



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. II- FACULTY: COPYRIGHT 2.1

COPYRIGHT OF UNIVERSITY COURSE MATERIALS

UNIT POLICY—ACADEMIC AFFAIRS

This policy applies only to copyright ownership of educational materials and intellectual property for course use at North Carolina Agricultural and Technical State University ('A&T' or 'University'), including distance education courses. The purpose of this policy is to balance the rights and responsibilities of the University and its employees, particularly in the area of online course instruction. This policy is derived from the Patent and Copyright Policies of The University of North Carolina Board of Governors [UNC Policy 500.2].

Compliance with the Patent and Copyright Policies of The University of North Carolina Board of Governors, the general Intellectual Property Policy of A&T, and this policy is a condition of employment for all A&T employees, and a condition of enrollment for all A&T students.

I. DEFINITIONS

(To the extent that any definition in this section differs from the definition in the general A&T Intellectual Property Policy, the definition in the latter document shall prevail.)

“Work for Hire” means (a) a work prepared by an employee within the scope of his/her employment; or (b) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as an answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

“Directed Works” include works specifically funded or created at the direction of A&T. Directed Works include Works for Hire.

“Non-directed Works” are pedagogical, scholarly, literary, professional, or aesthetic works resulting from non-directed effort originated by a faculty or EPA non-faculty employee. Such works may include textbooks, manuscripts, scholarly works, fixed lecture notes, distance learning materials not falling into one of the other categories of this Policy, works of art or design, musical scores, poems, films, videos, audio recordings or other works of the kind that have historically been deemed in academic communities to be the property of their creator.

“Exceptional Use” means University support of Non-directed Works with resources of a degree or nature not routinely made available to faculty or other EPA employees in a given area. (Routine support can include ordinary use of computers and other office equipment, laboratory or office space, libraries, secretarial services at routine levels, and professional development activities.) For the creation of University course materials, including distance education course materials, the following situations are presumed to be Exceptional Use:

- Waiver of fees normally required to use specialized A&T facilities (e.g., equipment, production facilities, service laboratories, special computing resources, studios) where those facilities are used in creation of the work;
- A&T funding or gifts specifically in support of the work’s creation;
- Reduction in levels of teaching, service, or other A&T employment responsibilities (e.g., course load, student advising, division/department meetings, office hours, administrative tasks) for the purpose of facilitating creation of the work, other than pursuant to conditions set forth in a grant.

“Shop Right” for A&T means the right to use the original work in University programs of teaching, research, and public service on a non-transferable, royalty-free, non-exclusive basis. Shop Right for the creator means the right to use the original work for the creator’s own teaching, research, and public service on a non-transferable, royalty-free, non-exclusive basis. A Shop Right does not allow one to sell rights to the work or otherwise interfere with the copyright owner’s ability to commercialize the work.

“Student works” are copyrighted works created by students enrolled at A&T and include papers, computer programs, theses, dissertations, artistic and musical works and other creative works made by students. For purposes of this Policy, the term “students” includes teaching, graduate and research assistants.

“Commercialization” means to sell, license or otherwise transfer some or all of the intellectual property rights in a copyrighted work, including grants of permission or a license to use the work. Commercialization does not include, for example, the transmission of technical reports or submission of scholarly journal articles for publication.

II. POLICY STATEMENT

A. EMPLOYEES

A&T does not claim ownership of faculty-created instructional materials or courseware merely because it requires faculty members to teach courses as part of their regular responsibilities. Similarly, A&T does not claim ownership of faculty-initiated scholarly works based merely on general expectations that faculty members will publish such works.

Directed Works: A&T holds the copyright to Directed Works. The creator holds a Shop Right.

Non-directed Works Created by Faculty and/or non-Faculty EPA without Exceptional Use of University Resources: The creator of Non-directed Works Created Without Exceptional Use of University Resources holds the copyright. N.C. A&T holds a Shop Right.

Non-directed Works Created with "Exceptional Use" of University Resources: A&T owns the copyright in works created with Exceptional Use of University Resources. The creator holds a Shop Right.

Sponsored or Externally Contracted Works by Faculty and/or EPA non-Faculty Employees: For ownership of such works, refer to A&T's general Intellectual Property Policy.

Work Created by SPA Employees in the Scope of Employment: Works created by SPA employees in the scope of employment are Works for Hire within the meaning of copyright law, and are therefore owned by A&T unless there is a written agreement in advance of commencing the work that provides otherwise.

B. STUDENTS

Works by Students: The student, with the following exceptions, holds the copyright to works the student creates as a part of academic endeavor at A&T:

Works by Students for Hire: For student employees who are not classified as EPA employees, copyright ownership is the same as provided for SPA employees above, unless there is a written agreement provides otherwise. For categories of student employees that are classified as EPA employees, copyright ownership is the same as provided for EPA employees.

Class or Laboratory Notes: Student class, lab notes, and other academic materials may be "derivative works" within the meaning of copyright law, in which case they may be used only for personal educational purposes and not for commercial gain. Commercial use of such works may constitute unlawful copyright infringement.

Date new policy is effective: Upon approval

First approved: June 2, 2014

Revised:

Approved by the Chancellor