

Selkirk College Policies and Procedures		Title and number	8800 Copyrights and Licenses		
		Replaces	B7000.4		
		Effective	2004-10-20	Next review :	2009-10-20
Executive Responsibility	Administrative Responsibility	Recommended by Policy Review Committee		1999-05-21	
President	President	Recommended/Approved by Education Council		2004-11-09	
		Approved by President		2004-11-15	

1 DEFINITIONS

Educational materials: include, but are not limited to, study or teaching guides, books, audio or videotapes, films, slides, photographs, computer programs and computer-stored information.

Invention or discovery: product of research that may be licensable.

2 POLICY

From time to time, College employees may develop educational materials that are marketable, or they may invent or discover products or processes that are licensable. This policy protects the interest of the College and its employee regarding assignment and retention of copyright on a product or process invented or developed by College employees. The following shall prevail:

1. For employees covered by the common collective agreement, Article 5 shall prevail.
2. Copyright is retained by the College if the author develops the material, using College resources in whole or in part, as part of his assigned duties. (See Administrative Procedure below.)
3. Copyright is retained by the author if he/she develops the material on his/her own time and equipment, independent of his/her employment.
4. In the event development of materials is a combination of 1 and 2 above, the following guidelines will prevail:
 - a. The College will have prima facie copyright to the materials and may market, license, produce, and exercise control over the same.
 - b. In the event the author intends to develop and produce educational material using college resources to assist in development and production and wishes to retain copyright in his/her own name, the author must, prior to development and production of the materials, advise the president of the college of his/her intention to do so and enter into an agreement with the college as to reimbursement by the individual to the college for resources of the college used by him/her in development and production of the educational materials.
 - c. In the event materials have been produced or developed using College facilities and the College has not marketed the same, the author may request the College to assign to him the right to market and produce the same and the College shall have the absolute right to approve or deny such request.
 - d. In the event an author proposing to develop or produce materials with assistance of College resources is unable to reach an agreement with the President pertaining to payment for

College resources, the author shall be free to develop the materials without use of College resources. In any event, however, where College resources are used in the absence of an agreement pursuant to point 2, the College shall be deemed to be the owner of the copyright.

- e. When an author leaves employment with the College, any copyright attached to materials or products which have been developed by that author shall be retained by the College unless they are specifically assigned to him at the time of termination.

3 ADMINISTRATIVE PROCEDURES

The employee is responsible for initiating this policy and regulations. In the event no action is taken, the College retains all rights over materials and products which use College resources, in whole or in part.

The President will determine whether or not the College will retain copyright or assign the right to market or produce materials. If copyright is to be retained by the College, the College will decide, following appropriate consultation, what arrangements will apply respecting marketing of the material or product, the exercise of control and the sharing of royalties.

Other relevant policies:

600 Standards of Employee Conduct and Conflict of Interest, 8710 Integrity in Research

Key words:

Educational Material, Copyright and Licenses,