

Texas A&M University-San Antonio

17.01.99.00.01 Technology-Mediated Instruction

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Procedure Statement

Texas A&M University-San Antonio (A&M-San Antonio) has established this Procedure to oversee the university's technology-mediated instruction. This document provides procedural guidelines for faculty and staff creating technology-mediated materials.

Official Procedure

1. INITIATION OF INSTRUCTIONAL MATERIAL PROJECTS

- 1.1 Once development of the technology-mediated materials has begun, the creator(s) should contact the department chair to initiate official recognition of the effort and to determine the existence, if any, of substantial support by A&M-San Antonio.
- 1.2 The creator and the department head shall determine if the technology-mediated material to be developed (or already developed) involves substantial support from the University. If it is determined that there is no substantial support, the creator and the department head shall sign a memorandum stating such agreement. The memorandum will be sent to the dean or other appropriate administrator for initial approval. Following initial approval, a copy of the memorandum will be forwarded to the Director of Graduate Studies and Research.

2. If it is determined that there is substantial support from the University, then it will be the responsibility of the creator(s) to complete an instructional material development proposal. This document will include the following information:

2.1 Names of creators;

- Description of the technology-mediated materials to be created;
- Purpose of the technology-mediated materials; anticipated use of the product by the author or institution;
- Description of resources to be used in development of material;
- Ownership rights, such as in works-for-hire;
- Allocation of income between A&M-San Antonio and the creator(s) derived from the work products;
- Handling of revisions to the original work;

- Consideration given to the creator of the courseware if the institution assigns another faculty or staff member teaching responsibilities using the courseware; and
- Terms specifying which parties have rights to prepare derivative works.

2.2 The proposal will be routed to the appropriate officials for approval before development starts. Appropriate officials should include but are not limited to:

- Department head;
- The person controlling the account that will support development of the proposed technology-mediated materials;
- Dean or other appropriate administrator; and
- Director of Graduate Studies and Research.

3. PRODUCT ESTABLISHMENT

3.1 The creator(s) of technology-mediated materials should first meet with his/her department head or dean, director, and the Director of Graduate Studies and Research to determine the category to which the materials will be assigned. (The creator and department head or dean, etc., will hereafter be referred to as “parties.”) The parties shall disclose and discuss any existing and potential conflicts of interest and disagreements and incorporate the resolution or means to resolution into a technology-mediated materials agreement form.

3.2 If the creator(s) of the technology-mediated materials have opportunities for commercial ventures with the materials, the creator(s) will disclose these opportunities to their academic department and college. Division of income earned will reflect whether substantial use of University facilities and resources were used in developing the materials.

3.3 The creator(s)’ department head is responsible for contacting the University units providing the substantial support so that those units may establish documentation of such support. A memorandum of agreement stating expectations should accompany any support provided by the University for the technology-mediated materials.

4. SUBSTANTIAL SUPPORT DETERMINATION

4.1 If it is determined that no substantial University support exists, then A&M-San Antonio relinquishes all rights of ownership and all rights to income from the technology-mediated products developed.

4.2 If it is determined that substantial University support exists, then the University and the creator(s) must establish the level of ownership and income distribution from the use of this product outside of the University.

5. APPEALS PROCESS

- 5.1 If the parties are unable to agree to the terms of the project, they shall collectively notify in writing the Provost and Vice President for Academic Affairs or designee of the proposed project and issues of disagreement. The Provost will then forward the issue to a three-person standing or ad hoc committee whose charge will be to review the project proposal and make recommendations for reasonable resolution to the parties.
- 5.2 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.
- 5.3 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 shall have the final authority to approve the terms of the agreement if the proposed project is to go forward.

Related Statutes, Policies, or Requirements

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

System Regulation [31.05.01 Faculty Consulting, External Employment, and Conflicts of Interest](#)

Definitions

Copyrightable Work(s): An original work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced or otherwise communicated either directly or with the aid of a machine or device (such as books, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recording, pictorial and graphical works, etc.) A copyrightable work may be the product of a single author or a group of authors who have collaborated on a project.

Creator: The author of copyrightable work.

Institutional Works or Works for Hire: Copyrightable works created as institutional rather than personal efforts, that is, created for institutional purposes in the course of the creators' employment, including but not limited to simultaneous or sequential contributions over time by numerous faculty, staff or students.

Substantial Support for Copyrightable Works: The essential, integral or significant use of funds, space, hardware, or facilities of A&M-San Antonio for the creation of copyrightable works that are not institutional works-for-hire. Incidental use of University resources is not considered to be substantial support. The University will not construe the provision of offices, personal computers and other computer equipment normally made available as a provision of the

creator's office, or library facilities as constituting substantial use of University resources, except for those instances where the resources were furnished specifically to support the development of such copyrightable works.

Technology-Mediated Instruction: Instructional activities that use technological innovation in the development and delivery of course content to students whether in a traditional setting or through distance education.

Technology-Mediated Materials: Materials and the intellectual property rights on such materials that are copyrightable works developed to facilitate and support the instructional delivery of course content through technology-mediated instruction.

Contact Office

Academic Affairs, Office of the Provost and Vice President for Academic Affairs (210) 784-1200
