

Personnel

Employee Publications, Instructional Materials, Inventions, and Creations

I. Purpose

This policy sets forth the rights and responsibilities of the school district and district employees with respect to employee publications, instructional materials, inventions, and creations.

II. General Statement of Policy

The school district reserves the proprietary rights to publications, instructional materials, instruction for pay, inventions, and creations that employees develop or create, or assist in developing or creating, while employed by the district. Nothing in this policy limits in any manner or degree any right granted to the district by law that is not specifically described herein.

III. Guidelines

- A. The school district will not retain proprietary rights when the employee develops, creates, or assists in developing or creating a publication, instructional material, computer program, invention, or creation entirely on the (1) employee's own time and (2) without the use of any district facilities, resources, or equipment.
- B. An employee will immediately disclose and, on demand of the district, assign to the district any rights to publications, instructional materials, computer programs, materials posted on websites, inventions, or creations that the employee develops, creates, or assists in developing or creating during the term of the employee's employment and for 12 months after employment with the district.
- C. An employee must sign documents and perform acts to secure the district's rights relating to such publications, instructional materials, computer programs, materials posted on websites, inventions, or creations, including domestic and foreign patents and copyrights.
- D. The district reserves the right to all or a portion of an employee's financial gains as a result of the above-mentioned employee activities. Further, the district reserves the right to all or a portion of an employee's financial gains who shares expertise gained through district-financed training by means of instruction or presentation at a college/university course, conference, or workshop. The district will determine its financial rights based on discussion

with the employee.

- E. In its discretion, the district may establish a panel to review situations where proprietary rights appear to be a blend of district rights and an employee's rights. The panel would make a recommendation to the superintendent regarding the apportionment. This determination may result in an individual agreement between the district and employee.

IV. Notice of Policy

The school district will give new employees notice of this policy at the time of hire and post it conspicuously in each school building.

Legal Reference:

17 U.S.C. § 101 *et seq.* (Copyrights)

Minn. Stat. § 181.78 (Agreements; Terms Relating to Inventions)

Policy

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INDEPENDENT SCHOOL DISTRICT NO. 273

Edina, Minnesota