

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES**

Agenda Item Summary Sheet

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 Required 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.

**BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES**

Second Reading

BOARD ACTION

Proposed Amendment to Policy 3.27 Reproduction and Use of Copyrighted Materials

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.
- Mailed out for review and comment – 3/25/2010.
- Reviewed at Inter Faculty Organization (IFO) meet and confer – 3/26/2010.
- Reviewed at Leadership Council- 4/6/2010.
- Reviewed at Minnesota State University Association of Administrative and Service Faculty (MSUAASF) meet and confer- 4/9/2010.
- Reviewed at IFO meet and confer- 4/26/2010.
- Reviewed at Leadership Council – 5/4/2010
- Reviewed at MSCF meet and confer- 5/6/2010.

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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| Board Policy | 3.27 |
| Chapter 3 Educational Policies | |
| Section 27 Reproduction and Use of Copyrighted Materials | |

1 **3.27 Copyrights ~~Reproduction and Use of Copyrighted Materials~~**

2
3 **Part 1. General Statement.** Copyright owners of original works, regardless of the format of the
4 work, have exclusive rights with respect to their creations. The Minnesota State Colleges and
5 Universities (~~MnSCU~~) ~~s~~System (System) promotes the recognition and protection of these rights,
6 including the rights of reproduction, preparation of derivative works, distribution, and
7 performance. ~~Minnesota State Colleges and Universities~~ The System also recognizes that
8 reproduction and use of original works in accordance with fair use limitations can further
9 teaching, research, and public service at its colleges and universities. Consistent with the
10 mission of the Board and the distinct missions of system colleges and universities, the Board
11 supports the creation and sharing of new knowledge for course development and to improve
12 student learning, such as through creative commons licenses.

13
14 **Part 2. Applicability.** This policy applies to system colleges, universities, the Office of the
15 Chancellor and their respective employees and students, and to works in which colleges,
16 universities or the System has a legally recognized interest.

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

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

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

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

30 **Part 4. Copyright Notice.** A copyright notice shall be placed on college, university and System
31 owned materials that will be made available to the public. The date in the notice shall be the

1 year in which the materials are first published, i.e. distributed or made available to the public or
2 any sizable audience.

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

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

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

Related Documents: Policy 3.26 Intellectual Property
Procedure 3.26.1 Patent Inquiry Process
Procedure 3.27.1 Copyright Clearance

Date of Implementation:

Date of Adoption: July 1, 2010

Date and Subject of Revision: N/A

PROCEDURE CONTENT FORMAT

Single underlining represents proposed new language.

Strikeouts represent existing language proposed to be deleted.