

## Copyright Policy

### Academic Policies

Effective: 07/10/2014

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Recommended Effective Date: October 1, 2013

#### COPYRIGHT COMPLIANCE

Missouri Western expects employees to adhere to all copyright laws applicable to an educational institution such as, but not limited to those set forth in Title 17 of the U.S. Code, U.S. Public Law 94-553 “Fair Use” the Digital Millennium Copyright Act (DMCA), and the Technology, Education and Copyright Harmonization (TEACH) Act.

Missouri Western employees using copyrighted material without meeting “Fair Use” provisions, or without the express written consent of the copyright holder and other applicable parties, may by law be subject to penalties for unauthorized use.

Questions regarding the general use of copyrighted print and non-print material will be addressed by the Director of the Library; questions regarding the incorporation of copyrighted print and non-print material into multimedia productions and/or distance education will be addressed by the Director of the IMC (Instructional Media Center).

#### COPYRIGHTS

Missouri Western’s policy for copyrightable work is as follows:

The Missouri Western Board of Governors shall own the copyright in printed marketing and other informational works. Examples: University Catalog, departmental brochures and periodicals, promotional pieces.

The Missouri Western Board of Governors shall own the copyright in other marketing and informational works. Examples: departmental video productions, television spots, trademarks, logos, and merchandise containing logos.

The creator, author, or inventor shall own the copyright in traditional copyrightable works created by faculty and staff in their field of expertise. Examples include, but are not limited to class notes, textbooks, online and other distance learning courses, Web-based and video modules for courses, laboratory manuals, laboratory kits, software programs, dissertations, articles, non-fiction, fiction, poems, musical works, dramatic works, choreographic works, graphic and sculptural works, or other works or artistic imagination that are not created as an institutional initiative. Copyright registration and enforcement is the responsibility of the owner.

Faculty and staff must inform the appropriate Vice President of any project or invention that has potential to yield significant discoveries worthy of U.S. Patent protection, so that a contract regarding the rights and responsibilities of ownership may be executed. Prior to the execution of such agreement, the Missouri Western Board of Governors reserves all right to ownership in the project.

The University has a property right in courses and other instructional modules and materials in so far as those works are created in substantial collaboration with campus staff including distance learning staff, as a condition of employment, or for which faculty members receive workload credit or supplemental compensation. These courses and materials can be used by other faculty, with the

approval of the creator if the creator is employed by Missouri Missouri Western at the time of use. In cases where the creator is currently employed by Missouri Missouri Western, the creator is given the first right of refusal to offer a course or to use the materials he/she developed. If the creator declines to offer the course or use the materials, the University may assign the course or materials to another faculty member. Following the separation of the employee from Missouri Missouri Western, course materials may be used for two course offerings or a period of two years, whichever occurs first.

The Missouri Western Board of Governors shall own the copyright in copyrightable works co-created with the help of production support services by faculty and staff **or** as a condition of their employment (work for hire). Such works may include but are not limited to multimedia productions, teleclasses, telecourses and online courses.

Although the Board of Governors owns copyright, the faculty/staff member(s) and Missouri Western will execute an agreement regarding the project approval process which may include how the resultant work is used, how it is marketed, how long it is marketed and when it is pulled from distribution.

On behalf of the Board of Governors, the IMC may secure formal copyright registration for Missouri Western mediated works. Should an infringement occur, Missouri Western will bear responsibility for the enforcement of the copyright.