

1 **SCHOOL DISTRICT INTELLECTUAL PROPRIETARY OWNERSHIP POLICY**

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3 **Mountain Home School District No. 193 (hereinafter “~~District~~” “MHSD” or “Owner”)**
4 **respects the intellectual property of others, including students and employees. The purpose**
5 **of this policy is to provide the necessary protections and incentives to encourage both the**
6 **discovery and development of new knowledge and its transfer for public benefit; *a secondary***
7 ***purpose is to guide the generation of revenue for the District and its Author(s).* The ownership**
8 **rights to intellectual property that is created in whole or part at the District or with the use**
9 **of District resources shall be determined generally as set forth in this policy.**

10
11 **DEFINITIONS**

12 **For the purposes of this Policy, the following definitions apply:**

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14 **“Author” is defined as the individual or as part of a group of other “authors” invents,**
15 **authors, discovers, or otherwise creates intellectual property.**

16
17 **“Course materials” are defined as any and all materials prepared for use in teaching, fixed**
18 **or unfixed, in any form, including, but not limited to, digital, print, audio, visual, or any**
19 **combination thereof. Course materials include, but are not limited to, lectures, lecture notes,**
20 **and materials, syllabi, study guides, bibliographies, visual aids, images, diagrams,**
21 **multimedia presentation, and educational software.**

22
23 **“Creator” is defined as being synonymous with and can be used interchangeably with**
24 **“author” as used in this policy.**

25
26 **“District facilities” is defined to include, but is not limited to, buildings, equipment, and other**
27 **facilities under the control of the District.**

29 **“District funds” are defined as funds under the control and responsibility, or authority of**
30 **the District, regardless of source.**

31
32 **“District resources” are defined as all tangible resources including, but not limited to,**
33 **buildings, equipment, facilities, computers, software, personnel, and funding.**

34
35 **“Employee” is an individual employed by the District in a full-time or part-time position,**
36 **including classified staff, student employees, appointed personnel, persons with “no salary”**
37 **appointments, volunteers, contractors, persons on a supplemental contract, and certificated**
38 **staff, unless there is an agreement providing otherwise.**

39
40 **“Intellectual property” is defined as any works, products, processes, tangible research**
41 **property, copyrightable subject matter, works of art, trade secrets, know how, inventions**
42 **and other creations the ownership which are recognized and protected from unauthorized**
43 **exploitation by law. Examples of intellectual property include scholarly, artistic, and**
44 **instructional materials.**

45
46 **“Student” is defined as any individual who is attending or who has attended any schools**
47 **within the District.**

48
49 **“Work” is defined as any “original work of authorship fixed in a tangible medium” as used**
50 **in the federal Copyright Act.**

51
52 **INTELLECTUAL PROPERTY RIGHTS**

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54 **Intellectual Property** is a legal concept, which refers to creations for which exclusive rights are
55 recognized. Under intellectual property law, Mountain Home School District No. 193 (owner) is
56 granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and
57 artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common
58 types of intellectual property rights include, but not limited to, copyright, trademarks, patents,
59 industrial design rights, trade dress, and in some jurisdictions trade secrets.

60
61 **MHSD Intellectual Property** includes, but is not limited to, MHSD and school district employees
62 designed/created educational materials, designed/created curricular material, designed/created
63 forms/spreadsheets, designed/created computer programs, designed/created website/webpages;
64 MHSD and school district employees designed/created musical materials, designed/created
65 literary materials, designed/created artistic works materials; MHSD and school district employees
66 designed/created discoveries and inventions, designed/created words/phrases, designed/created
67 symbols, and designed/created designs.

68
69 All works of any kind that an employee of the district creates on the network or district computers
70 shall be the Intellectual Property of the district, as such property shall be deemed “work for hire”
71 as defined in 17 USC Section 1001(1). Student works prepared pursuant to an assignment for any
72 class, project, school-sponsored activity or club shall be the property of the student, if it represent
73 original work.

- 74
- 75 a. All web pages hosted by the District are the property of the Mountain Home School District.
 - 76
 - 77 b. Students may create and publish web pages to be hosted on the District's web site for
78 educational purposes directly related to a course that the student is currently enrolled. It is the
79 responsibility of the instructor to ensure that student web sites are in total compliance with
80 District rules and procedures before the material is published.
 - 81
 - 82 c. Only active files that are required for the proper operation of a web site will be stored on the
83 District's site. It is the responsibility of the page's author to maintain and/or delete files.
84
 - 85 • Staff web pages will be deleted when the staff member leaves the District.
 - 86
 - 87 d. Staff web pages will be moved when the staff member changes locations due to an assignment
88 change.

89 The District's technology administrator or District Webmaster will have the authority to remove
90 any content deemed inappropriate. All works on the network, computers, or storage devices are
91 subject to the monitoring/scrutiny of district and building administrators, information system
92 personnel, and/or designees of administrators. All files, materials, or documents may be reviewed
93 and may be deleted by designated technology staff.

94
95 The Superintendent will have final authority for issues related to the content of all pages on the
96 District's web site.

97
98 For the purpose of this policy, “works” shall mean “an original expression, in fixed and tangible
99 form, that may be entitled to common-law or statutory copyright protection. Works may take
100 different forms and include, but are not limited to, art, literature, music, software, and
101 photography.”

102
103 **EMPLOYEE INTELLECTUAL PROPERTY RIGHTS**

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105 *Option A: Absent an agreement to the contrary (See Policy Procedure ____), any and all works*
106 *created by a District employee within the scope of employment are owned by the District.*

107
108 *Option B: A District employee who is the creator of an academic work in his or her field of*
109 *expertise owns the copyright in that work. Academic works include textbooks, lecture notes and*
110 *other course materials, literary works, artistic works, musical works, architectural works and*
111 *software produced with no more than nominal or incidental use of the District’s resources.*
112 *Academic works described in this paragraph are owned by the employee even though such works*
113 *may have been developed within the employee’s scope of employment. The District shall retain*
114 *a non-exclusive, royalty-free, irrevocable license to use intellectual property created by a District*
115 *employee while employed by the District. Employees may not use District resources to*
116 *commercialize or publish a work without written approval from the District Board.*

117
118 Intellectual property unrelated to an individual's employment responsibilities with the District, that
119 is developed on an individual's own time and without the District’s support or use of District

120 resources or facilities is the exclusive property of the creator and the District has no interest in any
121 such property and holds no claim to any profits resulting from such intellectual property.

122

123 ***STUDENT INTELLECTUAL PROPERTY RIGHTS***

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125 *District students who create a work are owners of and have intellectual property rights in that*
126 *work. District students own the intellectual property rights in the following works created while*
127 *they are students at the District: (1) intellectual property created to meet course requirements*
128 *using District resources, and (2) intellectual property created using resources available to the*
129 *public. The District shall retain a non-exclusive, royalty-free, irrevocable license to use*
130 *intellectual property created by a student. Intellectual property works created by students while*
131 *acting as District employees shall be governed under provisions for employees. Students may*
132 *not use District resources to commercialize or publish a work without written approval from the*
133 *District Board.*

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135 ***AUTHORITY TO REFERENCE DISTRICT***

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137 *The District shall have the right and sole authority to determine whether or not to put its name*
138 *on a work. If so requested by the District, the author agrees to credit the District, in a manner*
139 *satisfactory to the Board or its designee, in any way to the creation of such work. Similarly, the*
140 *author agrees upon request to remove any reference to the District in the work.*

141

142 ***RELEASE OF LIABILITY***

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144 *Any student or employee who creates or participates in the creation of a work using District*
145 *resources or facilities agrees to indemnify and hold harmless the District against any loss,*
146 *damage, liability, or expense that it may incur as a result of the preparation, production, or*
147 *distribution of such work, including but not limited to, any material in such work that infringes*
148 *or violates any copyright, right of privacy, or any other right of any person, or is libelous,*
149 *obscene, or contrary to law.*

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154 **LEGAL REFERENCE:**

155 Idaho Code Section 33-506

156 17 USC Section 1001(1), *et seq.*

157 MSBT & EMT, P.A.

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160 **ADOPTED:** April 15, 2014

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163 **Language in text set forth in italics is optional.*

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