

Procedure V.5003.B.b, Agreements for Works for Hire of Instructional Content and Other Intellectual Property

Associated Policy

Policy V.5003.B, Intellectual Property Rights

Procedures

When employees create intellectual property in the course and scope of their employment, the College is the owner of the intellectual property, and no additional agreement is required. In some instances, however, the College may request an employee to create a work beyond the course and scope of their regular duties.

A part-time employee who is a subject matter expert (SME) may be requested to create instructional content beyond the course and scope of their regular employment. Such work will be performed pursuant to an SME Agreement, and any additional compensation will be paid in accordance with regular payroll processes as set forth in the SME Agreement. An SME Agreement may also be used with a contracted faculty member for work performed outside the contract period.

A full-time, contracted employee who provides services beyond the scope of their regular duties pursuant to an Extra Services Agreement will receive additional compensation which will be paid in accordance with regular payroll processes.

The College may also hire an independent contractor for specially commissioned work(s). An independent contractor will perform the work pursuant to a signed written work-made-for-hire agreement. Such agreements will specify that the College is the owner of the work product, as permitted by copyright law. The independent contractor will be compensated in accordance with the College's procedures for paying third-party vendors.

Upon the termination or ending of any person's association with the College, all permission to possess, receive, or modify the College's intellectual property shall also immediately terminate. All such persons shall return to the College all intellectual property, including but not limited to any drafts or copies, no matter how kept or stored, and whether directly or indirectly possessed by such person. Such agreements will be managed by the instructional department in collaboration with Instructional Innovation & Support (IIS).

This Procedure does not impair, limit, or affect the College's rights in relation to any work(s) made by College employees in the course and scope of their employment.

Steps for Entering into a Work-Made-for-Hire Agreement/SME Agreement with A Non-Contract Employee

1. Department Chair will meet with Instructional Innovation & Support to discuss the scope and learning outcomes for project deliverables and agree to a timeline and deadlines.

2. The College contract for the development of instructional content will be routed for signatures and Chancellor approval prior to Subject Matter Expert (SME) commencing work.
3. IIS will coordinate with the instructional department point of contact and Blackboard Support for the creation of a Blackboard development site.
4. An initial meeting with the IIS, the instructional department point of contact, and the SME to begin the project.
5. IIS will work with the Department Chair to review the content submitted and verify acceptance for each phase of the project.

Definitions

A “work made for hire” is:

1. A work prepared by an employee within the scope of his or her employment; or
2. A work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

A “supplementary work” is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwards, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes.

An “instructional text” is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities.

Date of SLT Approval	March 19, 2024
Effective Date	May 7, 2024
Associated Policy	Policy V.5003.B, Intellectual Property Rights
Primary Owner of Policy Associated with the Procedure	Deputy Chancellor/President
Secondary Owner of Policy Associated with the Procedure	Assistant Vice Chancellor, Instructional Innovation and Support