

Revised September 18, 2005

**POLICY ON OWNERSHIP OF COPYRIGHTS IN WORKS
CREATED BY THE FACULTY AND STAFF OF MACALESTER COLLEGE**

I. PURPOSE AND SCOPE OF THIS POLICY.

The central mission of Macalester College (“Macalester” or “the College”) is to create, preserve, and disseminate knowledge through teaching, research, and public service. The purpose of this policy is to encourage scholarship, research, creativity and innovation; to clarify ownership of intellectual property rights; to promote the dissemination of knowledge; and to provide for the equitable distribution of monetary and other benefits derived from copyrightable intellectual property. Macalester affirms its commitment to the tradition that, in most cases, members of the faculty and staff own the copyright in their scholarly, pedagogical, and creative works. This policy applies to copyrightable works created by the faculty and staff of Macalester College.

II. SCHOLARLY, PEDAGOGICAL AND CREATIVE WORKS.

A. Academic Works, Generally.

1. Definition of “Academic Work.” An “Academic Work” is a scholarly, pedagogical, or creative work of authorship. Examples include books, articles, fixed lecture notes, PowerPoint presentations, software and website content, literary works, musical scores, works of art or design, films, videos, audio recordings and other copyrightable works of the kind that have traditionally been deemed in academic communities to be the intellectual property of their creator.

2. Ownership of Copyrights in Academic Works. Unless Section IIB or IIC applies, employees of Macalester will own the copyrights in the Academic Works they author. The College will execute such written instruments as may be necessary to evidence, establish, maintain or protect its employees’ copyrights in their Academic Works.

B. Directed or Commissioned Academic Works.

1. Definition of “Directed Work”. A “Directed Work” is an Academic Work that is specially directed or commissioned by Macalester or produced as a specific requirement of an employee’s job. Examples of Directed Works include computer software developed by the IT staff, a guide to library resources created by the library staff, or a laboratory manual written by a faculty member on special assignment. Generally, when a faculty or staff member prepares pedagogical materials for a course he or she is teaching, those pedagogical materials will be not be deemed to be Directed Works, even though the faculty or staff member is required to teach the course as part of his or her job. On the other hand, Directed Works may include pedagogical materials instigated by the College or a department, for example, learning aids that will be made available to all students or teaching aids intended for use by all members of a department.

2. Ownership of Copyrights in Directed Works. Macalester will own the copyrights in Directed Works. Each faculty and staff member who contributes to a Directed Work will execute such written instruments as may be necessary to evidence, establish, maintain or protect Macalester’s copyright in the Directed Work.

C. Sponsored or Externally Contracted Academic Works.

1. Definition of “Sponsored Work.” A “Sponsored Work ” is an Academic Work developed using funds supplied by an external third party under a contract, grant or similar arrangement.

2. Ownership of Copyrights in Sponsored Works. Before a faculty or staff member may accept outside funding, the College, the sponsoring organization, and the faculty and staff members who will contribute to the Sponsored Work will execute a “sponsorship agreement” regarding ownership

of the copyright in the Sponsored Work. The College and each employee who contributes to a Sponsored Work will execute such written instruments as may be necessary to evidence, establish, maintain or protect copyright ownership of the Sponsored Work as agreed in the “sponsorship agreement.”

III. ADMINISTRATIVE WORKS.

A. **Definition of “Administrative Work.”** An “Administrative Work” is a work created by a faculty or staff member in connection with an administrative assignment. Examples include course descriptions and catalogs, internal policies, internal studies, committee reports, minutes of internal meetings, budgets, software created to perform utilitarian tasks primarily on behalf of departments or the College, and databases and similar collections of information obtained primarily on behalf of the department or the college (and not primarily for scholarly research).

B. **Ownership of the Copyright in Administrative Works.** Macalester will own the copyrights in all Administrative Works created by its employees. Each employee who contributes to an Administrative Work will execute such written instruments as may be necessary to evidence, establish, maintain or protect Macalester’s copyright in the Administrative Work.

IV. COLLABORATIVE WORKS.

Macalester encourages collaboration among faculty, students, and staff. Employees are reminded, however, that all of the individuals who contribute to a collective effort may own copyrights in all or a part of the resulting works. Employees are, therefore, encouraged to address copyright ownership in writing in a manner consistent with this policy before embarking on collaborative efforts, particularly if the intent is to publish the resulting work.

V. ACKNOWLEDGEMENT.

Macalester will acknowledge employees who have made a substantial contribution to College-owned works (including, for example, Administrative Works, Directed Works, and certain Sponsored Works), except those employees who request otherwise.

VI. ADMINISTRATION.

Information about this policy and its application is available from the Office of the Provost. In the cases of disputes about this policy, resolution will follow the Dispute Resolution and College Grievance Procedures described in the Employee Handbook.