

Ownership Policy Critique

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Assignment 2

DETT 611 9040 – March 6, 2016

## Introduction

The University of Maryland, Baltimore (UMB) is one of twelve higher education institutions that comprise University System of Maryland (USM). Other institutions include University of Maryland, College Park; Bowie State University; Towson University; University of Maryland Eastern Shore; Frostburg State University; Coppin State University; Salisbury University; University of Baltimore; University of Maryland University College; University of Maryland, Baltimore County; and University of Maryland, Center for Environmental Sciences. The University of Maryland, Baltimore (UMB) campus is comprised of seven professional schools: Schools of Pharmacy, Medicine, Nursing, Social Work, Law, Dentistry, and the Graduate School. This critique pertains to policies established by the University of Maryland School of Pharmacy, University of Maryland, Baltimore.

## Policy Summary

The entire UMB campus has adopted the University System of Maryland Policy on Intellectual Property in its entirety (UMB Policy on Intellectual Property, University System of Maryland Policy on Intellectual Property) as published on the USM website. UMB personnel (which includes all full-time and part-time UMB employees [including faculty], student employees, non-employee consultants, visitors and anyone else using University resources) retain all rights in copyrights of their work with five exceptions. These include work performed by non-faculty personnel, work performed under Sponsored Research Agreements, worked specified in written agreements, software and computer program development, and certain aspects of technology-mediated instructional materials. The policy guiding ownership of

“Technology-Mediated Instructional Materials” in the UMS guidelines defaults to guidance provided in the section on “Computer Programs and Software” (alternately, the University may develop its own policy in the technology-mediated instructional materials section). The policy on “Computer Programs and Software” states that the University owns computer programs and software created by personnel, and roles and responsibilities of personnel, students and the University are further elaborated on in this section. Although “technology-mediated instructional materials” seems as though it would entirely pertain to distance education teaching, this doesn’t seem to be the case; rather, they are focusing on computer programs and software.

The policy on intellectual property covers areas beyond the development and ownership of course materials including patents, computer programs and software (as described above), other intellectual property, interinstitutional agreements, revenue sharing, administration and reporting.

There is no specific policy or provision regarding the ongoing use of course materials by either the faculty creator or University. At the School of Pharmacy, most of the lectures are recorded in Mediasite and posted to our learning management system (Blackboard). There is a “gentlemen’s agreement” that should a faculty member leave the School of Pharmacy, the Associate Dean of Academic Affairs expects that the School will be allowed to continue using the slides and Mediasite recordings for 3-5 years. I am only aware of several instances where this occurred, and the faculty member in question gave verbal permission for this to occur. There is nothing in writing, but it is understood that the faculty member owns the rights to the actual slides/lecture, and is welcome to use them in their new academic assignment.

There is no specific policy regarding contributions to a course authored by students, aside from the overarching Intellectual Property policy, which includes students. Nor is there any mention anywhere of how USM policy encourages or discourages innovation and development of online course materials. If there is a conflict or dispute regarding issues covered by this policy, the UMB Vice President for Research and Development, or designee, serve as the initial point of contact for intellectual property policy issues. Of course we have a legal department as well, available to all of the professional schools and faculty. All professional Schools on campus report to the UMB President's office regarding intellectual property activity at the School on an annual basis. The President of UMB (and Presidents of all USM Universities) report annually to the Chancellor and Board of Regents regarding intellectual property activity. The report covers data on disclosures, patent activity, licenses, start-up companies, and financial implications of technology transfer functions.

The School of Pharmacy has a Student Honor Code that globally covers issues of cheating and dishonesty. One sentence in the "Facilitating Academic Dishonesty" section states the following constitutes an act of academic dishonesty: "Preparing for sale, barter, or loan to another such items as unauthorized papers, notes or abstracts of lectures and readings" (University of Maryland School of Pharmacy Policy Student Honor Code, p. 3). This could possibly address uploading faculty lectures to web sites such as Course Hero. UMB also has a policy titled "P2P File Sharing & Copyright Infringement" that explains how peer to peer (P2P) file sharing may be copyright infringement.

## Policy Critique

The USM/UMB policies that address course material ownership are somewhat vague in my opinion, and completely disregard implications for distance education. For example, the UMUC policy on Intellectual Property (University of Maryland University College, Policy 190.00 - Intellectual Property, 2002) clearly defines what is meant by academic content, core and personalized course materials and scholarly works. The USM/UMB policy on “Technology-Mediated Instructional Materials” defaults to the “Computer Programs and Software” section, providing no guidance regarding true technology-mediated instruction (e.g., distance education). The UMUC guidelines do NOT default to the section on computer programs and software, rather their policy clearly states that “technology-mediated instructional materials are core to the mission of the University...it is the policy of the University that for the purposes of this Policy such materials cannot be differentiated from or given different consideration from any other instructional materials.”

While the curriculum at the School of Pharmacy/UMB is largely taught in a face-to-face fashion, we do use a learning management system where learning objects are housed, and a small cohort of our students are ONLY able to observe lectures by internet. The School of Pharmacy currently has two fairly new master degree programs conducted entirely by distance education and a third is under development. While this is new ground for the School of Pharmacy, course material ownership for distance education must be considered and reflected in policy. In my opinion, policy could be further strengthened even in our traditional learning environment by addressing use of learning materials after a faculty member leaves our ranks.

Considering that I am the faculty member charged with developing the third distance

education master's program at the School of Pharmacy, and the development of new advanced degrees (particularly through distance education) is a charge highly favored by our President, perhaps I'll be the change agent leading the charge for better guidance in this area!

References:

UMB Policy on P2P File Sharing & Copyright Infringement. (n.d.). Retrieved from

<http://www.umaryland.edu/umbcomputingpolicies/p2p-file-sharing--copyright-infringement/>

UMB Policy on Intellectual Property. (n.d.). Retrieved from

<https://www.umaryland.edu/spa/policies-and-procedures/intellectual-property/umb-policy-on-intellectual-property/>

University of Maryland School of Pharmacy Policy Student Honor Code. (n.d.). Retrieved from

<http://www.pharmacy.umaryland.edu/media/SOP/attachments/honorcode.pdf>

University System of Maryland Policy on Intellectual Property. (n.d.). Retrieved from

<http://www.usmd.edu/regents/bylaws/SectionIV/IV320.html>

University of Maryland University College (UMUC). Policy 190.00 - Intellectual Property. (2002, July 01).

Retrieved from <http://www.umuc.edu/policies/researchpolicies/research19000.cfm>