

STANDARD ADMINISTRATIVE PROCEDURE

17.02.02.M1.01 Procedures for Technology Mediated Instructional Material

Approved October 23, 2001

Supplements [System Regulations 17.02.02](#), and [University Rule 17.02.02.M1](#)

1. INITIATION OF INSTRUCTIONAL MATERIAL PROJECTS

- 1.1. The creator and the department head shall determine if the TMM to be developed or already developed involved 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 for approval. Upon the dean's approval a copy of the memorandum will be forwarded to the Vice President for Research.
- 1.2. If it is determined that there is Substantial Support from the University, then it shall be the responsibility of the creator(s) to complete an Instructional Material Development Proposal form. This document will include the following material:
 - 1.2.1. Names of creators;
 - 1.2.2. Description of the TMM to be created;
 - 1.2.3. Purpose of the TMM; anticipated use of the product by the author or institution;
 - 1.2.4. Description of resources to be used in development of material;
 - 1.2.5. Ownership rights if applicable, such as in works-for-hire;
 - 1.2.6. Allocation of income between the University and the creator(s) derived from the work products based on substantial use;
 - 1.2.7. Handling of revisions to the original work;
 - 1.2.8. Consideration given to the creator of the courseware, if the institution assigns another faculty or staff member teaching responsibilities using the courseware; and
 - 1.2.9. Terms specifying which parties have rights to prepare derivative works.
- 1.3. The proposal will be routed to the appropriate officials for approval before development starts. Appropriate officials should include, but are not limited to:
 - 1.3.1. Department head;

1.3.2. The person controlling the account that will support development of the proposed TMM;

1.3.3. Dean; and

1.3.4. Vice President for Research.

2. PRODUCT ESTABLISHMENT

2.1. Once development of TMM has begun, the creator(s) should contact the head of his or her unit to initiate official recognition of the effort and to determine the existence, if any, of substantial support by TAMU.

2.2. The creator(s) of TMM should first meet with her/his department head or dean, director, or vice president to determine the category to which the TMM will be assigned (creator and department head or dean, etc., hereafter 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 the standard TMM agreement form.

2.3. If the creator(s) of the TMM have opportunities for commercial ventures with the TMM, the creator(s) will disclose these opportunities to their academic department and college. Division of the income earned will reflect whatever substantial use of TAMU facilities and resources were used in developing the TMM.

2.4. It is the responsibility of the TAMU unit providing the substantial support to establish documentation of such support. A memorandum of agreement stating expectations should accompany any support provided by TAMU for this effort.

2.5. Upon implementation of the rule associated with this Standard Administrative Procedure, a transition period of six months will exist. During this period the university may retroactively establish substantial support for any funds provided during the two years prior to the initiation date of the rule associated with this Standard Administrative Procedure. Funds provided more than two years prior to the initiation of the rule associated with this Standard Administrative Procedure cannot be used to establish substantial support.

3. SUBSTANTIAL SUPPORT DETERMINATION

3.1. If it is determined that no substantial TAMU support exists then TAMU relinquishes all rights of ownership and all rights to income from the TMM products developed.

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

4. APPEALS PROCESS

- 4.1. If the parties are unable to agree to the terms of the project, they shall collectively notify in writing the Provost and Executive Vice President for Academics or designee of the proposed project and issues of disagreement. The Provost and Executive Vice President for Academics will thereafter 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.
- 4.2. 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 and Executive Vice President for Academics.
- 4.3. 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 and Executive Vice President for Academics. The Provost and Executive Vice President for Academics shall have the final authority to approve the terms of the agreement if the proposed project is to go forward. If the Provost and Executive Vice President for Academics's decision is unacceptable to the creator, the creator may propose a counter resolution or abandon the project.

OFFICE OF RESPONSIBILITY: [Vice President for Research](#)