



## **AP 3710      Securing of Copyright**

### **References:**

Education Code Sections 72207 and 81459;  
17 United States Code 201

- A. The Santa Clarita 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:
  - a. That the rights of employees and the District need to be fairly balanced through collegial dialogue.
  - b. 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.
  - c. 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.
  - d. The District has a responsibility to protect the rights of its intellectual property from unauthorized use.
- B. All works developed by an employee pursuant to district directive, when district supplies or equipment are used, shall be the sole property of the district, including all rights of copyright for such works.
- C. If an employee prepares, at other than their regular work time, material on their own initiative for use at the college, they may retain the copyright privilege themselves, even though incidental district supplies or equipment may have been used. The district, however, shall have the right to reproduce the material for district use without violating the copyright and without payment of any fees.
- D. This procedure shall not limit the right an employee to copyright, sell, or grant a license for their works, which are produced outside his working hours and at no cost to the district.

- E. Material subject to copyright in the form of books, musical or dramatic compositions, architectural designs, paintings, sculptures, or other works of comparable type developed by employees shall be the property of the author unless the material is prepared by means of a District grant or an externally funded grant or contract to the District. Prior to securing a copyright for the materials, the employee shall reimburse the District for all direct costs. The District may choose to license the material with an open license such as Creative Commons Attribution or Creative Commons Attribution Non-Commercial licenses. Provisions of any external funding agency regarding copyright shall be followed. Materials produced during sabbatical leave do not constitute an exception and shall be the property of the author unless special funding provisions described above are applicable.

**F. Copyright Ownership**

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

- a. 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.
- b. 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. The District may choose to license the material with an open license such as Creative Commons Attribution or Creative Commons Attribution Non-Commercial licenses. Otherwise, the right to copyright the material will belong to the faculty or staff member responsible for its creation.
- c. 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.
- d. When District compensation is paid to faculty for the creation of new Online, or Distance Education courses, these courses shall remain the property of the District and available to other qualified instructors.

**G. 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.

#### **H. Royalties and Distribution Rights**

The ownership of copyright determines royalty distribution rights

- a. When faculty and staff members have full copyright ownership, they retain full royalty distribution rights.
- b. When the District has full copyright ownership, it retains full royalty distribution rights.
- c. 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.

**Approved by CPC: 3/18/25**

**Next Review Date: Spring 2031**