Committee: Academic and Student Affairs    Date of Meeting: May 18, 2010

Agenda Item: Proposed Amendment to Board Policy 3.27 Reproduction and Use of Copyrighted Materials (Second Reading)

Proposed Policy Change  Approvals Requirement by Policy  Other Approvals  Monitoring

Information

Cite policy requirement, or explain why item is on the Board agenda:
Amendments to Board Policy require approval of the Board.

Scheduled Presenter(s):
Linda L. Baer, Senior Vice Chancellor for Academic and Student Affairs
Gary Hunter, System Director for Intellectual Property

Outline of Key Points/Policy Issues:
Board Policy 3.27 Reproduction and Use of Copyrighted Materials addresses the copyright issues that arise within the System. The current amendment seeks to provide guidance to help system colleges, universities and their respective students and employees comply with federal copyright laws.

Background Information:
The review of Board Policy 3.27 Reproduction and Use of Copyrighted Materials was undertaken as part of the normal policy review process. The proposed amendment was developed from input by a policy review committee comprised of representatives from technical and community colleges, universities, labor unions, and the Office of the Chancellor along with input from other constituents within the system.
The Office of the Chancellor is submitting a proposed amendment to Policy 3.26 Intellectual Property.

BACKGROUND
A policy review committee was convened in September and met in October, November and December of 2009. A fourth meeting was added in January of 2010 to allow further opportunity for constituent groups to provide input on the proposed amendment. Various stakeholders throughout the System have been consulted with during the past six months.

CONSULTATION
Consultation has occurred as follows:
- Reviewed by the Academic and Student Affairs Policy Council- 1/21/2010 and 3/19/2010.
- Reviewed at Minnesota State College Faculty (MSCF) meet and confer- 2/25/2010.
- Reviewed at Inter Faculty Organization (IFO) meet and confer – 3/26/2010.
- Reviewed at Minnesota State University Association of Administrative and Service Faculty (MSUAASF) meet and confer- 4/9/2010.

RECOMMENDED COMMITTEE ACTION
The Academic and Student Affairs Policy Committee recommends that the Board of Trustees adopt the following motion:

RECOMMENDED MOTION
The Board of Trustees approves the proposed amendment to Policy 3.27 Reproduction and Use of Copyrighted Materials.
BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES

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### 3.27 Copyrights Reproduction and Use of Copyrighted Materials

#### Part 1. General Statement
Copyright owners of original works, regardless of the format of the work, have exclusive rights with respect to their creations. The Minnesota State Colleges and Universities (MnSCU) System promotes the recognition and protection of these rights, including the rights of reproduction, preparation of derivative works, distribution, and performance. MnSCU System also recognizes that reproduction and use of original works in accordance with fair use limitations can further teaching, research, and public service at its colleges and universities. Consistent with the mission of the Board and the distinct missions of system colleges and universities, the Board supports the creation and sharing of new knowledge for course development and to improve student learning, such as through creative commons licenses.

#### Part 2. Applicability
This policy applies to system colleges, universities, the Office of the Chancellor and their respective employees and students, and to works in which colleges, universities or the System has a legally recognized interest.

#### Part 3. Definitions
The following definitions apply to this Policy and to Procedure 3.27.1 Copyright Clearance.

**Subpart A. Copyright.** Copyright is a form of protection granted by federal law for original works of authorship that are fixed in a tangible medium of expression. Copyright covers both published and unpublished works.

**Subpart B. Copyright Compliance.** The actions of colleges, universities, the Office of the Chancellor and their respective employees and students that ensure proposed uses of materials comply with copyright laws and do not infringe on the intellectual property rights of the copyright owners.

**Subpart C. Intellectual Property Coordinator.** The Intellectual Property Coordinator is the person appointed at each college, university and the Office of the Chancellor who administers Board Policies 3.26 Intellectual Property, 3.27 Copyrights and any related procedures.

#### Part 4. Copyright Notice
A copyright notice shall be placed on college, university and System owned materials that will be made available to the public. The date in the notice shall be the
year in which the materials are first published, i.e. distributed or made available to the public or any sizable audience.

**Part 5. Copyright Registration.** Prior to commercialization of works in which a college, university or the Office of the Chancellor has an ownership interest, such works shall be registered with the U.S. Copyright Office in the name(s) of the copyright owner(s).

**Part 6. Copyright Compliance.** Colleges, universities and the Office of the Chancellor shall develop and implement policies, procedures, processes and practices to be in compliance with federal copyright laws.

**Part 7. Intellectual Property Coordinator and Administration.** The Intellectual Property Coordinator as designated in Board Policy 3.26 Intellectual Property at each college, university & the Office of the Chancellor has the responsibility for implementation of this policy and any related procedures.

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**Related Documents:**
- Policy 3.26 Intellectual Property
- Procedure 3.27.1 Copyright Clearance

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**Date of Implementation:**
**Date of Adoption:** July 1, 2010
**Date and Subject of Revision:** N/A

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**PROCEDURE CONTENT FORMAT**

*Single underlining* represents proposed new language.

*Strikeouts* represent existing language proposed to be deleted.