

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

COPYRIGHT AND ROYALTY
Policy No. 13-05
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Effective October 15, 1985

- (A) The purpose of this policy is to:
 - (1) Establish policy with respect to the creation of original works of authorship entitled to copyright protection by employees.
 - (2) Protect the rights of the author and the college in such original works and to protect the author and the college against claims or infringement.
- (B) This policy shall apply to all employees who are contemplating or engaged in creating an original work of authorship entitled to copyright protection. This policy shall also apply to all employees who reproduce the work of other authors for use as course materials.
- (C) As a general rule, no employee shall be required to create or publish original works entitled to copyright protection as a condition of employment. However, employees may be required to create such works pursuant to specific contracts entered into between the college and such employee.
- (D) After notice to the President's Office as provided herein and with the consent of the President's Office, an author may use the resources of the college in creating an original work related to the author's field of teaching or administrative duties. College resources may not be used to create an original work unrelated to the author's field of teaching or administrative duties.
- (E) Prior to commencement of work on any endeavor that will lead to the creation of a product entitled to copyright protection, the author shall notify the President's Office of the scope of the work and the anticipated use of college resources.
- (F) Authors who incorporate the copyrighted works of others into compilations or textbooks will be required to comply with the procedures under copyright laws to obtain permission to use such other copyrighted work.
- (G) Reproduction of copyrighted materials for classroom work shall be as follows:
 - (1) An employee may reproduce copyrighted material for classroom use if the need for such use arises spontaneously during the course of instruction and copies are supplied to the students at no charge. Notice to the President's Office in such

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event is not required.

- (2) Employees who reproduce copyrighted materials into compilations prior to the commencement of the course, which compilations are required to be purchased and used in the course, must notify the President's Office prior to such reproduction. If possible under time constraints, the author will be required to obtain permission of the copyright owner. Use of copyrighted materials over more than one quarter will require permission for use of each item in the compilation.
 - (3) All reproduction of copyrighted materials for classroom use shall be done on college facilities.
 - (4) Unless permission is received from every copyright owner whose work is reproduced, the employee will not be entitled to profit or receive other compensation for preparing the compilation. In the absence of such permission, the charge to students shall not exceed the college's direct cost of producing the materials.
- (H) Employees shall be entitled to retain any stipend received for contributions to journals or periodicals. A copy of the article or paper shall be delivered to the President's Office prior to submission.
- (I) In consideration of the employment status with the college and the use of college resources, authors shall be required to assign royalties to the college as follows:
- (1) If the author creates the work on his/her own time and does not use college resources, no royalty shall be due the college.
 - (2) If the author is a part-time college employee who is gainfully employed outside the college in the same field as his field of instruction, if the work is related to his field of instruction, and no college resources are used, no royalty shall be due the college.
 - (3) If the author is a part-time college employee and the work is created partly on college time or using college resources, royalties shall be divided equally between the college and author.

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- (4) If the work is created by a full-time employee, whether or not the work is created during regular hours of employment, and college resources are used, royalties shall be divided equally between the college and author.
 - (5) If the work is created by a committee, task force, or other group appointed by the college, the college shall be entitled to one hundred percent of the royalties. However, all members participating will be given credit for the work.
 - (6) If work is created pursuant to specific assignment or special contract, the college shall be entitled to one hundred percent of the royalties unless the contract specifically provides otherwise.
 - (7) If the work is created by an individual who is participating in an educational program for which the college is paying the fees, and such work is created pursuant to such program, the college shall be entitled to one hundred percent of the royalties.
 - (8) If college facilities are used to print and bind a written work or to produce multiple copies of visual or audio works, a separate royalty agreement shall be entered into between the college and author.
- (J) All royalties received by the college shall be paid over to the general fund.
- (K) Copyright registration shall be as follows:
- (1) All works for which the college receives royalties shall be registered with the copyright office. The college shall be considered the author and copyright owner for works prepared by specific assignment, by special contract, by college-appointed committee, task force, or other group, or pursuant to a college-paid-for educational program. The college shall register such works at its sole expense.
 - (2) The college shall assist the author in registering all other works for which the college is to receive royalties. The college shall pay the registration fee and postage on shipping charges. The author shall bear the expense of copies required to be deposited with the copyright office if such copies are not produced on college facilities.

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- (3) All authors who are required to share royalties with the college under this policy shall execute a written assignment of royalty rights as part of the registration process.

- (L) At the time of registration, the author shall sign a certification as to the originality of the work created and shall produce for examination copies of all consents from other copyright owners whose work is reproduced.

- (M) The author's employment status with the college will be conspicuously noted in all copyrighted materials. The college's name shall not be used in other works without the consent of the college.

- (N) This policy shall be administered through the President's Office. All notices to the college shall be to the President's Office. All registrations, assignment of royalties, and consents to utilize college resources shall be coordinated through the President's Office.