

## PROFESSIONAL STAFF RESEARCH AND PUBLISHING

The Copyright Act provides that “work made for hire” by an employee is the property of the employer. The employer is considered the author for the purposes of determining the rights to the work.

In the Portsmouth City Public Schools, the school board owns all rights to the instructional materials and computer programs (including written, audio/visual materials and tapes, films, and works of art) produced by employees in the scope of their employment, especially during hours that the employee was paid by the board. Rights of ownership, as used herein, include the right to copyright or patent and the right to see and/or distribute duplicate or partial copies. Included also are those instructional materials and computer program produced by employees where board supplies and/or equipment were utilized in the production.

Nothing in this policy is intended to diminish the rights of employees in the instructional materials produced by them outside of the scope of their employment and without the predominant use of board supplies and equipment.

The school division may enter into an agreement in advance with an employee to produce instructional materials. In such cases, the agreement shall assign whatever rights of use and ownership as may be appropriate.

Ownership of instruction materials produced by an employee in a federal program during hours that the employee was paid by federal funds and/or in which the use of federally funded supplies or equipment played a dominant role in the public domain.

Adopted: November 13, 1997

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Legal Refs.: The Copyright Act, 17 U.S.C. 201(b).

Cross Refs.: EGAA           Reproduction of Copyrighted Materials  
              EGAAA         Computer software Copyright Compliance