

**INTELLECTUAL PROPERTY/OUTSIDE ACTIVITIES OF STAFF**

**POLICY STATEMENT**

- A. As a general rule and absent an agreement to the contrary, materials developed by teachers within the scope of their employment are automatically owned by the school district.
- B. When the district commissions a third party vendor to produce a copyrighted product such as marketing, customized software, or other significant software, a written agreement will be entered into outlining who owns the copyright rights.
- C. The Board of Education directs the District Administrator to promulgate the guidelines so that professional staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten a staff member's effectiveness within the school system, the District Administrator will evaluate the impact of such interest, activity, or association upon the professional staff member's responsibilities.

**POLICY PROCEDURE**

- A. Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.
- B. Materials which might be considered for publication and/or production, which identify the District in any manner, will be cleared with the District Administrator prior to publication and/or production.
- C. Staff members doing a presentation representing the district must have the presentation reviewed by an administrator.
- D. Parties will enter into a written agreement that assigns the copyright and intellectual property rights as follows:
  - 1. Intellectual property developed by an employee(s) of the district within the scope of their employment becomes the intellectual property of the district. All books, materials, devices, or products which result from the paid work time and/or prescribed duties of professional staff members will remain the property of the District. The District will retain all rights and privileges pertaining to the ownership thereof.
    - a. In the event that any of these products have commercial possibilities, the District Administrator is authorized to secure copyrights, patents, etc., which will ensure the ownership of the product by the District.
  - 2. Intellectual property developed by an employee(s) of the district outside of the scope of employment without any other compensation by the district becomes the intellectual property of the individual. Rights to copyrights or patents of books, materials, devices, etc., developed by professional staff members on their own time will be relinquished by the Board upon request of the staff member provided that:
    - a. The books, materials, devices, etc., were prepared without the use of District data, facilities, and/or equipment;

- b. The District is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;
  - c. The staff member does not become involved in any way in the selling of the product to the District.
    - i. The final decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data, or equipment rests with the District Administrator who will submit such decisions to the Board.
    - ii. Professional staff members who desire to publish or produce materials on their own time should make such action known to the District Administrator prior to the time such work is started in order that proper procedures can be established to assure that district interests and the interests of the staff member are protected.
  - 3. The District Administrator is authorized to negotiate with third party vendors, appropriate agencies, or individuals including staff members for the production and distribution of products with commercial appeal. Such negotiations will ensure fair and appropriate compensation, including the sharing of royalties, for those vendors, agencies, or individuals, including staff members, who developed the products. Third party vendor agreements will be developed on a case-by-case basis with an understanding that the propriety rights of the vendor may necessarily supersede those of the district.
- E. Guidelines for outside activities:
- 1. Staff members should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
  - 2. Staff members will not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
  - 3. Staff members will not engage in business transactions on behalf of private enterprises in which he/she may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.
  - 4. Special arrangements including "early bird" programs or late day preparation periods enabling early release will not be made to accommodate secondary employment outside of the district.
  - 5. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.

LEGAL REFERENCE: Federal Copyright Laws

CROSS-REFERENCE: Collective Bargaining Agreement