

**MORAL RIGHTS ISSUES AND CONSIDERATIONS:
GUIDELINES ON USE OF TEACHING AND COURSE MATERIALS BY STAFF OF
THE UNIVERSITY OF NEW ENGLAND**

1. INTRODUCTION

- 1.1 These guidelines have been developed, having regard to the provisions of Part IX of the *Copyright Act 1968* (Cth) dealing with moral rights, to provide staff with a statement of the University of New England's guidelines and practices with respect to the creation, development, updating and presentation of its teaching and course materials.
- 1.2 Moral rights apply to all works, except films, in existence on 21 December 2000 and which are still protected by copyright, and to all works including films created after that date.
- 1.3 The Moral Rights are:
- the **right of attribution** of authorship, including the right to be identified as the creator of the work, the right not to have authorship falsely attributed, and the right to prevent attribution to the creator of unauthorised altered versions of the work
 - the **right of integrity** of authorship of teaching and course material, including the right not to have the work modified, adapted, distorted, mutilated, altered or presented in a way that is prejudicial to the reputation of the creator
 - the **right to not have authorship falsely attributed.**
- 1.4 'Teaching and course materials' includes works and other subject matter including study guides, reading materials, sound recordings, video tapes, multi media productions, online productions, computer programs or CD ROMs created for distribution or otherwise to be made available to students. This includes works and other subject matter made available online. It does not include private notes or materials created for the use of the creator.
- 1.5 These guidelines take account of the University of New England's 'Knowledge Assets and Intellectual Property Policy' and in particular:
- Clause 11.07.06 'The University is the owner of Knowledge Assets created by staff in the course of their employment, unless agreement to the contrary has been made with the author. Materials prepared for teaching in the course of employment, e.g. course notes, cd roms, websites, are owned by the university.'

2. RIGHTS OF INTEGRITY AND ATTRIBUTION

UNE Authors

- 2.1 The creator of teaching and course materials is entitled to protect work from modification, adaption or alteration which will be harmful to his or her reputation.
- 2.2 The creator of teaching and course materials is also entitled to have his or her name attributed to the materials whether or not the creator remains a member of staff.
 - 2.2.1 A staff member exercises this right by ensuring her/his work is appropriately attributed when the work is created.
 - 2.2.2 The University is not obliged to take further action if the creator of a work does not assert their moral rights.
- 2.3 A creator's moral rights are not infringed:
 - if the creator has consented to the omission of his or her name as a creator of the work
 - if the creator has consented to the modification, adaption or alteration of the work
 - if the omission or modification, adaption or alteration was reasonable under the circumstances.
- 2.4 Consents must be granted in writing and the acts or omissions to which the consent is given must be clearly specified. Staff should seek advice where they are asked to consent to give up moral rights, such as for works produced with the assistance of funding from external sources.
- 2.5 Where the University assigns or licences its copyright in a work or other subject matter the assignment or licensing agreement will require the purchaser of license to provide the same rights of attribution and integrity.
- 2.6 Matters to be considered when determining whether an omission or modification, adaption or alteration was reasonable are:
 - common sense
 - the academic codes of practice existing in academic culture
 - any difficulty or expense that would have been incurred as a result of consulting with and seeking the consent of the creator
 - whether the materials have been modified, adapted or altered in a substantial manner. It is suggested that modification in a substantial manner means that:

- 50 per cent or more of the content of the materials has been modified, and/or
- crucial or core elements of the original work have been altered.

2.5 Teaching and course materials should contain a statement recording the relevant authorship details as exemplified below:

Coordinator: Dr Kim Smith
Original creator: Professor M.L. Brown
Modified by: Dr Lin Clarke

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Use of Other Authors' Material

2.6 UNE will use its best endeavours to assist its staff in ensuring the observation of the following principles:

- where the work of another, or part of it, is used, the use must be appropriately attributed
- if the work of another is altered or distorted in any way, it must not be altered in such a way as to harm the academic or personal integrity of the creator.

2.7 What may cause harm must be assessed according to what is reasonable in the circumstances determined taking into account the *Copyright Act 1968* (Cth) and the academic codes of practice existing in academic culture.

*Last updated by the Copyright Office
9 September 2007*