



Book	Administrative Procedures
Section	Chapter 3: General Institution
Title	Intellectual Property and Copyright
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*Reference: Education Code Sections 72207; 81459*

The Yuba Community College District recognizes the need to adopt and maintain an Intellectual Property Rights policy, which encourages faculty and staff to engage in the production of scholarly works, creative publications, and technology-based materials. Inherent in these policies are the following general assumptions:

1. That the rights of faculty, staff, and the District need to be fairly balanced through collegial dialogue.
2. That the following definitions regarding copyright, royalties, and utilization of all materials will be consistent with the promotion of academic freedom and "fair use" guidelines.
3. The District is not interested in entering into agreements for the express purpose of achieving a financial gain. The District is interested in receiving fair compensation for use of public resources employed in creation of such works.

#### Copyright Ownership

The right to claim copyright shall be determined in the following manner:

1. A faculty or staff member may claim the right to copyright any material created outside of the faculty or staff member's employment with the District. If this creation involves use of District equipment or supplies the faculty and staff member shall retain the right to copyright the material, but shall reimburse the District for the cost of production.
2. The District may claim the right to copyright material if the District specifically commissioned it, or the work is identified as an institutional effort. An institutional effort is defined as one in which the work was produced by a District council, committee, or project team or other college entity as part of conducting the business of the District. Otherwise, the right to copyright the material will belong to the faculty or staff member responsible for its creation.
3. The District and the faculty or staff member may agree to share the right to copyright materials if the work is created by the faculty or staff member and the District contributes services, staff, or financial resources necessary for completion. This will be accomplished through a separate contract at the time the project is initiated. Faculty and staff should consult with their respective legal counsel and/or bargaining unit before entering into the contract.

#### Copyright Registration

Responsibility for official registration of copyright will lie with the owner of the copyright. In those cases where there is shared ownership, the District will be responsible for filing for both parties for registration of copyright.

#### Royalties and Distribution Rights

The ownership of copyright determines royalty distribution rights.

1. When faculty and staff members have full copyright ownership, they retain full royalty distribution rights.
2. When the District has full copyright ownership, it retains full royalty distribution rights.
3. If the District and the faculty and staff member share copyright ownership, royalty distribution rights will be as follows: All royalties or profits will be distributed to reimburse the copyright owners for documented expenses related to the creation and production of the materials. Any remaining royalties or profits will be distributed according to the terms of a separate contract.

#### District Use of Copyrighted Materials

Before the District enters into any agreement for commercial redistribution of an instructional activity performed by the faculty or staff member as part of their employment with the District, the District must first obtain written permission of the faculty or staff member. The District will retain all profits from such commercial redistribution.

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