

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Policy No. AA-48

Ownership of Scholarly and Creative Works

1 Objectives

1.1 This policy outlines the ownership of scholarly and creative works developed by faculty, staff, or students while in the employ of, or while enrolled at, the University.

1.2 Passage Date: June 17, 2021

1.3 Effective Date: July 27, 2021

1.4 This is a new policy.

2 Policy

2.1 Scholarly and creative works are those of an artistic, scholarly, instructional, assessment, or entertainment nature. These works include but are not limited to: instructional materials (syllabi, tests, assignments, lectures, study guides, audiovisual materials, manuals, bibliographies, glossaries, etc.), books, articles, computer software other than that falling under Technical Works (see MUBOG GA-4 Intellectual Property), cartographic materials, musical and/or dramatic compositions, choreographic works, performances, unpublished scripts, films, video and audio recordings, video and audio broadcasts, drawings, paintings, sculptures, photographs, and other works of art.

2.2 The University recognizes and affirms the tradition in higher education that scholarly and creative works, as described in 2.1, are owned by their creator, except when those works involve substantial use of university resources, defined as use of university facilities, staff, or funds beyond those normally available to members of the university community. Examples of creative works requiring a substantial use of university resources include those

2.2.1 specifically solicited and funded by the University, e. g, the university awards a faculty member extended reassigned time for the purpose of completing a designated scholarly work. This would not include periodic reassigned time awarded to faculty members on a competitive basis for the purpose of generally supporting their scholarly endeavors;

2.2.2 developed under an externally funded agreement with the University;

2.2.3 developed using direct University funding or other resources to support the work's commercialization.

2.3 To ensure a smooth transition in instruction, the University retains the right to use course materials created by a faculty member for no more than one term following that faculty member's separation from the University.

2.4 During their employment on enrollment at the institution, the University retains the right to make use of any faculty, staff, or student created scholarly or creative work royalty free.

2.5 The administration of Intellectual Property related to creative works will reside with the Chief Academic Officer, in consultation with the General Counsel, of the University.

3 Reallocation of Ownership Rights

3.1 Ownership rights, including under the special conditions specified under section 2.2, may be reallocated only by specific written agreement between the University and individual employees or students.

3.2 In cases where the owner of scholarly and creative works or the University want to pursue commercial use of those works, the policies and procedures outlined in MUBOG GA-4 Intellectual Property Policy will be followed.