

Siena College

COLLEGE AND ADMINISTRATIVE POLICY

Policy Title:	Policy Title: <i>Copyright Ownership Policy</i>
Type or category of Policy:	College Policy: <i>This Policy is an official directive of broad and direct application across schools and other administrative units of the College.</i>
Approval Authority:	Approval Authority: <i>The President, or designated representative, is responsible for final approval of a new or revised policy.</i>
Responsible Executive:	Responsible Executive: <i>The President charges the Vice President for Academic Affairs with authority to oversee development of the Copyright Ownership Policy and any revision of existing Policy as required in his or her area of jurisdiction and to ensure that appropriate stakeholders (e.g., senior executives, college counsel, vice presidents, deans, administrators, etc.) are appropriately consulted during these processes.</i>
Responsible Office:	Responsible Office: <i>The President will appoint an Intellectual Property Committee that includes a faculty member from each school, representatives from the library, computing and technology services, and the Vice Presidents for Academic Affairs and Finance and Administration or their designees. Under the direction of the Vice President for Academic Affairs, the IP/Copyright Committee develops or updates the policy and will be accountable for the accuracy of its subject matter, its issuance, and timely review. This office is also responsible for ensuring that procedures necessary to carry out the policy are current and available.</i>
Owner Contact:	Owner Contact: <i>The Chair of the IP/Copyright Committee shall be the contact. The Standish Library (copyright-help@siena.edu) will collaborate with the Office of Counsel in responding to comments and specific questions about the Policy. (Copyrightofficer@siena.edu)</i>
Reviewed By:	President's Cabinet
Reviewed	15 November 2017

Date:	
Last Revised and Effective Date of Revision:	Approved by vote of the Faculty October 9, 2018

***=Optional**

****Brief Overview of the Policy***

Copyright is an area of law that provides creators and distributors of creative works with an incentive to share their works by granting them the right to be compensated when others use those works. Specific rights are granted to the creators of creative works in the U.S. Copyright Act (title 17, U.S., code). Generally, Siena College does not require faculty members to transfer rights to copyrights and published written works produced by the faculty member to the College. Exceptions may result from contractual obligations of the college, terms of appointments, specific directions or assigned duties, certain uses of college resources, or agreements governing access to certain college facilities.

Reason for Policy

The purpose of the Siena College **Copyright Ownership Policy** is to provide a summary of U.S. Copyright law as it relates to the creation, ownership, and management of copyrightable works. This policy applies to academic and nonacademic appointees, students, and others as a condition of their appointments, their participation in research programs, and/or their use of college resources.

Scope of the Policy: Entities or Individuals affected by this policy

All members of the Siena College Community are subject to this policy. Anyone creating, procuring or managing copyrightable works of authorship should read this policy.

The Official Policy

Copyright ownership of all works of authorship by individuals with academic or nonacademic college appointments and students, vests with the author, except under the following circumstances (“Exceptions”):

1. Subordination to Other Agreements, - Works subordinated to other agreements such as sponsored research which confers copyright ownership to the College or to a third party.
2. Work that is Administrative Responsibility - The copyright to a work of authorship that is created by a non-academic appointee within the scope of his or her College appointment, or by an academic appointee acting within the scope of responsibilities associated with an administrative position (e.g. president, provost, dean, department head, etc.) is the property of the College.
3. Substantial use of College Resources – The use of university resources, (including grants, contracts and awards) that are not ordinarily used by, or available to, most or all members of the faculty in the creation of a work subject to copyright protection will require assignment of any copyright to the College. Ordinarily available resources include office space and personal office equipment, office computer workstations, libraries, and other general-use information resources and network access and are not considered in “substantial use”.
4. Instructional materials - Rights are reserved by the College to use or re-use, or make derivative works of some instructional materials (may include syllabi, course descriptions, etc.) or committee reports or

works produced in the course of an administrative assignment. Lecture notes and other instructional materials are generally not considered “an assigned duty” or work for hire.

5. Works created by students performing work for which the student is compensated by the College will be treated like work that is part of administrative responsibilities and Students hired to contribute to a copyrightable work will have no rights to ownership of that work. Students working collaboratively with academic appointees on projects that result in copyrightable work may be granted copyright ownership rights, however, these must be established at the outset of the collaboration.

Related Resources

Web Address for this policy (tbd)

Overlaps with Patent Ownership and Management Policy (web address tbd).

See also Copyright Usage and Compliance Policy (web address tbd).

US Copyright Office: <https://www.copyright.gov>

Definitions

Work of Authorship – Expression embodied in any tangible medium (including electronic) that is protectable under copyright law. May include lecture notes, textbooks, articles, books, photographs, paintings, sculptures, software, musical compositions, and architectural drawings.

College Resource – College provided space, facilities, equipment, personnel or funding (including grants, contracts, and awards made to the university by extramural sponsors).

Adopted: Approved by President’s Cabinet 15 November 2017, subject to approval by faculty

Reviewed:

Revised: