

Web-Based Course Intellectual Property Rights

A. Policy Statements

1. Faculty who develop supplementary Web-based course materials are free to use these materials in other courses or at other institutions without the approval of Central Methodist University.
2. Faculty members who develop supplementary Web-based course materials retain the copyright to those materials unless other specific contractual agreements are made with Central Methodist University in advance.
3. Faculty who develop entirely online Web courses under "Customary" conditions are free to use the intellectual content of such courses in other courses or at other institutions without the approval of Central Methodist University.
4. Faculty members who develop entirely online Web courses under "Customary" conditions retain the copyright to those materials.
5. Faculty who develop entirely online Web courses under "Extraordinary" conditions must receive the approval of Central Methodist University to use the intellectual content in other courses or at other institutions. Central Methodist University may by contract restrict faculty use of such materials.
6. Faculty members who develop entirely online Web courses under "Extraordinary" conditions may or may not retain the copyright ownership of course materials. Specific terms will be addressed in the contractual arrangement between Central Methodist University and the faculty member.
7. Faculty who develop supplementary or entirely online Web courses are legally liable to abide by all copyright and patent law and agree that Central Methodist University is not liable for any infractions of such laws by the faculty member. (Title 17, Sec. 107, U.S. Code)

B. Definitions:

1. "Intellectual Content" refers to material contained within a course; namely, syllabi, lecture notes, bibliographies, examinations, and other elements created by faculty.
2. "Customary" conditions are situations in which a faculty member is provided with normal support, such as standard office and laboratory space, library facilities, ordinary access to computers and networks, and salary.
3. "Extraordinary" conditions are generally situations in which substantial use of specialized or unique staff, facilities or equipment, or other special compensation (eg. Sabbatical, course load reduction, "work for hire") is provided by Central Methodist University to the faculty

to create online courses. Under “Extraordinary” conditions faculty enter into contracts with Central Methodist University.

4. “Supplementary” refers to Web-based course modules created by faculty to supplement conventional classroom teaching. (i.e. face-to face teaching)
5. “Entirely online” are courses delivered to students entirely over the Web. (i.e. little or no face-to face contact)

Copyright Policy

Central Methodist University expects that all the members of its community (including traditional faculty, online faculty, staff, and administrators) will adhere to the United States Copyright Act (Title 17 United States Code) and the related acts which further define the proper use of copyrighted materials. Faculty, staff and students are expected to exercise a good faith effort to comply U.S. Copyright law and any license or contract terms and provisions. Copyright applies to work in any form, whether print, digital, movies, etc. Some examples would be journal articles, book chapters, websites, movie clips, freely accessible Internet sites, etc.

All members of the University should familiarize themselves with the copyright law and its fair use provisions. Faculty, staff, or students who face litigation over copyright infringement should not assume that the University will defend them or be responsible for judgments. Excellent online materials are available to learn about copyright:

- Copyright Basics. U.S. Copyright Office.
- Copyright Basics for Faculty. Baylor University.
- Copyright for Online Teachers. Association of Research Libraries.
- The Campus Guide to Copyright Compliance. Copyright Clearance Center

In some circumstances, it is allowable for educators to reproduce copyrighted materials without permission:

- if the material is licensed, as are most electronic materials, database content, etc, and the license allows for it
- if the material is used in online education, such as an online course, and the provisions of the TEACH Act are followed
- if the materials fall under the fair use limitations on owners' exclusive rights as contained in the U.S. Copyright Act
- if the materials fall under certain other limitations on owners' exclusive rights as contained in the U.S. Copyright Act
- if the materials are a work of the U.S. government
- if the materials are otherwise in the public domain

Scope of Copyright Protection

The Copyright Act gives the copyright owner the exclusive right to distribute, alter, perform, or display the work. Copyright protects the expression of ideas, not the ideas themselves. Similarly, facts do not receive copyright protection, although the selection and arrangement of facts are copyrightable. Thus, a student does not infringe copyright when he or she copies facts or ideas from a published source, so long as he or she doesn't copy that source's expression. However, failing to attribute the source of these facts or ideas may be plagiarism, and may violate the University's code of conduct.

Licensing

Electronic materials, such as software or access to subscription products online, are often governed by a license. The license may be more or less restrictive than the fair use provisions of the copyright law. For example, the Central Methodist University Library has negotiated license agreements with the vendors of the electronic journals it subscribes to that allow the posting of their articles behind a password as provided by MyCMU. In most cases, educational videocassettes and DVD's are purchased with "public performance rights" that allow for showing the works outside the classroom or to other than enrolled students. These materials may be used in a class setting without additional licensing.

TEACH Act

The Technology, Education, and Copyright Harmonization Act (TEACH Act) creates a framework for the use of copyrighted works in online education. Central Methodist University's policy is to follow the TEACH Act for online courses.

A [checklist](#) developed by North Carolina State University to follow the TEACH Act's provisions should be followed when posting copyrighted materials for an online course.

Fair Use

Fair use is one of many statutory rights to use copyright-protected works for commentary, parody, news reporting, research and education. Fair use is more of a "legal defense" than an exception to copyright compliance. If someone claims copyright infringement against you and you assert a defense of fair use, then you must be able to prove it. To do so, Section 107 of the Copyright Act of 1976 lists four factors to help determine types of content usage that may be considered fair use. It also includes many other provisions allowing uses of works in the classroom, in libraries, and for many other purposes. Fair use depends on a reasoned and balanced application of the four factors: **the purpose of the use; the nature of the work used; the amount used; and the effect of the use on the market for the original.** No one factor alone dictates whether a particular use is, indeed fair use.

Fair Use Guidelines

The following guidelines are standard practices within institutions of higher education. None of these guidelines are legally binding, however, use of copyrighted materials within these set guidelines may be thought of as safely within the limits of US copyright law. The guidelines have been agreed upon by various interest groups, including publishers, as non-infringing.

1. No more than 49% of a copyrighted work maybe be digitized or made available in an online environment. If an item is separated into chapters, no more than 1 less than half may be used within a single course.
2. No article may be used in its entirety for more than three consecutive semesters by the same instructor without legal purchase of rights from the Copyright Clearance Center.
3. No Digital media, music, film clips, etc. may be made available online UNLESS access is granted only to enrolled students by means of a password, IP authentication, etc.

Other Limitations on Owners' Exclusive Rights

The Copyright Act places several other limitations (See 17 U.S.C. §§108-122) on the exclusive rights of owners. Of particular interest in higher education are these:

- Libraries are specifically given rights to make limited number copies and to provide photocopiers for their users. See 17 U.S.C. § 108.
- Instructors or students may perform or display legally acquired copyrighted work in a classroom setting, to enrolled students, as part of a class session. See 17 U.S.C. § 110 for more details.
- Under the "first sale doctrine," the lawful owner of a copy of a work may sell it or lend it without infringing the distribution right. See 17 U.S.C. § 109.

For questions, resources, or more information, please contact:

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Evaluation Tool for Course Development and Revision

Central Methodist University Development Evaluation

Developer:	Faculty:	CRS:	Score:
Academic Year:	Date:	Course:	

3 = Meets or exceeds criteria 2 = Barely meets criteria 1 = Does not meet criteria 0 = cannot determine

Criteria	Faculty Score	CRS Score	Recommendations
Course design follows the university approved template.			
Course content meets departmental standards.			
Course description, objectives, and textbook information are provided under "About This Course" on myCMU.			
Course description matches the course description in the college catalogue.			
Course objectives are approved by departmental faculty.			
Course objectives are clearly stated, measurable, and attainable based on assessment tools.			
Course content and assessments are aligned with the course objectives.			
Course design engages students in learning activities that address various learning styles.			
Course design provides appropriate instructor-student interaction and appropriate student-student interaction.			
Students are provided resources that support and enrich course content.			

Course syllabus is provided under "Resources and Materials" and follows the university approved template.			
Issues associated with the use of copyrighted materials are addressed.			
Learning activities and assessments are adaptable to accommodate students with disabilities.			
All assignments include detailed instructions.			
Grading scale meets departmental requirements and university expectations.			
Course content provides sufficient rigor based on the number of credit hours and course level (100, 200, 300, and 400).			
Links to student support services are provided under "Resources and Materials".			
Textbook is approved and supports course content.			
Technology utilized, beyond myCMU, is easily attainable, is integrated with myCMU, and supports student learning.			
Course is not personalized by the developer (name, email, phone number, etc.)			

Evaluation Tool for Online Course Instruction

Central Methodist University Online Instructor Evaluation

Instructor:	Evaluator:
Academic Year:	Date:
Course:	Term:
	Enrollment
	Posts:
	Replies:

1 = Meets or exceeds criteria 2 = Barely meets criteria 1 = Does not meet criteria 0 = Cannot determine

Performance Criteria	Instructor Score	Evaluator Score	Comments
Instructor understands and follows online course policies and procedures as written in the Online Faculty Handbook.			
Instructor demonstrates appropriate knowledge base for course content and course level.			
Instructor responds to students in a timely fashion; within 24 hours for questions or concerns.			
Instructor is active in Discussion Forums providing appropriate feedback that encourages further discussion.			
Instructor provides feedback on assignments in a timely manner (within one week of assignment due date).			
Feedback is constructive and encourages student improvement. All feedback is maintained within myCMU.			
Instructor treats students with respect, encourages questions, and demonstrates flexibility in dealing with students.			
Instructor maintains accurate and timely records within myCMU.			
Instructor shows consideration for needs of students as evident by accommodations allowed and utilizing various teaching strategies.			

Instructor contributes to the success of students at risk and to the retention of all students as evident by feed-back and grading.			
Instructor maintains professional rapport with students in written and oral communication.			

Online

STUDENT HANDBOOK



Central Methodist University
Graduate and Extended Studies

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