

409 EMPLOYEE PUBLICATIONS, INSTRUCTIONAL MATERIALS, INVENTIONS, AND CREATIONS

I. PURPOSE

The purpose of this policy is to identify and reserve the proprietary rights of Minnesota Transitions Charter School (MTCS) to certain publications, instructional materials, inventions, and creations that employees develop or create, or assist in developing or creating, while employed by MTCS.

II. DEFINITIONS

A. “Publications, instructional materials, inventions, and creations” include, but are not limited to, written and electronic documents, curriculums, lesson plans, course content, presentations, training materials, audio and video recordings, system codes, computer programs, materials posted on websites, creative concepts, ideas, artwork, or any other intellectual property developed or created by an employee.

III. STATEMENT OF POLICY

A. MTCS’ Ownership of Materials. MTCS retains legal ownership of, and is the copyright holder in, any and all publications, instructional materials, and inventions produced by employees. Unless an employee develops, creates, or assists in developing or creating a publication, instructional material, invention, or creation entirely on the employee’s own time and without the use of any MTCS facilities, supplies, equipment, or trade secret information, the employee shall immediately disclose and assign to MTCS any rights to such publication, instructional material, invention, or creation that the employee develops or creates or assists in developing or creating during the term of employee’s employment and for eighteen months thereafter.

B. Obligation to Secure MTCS’ Ownership of Materials. Employees shall sign such documents and perform such other acts as may be necessary to secure the rights of MTCS relating to publications, instructional materials, inventions and creations, including domestic and foreign patents and copyrights.

C. Obligation to Return Materials. Publications, instructional materials, inventions, and

creations in an employee's possession must be returned to MTCS when employment is terminated, and such publications, instructional materials, inventions, and creations may not be further used by the former employee.

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D. No Claim of Ownership in Materials. No publication, instructional material, invention, or creation produced by an employee may be claimed, construed, or presented as property of the employee, even after employment with MTCS is terminated.

E. Use of MTCS Equipment to Create Materials. Publications, instructional materials, inventions, and creations created by employees must be created on MTCS equipment, and electronic publications, instructional materials, inventions, and creations must be backed up to a MTCS drive daily.

F. Non-Disclosure. Employees may not discuss, disclose, or share publications, instructional materials, inventions, and creations with anyone outside of MTCS without express, written authority from an MTCS administrator. Employees who violate this provision may be subject to disciplinary action, including immediate termination of their employment, and may be subject to criminal or civil penalties. The provision survives the termination of an employee's employment at MTCS.

G. Obligation to Notify MTCS of Independent Creation of Materials. Employees who wish to independently create publications, instructional materials, inventions, and creations that are not meant for MTCS' use, are not created for MTCS, and are not created with any MTCS facilities, supplies, equipment, or trade secret information must notify an administrator of the scope of the project to ensure both parties agree MTCS will have no ownership rights or claims over the publication, instructional material, invention, or creation. Failure to notify MTCS may cause the copyright in the publication, instructional material, invention, or creation to vest with MTCS rather than the employee.

IV. NOTICE OF POLICY

MTCS shall give employees notice of this policy by such means as are reasonably likely to inform them of this policy.

Legal References: Minn. Stat. § 181.78 (Agreements; Terms Relating to Inventions)

17 U.S.C. § 101 *et seq.*
(Copyrights)

Cross References:

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