



TO: Regent Laws & Policies Stakeholders
FROM: Michael Lightner, Vice President for Academic Affairs
Maureen Durkin, Director of Academic Program and Policy Analysis
DATE: March 7, 2024
RE: Recommended Updates to Regent Policy 5.K

Proposed Revision to Regent Policy 5.K – Intellectual Property that is Educational Material

Regent Policy 5.K – Intellectual Property that is Educational Material is a policy which focuses on works made by University of Colorado employees in the course and scope of their employment, which are in furtherance of the employees’ educational responsibilities. Since this policy was last updated in 2003, the nature of Educational Material has evolved as instructional delivery, educational accountability, and the needs and expectations of students have changed. There also are increasing needs to address business continuity requirements related to use of educational materials.

The university has several goals with respect to educational material:

- To collect educational materials, as needed, for every course to support the requirements of accreditors, including tracking student learning outcomes and tracking continuous improvement
- To support the continuity of courses in various circumstances
- To support the continuity of certain course materials from section-to-section and semester-to-semester as determined by the primary unit
- To protect the privacy of students and student data
- To appropriately acknowledge the intellectual contribution of the author(s) in creating educational materials

Proposed modifications of Regent Policy 5.K are aligned with these goals. In the current Policy 5.K, author(s) who create educational materials retain rights of ownership to their materials. These ownership rights are unchanged in proposed updates to Policy 5.K.

Recommended updates to the policy include:

- Clarified and broadened rights of the university to use educational materials for both administrative purposes, such as to meet accreditation-related requirements, and instructional purposes. Instructional use of educational materials is limited by corresponding APS 1014, which is being developed with faculty shared governance bodies and the campus provosts.
- Clear definition of educational materials and their various forms.
- Clear definition of scholarly and creative works and their various forms. Note that author(s) rights of ownership of scholarly and creative works are reiterated in proposed updates to Policy 5.K, consistent with current Policy 5.K, and historic practice.