

Copyright Ownership Policy

Olivet Nazarene University (the “University”) faculty, staff, and students routinely create scholarship, literary works, computer software, artistic works and other items which are subject to copyright law. Copyright is one narrow form of intellectual property protection. The federal copyright law provides that most original works of authorship are protected by copyright automatically when they are fixed in tangible form. A copyright holder has the exclusive right to copy or perform the created work or to publish derivative works based on the original.

Often issues arise as to the ownership of copyright. The following policy is designed to address such issues. We consulted the policies of Dartmouth College and other major universities to see how they govern copyright ownership. Many of the ideas contained herein are drawn from such sources.

Employee Ownership:

Under copyright law, the copyright to works created by persons in the course of their employment belongs to the employer rather than to the individual creator. Therefore, absent other agreements or institutional policies, copyright protectable works created by faculty members in the course of their teaching and scholarship, or by staff members in the course of their jobs, are the property of the University.

To support creativity, however, the University encourages ownership and dissemination of copyrightable works developed by members of the Olivet community. Therefore, the University disclaims its right of ownership in the following cases:

- All scholarship, as defined in official University documents, that is produced by faculty, staff, and students shall be the property of the writer/developer, who is entitled to determine how the works are to be disseminated and to keep any resulting income.
- Faculty members shall also own the copyright to any other copyrightable works created in the context of their employment.
- Additionally, any copyrightable work created by a University employee as part of a faculty member’s scholarly project shall belong to the faculty member.
- Since the forms of collaboration and authorship are too diverse for this policy to prescribe specific ownership rights, the University presumes that co-creators of a copyrightable work bear that responsibility.

Meanwhile, the University retains copyright to works:

1. created in, or as assigned to, an official committee or work group;
2. produced for the purpose of curricula (e.g. course descriptions and sequences, standard form syllabi, departmental assessment plans, etc.). The University shall not specifically retain ownership of unique instructional content (e.g. lecture notes, classroom presentation materials, etc.);
3. throughout the appeal process referenced below, until the dispute resolution process determines otherwise.

Student Ownership:

Unless created as a University employee, students own the copyright to works they create while enrolled at the University. Nevertheless, the University may require a student, as a condition of enrolling in a course or course of study or otherwise participating in a University activity, to permit it to reproduce, distribute, display, perform, archive or otherwise use a work the student authored.

Transfer of Ownership:

In cases where the University and legal rights holders agree to modify these stipulations, a Copyright Ownership Rights Transfer Agreement may be established, signed, and copied to both parties.

Care of Copyright:

Olivet Nazarene University encourages its faculty and staff to use care before giving up any copyright ownership. The broad and free dissemination of knowledge is a fundamental mission of the academy. In general, faculty members seldom want to keep their research from a readership that could benefit from it. Signing publishing agreements can seriously restrict their impact as authors and developers, such as making it difficult to give copies of their intellectual output to classes, distribute them among colleagues, use them in subsequent publications, reissue them in alternate formats, etc. Publishing in open access formats such as is available at Olivet's Digital Commons, open access journals, and open source software sites is highly encouraged.

Policy Administration & Dispute Resolution:

This policy will be administered by the Vice President of Academic Affairs. Disputes concerning its application shall be resolved by a review panel of three University employees free of legal representation: (1) a representative of the originator(s), (2) a person designated by the originator(s)' supervisor, and (3) a person selected by the Vice President of Academic Affairs. The decision of the panel may be appealed by any member of the panel to the President of the University, whose decision is final.