



**Cochise College
Administrative Policy**

**Category: Administration
Policy Number: 1017
Title: Intellectual Property and Copyright**

Cochise College faculty, staff, and students shall adhere to all U.S. and international copyright laws. The College Library will maintain reserve materials on current intellectual property and copyright laws for faculty, staff, and students.

**Procedure: 1017.1
Employee Intellectual Property**

1. Under copyright law, a work created by an employee within the scope of employment is considered a “work for hire” and is owned by the employer. However, the college encourages research and creativity and maintains that works created in the normal course of academic endeavor (such as lecture notes, handouts, examinations, computer software, artistic pieces, etc.) are deemed to be the property of the creator and accordingly cedes full rights to the instructor.
2. As exceptions to the above, the college will retain ownership and full rights for materials created by faculty when:
 - a. The material is created as part of an assigned task for which some consideration is offered (such as incentive pay or release time).
 - b. The material is created using an exceptional investment by the college. Such investment may include technology, facilities, or any other resources beyond that normally provided faculty in the ordinary course of their duties.
3. For material created pursuant to a grant, ownership is determined by the provisions in the grant.

**Procedure: 1017.2
Student Intellectual Property**

1. Ownership for work created by a student as part of assigned projects or related coursework shall vest with the student; however, college faculty and staff may use this intellectual property solely for instructional and non-commercial activity. A student may opt to not grant the rights indicated above by notifying the Vice President for Instruction/Provost in writing.



Procedure: 1017.3
Class Use of Copyrighted Materials

1. Materials created by faculty members and reproduced by the college may be made available to students at cost through the bookstore or other means.
2. “Fair Use” allows for portions of copyrighted works to be used for purposes such as teaching, scholarship, or research. All copyrighted materials used in class (except those for which the college has received reproduction permission) shall be limited by the provisions of fair use. The College Library will maintain current reserve materials on “Fair Use.”
3. Faculty members are responsible for clearing all copyrighted materials prior to use in class.

Procedure: 1017.4
Copyright Infringement

1. Violation of copyright laws by copying, distributing, downloading or uploading parts of a copyrighted work, to include peer-to-peer file sharing, without permission of the owner, is not tolerated by college administration. The college may require students or employees who violate copyright laws to repay any monies expended by the college because of their illegal action; these expenditures may include fines, court costs, attorney’s fees and any other expenses. Students or employees may also be held liable under both civil and criminal code for copyright infringement. Finally, students violating copyright law may be academically sanctioned, up to suspension or expulsion from the college.