

General Personnel

Administrative Procedure - Instructional Materials and Computer Programs Developed Within the Scope of Employment

Definitions

The definitions used in this procedure are in accordance with State and federal law. In the event of a change, these procedures shall be deemed to be modified to the extent required by the change.

Works made for hire - Instructional materials and computer programs (including written, electronic, digital, audio, visual materials and tapes, films, and works of art) when an employee creates them:

1. Within the employee's scope of employment,
2. In whole or in part during hours of Cooperative employment (not including lunch periods or other similar free periods),
3. Under the Cooperative's supervision or control,
4. As a direct result of the employee's duties with the Cooperative, and/or
5. Using Cooperative resources or facilities.

Proceeds - Profits derived from the marketing or sale of instructional materials after deducting the expenses of developing and marketing these materials.

Computer program - 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.

Computer - An internally programmed, general purpose digital device capable of automatically accepting and processing data and supplying the results of the operation.

Instructional Material Prepared Within the Scope of Employment

All instructional materials developed by an employee within the scope of Cooperative employment are works made for hire and belong to the Cooperative. The Cooperative is entitled to all proceeds from the marketing or sale of works made for hire other than computer programs.

An employee must provide the Executive Director or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of employment. The Cooperative has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the Cooperative for publication are original.

Computer Programs Prepared Within the Scope of Employment

All computer programs developed by an employee within the scope of Cooperative employment are works made for hire and belong to the Cooperative.

An employee who develops a computer program is entitled to a share of the proceeds from its sale as agreed to by the Cooperative. Neither the employee nor the Cooperative may receive more than 90% of the proceeds. An employee's representative may conduct the negotiation; the School Board must approve all agreements. The employee must provide the Executive Director or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of Cooperative employment. The Cooperative has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the Cooperative for publication are original.

The Cooperative shall compute proceeds. 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.

LEGAL REF.: 17 U.S.C. §101.
 105 ILCS 5/10-23.10.

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