

Policy Title Copyright & Intellectual Property Policy	Original Adoption Date 1978	Policy Number IN-288
Responsible College Division/Department Instruction	Responsible College Manager Title Vice President of Instruction	
Policy Statement		
Policy Statement The hybrid nature of today’s teaching and learning environment can create confusion regarding ownership and use of instructional materials across delivery modes. This policy statement explains and affirms that curriculum, instructional materials, and related intellectual property resulting from the expertise and effort of the employee/content creator with the support of the College and/or use of college resources will remain available for future use by both the employee and the College unless otherwise specified in a separate agreement. In the interest of developing high quality curriculum and instructional materials, the College must maintain such materials academically, administratively, and technologically. This policy establishes guidelines for joint use and College ownership and license of intellectual property made by Employee creators/authors and sets parameters for open access to curriculum and instructional materials.		
Philosophy Lakeshore College employees bring specialized knowledge, subject matter expertise, and skills to their work. The College provides employees with use of college personnel, facilities, materials, professional development time and funds, and employee’s salaried time to create instructional material. College resources and employee expertise are essential to the educational mission of the College. Recognizing the complementary roles of employees and the College in creating curriculum, instructional materials, and related intellectual property, a policy of shared use is in the best interest of all, especially students. Moreover, when employees/creators leave College employment, the College maintains full and sole content of the intellectual property as defined in this policy.		
Definitions and Compliance		
Copyright Copyright is a form of legal protection extended to the creators of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. Since copyright protection exists from the moment that a work takes on a fixed form, it pertains to both published and unpublished works. United States Copyright Law generally gives copyright owners exclusive rights to reproduce the work; prepare derivative works; distribute copies to the public by sale or other transfer of ownership, or by rental, lease, or lending; and, if applicable, perform, display, or transmit the work publicly.		
Intellectual Property Intellectual property is broadly defined to include inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data and other creative or artistic works which have value. Intellectual property includes that which is protectable by statute or legislation, such as patents, registered or unregistered copyrights, registered or unregistered trademarks, service marks, trade secrets, mask works, and plant variety protection certificates. It also includes the physical		

embodiments of intellectual effort, for example, models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research and experimental results.

Curriculum Work

(a) Curriculum, instructional materials, and related intellectual property are defined as courses, course materials, competencies, syllabi, learning objectives; lessons, assignments and projects, instructional materials (such as videos, presentations, communications, notes distributed to students, readings, other media), tests, and other assessments. Methods, systems, and protocols used to organize and teach a competency, course, or program and/or used to measure and report student learning are included. This shared use policy applies to all modes of delivery. Instructor personal notes are excluded.

(b) The College retains copyright ownership of curriculum, instructional materials, and related intellectual property made by Faculty and staff authors/creators as employees using College resources.

(c) Curriculum, instructional materials, and other related intellectual property created for courses may be licensed under the Creative Commons Attribution-Noncommercial-Share Alike License (CC BY-NC-SA) and made permanently available to the Author/Creator and Lakeshore College.

(d) Some materials may incorporate parts of previously authored and/or copyrighted work and some may include links to other copyrighted materials. However, any assemblage or configuration of materials produced with College resources and related to instruction, presentation, or assessment is considered curriculum materials and owned by the College.

Authors are responsible for securing permissions or licenses from third party owners before reproducing, distributing, making a derivative work, or displaying third party copyrighted works. It is assumed that all material displayed on the internet is copyrighted unless permission or open licensing is expressly granted within the material, or it is clearly in the public domain.

Fair Use Exception

Authors may make fair use of a copyrighted work without the copyright holder's permission. The determination of whether a use of a copyrighted work is within fair use depends upon making a reasoned and balanced application of the four fair use factors set forth in Section 107 of the U.S. Copyright Act.

Those factors are

- purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
- nature of the copyrighted work.
- amount and substantiality of the portion used in relation to the copyrighted work as a whole.
- effect of the use upon the potential market for or value of the copyrighted work.

All four factors should be evaluated in each case, and no one factor will determine the outcome.

While fair use is intended to apply to teaching, research, and other such activities, an educational purpose alone does not make a use fair. The “purpose and character of the use” is only one of four factors that users must analyze to conclude whether the use is fair, and therefore lawful.

Commissioned Work

(e) The term "commissioned work" refers to a copyrightable work (courses, course materials, assessments, and related intellectual property produced for the College), that is prepared under an agreement between the College and the creator when (1) the creator is not a College employee, or (2) the creator is a College employee but the work to be performed falls outside the normal scope of the creator's College employment. Contracts covering commissioned works shall specify that the author conveys by assignment, if necessary, such rights as are required by the College.

(f) The college recognizes the terms of any grant or established contract and ownership rights associated with the information in this policy.

Work for Professional Development

(g) Creative or intellectual work developed using College resources for the purpose of professional development, grants, outside presentations or publications in which the Employee author/creator represents LTC reflect positively on the College's reputation. Copyright ownership will be handled on a case-by-case basis with the Employee author/creator and their supervisor. Royalties, fees, or residuals will not be payable to Employee or to third parties except as may be provided in the terms of a separately negotiated license or contract.

Employees will meet with their Dean/Supervisor to establish Professional Development. The Dean/Supervisor, in consultation with the Vice President of Instruction, creates an agreed upon contract for faculty and staff.

Grant Funded Works

Ownership of copyrightable creative works funded partially or fully by an external sponsor through a contract or grant with the College shall be assigned in accordance with the terms of the award. In the absence of such terms, the creative work shall follow the College Intellectual Property Policy guidelines.

Federal grants have standard terms that allow the grantee to retain copyright while giving the government a nonexclusive, irrevocable, royalty-free license to reproduce, translate, publish, and dispose of the material and to authorize others to use the work for government purposes.

Reason for Policy

It is the purpose of this policy to:

1. Clarify and protect the respective rights and responsibilities of the individual and the district and encourage the development of new educational materials and inventions; and
2. Facilitate agreement between the district and the individual as to the determination of ownership, rights, copyright, profits, and use of all materials, whether instructional or non-instructional.

Historical Data, Cross References and Legal Review



Created/Adopted: 1978

Reviewed/Revised: 6/25/2024

Legal Reference: PL 94-553

Cross Reference:

Legal Counsel Review and Approval: 2013

Board Policy: III.A. General Executive Constraint, III.B. People Treatment, III.C. Compensation and Benefits