

Policy Title: Copyright
Policy Approver: President’s Office
Policy Holder: Human Resources
Category: Operational
Original Date: October 1992
Last Revised:
Next Review:

Approval Statement

With the approval of the President of Yukon College, this policy is hereby deemed in effect the 17th day of October, 1992.

President, Yukon College

Date

1. Purpose of Policy

In conformance with legislation related to Copyrights, Patents, Trademarks, and Industrial Design, Yukon University does not sanction or authorize infringements or violations by University staff.

Yukon University is also committed to protecting Copyrights, Patents, Trademarks, and Industrial Design on materials, inventions, and designs produced by University staff.

1.1. Instructional Materials

The University shall conform to legal and ethical considerations.

The University encourages an active University role in development/packaging of instructional materials, as an effective staff development activity, an activity which enhances the quality of instructional materials available to our students, and a mechanism to enhance the reputation of Yukon University and its staff members.

The University shall develop - a priori - contractual understandings to reflect the source of materials, work involved in rewriting/ repackaging, arrangements made for development, expectations of the staff member, operational requirements of the University, and financial arrangements.

Some Models which have been used are the two extremes, viz.,

Development completely on the staff member's time, his/her original material, and no use of University resources, in which case the staff member owns the material and Yukon University has no explicit interest, (model 1, Table 1)

or

Development on University time, with University resources and instructional materials, in which case the University owns the material and the staff member has no explicit interest. (model 3, Table 1)

As expected, these models are not sufficient to encompass the possibilities which are emerging. The range of alternatives and preferred model are as summarized in Table 1.

It is the domain of model 2 which is common. Some perceptions are

- The idea of shared copyright is apparently impracticable (2.1).
- The staff member's ownership (i.e., 2.2) causes some problems:
 - Operationally, there is difficulty in a staff member's compiling and packaging materials if such materials have been developed by earlier University staff and the University consequently owns the materials.
 - There is also difficulty in a staff member's packaging and/or rewriting materials, unless we clearly define Yukon University's right to use the materials, under conditions established.
 - In the ultimate case, a staff member might compile, rewrite and/or repackage material, most of which has been developed by earlier University staff, claim ownership of the material and deny access to it by Yukon University.
- 2.3 is viewed as the best model for the following reasons:
 - The staff member can be identified as playing a major role in the materials development.
 - We can modify the staff member's assignment to include the development or arrange a lump-sum payment for the extraordinary contributions made.
 - Copyright/ownership will reside with Yukon University; and we can ensure that Yukon University enjoys access to the materials, under prescribed conditions.

It is clear that, whatever approach is used, an up-front understanding of ownership and relationships is a requirement of effective management.

TABLE 1
Alternatives: Development and Ownership of Instructional Materials

Model	1	2	3
Description	Development completely on staff member's time, his/ her material, no use of University Resources.	Development shared, with some University resources used, and staff member contributing his/her time and materials.	Development on University time with University resources and instructional materials.
Implications	Ownership resides with staff member: possible reference to Yukon University, as appropriate.	2.1 - Shared ownership - Shared copyright income (?) on basis of relative contributions.	Ownership resides with Yukon University with reference to staff member as compiler/ coordinator.
		or	
		2.2 Ownership resides with staff member who credits University as appropriate and provides a negotiated portion of revenue.	
		or	
		2.3 Ownership resides with Yukon University which credits and reimburses staff member, on negotiated basis or by a lump-sum payment.	

1.2. Project Findings

- Introduction

The University supports staff and student participation in applied research and developmental projects which are of demonstrable relationship to the University's programming role. The conditions of such staff or student participation, the implementation of the projects and the status of project findings require a priori clarification and understanding, among all parties.

Such clarification is intended to protect the interests of the University and staff/students involved in the project.

- Principle

Projects and their results are University property, if University resources, facilities, funds and/or staff on University time were used in project performance.

- Guidelines

Final reports, course ware and other materials which result from the project may be provided

to external agencies under conditions approved by the appropriate Dean/ Director and Vice-President.

Publications in professional journals referring to the project or its findings shall follow the established route of approval, i.e.,

- a) copies of the draft of the article shall be provided to the Vice-President, Instructional Services and Manager, Marketing and University Development before publication;
- b) suggestions of the above staff members shall be appropriately included by the author(s) in revising the draft;
- c) a copy of the final draft shall be provided by the author(s) for the above reviewing staff members; and
- d) approval to publish shall be at the level of Vice-President, Instructional Services.

Presentations to conferences or other groups in respect of the project or its findings by a staff member or student shall be governed by the following requirements:

- a) The purpose as well as the content of the presentation shall be approved by the appropriate line authority, to the level of Vice-President, Instructional Services.

- b) The line officers may involve staff other than the ones in their immediate sphere of authority for consultation purposes in the process.

Use of any project findings in theses or reports to be submitted to, or to be used by, organizations and individuals external to Yukon University, shall require prior approval from the Vice-President, Instructional Services.

2. Governing Legislation and Relevant Documents

None

3. Procedures

3.1. Authorization for reproduction:

The staff member or the appropriate Dean/Director shall formally seek permission to reproduce print or non-print copyright material, patented material, trademarks or industrial designs. Any costs associated with such permissions may be authorized by the Dean/Director within his/her budget authority.

Computer software manufacturers normally permit the purchaser to make a working copy. Any additional copying requires a license agreement. Significant liabilities accrue on the staff member and the University if unauthorized reproductions are made.

Before using the formal route as in (a), the staff member is encouraged to negotiate with the registered owners of such material, free permissions, standing arrangements, standardized fees, volume discounts, etc.

All material sent for printing to the print shop for any form of reproduction should bear copyright clearance certification. Any requests without such certification by the originator will be returned to the Dean/ Director for his/her authorization.

3.2. Development and ownership of print/non-print materials, inventions, or designs:

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Print/non-print materials, inventions, or designs developed on University time with University resources should be brought to the attention of the Dean/Director who will register the ownership as appropriate and explore market opportunities.

Ownership in these resides with the University with appropriate reference to the contributions of the staff member(s). Copyright statements should appear as follows:

- Registered copyright on print/non-print materials is to be indicated as follows:
" © Yukon University, 1992 (or other year of copyright registration)".
- If a copyright is not registered, copyright is to be indicated as follows:
"All rights reserved. No part of this book/package/film/ cassette/video may be reproduced in any form, traded, rented or resold, without written permission from the Yukon University, except by a reviewer who wishes to quote brief excerpts."
- When Yukon University grants permission, through the appropriate Dean/ Director/Vice-President, to another user to reproduce a University-owned work, the following statement of acknowledgement should be required:
"Reproduced with permission from Yukon University." (On partial reproductions.)
or
"We acknowledge, with gratitude, Yukon University for permitting us to use this entire book/package/film/ cassette/video." (In case of total reproduction of work.)

Responsibility to register ownership of materials, inventions, or designs developed by a staff member on his/her own time and resources resides with the staff member.

Where print/non-print materials, inventions or designs are to be developed with resources shared by the University and the staff member, the staff member shall seek, before commencing such development, approval and a contractual understanding (to reflect ownership, resource share, financial arrangements, revenue share, conditions and expectations) from the Vice-President, Instructional Services.

Ownership in such cases, as determined in advance, may reside with the University, the staff member or may be shared.