



**The University of British Columbia
Board of Governors**

Policy No.:

81

Approval Date:

February 20, 2014

Responsible Executive:

Provost and Vice-President Academic
(UBC Vancouver)

Deputy Vice-Chancellor and Principal
(UBC Okanagan)

Title:

Use of Teaching Materials in UBC Credit Courses

Background & Purposes:

UBC is a community of scholars whose essential functions are the pursuit and dissemination of knowledge and understanding through research and teaching. As part of this overall mission, UBC wishes to facilitate collaboration, the open exchange of ideas, and the creation, preservation, continual enhancement and utilization of materials incorporated into the delivery of courses of study at UBC, including courses delivered online or through other electronic platforms.

UBC recognizes that as a result of the academic tradition of sharing and collaboration prevalent within the UBC community, many UBC Instructors have access to shared teaching materials, yet it is not always clear how those materials may be used. For this reason, this Policy provides a clear process for UBC Instructors to follow if they wish to share certain materials but also restrict the ability of others to use those materials. This in turn will allow UBC Instructors who have acquired shared materials, to determine if they can utilize those materials in the UBC Credit Courses they instruct.

UBC encourages the free and open distribution of teaching materials beyond the UBC community. To create and preserve knowledge in a way that opens and facilitates the dissemination of knowledge to the world, UBC Instructors are encouraged to utilize Creative Commons licenses, digital repositories and other open access channels to distribute their teaching materials broadly. However, while UBC would like to see more UBC Instructors and other members of the UBC community distribute their teaching materials freely, this Policy does not require, nor automate, the deposit of teaching materials in any repository. Rather, this Policy intends to clarify the extent to which UBC Instructors can use teaching materials that have been shared by other members of the UBC community such as printed materials provided by other instructors, materials posted to public websites, and materials voluntarily submitted to open access digital repositories.

Defined terms are capitalized in this Policy and can be found embedded within the Policy.

1. General

- 1.1 Faculty and other instructors assigned to teach Credit Courses at UBC ("**UBC Instructors**") utilize a wide variety of materials in the courses they instruct. A significant amount of these materials is adapted from pre-existing teaching materials or created, refined, and further developed, over time and through collaboration with colleagues or through University investment. Many UBC Instructors also choose to make their Teaching Materials available for use by others. For the purposes of this Policy, **Credit Course** means a UBC Senate approved course for which academic credit is granted, and **Teaching Materials** means the content developed by UBC Instructors for delivery to students in the Credit Courses they instruct such as, for example, syllabi, lesson plans, lecture notes, instructional modules, class hand-outs, quizzes, problem-based learning materials and examinations. For greater certainty, Teaching Materials do not include Inventions created, developed, discovered, conceived or invented in the course of University Research as those items are addressed in Policy #88.
- 1.2 In order to facilitate collaboration with colleagues and enable Departments to support outstanding teaching, if a UBC Instructor makes his/her Teaching Materials available for use by others, unless that UBC Instructor places restrictions upon the Teaching Materials he/she shares in accordance with Section 2, UBC may, through its Faculties, Departments and individual Instructors, use, revise, and allow other UBC Instructors to use and revise the Teaching Materials to facilitate ongoing offerings of Credit Courses. The contribution of all UBC Instructors to the development of such Teaching Materials will be acknowledged in accordance with accepted scholarly standards unless the UBC Instructors advise UBC, at any time, that they do not wish such acknowledgement.
- 1.3 Many Departments and Faculties have built and maintain collections of Teaching Materials, accessible to other UBC Instructors, to support the ongoing development of problem-based learning materials and other collective resources ("**Departmental Resources**"). For clarity, Departmental Resources are repositories that exist independent from course delivery platforms such as *Connect* or individual course webpages. While this Policy does not mandate the creation of Departmental Resources, nor require UBC Instructors to contribute their Teaching Materials to a Departmental Resource, UBC Instructors who contribute to these Departmental Resources do so on the understanding that their contributions will be used and revised within the community of UBC Instructors. Nothing in this Policy shall prevent a Department or Faculty from requiring that UBC Instructors who use the Teaching Materials contained in a Departmental Resource also make their Teaching Materials available through the same Departmental Resource for other UBC Instructors to use and revise as set out in Section 1.2 of this Policy.
- 1.4 Nothing in this Policy shall prevent a Department or Faculty from requiring that Teaching Materials be made available for the purposes of licensing accreditation or external reviews of the unit.
- 1.5 Sharing materials does not imply any transfer in the ownership of copyright by UBC Instructors. Nothing in this Policy transfers the ownership of any Teaching Materials to UBC.

2. Use Restrictions

- 2.1 UBC Instructors have a well-established tradition of sharing Teaching Materials with colleagues in and across Departments and Faculties to enable team teaching of a course section, to provide a consistent pedagogical platform across sections and/or offerings of the same course, to contribute to problem-based learning curricula and, more generally, to advance and share knowledge and to build capacity within Departments and Faculties to support teaching excellence.
- 2.2 UBC wishes to facilitate further participation in this tradition of sharing, however, recognizing that UBC Instructors may wish to limit the ability of their colleagues to use and revise the Teaching Materials they share, where a UBC Instructor has undertaken the development of Teaching Materials without any material UBC investment and the UBC Instructor has not contributed those Teaching Materials to a Departmental Resource, the UBC Instructor will, in accordance with the Procedures and subject to any restrictions that may exist on materials that the UBC Instructor incorporates into the Teaching Materials, have the opportunity to modify or limit the rights set out above in Section 1.2.
- 2.3 In addition, where a UBC Instructor has undertaken the development of Teaching Materials without any material UBC investment, has not contributed those Teaching Materials to a Departmental Resource, and subsequently chooses to publish the Teaching Materials commercially, UBC will, if requested by the UBC Instructor, relinquish the rights set out above in Section 1.2 of this Policy, provided that the Teaching Materials are available for UBC to purchase or otherwise access for the use of the community of UBC Instructors and students on a commercially reasonable basis. In the absence of any limitation or modification made under Section 2.2 or any relinquishment of rights under this Section, the rights set out in Section 1.2 will be irrevocable.
- 2.4 For the purposes of this Policy, a material UBC investment involves the provision of compensation, facilities, equipment or other resources beyond those ordinarily provided to all UBC Instructors in the course of their normal duties, such as, for example, a direct discretionary investment in the development of Teaching Materials. Further examples of material UBC investments in the development of Teaching Materials include (a) the making of specific payments to UBC Instructors for the development of Teaching Materials, (b) the provision of teaching relief in consideration for the specific task of developing Teaching Materials, and (c) the provision of assistance from a Research Assistant, Teaching Assistant or other staff member specifically assigned to develop the Teaching Materials. Material UBC investment in the development of Teaching Materials would not include (a) the use of Teaching Assistants for duties normally associated with course delivery, (b) payment of a UBC Instructor's normal salary and benefits, (c) the provision of teaching relief other than as described above; (d) the provision of study relief as contemplated in the UBC - Faculty Association Collective Agreement; (e) the use of a UBC learning management system, or (f) the incidental use of UBC-owned computer equipment.

PROCEDURES

Approved: February 20, 2014

Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors." Note: the most recent procedures may be reviewed at <http://universitycounsel.ubc.ca/policies/index/>.

1. Assignment of Responsible Executive

- 1.1 The Responsible Executive is the Provost and Vice-President Academic, UBC Vancouver, in relation to Teaching Materials used in Credit Courses offered through UBC's Vancouver campus.
- 1.2 The Responsible Executive is the Deputy Vice-Chancellor and Principal, UBC Okanagan, in relation to Teaching Materials used in Credit Courses offered through UBC's Okanagan campus.
- 1.3 Any Responsible Executive may, in writing, delegate his or her authority under this Policy.

2. Election

- 2.1 Should a UBC Instructor wish to restrict or modify the ability of UBC and the community of UBC Instructors to use and revise his/her Teaching Materials as contemplated in Section 2.2 of the Policy, the UBC Instructor may do so by either:
 - (a) placing a clear notice in or on the Teaching Materials: (i) that the Teaching Materials may not be used by other UBC Instructors as contemplated in Policy #81; and (ii) specifying the way, if any, in which the Teaching Materials may be used; or
 - (b) completing and filing a prescribed Use of Teaching Materials form ("**UTM Form**") for the course(s) in which the Teaching Materials are used and clearly labelling the Teaching Materials with the UBC course number and term in which they are utilized. UTM Forms may be filed up to 30 days after the last day of the term in which the course to which they relate was offered.
- 2.2 An individual UTM Form may only apply to a single UBC Credit Course offering. Where more than one UTM Form is filed by a UBC Instructor with respect to the same UBC Credit Course offering, the most recently filed UTM Form will supersede the prior filled UTM Form(s).
- 2.3 In order to simplify the completion and filing process, the UTM Form will set out certain commonly utilized options which UBC Instructors may elect to apply to some or all of the Teaching Materials used in association with a UBC Credit Course offering they instruct. However, UBC Instructors may modify or limit the rights granted to UBC and the community of UBC Instructors in any manner and to whatever extent they desire by clearly itemizing the same and the Teaching Materials to which such modification or limitation applies in the free-form portion of the UTM Form. At a minimum, the UTM Form will provide the following pre-defined options:

- (a) the option to allow certain Teaching Materials to be used by UBC and the community of UBC Instructors as contemplated in the Policy on the express understanding that any other Teaching Materials incorporating or derived from the original Teaching Materials must also be shared with the community of UBC Instructors as contemplated in Section 1.2 of the Policy;
 - (b) the option to exclude final examination questions from the rights granted to UBC and the community of UBC Instructors under the Policy;
 - (c) the option to allow certain Teaching Materials to be used, but not revised or adapted, by UBC and the community of UBC Instructors; and
 - (d) the option to exclude some or all of the Teaching Materials, used in association with a specific UBC Credit Course offering and created without any material UBC investment, from the rights granted to UBC and the community of UBC Instructors under the Policy.
- 2.4 At the time of assigning a Credit Course to a UBC Instructor, the Head of the Department offering the course will provide the UBC Instructor with the then current UTM Form and a summary of any modifications or limitations applicable to any Teaching Materials used in prior offerings of the same UBC Credit Course.
- 2.5 UBC Instructors may file UTM Forms or amend a filed UTM Form at any time up to 30 days after the last day of the term in which the UBC Credit Course was offered.
- 2.6 The elections and any applicable limitations or modifications set forth in every UTM Form filed in accordance with these Procedures will be centrally recorded by UBC. The Responsible Executives will jointly approve a standardized format and UTM Form suitable to record the information contemplated in these Procedures and the Heads shall distribute UTM Forms in the approved formats.