Title: **Curriculum/Instructional Materials Created within the College Policy**
Effective Date: **November 27, 2003**
revised March 2009
Policy Category: **Education Support**
Number: **D.1.4.**

Curriculum/Instructional Materials Created within the College Policy

Purpose

- To establish copyright and/or patent rights for curriculum, instructional, creative and other materials produced by employees of the College.
- To advise the VCC Community about the limitations and procedures outlined by the Copyright Act of Canada and the College's license with *Access* © or materials created by College employees

Policy

Where College time, services or materials are used in the production of curriculum, instructional, creative and other materials in any format, including but not limited to print, digital and audio visual, and/or where such a work is made in the course of employment, the copyright or patent of that work belongs to Vancouver Community College. A written agreement may exist or an agreement may be entered into, that provides copyright or patent to be vested either with the employee or with a third party. An example of such an agreement is the VCC/VCCFA Common Agreement (Appendix I).

Applies to

The VCC community

Procedures

Prior to starting an assignment, project or undertaking that may be expected to result in a copyrightable work, ownership should be established by means of agreement between the College and the employee(s), and the VCCFA when pertinent, especially if there is any question that the College should own copyright. The appropriate Dean/Director and the Director of Library and Learning Resources represent the College in reaching such an agreement.

The College and employee(s) shall consider, in addition to copyright ownership, whether the material will be sold through the College Bookstores. If so, consideration and discussion regarding royalties and the distribution of any such royalties should be entered into. Prior to publishing of material, the Director of Library and Learning Resources or delegate shall review material for copyright compliance.

Replaces

Policy 6.1.2.2 (1981) Curriculum/Instructional Materials Created Within the College: Copyright/Patent

Definitions:

Copyright is defined in the *Copyright Act of Canada* (R.S.C. 1999 c. C-42) as "the sole right to produce of reproduce the work or a substantial part thereof in any material from whatever, to perform, or in the case of a lecture to deliver the work or any substantial part thereof in public, or if the work is unpublished, to publish the work or any substantial part thereof…" According to the *Act*, protection of works is automatic and exists as soon as a work is created and in most cases continues until 50 years after the creator's death.

Curriculum, instructional, creative and other materials are defined to include books, laboratory manuals, guides, audio and video materials, digital resources, films, slides, transparencies and computer software, instructional strategies and creative work, while not excluding other materials produced by College employees for instructional and college purposes.

Patent is defined in the Patent Act (R.S.C. 1999,

c.P-4, s.2) to mean “letters patent for an invention”.

Responsibilities

The Director of Library and Learning Resources administers work in which the College holds partial or full copyright and determines compliance to copyright legislation and license.

References

VCC Copyright Policy
R.S.C. 1999, c. C-42 Copyright Act of Canada
R.S.C. 1999, c. P-4, Patent Act of Canada

APPENDIX I

VCC/VCCFA Common Agreement Article 5

The following written agreement contained in the VCC/VCCFA Collective Agreement, Article 5, 2007-2010 Common Agreement covers VCCFA members.

Article 5 – Copyright and Intellectual Property

5.1 **Copyright Ownership**
The copyright or patent for any work product, including creative work, instructional strategies or curriculum/instructional material, software or any other material or technology that may be copyrighted or patented:

5.1.1 belongs to the employee(s) where the work product has been prepared or created as part of assigned duties, other than the duties listed in 5.1.2 below, and the copyright to all copyrightable material shall be the sole property of the employee(s) and shall be retained throughout his or her lifetime and upon his/her death by his/her heirs or assigns; and

5.1.2 belongs to the institution where one or more employees:

(a) have been hired or agrees to create and produce copyrightable work product for the institution, or

(b) are given release time from usual duties to create and produce copyrightable work product, or

(c) are paid, in addition to their regular rate of pay, for their time in an appointment to produce copyrightable work product.

5.2 Employer Rights to Materials Copyrighted by Employee(s)
Where the employee holds the copyright pursuant to 5.1.1, the institution shall have a right to use his/her copyrighted material in perpetuity for institutional purposes. The institution may amend and update the copyrighted material with the approval of the employee(s) holding the copyright to the material. Such approval will not be unreasonably withheld.

5.3 Employee Rights to Materials Copyrighted by the Employer

Where the institution holds the copyright pursuant to 5.1.2, the employee(s) shall have the right to use in perpetuity, free of charge, such copyrighted material. The employee may amend and update the copyrighted material with the approval of the institution holding the copyright to the material. Such approval will not be unreasonably withheld.

5.4 Joint Review

JADRC may, at the request of either party, review issues arising from the application of this article.