The committee on sponsored educational materials shall advise the Vice-President for Academic Affairs on interpretations and applications of policy, and periodically shall review the policy set forth in this and succeeding statements and recommend needed changes. Changes shall become effective upon approval by the appropriate bodies. Policy interpretations may be issued by the Vice-President for Academic Affairs in implementing this policy.
3. The Vice-President for Academic Affairs shall make this policy known to all faculty members, staff members and administrative officers of the University by publication in the Faculty Handbook. Significant changes shall be promptly communicated to faculty, staff, and administrative officers.
4. The Vice-President for Academic Affairs shall appoint annually an arbitration committee of five members, no less than three of whom shall be members of the faculty, to arbitrate any disputes arising under this policy. The committee shall meet on the call of the Vice-President for Academic Affairs. The committee shall also be charged with formulating its operating procedures and for informing the faculty, staff, and administrative officers of these procedures.

F. ARBITRATION

1. In the case of unresolved disputes arising under agreements subject to this policy, such disputes shall be referred to the educational materials arbitration committee for determination.