

17.02.02.D0.01 Technology-Mediated Materials and Instruction



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Procedure Summary

Texas A&M University–Central Texas (A&M-Central Texas) recognizes the essential role of intellectual creativity in furthering its mission and interests. With rapidly changing technologies in telecommunications, visualization, and pedagogy/andragogy, the higher education community as a whole is moving into distance learning and all forms of technology mediated instruction. A&M-Central Texas is dedicated to supporting the creation, health, and continued growth of distance education in a meaningful, effective way. A&M-Central Texas encourages its faculty and staff to develop Technology Mediated Instruction (TMI) and Technology Mediated Materials (TMM).

Definitions

Author: The author of TMM.

Institutional Work: A copyrightable work (1) authored by an employee or employees who were hired specifically or required as part of his or her employment to produce copyrightable works for institutional purposes; or (2) commissioned or contracted by A&M-Central Texas and assigned to A&M-Central Texas in writing. The general expectation that faculty teach, research, and publish does not by itself make a copyrightable work an institutional work under this procedure. (Example: An employee hired to specifically develop an electronic version of a laboratory manual for use by A&M-Central Texas.)

Parties: The author of TMI, the author’s department chair, academic dean or staff supervisor, the Research Compliance Officer, and the Assistant Vice President for Technology-Enhanced Learning are jointly referred to as “Parties”.

Substantial Support: The essential, integral or significant use of funds, space, hardware, or facilities of A&M-Central Texas for the creation of TMM that are not institutional works. Incidental use of A&M-Central Texas resources is not substantial support. The provision of offices, personal computers, and other computer equipment normally made available as a provision of the author’s office, or library facilities does not constitute substantial support by A&M-Central Texas. Examples of substantial support are:

- Instances where A&M-Central Texas resources were furnished specifically to support the development of copyrightable works,

- The use of A&M-Central Texas equipment, materials, or staff services, from other than the home department, unit, Information Technology Services, or Technology-Enhanced Learning, in the development of TMM at no expense to the author,
- Support for the development of TMM in the form of A&M-Central Texas supported salary in excess of normal teaching salary; reduced teaching load to less than is customarily given; or a grant of funds from a department, college, or any unit of A&M-Central Texas for the purpose of developing TMM, or;
- TMM developed in the course of, or resulting from, research or other sponsored activity supported by external funding (a grant or contract funded by an external sponsor such as a federal or state agency, a non-profit or for-profit entity, or a private gift or grant to A&M-Central Texas).

Technology-Mediated Instruction (TMI): The use of technological innovation for the development or delivery of course content to students whether in a traditional setting or through distance education.

Technology-Mediated Materials (TMM): Copyrightable materials developed to facilitate and support the instructional delivery of course content through TMI. Examples of TMM include, but are not limited to:

- Video or audio recordings
- Motion pictures
- Programmed instructional materials
- Live video and audio transmissions
- Computer programs
- Combinations of the items listed above, multimedia, and other types of materials or instructional packages.

Procedure

1. GENERAL

1.1 This procedure applies only to TMM. The Texas A&M University System (A&M System) Policy 17.01: *Intellectual Property Management and Commercialization* governs all other intellectual property. This procedure shall be interpreted in conjunction with A&M System Policy 07.01: *Ethics*, and with A&M System Regulation 31.05.01: *Faculty Consulting, External Employment, and Conflicts of Interest*, which relate to participation in private consulting and professional employment by faculty members.

2. COVERAGE

2.1 This procedure shall cover any faculty or staff member employed by A&M-Central Texas or with an appointment in any school, program or unit of A&M-Central Texas, including the A&M-Central Texas portion of the appointment of the faculty members with joint appointments with the various other components of the A&M System.

3. GUIDELINES

3.1 A&M-Central Texas Ownership:

3.1.1 Institutional Works are owned by A&M-Central Texas and are hereby assigned to A&M-Central Texas.

3.1.2 Except as otherwise provided in this procedure, TMM created with substantial support are jointly owned by A&M-Central Texas and the author(s), and a joint ownership interest is hereby assigned to A&M-Central Texas. Substantial support includes but is not limited to a minimum of 50% of the time used to create the TMM conducted at A&M-Central Texas, and the use of assets such as computer use or materials during that 50% time. Specific examples of substantial support are provided below.

3.1.2.1 If substantial support was provided in the creation of TMM, A&M-Central Texas may, at its discretion, relinquish its rights to ownership, all or in part. Any party may initiate a request to A&M-Central Texas for release of A&M-Central Texas-owned copyrights. Requests to relinquish A&M-Central Texas ownership should be routed through the creator's department chair, through the appropriate academic dean or staff supervisor, to the Research Compliance Officer, and finally to the Assistant Vice President for Technology-Enhanced Learning for approval.

3.1.2.2 In cases where TMM resulted from externally funded substantial support ownership shall be determined in accordance with the terms of the sponsored grant, contract or gift.

3.1.3 A&M-Central Texas makes no claim to ownership of TMM developed without substantial support from A&M-Central Texas, without the constraints imposed by grants or sponsored research, or not as institutional works.

3.1.4 In cases where A&M-Central Texas is joint owner of TMM any revisions or distribution of revised materials by A&M-Central Texas, either in part or whole, will include discussion with the author at the initial stages of proposed revision.

3.2 A&M-Central Texas Access: In all cases where TMM are owned by faculty or staff, in whole or in part, A&M-Central Texas shall retain a perpetual, nonexclusive royalty free license to use the TMM for its own educational purposes.

3.3 Income Distribution: When the creation of TMM has not involved substantial support, A&M-Central Texas makes no claim to income derived from the commercialization of the TMM. When substantial support has been provided, income distribution will be in accordance with a distribution scheme negotiated by the Parties. While the distribution of income will vary with the level of A&M-Central Texas commitment, the creator is to receive no less than 50% of the income received. Income shall include license fees, royalties, equity interests, and dividends or any other tangible income received for the sale of TMI, less cost of obtaining legal protection. The university portion of the TMM

income will be collected at the Office of the Assistant Vice President for Technology-Enhanced Learning.

3.4 Appeals Process: Any irresolvable disagreements associated with the determination of substantial support, the division of income or any other aspect of the TMM development process will be resolved through an appeals process coordinated by the Provost and the Vice President for Academic and Student Affairs or designee. The appeal process includes a three-person ad hoc committee whose charge will be to review the project proposal and make recommendations for reasonable resolution to the parties. Upon agreement with the committee's recommendation, the parties will modify the agreement and provide a copy of the modified agreement to the committee chair and to the Provost and Vice President for Academic and Student Affairs.

3.5 If the parties cannot agree with the committee's recommendations or a derivation thereof, any member of the party may appeal the committee's recommendations to the Provost. The Provost will confer with the President of A&M-Central Texas where the final determination will rest.

3.6 Third Party Participation: When third party organizations support the development of TMM, the author(s) shall follow outside employment rules or ensure that a contract is negotiated through the Office of the Vice President for Finance and Administration.

3.7 Exceptions: Exceptions to this procedure must be included in a memorandum of agreement signed by both the author(s) and the participating organizations within A&M-Central Texas.

4. CONFLICT OF INTEREST

4.1 Each author shall notify A&M-Central Texas of any conflicts of interest that may arise after the standard TMM agreement has been signed. The Office of the Vice President of Finance and Administration maintains standard TMM agreement forms.

4.2 Each author's obligation to disclose existing or potential conflicts of interest in accordance with System policies or regulations and A&M-Central Texas rules will survive any release of A&M-Central Texas's claims to ownership rights.

Related Statutes, Policies, or Requirements

System Policy [*17.01 Intellectual Property Management and Commercialization*](#)

Contact Office

Office of the Assistant Vice President for Technology-Enhanced Learning
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