

**DRAFT: Your feedback to *ip-feedback@mit.edu* would be welcome.**

**Ad Hoc Faculty Committee on Intellectual Property and  
External Faculty Commitments  
Statement of Principles  
15 December 2000**

Digital technologies have changed the environment in which we teach and disseminate our intellectual work. We are in the first phase of what will be many years of continually evolving technology. The new digital environment greatly expands the opportunity for faculty to share and disseminate ideas, but it also offers some substantial challenges. As an institution we have a continuing obligation to ensure open dissemination of ideas, and the collaboration with colleagues at other institutions and outside the academy. But we also want to enhance and protect MIT and advance its mission.

While we have traditionally encouraged unrestricted dissemination by the faculty of their work, MIT as an institution must ask how the new technologies will affect teaching and scholarship, and the prospect that the Institute might lose control of instructional resources and energy. We want to encourage experimentation and innovation in technology and instructional materials, but also want to avoid commercial exploitation, loss of control of intellectual property by faculty, and dissipation of faculty commitment and energy. MIT will support the use of educational technology by faculty, share revenues that sometimes result, and reward the faculty for their innovations, we want to assure that the use of technology does not degrade collegiality or reduce the focus on on-campus teaching.

Faculty are expected to devote their full-time creative energy to teaching, research and service at MIT. MIT commits to supporting faculty in their teaching and research roles, including investing in infrastructure to support state-of-the-art instruction and educational innovation.

This committee was formed to clarify how best to frame these commitments and affirm this mutual expectation in the wake of changes in how intellectual property is treated in a digitally enabled environment.

Provost Robert A. Brown has asked our committee to explore issues related to intellectual property for educational material, conflict of commitment, and external activities of faculty members. Members of the Faculty Committee assigned to explore these issues include: Professors Hal Abelson, EECS; Randall Davis, EECS, Peter S. Donaldson,

Literature; Steven R. Lerman, Director, CECI, Faculty Chair, Civil and Environment Engineering; David Litster, Vice President and Dean for Research; Dava Newman, Aeronautics and Astronautics; Steven Pinker, Brain and Cognitive Science; and Thomas M. Stoker, Sloan School. Phillip L. Clay, Associate Provost, and Professor of City Planning chairs the Committee.

The charge to the committee is to develop a *set of guiding principles* that will address the following areas:

- Ownership of Intellectual Property: Traditionally MIT has exerted ownership of intellectual property created from research and done so only rarely in the arena of educational material. Ownership has been determined by, and has been based on the use of MIT resources in the development of the intellectual property. What constitutes intellectual property in the arena of new educational technology, and how do our principles apply to deciding whether the intellectual property was developed using Institute resources?
- Faculty Commitment to MIT: Implicit in faculty governance is an understanding of a faculty member's commitment to MIT. What constitutes a conflict of commitment in the new world of educational delivery?
- Faculty Dissemination of Scholarly Material: A critical part of the academic enterprise is the control by the faculty of the dissemination of the products of their scholarly work. Any new principles must be consistent with this understanding. How has the new medium changed the dissemination the faculty's work?
- Reporting of Faculty Outside Professional Activities: The Institute has relied on faculty reporting of outside professional activities to monitor the potential for conflict of interest. Does our present reporting process satisfy this need to monitor the conflict of commitment?

The following is a brief discussion of the context for these issues and how MIT might approach them. This draft is based on the committee's discussions with faculty and other members of the community, a review of the literature and experiences at other schools, and extensive discussion within the committee. The listening process is continuing, and we welcome both your general comments and reactions to the specific principles we propose. (Send comments to [ip-feedback@mit.edu](mailto:ip-feedback@mit.edu).)

## **A. The Nature and Origin of the Problem: The Nature of a Solution**

### ***How Did We Get Here?***

If we are to set out appropriate guidelines and principles for dealing with the issues arising from the information age, it would be well to understand what the issues are and where they come from.

Several events have brought us to the current situation:

- Information technology has vastly reduced the cost and effort of reproducing and distributing information. This is not new--the printing press did this centuries ago and stimulated major changes in all aspects of society. We may be in the midst of another such change.
- A specific example of this general phenomenon concerns MIT (and similar institutions) in particular: information technology has vastly reduced distance as a barrier to delivery of education. This in turn has enabled such mixed blessings as the ability to deliver courses, live or recorded, almost anywhere in the world, with low or limited cost of distribution or delivery. Videotaped lectures are routinely downloadable now via the web, enabling self-paced education anywhere in the world at any hour.
- Education has become more immediately valuable and increasingly commercialized. New technologies in particular have made training more valuable and education more of a business. Increasingly, education extends beyond traditional students or traditional offerings. In addition to universities and non-profit organizations, there are now a host of commercial entities that assemble educational and training materials, package them, and market them. Sometimes these entities attempt to use faculty to give the appearance that their offerings are equivalent to on-campus courses.
- Research results have become more immediately valuable. In biotechnology, information technology, and a variety of other fields, the lag time between the laboratory discovery and start-up activity has shrunk considerably, at times to near zero.

These factors put increasing pressure on both the educational and research products developed at MIT (and similar institutions), and increase the importance of ownership, control, and commitment issues.

### ***What Are We Worried About?***

The emergence and evolution of digital learning has raised concerns and fears. Just what is it we are trying to protect against? What should we be worried about? Within MIT, there are issues of ownership, commitment, the character of the community, and control and dissemination of works. Outside MIT, there are issues of competition, dilution of the

uniqueness of MIT's offerings, the character of the wider research community, and control and dissemination of intellectual works.

### ***Concerns within MIT***

***Ownership:*** As the products of our educational and research efforts become more valuable, concern grows about who ought to have an ownership stake and how ownership is to be shared. Unlike textbooks that are produced externally and sold in discrete units, course content and delivery (as well as supporting materials) coming from the faculty represent MIT products and activities. Universities have long ago ceded external publication rights to faculty, but instruction is a core mission activity of the Institute, which is not appropriate to cede.

Questions arise about the distinction between textbooks and instructional materials in light of these new developments. In the past faculty have produced textbooks and lectured at other institutions. What has changed to raise these concerns and why should MIT care now? While a textbook may be used as part of instruction, and even supplemented by additional course materials (i.e. CD's, web pages, etc.) instruction does not take place until the key components of the instructional process exist. These instructional components are the direct interaction of the faculty with students, managing a learning environment, advising students, evaluating their work, and certifying their performance.

Given this understanding of the instructional process, we propose no changes in the way rights are assigned to textbooks, even when a textbook exists online. Only when a faculty member engages in instruction outside of the MIT community must the rights be reexamined in light of the principles outlined in this document.

***Commitment:*** The digital environment presents faculty members with the opportunity (or distraction?) to offer courses and scholarly work to audiences outside MIT. Will the desire to deliver to other audiences compete sufficiently for faculty time as to influence the commitment faculty have as members of the MIT community, adversely affecting both their teaching here and the competitive position of MIT?

***MIT Community:*** There is enormous value to the collegiality in the MIT community. Collaboration, which is part of the MIT culture, facilitates and strengthens both teaching and research. The increased interest in educational innovation raises the question: Will the output from experiments in teaching and learning be as freely shared in the future within our community, or will commercial or other external interests strain the bonds that define our community? Given MIT's commitment to advancing learning and its investment in infrastructure to support educational technology, how do we preserve our values in the face of evolving technologies and the opportunities they present?

***Control:*** The opportunities and constraints of the digital revolution create heightened concern about controlling the circumstances and character of scholarly dissemination. There are two concerns. First, faculty have less control over their publications and are under pressure from publishers to cede even more of their rights. Second, we are

concerned that work produced by the faculty may not be able to be shared with students and colleagues without payment or restrictions mandated by the publishers. Will the sorting out of these issues adversely affect our community? What role will MIT play in the dissemination of educational materials? What leadership role will MIT play in the national discussion about how educational materials should be disseminated? Will MIT support and provide incentives to faculty to pursue educational innovation inside MIT, such that the faculty will not feel obliged to seek or accept external opportunities?

### ***Concerns Outside MIT***

***Competition:*** Will the increasing opportunity (and financial reward) for faculty to teach outside MIT, sometimes covering the same material they teach here, produce competition for MIT in attracting students, dilute MIT's uniqueness, or limit the advantage that MIT has in using its instruction to enhance the Institute?

***The Research Community:*** There is a long tradition of, and strongly held belief in the notion that the academic community prospers most with open sharing of information. With the increased value of research results comes the possibility of a reduced willingness to share results with the research community at large. How do we avoid this situation and take advantage of the opportunities for collaboration presented by technology?

***Control:*** Just as control of dissemination can adversely affect the community within MIT, it can reduce the effectiveness of the research community at large. We have the challenge to do two things. First, we have to articulate the opportunities for enhanced collaboration in education and research and not be deterred by the fear of openness. Second, we have to note that the growing value and interest in our intellectual products may stimulate a desire for greater control over scholarly dissemination, including limitations by publishers on the right of faculty to use and improve on their own work. MIT and its peer institutions must determine how to limit such efforts by publishers to restrict sharing of materials. This means we must develop new business models to defray legitimate costs associated with publishing.

### **The Nature of a Solution**

Our community is founded on respect for some basic legal principles, but it is also grounded in a social contract: The MIT community did not arise by defining what was legal; it arose rather from determining what was desirable and what social conventions would produce the type of environment that promoted education and scholarship.

This is important because we live in an increasingly litigious society, producing the temptation to address the current set of questions by asking what the law says. What is the legal view of intellectual property? What is the latest in employment contract law?

We suggest that the answer is to be found instead in an examination of the social contract that defines our community. The most important properties of that contract are that it is seen as fair and that it is seen to be widely adopted, i.e., most everyone thinks it is fair,

and most everyone lives up to it. The social contract need not conform to legal conventions. Note too that we are constructing this; it is fundamentally an act of synthesis, not analysis. We can look outside and at others for ideas, but the final product is ours to design, and ours to live with and by.

One example of this is found in MIT's current set of policies on intellectual property, e.g., the way licensing royalties are shared among faculty, department, and the Institute. Those policies respect basic intellectual property law, but they are based on social contracts whose most essential property is that they are seen as fair and are widely enough shared within the Institute. So too our principles regarding intellectual property and instructional materials, and our framing of faculty commitment should be seen as fair and widely shared.

## **B. Draft Principles**

Our approach to the issues raised above is to define a set of principles that might guide the faculty as we face issues of intellectual property and external relationships brought on by educational technology. The importance of defining principles (as opposed to policies or procedures) is to underscore that we are trying to extend the social contract. These principles arise from a conversation with the community and are proposed as a means to benefit from evolving technology while avoiding its pitfalls.

### **1. Statement of the Core Mission and Values of MIT as It Relates to These Principles**

#### ***Principle***

In unity with the mission and tradition of MIT, principles on intellectual property and faculty commitment must embrace accepted norms and values for the advancement of knowledge through education and research and the Institute's commitment to create and disseminate knowledge.

#### ***Background***

MIT's mission statement (2000 MIT Bulletin, p.10) is as follows:

*The mission of the Massachusetts Institute of Technology is to advance knowledge and educate students in science, technology, and other areas of scholarship that will best serve the nations and the world in the 21<sup>st</sup> century.*

*The Institute is committed to generating, disseminating, and preserving knowledge, and to working with others to bring this knowledge to bear on the world's great challenges. MIT is dedicated to providing its students with an education that combines the rigorous academic study and the excitement of discovery with the support and intellectual stimulation of a diverse campus community. We seek to develop in each member of the MIT community the*

*ability and passion to work wisely, creatively, and effectively for the betterment of humankind.*

## **2. Respecting Faculty Research and Scholarship and the Right to Unfettered Dissemination.**

### ***Principle***

In the case of copyrightable works owned by the faculty, MIT's mission has generally been best served by allowing the individual faculty member to decide when, how, and in what form new knowledge should be disseminated. Where significant Institute resources are involved in producing a work, or where there are contractual requirements, MIT and the faculty author share responsibility for these decisions.

### ***Background***

A central element of MIT's mission is the creation of new knowledge for the public good. For knowledge embodied in patentable works (where MIT owns the resulting intellectual property), the inventors have been and should continue to be engaged deeply in decisions on licensing of those patents. The same should apply to copyrightable works produced with substantial Institute resources.

MIT has avoided to the greatest extent possible contractual commitments that might inhibit our ability to distribute the results of our scholarship in ways that maximize their value to society. Any such contractual restrictions should continue to be avoided in the area of electronic educational materials. In addition, we should avoid contractual obligations that limit faculty rights to use or improve their own work in either their teaching or research activities.

## **3. Principle of a Unitary Institute Community**

### ***Principle***

Principles regarding rights and responsibilities of faculty and staff created educational materials should be reasonably uniform across the entire MIT faculty. This includes, but is not limited to, requirements for disclosure, ownership and revenue sharing rights, licenses granted to MIT by owners, and the rights to create derivative works from materials created by others.

### ***Background***

MIT has consistently viewed itself as having a single, unitary faculty instead of a collection of school- or department-based faculties. For example, faculty members hold tenure at MIT, not in a sub-unit. Besides having a uniform set of policies across MIT, we should take measures to ensure that the application of those policies is reasonably consistent across schools, departments, laboratories, and centers.

While the principles should be the same for all faculty and, where applicable to other members of the community, there may be local rules related to the nature of the discipline or the nature of the unit's agenda. For example, where professional education is part of a

unit's mission, there may be different expectations about participation in internal and external programs compared to other units where there is no such mission driven activity. Similarly, contracts and agreements with outside partners may incorporate expectations related to participation in the relevant activities.

#### **4. Statement Regarding Education as a Community Enterprise**

##### ***Principle***

The contract between students and the Institute entitles them to learn from all the faculty, consistent with program and degree requirements and limited only by practical considerations.

##### ***Background***

Education at MIT is a community enterprise in which the whole faculty should be more than the sum of its professors. The Institute exists so that faculty members may learn from one another and students may learn from a variety of teachers with overlapping areas of expertise.

Restricting access of students to teachers and teaching materials goes against the community ideal and can be justified only by practical considerations such as limits on class or lab space, faculty time, and program or degree requirements. Instructional materials produced at MIT should be available to all students who might benefit.

#### **5. The Principle of Faculty Commitment**

##### ***Principle***

Persons holding full-time academic appointments at MIT are expected to devote the bulk of their professional energies and time in service to the MIT community. Faculty should seek the permission of their Dean when they have the opportunity to teach at other institutions or when they are presented with opportunities that might conflict with their faculty commitment as illustrated below. This principle reflects the existing statement in *Policies and Procedures (Section 4.3)*.

##### ***Background***

MIT's educational mission is reflected in the commitment to provide courses of instruction developed by its faculty for its students. This instruction may also be made available to Institute partners and clients. Providing instruction (e.g., student interaction, educational materials, mentoring, evaluation, etc.) is an essential component of what the Faculty does.

There are several expectations of faculty. MIT expects that faculty will devote the bulk of their professional time to advancing the core mission of MIT. Among other things, this means that they will not serve as a manager of another educational entity or enterprise, will not trade on the MIT name or use Institute resources for personal or commercial purposes or allow others to do so, and will not engage in instructional activities outside MIT that compete with MIT's core mission.



The educational and research missions are joint commitments that the faculty have in common. For example, courses rotate among faculty, colleagues share material, discretionary departmental resources support course development, etc. Research collaboration is also a joint enterprise. More than at many other universities, the lines between education and research are blurred. This serves us well in the education of our students as well as our relations with sponsors and partners.

Competition is normal and indeed worthy to be encouraged in certain research activities. For example, faculty may compete with each other for research funding, and participate in labs or centers in different parts of MIT who compete, or even participate outside MIT in competition for funds with their MIT colleagues. This is by tradition and serves the Institute well.

The instructional area is different, however. Competition among faculty and competition with MIT are not appropriate. Faculty make a joint commitment to advancing MIT's instructional goals. It would be destructive of collegiality if faculty were competing with MIT and their colleagues for students, or if MIT students had to compete with outside "students" for faculty attention, or if faculty were withholding of instructional effort in order to provide such services outside of MIT, or if faculty were commercializing work personally when the work is in any way a community product.

Faculty must trust their colleagues to be committed to the social contract implied in our mission. A conflict of commitment or the appearance of a conflict could erode the collegiality so essential to faculty cooperation. The language here is not intended to discourage outside collaboration. The purpose of this principle may be advanced when faculty collaborate with others, including commercial or industrial entities as well as universities. These collaborations may include joint teaching efforts. In such cases, however, it is important to maintain MIT's institutional interest in managing its resources and advancing its mission.

While faculty traditionally are allowed up to one day per week for outside professional activities, the determination of conflict of commitment is not based on the time spent but on the nature of the activity.

We recognize that there may be a thin line between what has been traditional external collaboration and what we are discussing here. The aim of this principle is not to discourage the collaborations faculty have traditionally had with their colleagues at other universities or to restrict sharing information or materials about teaching or research. Rather, the aim of the principle is to guide the choice of appropriate collaborations, control MIT instruction, manage the opportunities for competition that the new technology presents to MIT, and discourage those activities by our faculty that would compromise faculty commitment, hollow out campus teaching, or open up MIT resources to commercial exploitation.

## **6. Principle Regarding Notification and Disclosure**

### ***Principle***

Faculty who engage in education and research activities as part of their external professional activities or who enter into contracts or other arrangements to share work produced at MIT are expected to inform their department head and Dean in advance of such commitments. Department Heads and Deans are to work with faculty to remove or manage conflicts or the appearance of conflicts.

### ***Background***

By tradition, faculty report external professional commitments, and in some cases, financial information annually to their department head that assists MIT in assessing whether conflicts of interest exist.

The technology-enabled educational environment and increasing external interest in engaging faculty in commercial activities require that we be especially attentive to preserving an open and collegial academic environment. While faculty need not be expected to share all their external commitments with their colleagues, they should inform their Department Head and Dean of any external commitments related to the development of educational material or participation in external educational programs. We do not expect that these activities will typically conflict with commitments to MIT. It is normally valuable for faculty to share ideas with colleagues at other institutions. When mutual benefit occurs, or in cases where there is a contribution to the discipline, such activity should be encouraged. The Department Head and Dean have the responsibility to work with the faculty to manage conflicts of what might appear to be conflicts.

## **7. Definition of “Institute Resources” and What Makes a Resource Institutional**

### ***Principle***

The Institute provides, and should invest in, a variety of resources and infrastructure enhancements to support faculty in effectuating MIT’s institutional and research missions. Incentives should strongly encourage the faculty to utilize these resources to strengthen their teaching and research.

### ***Background***

MIT invests considerable resources including faculty time, desktop computers, libraries, office space, etc. that are considered to be part of the core infrastructure, which is available to the entire faculty. While faculty are presumed to have made significant use of these resources, by tradition, MIT has waived revenue from works such as textbooks that have used these resources. The textbook in and of itself (without the other components of the educational process) reflects no instructional service by the faculty. (See the fuller explanation of the distinctions between textbooks and the instructional process on page 4 in the section on Ownership.) Given this understanding of the instructional process, we propose no changes in the way rights are assigned to textbooks, even when a textbook exists online.

There are however, new investments in technology (e.g. Web-based instruction) that could represent a significant extension of faculty resources by enabling instruction to occur off-campus.

MIT is making a substantial investment in educational innovation and digital infrastructure in order to provide the best teaching and learning environment for our students and our partners. MIT has made and continues to make investments in high-speed networks, electronic classrooms and studios, research equipment, technical and support staff, etc. Specific units have made other investments to support their instructional mission. As the technology evolves, additional investments will be made.

Consistent with other principles outlined here, faculty should be encouraged--with competitive financial incentives, marketing, and technical and design quality, etc.--to use the facilities for the dissemination of their ideas for teaching and learning at MIT, and with appropriate agreements outside MIT. When MIT resources are used to educate others outside of MIT, a business plan should clarify if and how MIT will be compensated for the use of the MIT resources.

The competitive advantage MIT has from its teaching and research strengths and from its ability to address societal problems is dissipated or degraded when faculty decline to develop their ideas in-house or when they do not take advantage of the synergy and leverage that would distinguish a MIT educational enterprise from dozens of MIT faculty acting separately outside MIT, or when they are associated with entities whose standards reflect poorly on their MIT affiliation. MIT-encouraged initiatives can have advantages for faculty as well. Such efforts can sustain collegial collaborations for internal and external opportunities, provide access to state of the art technology, have access to “risk capital,” and permit financial and reputational benefits to faculty and the Institute that derive from important contributions.

## **8. Principle Regarding Use and Protection of the MIT Name**

### **Principle**

Faculty have the responsibility to prevent the misuse of the Institute’s name. If faculty agree to create educational materials without MIT resources, care must be taken to ensure that the use of the Institute’s name and their own names and affiliations do not imply that the product was created or endorsed by MIT or that the product is the equivalent of a MIT product.

### ***Background***

Traditionally, when used in textbooks, institutional affiliation has been understood mainly as identification. A textbook written by a MIT professor was not assumed to provide the reader with a MIT education. In the digital arena, some companies have sought to link material presented on their web site with the institution from which the faculty comes and claim for commercial purposes that their cyber-product is equivalent to the on-campus educational offering. We take the view that a MIT education is more than

the materials, the lecture, or the evaluation and feedback tools that might be placed on the web. On-campus interaction with faculty, student-to-student learning, and participation in research and other projects are central to a MIT education.

MIT has existing policies that require faculty and staff to assume responsibility for preventing the misuse of the Institute's name. Faculty members must ensure that the Institute's name and their affiliation are not used in ways that suggest an endorsement of projects, products, or services.

## **9. Principle Regarding Revenue-Sharing**

### ***Principle***

The revenue sharing model must create incentives for the faculty and for the Institute. While these principles do not specify any given formula, the faculty must expect a competitive financial benefit from their contributions. The Institute should expect a return from its investments, and the net resources should be reinvested to sustain and enhance the academic enterprise. For school or department mediated initiatives, there is a similar expectation consistent with local missions.

### ***Background***

By tradition and law, MIT shares proceeds from patents with faculty and other inventors, home units/department and the Institute. This process has served to encourage faculty and staff initiatives, promote collegiality, and contribute to the excellence and reputation of MIT. The resources have also enhanced the Institute's research infrastructure and serves as an incentive for faculty.

In addition, by tradition, faculty have retained all financial rewards from the publication of their work in books and other media. This has been the case even when MIT has supported the production of the work by salary, support staff, office space, computers, **and so on.**

The digital environment requires that faculty have adequate incentives, including financial incentives. Closer to the world of inventions, digital product development may require the use of significant institute resources and often requires the creative and intellectual contribution of many people (e.g., web designers, TAs, and technical staff) beyond the faculty member who may be the primary author of the course content.

A textbook, on the other hand, is created outside of MIT, and involves no instruction on the part of the faculty. The faculty are free to disseminate content whether as an article, textbook, in paper or digital media.

## **10. Principle Regarding Competition and Faculty External Activities**

### ***Principle***

Faculty should not enter into contracts with outside parties to develop new materials that would constrain teaching or scholarly responsibilities at MIT, including specifically the use of their work in research or teaching at MIT.

### ***Background***

An essential feature of MIT's role in the world is offering the best possible education for its students, and developing and maintaining the highest quality educational materials to facilitate that role. As such, MIT has a critical stake in the educational materials developed by MIT faculty and used in MIT educational programs. We expect faculty to provide that instruction, and we want to ensure the full benefit of the instructional contributions and creativity the faculty possess.

While faculty are free to disseminate their scholarly work, MIT has a much greater claim on their instructional contributions, including instructional material developed with significant MIT resources. Having made the commitment to encourage and support the use of the digital infrastructure to support innovations in teaching and learning as part of the core mission, we would not want faculty to withhold contributions to MIT because of real or imagined external opportunities.

We recognize that the new technologies give faculty considerable freedom to operate as “free agents.” While we have outlined the expectations regarding commitment to MIT, we have to balance this with the desire on the part of some faculty to use their creative energies and resources to respond to public service opportunities (e.g., a PBS series instead of a MIT course) or a contribution to a discipline (e.g., how to teach middle school math instead of how to teach MIT calculus). In the interaction with faculty on matters of intellectual property and obligations to MIT, the Institute must allow faculty some latitude in choosing how to contribute to the core mission of MIT education, research, and public service. Where MIT resources are concerned or faculty commitment is the issue, the same latitude should not be available when the choice is between meeting one’s obligations to MIT and personal enrichment from external obligations.

## **11. Statement on Dispute Resolution**

### ***Principle***

When disputes arise regarding electronic materials, on-line courses and other new forms of intellectual property, every effort should be made to resolve these disputes within the departments and centers. The principles articulated in this document are not intended as permanent policies or rigid rules, but as guides to evolving community standards and as points of reference in existing planning, decision-making and conflict-resolution processes. When disputes arise, we expect they will be settled by school Deans. The Provost is the final arbiter.

## **12. Principle: Advancing Scholarship Through Collaboration and Open Dissemination**

### ***Principle***

MIT's policies on intellectual property must give utmost deference to the principle that scholarship is best served through open, unconstrained sharing of information and by maximizing the opportunity for scholars and inventors to build upon each other's work.

Respect for this principle must be balanced with respect for individual academic freedom and the ability of authors to control the disposition of their works.

### ***Background***

Achieving a balance at MIT requires resolving the inherent conflicts between the ownership, control, and credit due to the author with the benefits the community can derive from these works. In addressing these potential conflicts, our policies and practices should recognize three levels of sharing and collaboration: (1) within the MIT community itself; (2) within the wider community of academic institutions; (3) with the general public.

Within the MIT community, sharing and collaboration should be encouraged consistent with our understanding and the acknowledgement of individual contributions. Materials produced at MIT and licensed for distribution should retain for MIT the continued right to make unrestricted use of these for research and education. MIT policies should severely limit any use of confidential or proprietary information in educational activities, and students should never be required to deal with confidential or proprietary information in their courses, theses, or other educational assignments. Faculty and Deans should counsel students about such matters.

Within the wider academic community, use of MIT materials should be encouraged and regarded as an opportunity to amplify the impact of MIT's own resources. In particular, we should make it easy for students and faculty who leave MIT for academic careers elsewhere to continue to work with course materials they have used at MIT.

With respect to the general public, provision of materials in a way that allows people to build upon and enhance MIT works should be preferred over methods that accomplish only dissemination. At a minimum, MIT authors who wish to allow unfettered dissemination of their works should be permitted to do so as a matter of course.

The issues here are complex and controversial, and they are evolving against a backdrop of radically changing technology for disseminating information. We should resist viewing policy making here as primarily a task of formulating rules and regulations. Instead, we should recognize the opportunity to reinforce attitudes that respect the value of scholarly collaboration, and we should encourage practices that promote open dissemination.

### **13. Principle Regarding MIT Advocacy or Faculty use of their IP for Educational Purposes**

#### ***Principle***

Together with its peer institutions, MIT should advocate for faculty “shop rights” for educational materials at institutions where faculty teach. The Institute should provide assistance to faculty so they may avoid entering into copyright agreements that unreasonably limit their freedom.

#### ***Background***

The ability of faculty researchers to discuss their work with colleagues and to publish their results in a manner they choose has been a cornerstone of the academic enterprise for centuries. Nothing should be done to put this at risk, but faculty need to be aware that choices of how they publish their scholarly results can have unintended consequences--especially with recent changes in copyright law and the policies of many publishers.

Faculty should be aware that the assignment of copyright could result in their losing control over their scholarly output, including the right to incorporate elements into future work or to use copies of their work in their teaching. Contract restrictions sometimes limit the ability of faculty to use their own work at MIT and might force MIT to pay to use the course material. Copyright restrictions may also jeopardize the ability of the MIT Libraries to make materials needed for their studies available to students.

While we advocate faculty freedom, we have a responsibility to warn faculty of developments and advocate for policies more sympathetic to the economic interests of all parties and not just the publisher’s bottom line.

### **14. Principle Dealing with Students and Educational Technology**

#### ***Principle***

The development of new technologies is intended in part to benefit students as learners. Students should also be recognized as creators and authors of their own material. The academic and financial rights of students should be honored in the creation and dissemination of intellectual property.

#### ***Background***

Creating and disseminating educational knowledge is a community enterprise among faculty, students, and staff at the Institute. Students come to MIT to learn, grow, and actively participate in their education. Students have academic duties and rights in our community and can play many roles at the same time. Students often create and disseminate knowledge in their educational and research experiences. As learners, colleagues, and co-authors, students are an integral part of our university community. Students are fully vested in the Institute’s initiatives on enhanced education using new technologies.

It is MIT policy that agreements governing intellectual property created by students should explicitly give ownership of original material (other than computer software) authored by students to the student. Copyrights in original material authored by students working at a sponsor's facilities will be disposed of in accordance with the terms of the applicable agreement.

For student work on-campus, intellectual property generally is owned by the student, except where the work is subject to the terms of a sponsored research agreement, or when a graduate student is a research assistant supported by a grant, or where the student has made significant use of Institute-administered funds, space, or facilities. In such cases, the intellectual property will usually be owned by the Institute. (In the event MIT takes title, the student contributor will receive a share of MIT's royalties.) Students may not claim ownership based on "no significant use" when pre-existing agreements assign ownership to MIT.