



Policy Chapter: Chapter 6 Faculty Affairs

Policy Number and Title: 06.032 Online Courseware Intellectual Property

I. Policy Statement

The University of North Texas (UNT) encourages the development and use of high-quality online courseware and safeguards the rights of authors and the University. This policy identifies the categories for ownership and licensure of online courseware; addresses the author's responsibility for the creation, use, and revision of online courseware; and provides guidelines for administration that are compliant with federal and state laws, as well as applicable UNT policies.

II. Application of Policy

All instructional personnel and administrators. This policy does not apply to Intellectual Property under [UNT Policy 08.003, Research Intellectual Property](#).

III. Policy Definitions

A. Commercial License

"Commercial License," in this policy, means a type of license that authorizes the reproduction and use of online courseware outside the University and by someone other than the author(s) for the purpose of generating an economic benefit to the holder(s) of the license.

B. Compensation

"Compensation," in this policy, means monies paid to author(s) to create or update online courseware based on contractual terms.

C. Educational License

"Educational License," in this policy, means a type of license that authorizes the reproduction and use of online courseware by the University in offering courses to its students or by the author(s) when teaching beyond the scope of their work with the University.

D. Hybrid Course

"Hybrid Course," in this policy, means a course section in which fifty (50) but less than 100 percent of the planned instruction occurs where the students and instructor(s) are not in the same place.

E. Learning Objects

"Learning Objects," in this policy, means a type of modular instructional resource that can be re-used to support learning activities in varying contexts, but usually supporting a single learning objective.

F. Licensure

“Licensure,” in this policy, means the right to use and/or market online courseware.

G. Online Course

“Online Course,” in this policy, means a course section in which 100 percent of instructional activity takes place when the student(s) and instructor(s) are in separate physical locations that is fully online and delivered electronically, with no requirement for student(s) and the instructor(s) to meet in the same space or come to campus.

H. Online Course Author

“Online Course Author” or “Author,” in this policy, means any UNT employee authorized by an academic department to develop online courseware for use by UNT students.

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J. Online Courseware

“Online Courseware,” in this policy, means online or hybrid courses using digital course materials where at least 50% of the instruction is delivered online. These materials may include, but are not limited to, the following: text, images, diagrams, graphs, assignments, assessments, grading rubrics, multimedia developed for web distribution (including animations, games, and audio or video recordings), individual and collaborative exercises, simulations, and group projects.

K. Ownership

“Ownership,” in this policy, means a determination of who retains legal control over all (or some) of the rights associated with an original work under copyright law.

L. Unit Administrator

“Unit Administrator,” in this policy, means the head (e.g., chair, director) of a unit who oversees instructional development and delivery.

M. Work Made for Hire

“Work Made for Hire,” in this policy, means:

1. a work prepared by an employee within the scope of his/her employment; or
2. a work specially ordered or commissioned if the parties expressly agree in writing that the work will be considered a Work Made for Hire.

N. Intellectual Property Rights

“Intellectual Property Rights,” means all rights, title, and interest in and to the Online Courseware, including without limitation: (1) copyrights, patent rights, trademark rights, trade secrets, and other proprietary rights; and (2) and rights to all versions, modifications, enhancements, and derivative works.”

IV. Policy Responsibilities

A. Categories for Ownership, Licensure, and Compensation for Online Courseware

There are three categories of ownership and licensure for online courseware created at the University, based on the amount of support provided by UNT for developing those materials. Authors should meet with their unit administrator prior to creating online courseware in order to reach a formal agreement as to the appropriate category classification. The agreement requires review and approval by the academic dean, the Provost or designee, and the Vice President for Finance and Administration. The category classification may change based on a modification in University support for the project and those changes must be reflected in any final agreement. Authors must attest that their course meets the definition of a Hybrid or Online Course as defined in Section III.

1. Category A – Jointly Held

The work resulted from a combination of the author's efforts and University-provided resources.

a. Ownership, Licenses, and Compensation

- i. The author owns the intellectual property. Online courseware created by authors may include content produced by other individuals as works for hire or paid for by the University. The resulting work will be jointly owned by the author and the University based on the respective contributions.
- ii. The author and the University each maintain a non-exclusive educational license. The author and the University each maintain a non-exclusive commercial license to market the course outside the University. If licensed for commercial purposes either by the author or the University, the author and the University will split any royalty income evenly.
- iii. The author is not entitled to additional compensation for the creation of the course. The author may receive additional compensation or adjustment to faculty workload for maintenance of the online courseware.
- iv. The author must attest in the IP agreement that the online courseware developed represents no less than a fifty percent (50%) overall contribution, relative to the amount of resources provided from the university, by the author. The Division of Digital Strategy and Innovation Center for Learning, Experimentation, Application, and Research (DSI CLEAR) is responsible for determining the amount of contribution by the author and the University.

2. Category B – University Held

An author is assigned to develop online courseware by the University as a Work Made for Hire. The University provided the resources for the work which was carried out as a part of the author's assigned time and duties.

a. Ownership, Licenses, and Compensation

- i. The University owns the intellectual property.
 - ii. The University owns exclusive educational and commercial licenses unless otherwise negotiated.
 - iii. The author may receive compensation or adjustment to faculty workload for the initial creation of the courseware and subsequent maintenance and updating of the courseware.
3. Category C – Use of Digital Publisher Content in an Online Course in lieu of an IP agreement

To be used in the instance that the course author or subsequent instructors of record will utilize materials that are authored by an academic publisher for online use. If the author has adopted a textbook or electronic learning bundle from a publisher and intends to use pre-authored content from this publisher including, but not limited to lecture slides, videos, electronic textbooks, assignments, assessments, or proprietary third-party learning/assessment tools that exceed 10% percent of the original material in the course, the author has elected to forfeit any intellectual property ownership of their course and the materials.

B. General Guidelines

1. Author's Responsibility to Students

Authors have a responsibility to design online courseware that will meet the reasonable needs of students who will enroll in the course, including those needs recognized in [UNT Policy 16.001, Disability Accommodation Policy for Students and Academic Units](#), the [Rehabilitation Act of 1973](#), and the [Americans with Disabilities Act \(ADA\)](#).

2. Revision

Faculty members normally retain the right to revise the online courseware they develop. The faculty members and the University share the responsibility to uphold academic discipline and University standards. If a faculty member does not adequately maintain the course materials to meet those standards, the University may take appropriate action including the employment of another author to update the work which could prompt the renegotiation of the agreement given the additional investment of UNT resources. The University will periodically review all online courseware to ensure national quality standards for online course design are upheld.

3. Contributed Materials

Authors are responsible for adhering to United States copyright laws when selecting content to include in online courseware as per [UNT Policy 08.001, Use of Intellectual Property Owned by Third Parties](#). For inclusion of content other than materials created by the author, such as student work or voices/images of audiences, appropriate

permissions must be obtained during courseware development.

Author warrants and represents that: (1) Author has obtained all necessary permissions, licenses and rights from third parties for any third-party content included in the Online Courseware; (2) Author shall maintain written records of all such permissions; and (3) Author shall provide copies of such permissions to the University upon request. Author shall indemnify and hold harmless the University against any claims arising from unauthorized use of third-party content.

4. Learning Objects

The University retains the right to modify and/or use individual learning objects produced in partnership with the University in other courses without additional compensation to the author.

5. Conflict of Interest

The development and marketing of online courseware must not interfere or conflict with an employee's position with the University. As per [UNT Policy 05.008, Dual Employment and Other Activities](#), authors are required to report dual employment activities in writing to the unit administrator who has the responsibility for determining whether a conflict exists.

An author serving in an administrative capacity and holding direct control or influence over the scheduling of courses using either that individual's own intellectual property or that of any individual defined as a relative must receive the approval of the next higher-level supervisor prior to scheduling the online course. See [UNT Policy 05.012, Employment of Relatives](#) and [UNT Policy 05.015, Ethics](#) for additional information.

6. Transient Use and Other Ownership Scenarios

a. Transient Use

Transient use refers to online courseware not intended for use beyond the end of the current semester or by students other than those registered for the class. The author owns the intellectual property to the degree that it exists in the transient courseware. In many cases, there is no intellectual property created by the author (e.g., directed studies, practicums, and internships). The author may not receive compensation or adjustment to faculty workload for the initial creation nor for subsequent maintenance and updating of the courseware. Faculty members should consult the record retention schedule regarding the disposal of transient online course materials according to [UNT Policy 04.008, Records Management and Retention](#).

b. Other Ownership Scenarios

Other ownership scenarios may exist including, but not limited to, publisher-owned content, Open Education Resources such as Creative Commons-licensed materials, and materials authored prior to UNT employment.

The author and the unit administrator must document these arrangements (e.g., Transient Use, Publisher-Owned Content, Open Education Resources, and materials authored prior to UNT) in writing at the onset of online courseware development.

7. Administration

The Office of the Provost is responsible for the administration of this policy. The Provost, or designee, may inform the unit administrator and dean of any inequitable application of the policy, and it will be the responsibility of the unit administrator and dean to reach a resolution. Issues that cannot be resolved within the college or school may be directed, in writing, to the Provost. The decision of the Provost is final.

Intellectual property agreements established under the previous version of this policy may still be honored until such time as the author and the unit administrator agree on new terms under this policy.

V. Resources/Forms/Tools

- License Agreement for Category A – Jointly Held
- License Agreement for Category B – University Held
- License Agreement for Category C – Use of Digital Publisher Content

VI. References and Cross-References

- [The Americans with Disabilities Act of 1990](#)
- [The Rehabilitation Act of 1973](#)
- [UNT Policy 04.008, Records Management and Retention](#)
- [UNT Policy 05.008, Dual Employment and Other Activities](#)
- [UNT Policy 05.012, Employment of Relatives \(Nepotism Rule\)](#)
- [UNT Policy 05.015, Ethics](#)
- [UNT Policy 06.030, Review and Approval of Online Courses and Programs](#)
- [UNT Policy 08.001, Use of Intellectual Property Owned by Third Parties](#)
- [UNT Policy 08.003, Research Intellectual Property](#)
- [UNT Policy 16.001, Disability Accommodation Policy for Students and Academic Units](#)

VII. Revision History

Policy Contact:	Asst. Vice Provost, Faculty Success
Approved Date:	02/11/2000
Effective Date:	02/11/2000
Revisions:	07/2003, 05/23/2017, 02/27/2025