



Ohio Administrative Code

Rule 3337-15-06 Ownership and utilization of university-sponsored educational materials.

Effective: August 27, 2016

The version of this rule that includes live links to associated resources is online at

<https://www.ohio.edu/policy/15-006.html>

(A) Overview

This policy governs the ownership and utilization of university-sponsored educational materials.

Ohio university encourages educational innovation and experimentation in the use of techniques which improve instructional effectiveness and efficiency. To this end, the university has several offices which support and assist in the development and improvement of educational materials.

The university recognizes the merit of developing improved educational materials. Such contributions rank high when matters of salary, promotion, and work load are considered. All such activities are regarded as scholarly research or as service to the university.

(B) Definition of university-sponsored educational materials

(1) Guidelines

Educational materials are university-sponsored only when either

(a) A faculty or staff member's responsibilities specifically include a written assignment that such materials are to be produced, or

(b) A special contract for such production has been made (sample contracts are available from the legal affairs office).



(2) Contracts

These contractual arrangements are appropriate:

(a) If the author(s) will use in his or her developmental work without charge to him or her, the equipment, materials, and staff services of Ohio university which assist in the development of educational materials; or

(b) If the author(s) will receive support in the form of money, released time, or other resources from a department, a college, or any other unit of the university; or

(c) If the author(s) will be commissioned by the university or one of its colleges, school, departments or units to develop the materials and in their production, will use some part of the time for which he or she will receive compensation from university support budgets, grants, contract budgets administered by the university, or budgets based on special legislative appropriations.

(3) Examples of included materials

Educational materials to which this policy is applicable include, but are not limited to, productions such as video or audio recordings, motion pictures, slides, transparencies, charts, film strips, programmed and self-instructional materials, and computer programs.

(4) Excluded materials

Educational materials to which this policy does not apply include non-university sponsored materials, such as textbooks or related printed instructional materials, e.g., study guides and instructor's manuals, and printed materials such as monographs, book or journal articles prepared for the purposes of disseminating scholarly research.

(C) Ownership

(1) The developer(s) or author(s) of the educational materials they produce are the sole and exclusive owner of the literary, scholarly, or creative idea and concept involved in the educational materials.



The developer(s) or author(s) are responsible for warranting the originality of the idea or concept and that such use is not improper; and they will be responsible for seeking and obtaining all necessary releases, permissions, and authorizations for use of any non-original material.

(2) The university retains the ownership, subject to parts (D) and (E) of this policy, over the actual tangible university-sponsored educational material so produced, unless there is a contractual arrangement between the university and the developer(s) or author(s) granting to the latter ownership rights in the actual tangible educational material.

(3) A contract employee may enter into a contract relationship with his or her senior officer regarding the creation, ownership, use, remuneration, or any other matter relating to educational materials not consistent with this policy.

(D) Internal use

The design and development of university-sponsored educational materials does not change the basic privileges of academic freedom.

The author has the same degree of autonomy and freedom in selecting content, organizing its presentation and otherwise managing courses that use university-sponsored materials as pertains to all other courses.

The entire university community will have access to university-sponsored educational materials unless their use is restricted by prior agreement.

(E) External use

University employees, sponsoring departments or regional campus divisions primarily involved in the preparation of materials distributed externally will share in any net income received from the sale or rental of these materials. All duplication and distribution costs will be returned to the university before the net income from sale or rental is distributed.

The actual distribution of compensation for external use should be determined on a case by case



basis prior to the initiation of the project, using a formula such as the one recommended here:

Author	Sponsoring Department or Regional Campus Division	Instructional Development Fund
50 %	25 %	25 %

Grant-funded materials may require external distribution in a manner specified by the granting agency.

(F) Review and revision

Educational materials require periodic review and revision. The agreement between the author(s) and the university must specify a period of time after which the material should undergo review and possibly revision.

After the completion of the first utilization period, the university will not use the materials until they have been reviewed. If the material is being used exclusively by the author(s), determination of its use beyond the specified utilization period is his or her responsibility. If the material is being used by others within the university, its use beyond the terms of the agreement will require written approval of the author(s).

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