

## Personnel

### General Personnel - Copyright For Publication or Sale of Instructional Materials and Computer Programs Developed By Employees

The Board considers that District 20 has proprietary rights to publications, instructional materials, computer software or other devices prepared by District employees during the paid work day.

When original materials are developed by employees as part of their District employment, reproduction of such materials will contain the name and contribution of the employee.

### Instructional Materials

All instructional materials developed by an employee within the scope of employment with the District shall be classified as "works for hire" and are the District's property. The District is entitled to all proceeds from the sale of such "works for hire" other than computer programs.

Instructional materials and computer programs (including written, audio, visual materials and tapes, films, and works of art) are developed "within the scope" of an employee's employment when they are developed by an employee:

- a. specifically for use in District classes or programs;
- b. in whole or in part during hours of District employment (not including lunch periods or other similar free periods);
- c. under the District's supervision or control;
- d. as a direct result of the employee's duties with the District; or
- e. through the utilization of the District's resources or facilities.

Therefore, the School District may have legal claim on all products created by its employees which in any way may be an outgrowth of their job responsibility. In order to minimize misunderstandings about the ownership of such products, the Superintendent of Schools will effect procedures to be followed by all persons who are or might be developing commercially attractive products which are or might be construed to be associated with their normal job responsibility.

### Copyright Compliance

While staff members may use appropriate supplementary materials, it is each staff member's responsibility to abide by the District's copyright compliance procedures and to obey the copyright laws. The District is not responsible for any violations of the copyright laws by its staff or students. A staff member should contact the Superintendent or designee whenever the staff member is uncertain about whether using or copying material complies with the District's procedures or is permissible under the law, or wants assistance on when and how to obtain proper authorization. No staff member shall, without first obtaining the permission of the Superintendent or designee, install or download any program on a District-owned computer. At no time shall it be necessary for a District staff member to violate copyright laws in order to properly perform his or her duties.

The following procedures shall be followed by all employees who are or might be developing commercially attractive products:

1. A notice of intent to publish or manufacture should be filed with the person to whom the employee(s) is administratively responsible. In no case shall notification be made any later than 20 business days prior to entering into a contract for publication with a publishing firm or with a manufacturer.
2. This administrator shall then prepare a report containing the following information:
  - a. A description of the product;
  - b. The name of the person or persons involved in creating the product; and
  - c. The percentage of duty time, if any, of the person's normal job responsibility which was devoted to creating the product.
3. The report shall be filed with the office of the Superintendent.

The Superintendent shall thereupon appoint a committee of three persons having knowledge of the product, excluding those involved in creating it, to review the report and make a recommendation for action to the Superintendent. The Superintendent shall decide to what extent, if any, the party creating the product shall share in its value. Prior to making his decision, the Superintendent will confer with the person, or persons, eligible to receive royalties to help assure a mutually satisfactory arrangement. The decision of the Superintendent shall be final subject only to appeal to the Board.

### Computer Programs

The employee who develops a computer program is entitled to a share of the proceeds from its sale as agreed to by the District. Neither the employee nor the District may receive more than 90% of the proceeds. The negotiation may be conducted by an employee's representative.

For purposes of this policy the following terms shall have the following meanings:

- a. "Computer" shall mean an internally programmed, general purpose digital device capable of automatically accepting and processing data and supplying the results of the operation.
- b. "Computer program" shall mean a series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.
- c. "Proceeds" shall mean the profits derived from the sale of instructional materials after deducting the expenses of developing and marketing these materials, and shall be computed by the District. The proceeds of a computer program developed by more than one employee shall be equitably distributed among such employees, in proportion to their participation in the program's development, and the District.

Employees are to understand that the District does not wish to discourage the production and development of original materials or writings. However, if such writings purport to represent District policy, then a clearance must be given by the Superintendent or by the Board.

LEGAL REF.: Illinois School Code, Sec. 10-23.10 (105 ILCS 5/10-23.10); and  
17 U.S.C. Sec. 101, et seq.

Adopted: October 9, 1997  
Revised: April 24, 2003  
Revised: January 27, 2011