

STAFF RESEARCH AND PUBLISHING

In order to encourage employee creativity and to protect the rights of both the creative employee and the public, the administration shall establish procedures to clearly assign the rights of ownership of employee-produced instructional materials.

Ownership of Materials

The Board adopts the "work made for hire doctrine,"* and shall ~~have-own~~ the copyright ~~of to~~ all employees' work produced at the instance and expense of the Board and/or any of its administrative staff, or as otherwise provided by federal copyright law.

Employees own the copyright to all ~~W~~work authored ~~produced by an employee on during~~ ~~his/her~~ their own time, without expense to the Board, and without instruction, direction, or control of the employee's superior ~~is the copyright of the employee,~~ or as otherwise provided by federal copyright law.

Ownership of instructional materials produced by an employee ~~in a federal program~~ during hours that the employee was paid by federal funds and/or in which the use of federally funded supplies or equipment played a dominant role ~~lies in the public domain~~ may be governed by applicable federal grants or regulations.

~~The employee has all rights of ownership of instructional materials produced by the employee other than during those hours paid by the Board and in which the use of Board supplies and equipment did not play a dominant role.~~

Waiver and Assignment of Proprietary Rights

Copyrights of the Board may be waived in favor of or assigned to the author by the Board upon application submitted to the Board through the Superintendent.

The Board authorizes the Superintendent to review materials prepared by employees for which the Board has no copyright, and to waive or assign all or part of any interest or proprietary rights therein which the Board may have, in favor of the employees producing such works.

Any materials copyrighted pursuant to the Board's waiver ~~under this section~~ shall be made available to Albemarle County Public Schools at no charge to the ~~system~~ division.

* Work made for hire ~~is defined as~~ refers to the doctrine as recognized by federal copyright law and includes, but is not limited to, all materials prepared by an employee in connection with his/her job duties, ~~and it includes such as~~ instructional texts, tests, answer sheets, and material specifically commissioned.

Adopted: July 1, 1993
Amended: December 8, 1997

Reviewed: July 8, 2004

Legal Ref.: ~~Title 17, Code (P.L. 94-552, 10/19/76) (Copyright law)~~ [Copyright Act of 1976, as amended, 17 U.S.C. §§101 et seq.](#)

Cross Ref.: [EGAAA, Reproduction and Use of Copyrighted Materials](#)