

Policy on Copyrights Ownership of Course Materials at Mandl

Introduction

Mandl works to ensure attainment of our mission and operationalization of our values through the development of clear policies. A policy on copyright and ownership of course materials is a mechanism to clarify expectations and responsibilities of faculty and the administration, while safeguarding the values adopted by our institution.

At Mandl we value:

- A learning environment that promotes open exchange of ideas, critical thinking, global awareness, technological literacy, intellectual honesty, and community involvement;
- A work environment that promotes open communication, and the development of personal potential;
- A caring community that respects each individual, fosters intellectual curiosity, and promotes good citizenship.

Policy Purposes and Principles

The Policy on Copyrights and Ownership of Course Materials serves to address broader issues of intellectual property rights for instructional materials. These broader issues have become more important as (a) higher education institutions have expanded to include offsite, online, and distance education models; (b) web-based learning platforms have facilitated sharing, retrieval, and storage of electronic course materials with faculty and students within and outside institutions; (c) social media has promoted student sharing of course materials; and (d) continuity of course content and curriculum integration is desired when adjunct and short-term faculty

Intellectual Property Policy

Mandl recognizes that faculty members retain ownership of course materials created by a faculty member for use in teaching. These materials include, but are not limited to: syllabi, lectures, lecture notes, handouts, PowerPoint presentations and other visual aids, laboratory manuals, images, video and audio recordings, bibliographies, course assignments, study guides and examinations, and web content.

1. Mandl retains rights to utilize the syllabus, for the following purposes:
 1. Maintenance of archived syllabi as documentation of the learning contract between the instructor and the students for each course.
 2. Archived as evidence that student learning outcomes defined by the division, school, are addressed through course content. Syllabi may be shared with

accreditors and program review teams without the faculty member's approval for the purpose of demonstrating student learning outcomes.

3. Presentation to the New York State Education Department, or other credentialing and accrediting agencies, as evidence of content coverage for the purposes of approval of new or revised programs of study.
 4. Sharing with new or prospective course instructors to illustrate content and learning objectives covered in a specific course, thus insuring continuity of curriculum integration and assessing the competence of subsequent instructors to teach the course.
2. Course approval documents are created for the purposes of approving courses and maintaining a catalogue of course offerings. They include the course description, a statement of learning objectives, a topical outline for the course, and a sample syllabus. Course approval documents are owned by the College.
 3. Work made for hire comprises specific work assignments, agreed upon in advance by the faculty or staff creator of such work and that person's supervisor. A written contract specifying the nature of the assignment and the expected outcome(s) will be produced, signed by all parties involved, and kept on file with the Office of Academic Affairs. The College shall own the copyright for such works. If no such agreement is on file or was not completed before work began on a project, the faculty or staff creator of the work owns the copyright.
 4. Faculty members may use their own copyrighted works for the following purposes:
 1. Sharing with peers at other academic institutions for noncommercial academic or personal use
 2. Submission and distribution for scholarly publication
 3. Inclusion in guest teaching or lecturing at other institutions while employed at Mandl
 4. Teaching the content at another institution after leaving Mandl
 5. Other activities consistent with the dissemination of knowledge, sharing of pedagogical practice, and production of scholarship.
 5. Faculty members who wish to teach at other institutions using syllabi and course materials developed for MANDL courses while employed at Mandl must declare such additional use of course materials in accordance with the Conflict of Interest Policy.
 6. In cases where Educational Materials are jointly developed by two or more faculty, each author retains the right to use the Educational Materials for teaching, research, or other scholarly functions. Development of derivative works such as books or journal articles shall be negotiated among the authors. Likewise, if one member leaves the College, the right to use material developed by others will need to be negotiated with the other faculty members. Disputes regarding use of Educational Materials or development of derivative works shall be referred to the Office of the Academic Affairs.

7. When faculty leave the College, or for any other reason are not available to teach a course they developed, the College continues to own the Educational Materials and retains the right to use and revise the traditional derivative works developed for the course. Where appropriate, authors of the materials may be involved in the development of revisions.

Policy Review and Revisions

This policy shall be reviewed by the Office of Academic Affairs every 5 years, or more often, if requested by the Vice President, Department Chairs, or College President. An ad hoc review committee will be created by the VP for this purpose.

Faculty Copyright

The College recognizes and reaffirms the traditional academic expectation that all faculty (including full-time, part-time, adjunct, and emeritus faculty and clinical staff) own and control instructional materials and scholarly works (including, but not limited to, course outlines, syllabi, lecture notes, other course materials, websites, course materials used to effectuate distance learning, scholarly articles, textbooks, creative works, and unpublished research results) created by their own initiative with the aid of standard and customary College resources. "Standard and customary resources" are those resources commonly provided or made available to similarly situated faculty. They include, for example, support such as office space, library facilities, research assistance, ordinary access to Mandl computers and network facilities, research assistants, secretarial and administrative support staff, and general supplies. In general, for any given department, unit, or individual, what constitutes a standard and customary resource will depend upon the functions and responsibilities of that department, unit, or individual.

Mandl Copyright:

Consistent with its legal and fiduciary responsibilities, the College may own particular copyrightable works in the particular instances noted below:

- A. The work was created pursuant to a written agreement with Mandl, which specifically provides that the College will own the copyright;
- B. The work was created in the course of an administrative assignment (e.g. a report for a College committee or group);
- C. The work was created as a specific requirement of employment or pursuant to an assigned institutional duty that may, for example, be included in a written job description or an employment agreement so as to qualify as works made for hire. Such works may include those whose creation is instigated or facilitated by a unit of the College for the express purpose of making such works available to individuals or entities other than, or in addition to, the creator(s) for use in teaching, research, public information, or other College activities.

Student Copyright

The copyright in academic materials, including, but not limited to, dissertations, theses, student projects, term papers, etc., created by students in their capacity as students while at the College belongs to them. This principle is applicable generally, except when:

- A. The work is created in the course of employment at the College; or
- B. The copyright is transferred to the College by written agreement.

Web Posting Policy

Posting or providing access to material that violates the copyrights of others is strictly prohibited. No copyrighted materials or links to copyrighted material, including educational materials subject to copyright, may be posted anywhere on the College Web site, or on personal pages hosted by Mandl, without the authorization of the copyright owner. Knowingly providing links to websites that contain pirated materials is also prohibited.