

The Peabody Institute of the Johns Hopkins University
Office of the Dean

Policy on the Ownership and Use of Educational Materials

SUMMARY OF THE MOST PERTINENT CLAUSES

- Under the work for hire principle, the University owns the intellectual property for courses developed by Peabody faculty, including educational materials such as course packs, lecture materials, videos, slides, documents, and assessments (this is not intended to be an exhaustive list).
- In these instances, the instructor is granted a non-exclusive, no-cost license to use these materials as part of any of their teaching or scholarly functions either inside or outside of the University.

Introduction

The Johns Hopkins University Intellectual Property Policy

(https://www.jhu.edu/assets/uploads/2014/09/intellectual_property_policy.pdf) clarifies ownership of intellectual property (IP) created by faculty, staff and students of the University. In most cases, the University asserts its ownership rights to IP created by those working on behalf of the University. An exception is made for some “artistic, literary or scholarly works”, for which the University relinquishes ownership to the individual creator(s). This policy is meant to provide clarification on the ownership and use of educational materials by the Peabody Institute faculty, staff and students working on behalf of the Peabody Institute (hereinafter referred to as “faculty”). The Peabody Institute does not consider educational materials to be traditional literary or scholarly works, and it is important that ownership of these materials be clearly understood in order to operate effective academic programs. Educational materials include course packs, lecture materials, videos, slides, documents, and assessments (this is not intended to be an exhaustive list). Artistic, literary and scholarly works would include musical

compositions, books, monographs, articles and similar work. This policy is **not** meant to change ownership rights for artistic, literary and scholarly works, as defined in the JHU IP Policy.

Policy Statement

- I. By law under the work for hire principle, the University is the owner of intellectual property developed by faculty as part of their usual teaching, research, and service activities; developed with sponsored project support; or otherwise developed within the scope and course of employment.
- II. Intellectual property owned by the University includes, but is not limited to, faculty developed teaching materials in electronic and print formats such as slides, lecture notes, lab exercises, web pages, audio and video recordings of the faculty, distance education materials, software, survey instruments, research and teaching data, assessment tools, manuals, and any current or future means of disseminating knowledge or expertise (hereinafter referred to as “Educational Materials”).
- III. Faculty who develop Educational Materials in performing their usual teaching, service, or sponsored project activities are granted a non-exclusive, no-cost license to use these materials as part of any of their teaching or scholarly functions either inside or outside of the University. The faculty are granted a non-exclusive, no-cost license to use these materials in developing traditional derivative works such as books, book chapters, journal articles, and electronic representations of these conventional works. The license to use the materials and develop traditional derivative works remains in effect if a faculty member leaves the University. Revenues from the distribution of these traditional derivative works shall remain entirely with the faculty authors. The University shall retain all other rights associated with these Educational Materials, including commercialization. Specifically with regard to electronic works (such as videos and distance education materials), this section, and related sections concerning licenses back to faculty, refer to the faculty member’s personal contribution only, and do not include a license to any portion of the entire work contributed by others.
- IV. In cases where Educational Materials are jointly developed by two or more faculty, each author retains the right to use the Educational Materials for teaching, research, or other scholarly functions. Development of derivative works such as books or journal articles shall be negotiated among the authors. Likewise, if one member leaves the University, the right to use material developed by others will need to be negotiated with the other faculty members. Disputes regarding use of Educational Materials or development of derivative works shall be referred to the Office of the Dean.
- V. When faculty leave the University, or for any other reason are not available to teach a course they developed, the University continues to own the Educational Materials and retains the right to use and revise the traditional derivative works developed for the course. Where appropriate, authors of the materials may be involved in the development of revisions.

Entities Affected by this Policy

All individuals hired by the Peabody Institute engaged in the creation, modification or use of Educational Materials.

Who Should Read this Policy

All faculty and staff of the Peabody Institute who create, modify or use Educational Materials; administrators responsible for hiring individuals who create, modify or use Educational Materials, or direct the use of Educational Materials in academic programs; and any other individuals (including students) who create, modify or use Educational Materials.

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