

# MARSHALL UNIVERSITY INFORMATION TECHNOLOGY COUNCIL

## Procedure ITP-39

### Administrative Procedure for Distance Education Course Fees and Course Ownership

#### 1. Summary

- 1.1 This procedure provides a guide for compensating the instructional faculty assigned to teach online courses as overloads or as adjunct faculty in the distance education program. This procedure also provides a process for handling faculty online course content to protect the intellectual property generated by the course creators. Clarification is provided for *works for hire* and content generated by university employees. It also provides for the distance delivery fee as approved by the MU Board of Governors.

#### 2. Faculty Compensation for Teaching an Online Course.

- 2.1 Faculty who teach online courses as overloads (taught in addition to a faculty member's regular teaching load) or as adjunct faculty are compensated on a per student basis in two payments.
- 2.1.1 The first payment is based on enrollment at the close of schedule adjustment. The second payment is based upon the number of non-withdrawal students.
- 2.1.2 If students are carried over from one instructor to another, the instructor picking up the carry over students will be appropriately compensated.
- 2.2 The amount per student who completes the online course is a published fixed rate established through a recommendation from University Information Technology Council to the provost and president.
- 2.2.1 The Faculty Senate shall review the rate recommendation.
- 2.2.2 Any changes proposed by the Senate are subject to approval by the provost and president of the University.
- 2.3 No compensation will be paid under this section to instructors for the delivery of online courses that do not assess a distance delivery fee.

#### 3. Ownership of Online Course Content.

- 3.1 When online courses are created using university equipment, networks, support staff, and learning management system tools or software they are considered *work for hire* and also property of the university.

- 3.1.1 With a *work for hire*, the course creator retains intellectual property rights to the online course content he or she has created.
- 3.1.2 The university maintains the unrestricted right to assign online courses created by another developer to faculty in their respective academic units.
- 3.1.3 The university shall have the absolute, unrestricted right to use any online instructional content created by or through the efforts of its professional staff (non-faculty employees).
  
- 3.2 The university maintains the right to make backup copies of online instructional content in order to protect against accidental or other deletion /corruption.
  
- 3.3 All online course content shall reside on university servers within the online course management system except in instances where content is authorized from an outside vendor and approved by the Office of the Provost.
  
- 3.4 Physical presence of instructional content on university servers does not automatically assign ownership to the university.
  
- 3.5 The university shall have the absolute, unrestricted right to use any online instructional content created by faculty as a *work for hire* for the university outside of the regular online course development process. A written contract is required to initiate this work for hire arrangement.
  
- 3.6 Faculty who choose to distribute their online course content for sale or licensing outside the university must abide by the policies, procedures, and requirements outlined MUBOG policies pertaining to intellectual policy.

#### **4. Online Course/Instructor Approval**

- 4.1 Online instructors must submit every semester an E-course Agreement Form that is also approved and signed by the department chair/division head and dean.

#### **5. Online Course Distance Delivery Fees**

- 5.1 The incremental “distance delivery fee” for an online course will be assessed at a flat rate per credit hour in addition to regular tuition rates. This fee will be assessed for all online courses and is set by the Board of Governors.
- 5.2 Special approved division/department fees may apply to students registering for online courses.