



2.15 Copyright and Faculty Ownership of Intellectual Property Policy (Revised Draft)

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Category: Administration

Name of Responsible Office: Office of the President; Office of the Provost and Vice President, Academic and Student Affairs; and ~~EDIWS~~ Economic Development, Workforce and Career Technical Education

Title of Responsible Executive: President; Provost and Vice President, Academic and Student Affairs; Vice President of Economic ~~and Workforce~~ Development, Workforce and Career Technical Education

Date Established: December 5, 2016

Date Last Approved:

Summary

Monroe Community College is focused on teaching and learning; MCC is not a research-intensive institution. ~~We are focused on teaching and learning. MCC has established~~ This policy establishes the guidelines ~~regardingfor~~ the development and ownership of instructional programs and materials that will enhance student learning.

Policy ~~Policy Statement~~

Monroe Community College, as one of the State University of New York (SUNY) campuses, observes general SUNY policies, and follows SUNY guidelines overseeing all teaching and learning activities. MCC's status as a community college, however, exempts it from the application of some of SUNY's policies and operating requirements. When appropriate, however, the College will elect to adopt certain SUNY policies. At other times, MCC will develop its own policies and procedures that are consistent with the spirit and intent of SUNY's policies and procedures.

Faculty and staff members may develop new inventions of value to the public and the College encourages such innovation. To protect staff members who engage in these activities, the College adopts the "Patents, Inventions, and Copyright Policy," authored by the SUNY Faculty Counsel in 1954 and approved by the State University of New York Board of Trustees in 1958. This policy is memorialized in the New York State Code, Rules and Regulations at 8 NYCRR §335.28 and §335.29. In addition, as more fully set forth here, the College has developed its own rules and guidelines related to the creation and development of instructional materials. The principles of academic freedom which apply in the use of traditional instructional materials and methods shall also apply in the use of instructional programs and learning aids.

Policy Subsection

Mutual Obligations and Responsibilities

The development and use of instructional material shall be guided by the primary purposes of the College as reflected in its vision and mission statement. The teaching faculty, as individuals and as academic departments, has primary responsibility for the planning and implementation of projects relating to the development and use of instructional materials. To further these objectives, the College acknowledges an obligation to make available to teaching faculty support staff, resources, and information regarding the development and

production of instructional programs and learning aids. The teaching faculty on their part acknowledges an obligation to consult with the appropriate administrators in Academic and Student Affairs and those individuals having a technical expertise in educational media in the development of any plans promising to have a significant impact on the College's educational programs and involving a substantial investment of public funds. The purpose of such consultation should be to improve the quality of teaching and promote economies in the modes of instruction.

Proprietary Rights and Instructional Materials

In those instances where instructional programs are to be produced as the result of the College contracting with one or more individuals to pay the full costs of their services and agreeing to provide all equipment, supplies, and technical support connected with the production, the College shall ~~retain~~be the sole and exclusive owner of all proprietary rights to the resultant programs and materials. Written agreements prepared and signed in advance between the College and other parties shall govern the production of materials and the rights thereto and include an assignment of all rights in the programs and materials, including the copyright thereto. The President or the President's designee shall be the College officer authorized to sign such agreements. Staff members asked to produce an instructional program outside of their normal responsibilities shall retain an unqualified right to accept or reject an agreement.

In those instances where instructional programs are produced as part of regular teaching responsibilities and in cooperation with the contribution of College support services and/or resources, the College shall retain rights to copy, use, and distribute the instructional materials internally for academic purposes, including the copyrights, and the creator(s) shall retain rights to the ideas expressed in the materials. The College ~~cannot~~will not, however, reproduce, sell, or rent the instructional materials to third parties without the prior agreement of the creator(s). The agreement shall reflect as nearly as possible an apportionment of rights and claims on future revenues commensurate with the contribution of the College on one hand and the contribution of the creator(s) on the other to the production of the materials. The agreement shall be in writing and signed in advance of any expenditures or commitments of services by the President on behalf of the College and the one or more individuals responsible for the production of the program.

~~In those instances where the College may wish to acquire the use of instructional programs which have been produced by one or more staff members wholly on their own time, at their own expense, and without the use of any College resources, they shall have sole and exclusive rights to determine the terms and conditions under which they will permit College use of the materials. The College shall retain the unqualified right to accept or reject the proposed terms and conditions. Teaching faculty who voluntarily prepare mediated instructional materials for use in their own classes shall have exclusive rights thereto so long as the materials have been prepared at no expense to the College. If the College is desirous of making such materials available for the use of other faculty, an agreement with the author/creator would have to be obtained. The College shall not be expected to compensate a faculty member for use in his/her own classes of instructional materials he/she voluntarily prepared or created.~~

As part of their normal responsibilities, teaching faculty may provide their students with charts, tables, graphs, syllabi, notes, outlines, glossaries, and similar learning aids. In certain types of courses, they may also prepare electronic and/or physical media for individual or classroom use, ~~slides, tapes, photographs, such as videos, audio clips, photos,~~ displays, models, interactive simulations, and similar materials. The production of such student learning aids is considered to be an integral part of a teacher's professional responsibilities for which the College provides technical services and support, but in no circumstances will the College be expected to provide remuneration to teaching faculty beyond their regular salaries. While the College retains the rights to materials that are "learning aids," the creator(s) retain rights to the ideas reflected in the "learning aids."

In those instances where the College may wish to acquire the use of instructional programs which have been produced by one or more staff members wholly on their own time, at their own expense, and without the use of

any College resources, the staff member(s) shall have sole and exclusive rights to determine the terms and conditions under which they will permit College use of materials. The College shall retain the unqualified right to accept or reject the proposed terms and conditions. Teaching faculty who voluntarily prepare mediated instructional materials for use in their own classes shall have exclusive rights thereto so long as the materials have been prepared at no expense to the College. If the College is desirous of making such materials available for the use of other faculty, an agreement with the author/creator would have to be obtained. The College shall not be expected to compensate a faculty member for use in the faculty member's own classes of instructional materials the faculty member voluntarily prepared or created.

Background

The purpose of this policy is to promote the responsible use of College resources in the development of instructional materials and to protect the respective rights of both the creator(s) and the College with respect to the control and distribution of these materials. This policy is also intended to encourage the free flow of ideas and to support innovation by protecting the intellectual property rights of faculty and staff with respect to materials and/or inventions developed in the course of their employment at the College.

Applicability

This policy applies to teaching faculty and support staff, including full and part time employees, who design or produce instructional materials that require a modest investment of public funds.

Definitions

- **College Facilities or Services:** refers to any facility or service available to the faculty or staff member as a direct result of the individual's affiliation with the College.
- **Individual's Own Time:** time other than that devoted to normal and assigned functions in teaching, College service, and direction and conduct of research on College premises and utilizing College facilities.
- **Instructional Materials:** refers to the materials created and not the ideas expressed in them. This policy refers to instructional materials that have resulted from substantial investment of public funds. They are characterized by a high reuse value. These materials may be used in specifically approved credit bearing and non-credit courses offered by the College and such other programs as may be generally available to the student body through the library or other official units of the College responsible for the circulation and/or distribution of instructional materials in general support of the institution's educational purposes.
- **Instructional Methods:** refers to instructional strategies that are utilized in the classroom in an effort to improve student learning and engagement. Instructional methods include the following pedagogical approaches: lecture, case method, discussion, active learning, cooperative learning, the integration of technology in instruction, and other means of delivering instruction.
- **Instructional Programs:** An instructional program is a planned sequence of courses, services, or other activities that lead to a completion point, with the completion point being formal certification via either a certificate or an associate degree. The certificate and associate degree awards must be recognized by the College's Board of Trustees.
- **Learning aids:** instructional materials customarily produced by teaching faculty, in cooperation with College staff, and normally requiring modest investment of public funds.

Responsibility

President

Provost and Vice President, Academic and Student Affairs

Vice President, ~~EDIWS~~Economic Development, Workforce and Career Technical Education

Contact Information

Office of the President

Office of the Provost and Vice President, Academic and Student Affairs

Office of the Vice President of Economic ~~and Workforce~~ Development, Workforce and Career Technical Education

Related Information

Other Related Documents

~~SUNY Board of Trustees Policies on Patents, Inventions, and Copyright~~ Title J – Patents, Inventions and Copyright Policy – of the SUNY Copyright and Faculty Ownership of Intellectual Property