

OWNERSHIP OF MATERIALS (REGULATION)

In accordance with the policy of the board of education, the following procedures are established to encourage and protect the professional research and publishing of district employees, and to clarify the ownership of employee-produced instructional materials.

1. Rights of ownership, as used herein, include the right to copyright or to patent and the right to sell and/or to distribute.
2. The board has all rights of ownership of instructional materials produced by an employee during hours that the employee is paid by the board.
3. The board has all rights of ownership of instructional materials produced by an employee in which the use of board supplies and/or equipment is used by the employee during such production.
4. Ownership of instructional materials produced by an employee in a federal program during hours that the employee is paid by federal funds and/or in which the use of federally funded supplies or equipment is used lies in the public domain.
5. The employee has all rights of ownership of instructional materials produced by the employee other than during those hours paid by the board and in which board supplies and equipment are not used.
6. The school district may enter into an agreement in advance with an employee to produce instructional materials. In such cases, the agreement shall assign whatever rights of use and ownership as may be appropriate.
7. If doubt exists as to whom the rights of ownership belong, a written agreement may be executed by the employee and the appropriate representative(s) of the district. If the employee does not initiate and enter into such an agreement within one year of the completion of the material, the rights of ownership shall pass to the board of education.
8. The agreement in paragraph 7, above, will include:
 - A. A specific description of all material covered by the agreement.
 - B. A statement by the employee that the material was not produced during hours paid for by the board and that school supplies and/or equipment were not used.
 - C. That the employee is the owner of such material for all time and may alter such material as the employee chooses.
 - D. That the board shall have free use of such material for all time and may alter such material as the board chooses.

OWNERSHIP OF MATERIALS, REGULATION (Cont.)

- E. That the board will not distribute such material to persons outside this school district without written consent of the employee.
- F. That the employee may copyright or patent the material as the employee chooses insofar as the board is concerned.
- G. That the employee may distribute and/or sell the material as the employee chooses insofar as the board is concerned.

REFERENCE: 17 U.S.C. §201