

OWNERSHIP OF EMPLOYEE AND/OR STUDENT PRODUCED WORKS: 5248

Absent any written agreement to the contrary, the District shall retain the full and sole rights of ownership, use and distribution for any employee or student produced work if such work is either created by an employee within the scope of his or her employment or created by a student or employee at the request of the District for the purpose of creating District-owned works. All other employee and student created works shall remain the property of the employee or student author. Employees and students shall not use District supplies and equipment in more than an incidental way to create employee or student-owned works if not created within the scope of employment or for the purpose of creating District-owned works.. Instructional materials created by an employee employed by the District in a teaching or instructional support position and using District supplies or equipment in more than an incidental way shall be presumed to have been produced within the scope of that employee's District employment.

When deemed in the best interests of the District, the Superintendent/designee is authorized to enter into agreements for the purpose of selling, licensing or otherwise reallocating rights of ownership in District-owned works, or acquiring ownership interests in employee, student or third-party owned works.

For the purposes of this policy, the term “work” shall mean any original work of authorship fixed in any tangible medium of expression including literary, musical, pictorial, dramatic, graphic, sculptural or architectural works, as well as motion pictures and other audio-visual recordings, sound recordings, and computer software or any other technological creation.

Cross Reference: Administrative Policy – 5251 Conflict of Interest

Legal Reference: 17 U.S.C. § 101 et seq. Copyright Act of 1976