

**MARSHALL UNIVERSITY BOARD OF GOVERNORS**  
**Policy No. IT-5**  
**ONLINE COURSES**

**PROPOSED REVISION 11/12/08**

**1 General Information.**

1.1 Scope: This policy addresses a variety of issues related directly to the development and teaching of online courses and multimedia supplements for use in credit or non-credit courses or in support of university-funded research. Ownership and copyright issues are discussed here as well as what resources the university will provide to course developers and instructors. This policy also addresses the guidelines that should be followed when a course has commercial potential, who should take the lead in marketing and licensing the course, and how the profits should be shared.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

**2 Course Approval**

2.1 Online courses must be approved by the appropriate academic Dean and comply with the Southern Regional Education Board's Principles of Best Practices.

2.2 Online courses must also be approved by the Faculty Development Committee for Online and Multimedia Instruction (FDCOMI) in accordance with their review guidelines based on established best practices for online course delivery.

**3 Distribution of Online Courses**

3.1 Departments may not assign instructors to teach a course with content created by another faculty member without the express written consent of the faculty creator of the content. A departmental policy guiding distribution, published prior to the initial approval of the course, shall supersede this restriction. Any remuneration for distribution will be negotiated on a case-by-case basis or shall be guided by departmental policy. A signed contract shall take precedence over departmental policy.

3.2 In instances where the faculty member retains exclusive ownership rights, the university may not distribute the online course without express written consent of the faculty creator. Any remuneration for distribution will be negotiated on a case-by-case basis.

- 3.3 Based on the curricular needs of the academic unit and pending all required approvals, a faculty member can develop a different version of an existing online course and teach that course. Different versions of the same online course can be offered simultaneously at the discretion of the academic unit.
- 3.4 In the interest of currently enrolled students, the university may continue use of electronically delivered courses developed by a member of the Marshall University community throughout the duration of the current grading period and for up to one year beyond the current grading period to ensure completion of the course by all students enrolled at the start of the semester regardless of ownership.

#### **4 Format**

- 4.1 Student access to online courses must be through the official course management system. Exceptions must be approved in writing by the appropriate Dean and the Provost.
- 4.2 Technical support for online courses will be available on MUOnline and through the Computing Services Help Desk.
- 4.3 Guiding principles for online course development and delivery are available on MUOnline and through the Center for Instructional Technology.

#### **5 Faculty Compensation for Online Course Development**

- 5.1 Online course development is eligible for compensation. Faculty who choose to develop courses without compensation may still be compensated for teaching an online course as an overload and departments may still be compensated for faculty who teach these courses in load.
- 5.2 Development will be compensated at a fixed rate published by the Faculty Development Committee for Online and Multimedia Instruction. The faculty member who develops the course has first right of refusal, but does not have to be the faculty member who teaches the course. The committee will make its decisions on course proposals on the basis of the institution's curricular needs and available funds. Different versions of the same course may qualify for development funds depending on curricula needs and available funds. Contract agreements between departments and faculty supersede this policy.

#### **6 Faculty Compensation for Teaching an Online Course**

- 6.1 Faculty who teach online courses as an overload (an overload course is one taught in addition to a faculty member's regular teaching load) are compensated on a per student basis in two payments. The first payment is based on enrollment at the close of schedule adjustment. The second payment is based on the number of students who receive a grade for the course. If students are carried over from one instructor to another, the instructor picking up the carry over students will be appropriately compensated.
- 6.2 The amount per student who completes the course is a published fixed rate established through a recommendation from University Information Technology Committee to the Provost. The Faculty Senate shall review the rate recommendation. Any changes proposed by the Senate are subject to approval by the Provost.

6.3 When faculty teach online courses in load, the faculty member's department will be compensated on a per student basis as described above.

6.4 No compensation will be paid to instructors or academic units for courses that do not assess a student fee.

**7 Ownership of Online Course Content (Should this remaining portion of the policy simply refer to the existing MU intellectual property policy?)**

<http://www.marshall.edu/president/board/Policies/MUBOG%20GA-%204%20Intellectual%20Property.pdf> )

7.1 While the faculty member owns the course materials he or she has created, there are specific qualifying conditions noted below. If the content is created by a research center or other recognized entity of the University, the entity may adopt a stated and consistently applied policy of vesting all rights to the software in the entity, preempting the more general rights of the University.

7.2 The University maintains the right to make backup copies of electronic instructional content in order to protect against accidental or other deletion /corruption. All online course content shall reside on Marshall University servers within the Marshall course content management system except in instances where content is leased or use by the university is otherwise authorized from an outside vendor. Physical presence of instructional content on university servers does not automatically assign ownership to the university.

7.3 The University shall have the absolute, unrestricted right (except as otherwise limited in this document), to use without charge, for any purpose, any electronic instructional content created by or through the efforts of its professional staff (non-faculty employees). All work created by university employees is a work for hire and belongs to the university except when the university waives claims to the material.

7.3.1 Exclusive ownership by the creator: Electronic courses or electronic media are considered to be the exclusive property of the creator if the university's contribution to the development of the media has not exceeded those resources usually and customarily provided. In all cases, the university retains exclusive right to course number and description as listed in university catalogs. All contributing developers of the electronic media work shall have a limited claim to joint ownership unless agreed upon beforehand in writing. The creator retains copyright and rights to distribute the work and is not obligated to share any part of the revenue from the sale or licensing of the content with the University or, except as provided otherwise in this policy or state or federal law, with any office or organization within the University. The creator has sole responsibility for the registration of copyrightable material for which the University has no proprietary interest.

7.3.2 Proprietary interest of the University: Electronic courses or electronic media created for academic use are considered to be a proprietary interest of Marshall University if the creator made use of university resources. In these cases, the creator must share (see Executive PB #9), with the university any royalties or other benefits from commercialization of the work. Use of university resources includes a development stipend, release time, specialized technical support, specialized hardware/software

(purchased by university for specific project), copyright clearances, student employee support, and graduate assistant support. In these instances, the creator of the electronic media shall retain the rights to intellectual property (copyright) contained there-in but distribution or commercialization of the work requires consent of the creator and the university.

7.3.3 As the intellectual property owner the creator of an electronic course has the exclusive right of revision and/or creation of derivative works. Revisions of course content would be required solely at the discretion of the academic unit that offers the course or in response to changes in the technology used to offer the course. The University has responsibility for the registration of copyrightable works for which it has a proprietary interest.

7.3.4 Exclusive ownership by the University: Electronic courses or electronic media developed by faculty as a “work for hire” and commissioned by the university and specified as such in a written contract or developed by a non-faculty employee within the scope of his or her employment and/or specially ordered or commissioned for use by the university shall be owned solely by the university both in copyright and distribution. The University has responsibility for the registration of copyrightable works for which it has exclusive ownership.

## **8 Review and Update of Content**

8.1 The instructor of an online course is responsible for reviewing and updating the course content according to policies established by the instructor’s department/division.

8.2 All online courses will undergo a review by the FDCOMI every three years or upon request by the Office of Academic Affairs or Information Technology. The purpose of the review is to ensure that the courses meet the needs of changing technology and comply with all FDCOMI requirements posted on the MUOnline website. The FDCOMI committee review will deal with the technical presentation of course content and clarity of course instructions.

8.3 Academic units are encouraged to review online course content during the three-year review cycle. FDCOMI will facilitate the review adhering to a timetable that allows for revisions to take place.

## **9 Tuition and Fees**

9.1 Students who register for online courses will pay tuition and or fees as established by the institution. Students registering for electronic courses only will be exempt from the Student Activities fee. Online students who wish to pay the Student Activities Fee and receive the appropriate benefits have the option of doing so. Special fees imposed by divisions/departments may apply to students registering for online courses.

9.2 Tuition and fee revenue from online courses should be used to promote technology initiatives, support online instruction, and multimedia in the classroom.