



POLICIES & PROCEDURES

Title	Ownership of Work Products by Faculty, Staff and Employees of Baker College
Author	Policy Development Committee
Approval Required	Approved by Presidents' Council (April 30, 2004)
Revision Level	
Revision Date	April 30, 2004

1 SCOPE

- 1.1 The purpose of this policy is to detail ownership of products produced as a portion of activities at Baker College, both within the normal activities of the employee as well as additional activities contracted above and beyond the normal course of duties.

2 POLICY

- 2.1 It is anticipated that as a portion of the normal activities of employment in an academic setting, individuals will create a variety of scholarly material, based upon their own expertise and knowledge. Traditional works of scholarship and instructional materials that are developed within the standard employment duties of the employee are considered products of the employee and the individual will retain copyright for such materials, and will have the option to use and distribute such materials as they deem appropriate.

- 2.1.1 If the individual chooses to leave Baker College, they retain the right to take these products with them and to use them in a new setting as they deem appropriate.

- 2.2 Notwithstanding 2.1 above, as a portion of their duties within the College, employees may from time to time be tasked specifically to develop materials not for their own class alone, but to be used for broader distribution to other faculty, including part-time faculty, to be included in master or shell-courses, to aid in the instruction of students not enrolled in the developer's own class or section. In this case, copyright for the material developed will remain with the faculty member, with the agreement that the College maintains the option to use the material within the educational structure of the Baker College System as administration in the system determines is necessary to best meet the needs of Baker College, Baker College Center for Graduate Studies, and the various subunits of the Baker College system.

- 2.2.1 If the individual chooses to leave Baker College, they retain the right to take these materials, to be modified and used in future employment settings, or to present them as their own professional product in scholarly forums including conferences and published works.

- 2.3 Baker College may choose to employ full- or part-time faculty for the specific task of course development. In such cases, this development will be considered to be outside of the normal teaching and scholarship responsibilities of the faculty member as demonstrated by the additional compensation provided to the faculty/developer for this material. In the case where an individual or group of individuals receive specific compensation assigned to the development of specified course, instructional or other materials, Baker College will become the sole copyright holder, as this copyright is "purchased" as a portion of the compensation agreement provided to the material developer.

- 2.3.1 If a portion of the development team, or an entire development team chooses to leave Baker College, the copyright for these materials remains within the Baker College system, and

individuals are not permitted to take materials or to use materials in whole or in part, in other settings without the express written permission of the President of Baker College.

2.4 At times, faculty may choose to create scholarly, creative or other products which require the use of resources, equipment, and/or material beyond that which is normally used as a portion of the individual's employment responsibilities. When these additional resources are supplied by the institution, then the institution maintains a legitimate interest in the final product. Unless otherwise agreed upon in advance, the substantial use of institutional resources will create a joint (50/50) ownership of both the final product and the copyright. In such a case, the institution may choose to exercise its control over the product by using the product to further the institutional mission of the College without further permission of the individual developer. The individual developer retains the right to use the product in his/her own teaching, to present the product as the result of his/her work in appropriate settings, and to keep a copy of the product to be used in other institutional settings if he/she chooses to leave Baker College.

2.4.1 If the individual developer, or development team, chooses to seek commercial outlet of these materials, he/she may only do so with the express written permission of the President of Baker College. Any proceeds that result from commercial development of such materials will be divided such that the institution maintains a 50% share of proceeds, to compensate for the cost of equipment, materials, and investment. The remaining 50% of proceeds will be distributed equally among all co-developers.