

YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> Governance/Board	<i>Policy Number</i> 113
<i>Former Policy #</i> 405	<i>Page</i> 1 of 7
<i>Original Approved Date</i>	<i>Subsequent Approval Dates</i>
August 1981	Jan. 29th, 2013 June 18, 2019

POLICY TITLE: INTELLECTUAL PROPERTY

SECTION A

1. PURPOSE

The York Catholic District School Board recognizes that the development, use and sharing of intellectual property is a fundamental component of the education enterprise. During the course of employment or as part of their duties to the Board, employees and independent contractors may:

- 1.1 Develop resources or instructional materials or instructional aids, including but not limited to information technology products (i.e., hardware, software);
- 1.2 Develop documents, presentations or training modules;
- 1.3 Share developed materials outside of the Board and/or provide professional service to other school boards, the Ministry of Education or external organizations.

These professional opportunities are welcomed as they broaden the expertise and skills of employees.

The purpose of this policy, is to define the Board's ownership and legal rights with respect to intellectual property developed by employees and independent contractors during the course of employment or as part of their duties to the Board, which may include work and/or duties in collaboration with third parties.

2. POLICY STATEMENT

It is the policy of the York Catholic District School Board that intellectual property developed by employees and independent contractors during the course of employment or as part of their duties to the Board is owned by the Board and subject to conditions as outlined in this policy or contractual agreements.

It is recognized and understood that the Board through its employees often shares or collaborates on intellectual property works with third parties, and it is not the intention of this policy to discourage such efforts, but rather to define the Board's ownership of such intellectual property.

3. PARAMETERS

- 3.1 Any party using any intellectual property of the Board shall do so in accordance with Board policies and procedures.
- 3.2 Intellectual property shall only be used outside of the Board with permission and in accordance with Board policies and procedures.

Where permission has been granted, Board intellectual property shall be shared with other school boards, the Ministry of Education, or other organizations on a minimum cost-recovery basis, or through the sharing or receiving of another's intellectual property.

- 3.2.1 The inviting school system or organization accepts responsibility for all expenses incurred by the employee member during his/her period of involvement including the cost of substitute employees where required.
 - 3.2.2 Any remuneration for services other than reimbursement for out of pocket expenses must be compliant with Policy 423 *Conflict of Interest for Employees* and Policy 801 *Use of Board Funds for Recognition/Acknowledgement Purposes*.
- 3.3 Board intellectual property shall be correctly branded, if applicable, and contain the following statement:

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YCDSB Policy 113 Intellectual Property*
- 3.4 Where an internal or external stakeholder uses Board resources or expertise to develop what is defined as intellectual property, disclosure of the intellectual property is required and the statement noted in 3.3 shall be included on the material(s) or during the marketing or presentation of the product or service.
- 3.5 All Board intellectual property shall be compliant with legislation pertaining to the protection of privacy.
- 3.6 The name York Catholic District School Board, (YCDSB) the logo of the Board, as well as the related names, abbreviations and graphics identifying

the Board or its Schools or Programs are trademarks and as such are the intellectual property of the York Catholic District School Board. They must not be duplicated or used without the permission of the York Catholic District School Board in accordance with Board policies and procedures.

4. RESPONSIBILITIES

4.1 Board of Trustees

4.1.1 To be knowledgeable about and act in accordance with the Intellectual Property policy.

4.2 Director of Education

4.2.1 To oversee compliance with the Intellectual Property policy.

4.3 Superintendent of Human Resources

4.3.1 To provide information contained in the Intellectual Property policy to all board employees and contracted personnel upon hire and annually thereafter until their dismissal, retirement or resignation.

4.4 Senior Administration

4.4.1 To monitor the implementation of the Intellectual Property policy in the school operations and departments of the Board.

4.4.2 To review and approve requests for use of intellectual property by third parties.

4.5 Manager of Employee Relations & Privacy

4.5.1 To oversee Board compliance with the protection of privacy legislation and conflict of interest parameters in the use of any Board intellectual property.

4.6 Principals, Senior Managers, Managers

4.6.1 To monitor the implementation of and compliance with the Intellectual Property policy in the operations of the school and departments of the Board.

4.7 Third Parties

4.7.1 To be knowledgeable about and comply with the Intellectual Property policy.

5. DEFINITIONS

5.1 Disclosure

The sharing of information pertaining to intellectual property in compliance with legislative regulations or policies and procedures of the Board.

5.2 External Stakeholders

A person, group of people or an organization that holds a vested interest in the school community, including, but not limited to:

5.2.1 All levels of Government

5.2.2 Community Members/Organizations/Agencies

5.2.3 Education Partners/Organizations

- 5.2.4 Ministry of Education
- 5.2.5 Media
- 5.2.6 Vendors/Contractors

5.3 Intellectual Property

A broad term used to describe an original work, of which the ownership or right to use may be legally protected by copyright, trademark, trade secret, industrial design or patent law.

5.4 Senior Administration

For the purpose of this policy Senior Administration will include all Superintendents of Education, Senior Managers or any other Supervisor who have direct supervisory responsibilities for a group of employees.

6. CROSS REFERENCES

- YCDSB Policy 112 [Privacy and Personal Information Management](#)
- YCDSB Policy 116 [Copyright](#)
- YCDSB Policy 317 [Electronic Communications & Social Media](#)
- YCDSB Policy 408 [Employee Acceptable Use of Information Technology](#)
- YCDSB Policy 423 [Conflict of Interest for Employees](#)
- YCDSB Policy 801 [Use of Board Funds for Recognition or Acknowledgement](#)

YCDSB Policy 802 [Purchase, Lease & Rental of Goods & Services](#)

YCDSB Visual Identity and Branding Manual

[Copyright Act](#), RSC 1985, c C-42

[Patent Act](#), RSC 1985, c P-4

[Trade-marks Act](#), RSC 1985, c T-13

[Fair Dealing Guidelines](#) – Council of Ministers of Education Canada (CMEC)

Copyright Consortium

[Municipal Freedom of Information and Protection of Privacy Act](#) (MFIPPA)

Approval by Board	June 18, 2019 _____
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	<i>Date</i>
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	<i>Date</i>

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SECTION B: GUIDELINES

1. Intellectual Property

- 1.1. The Board reserves all rights to works developed by employees as part of their employment roles and responsibilities and by external stakeholders in contractual arrangements with the Board in accordance with YCDSB Policy 113 *Intellectual Property*, unless otherwise agreed to in writing by authorized personnel (i.e., Senior Administrator who oversees the employee(s) or individual(s) developing the work.

The Board's entitlement to reserve all rights to a work developed comes into existence automatically when a literary, artistic, dramatic or musical work or computer software is created. Intellectual property includes, but is not limited to, the following:

Branded:

- 1.1.1 Books, articles and similar printed material;
- 1.1.2 Software applications;
- 1.1.3 Lectures, presentations or training modules;
- 1.1.4 Procedures and memoranda;
- 1.1.5 Audio and video recordings or digital multimedia;
- 1.1.6 Any new technologies.

Non-Branded:

- 1.1.7 Course notes, course outlines, examinations and assignments;
- 1.1.8 Technical journals, notes and documentation;
- 1.1.9 Paintings, sculptures, music, choreographic works or other works of art; and,
- 1.1.10 Photographs, film, movies, media broadcasts and other similar recording.

- 1.2 The Board holds the rights to all names, logos, symbols or designs, or combination of these created for the Board, or other use associated with the Board.
- 1.3 No person shall loan, transfer or distribute Board intellectual property without the written consent of a Senior Administrator of the Board who is directly affiliated with or oversees the intellectual property.
- 1.4 A copyright may be registered at the Copyright Office but not doing so will not affect the validity of the copyright or the ownership rights of the Board with respect to the work.

2. Publication of Board Intellectual Property

- 2.1 The York Catholic District School Board may authorize the development and publication of intellectual property by employees.
- 2.1.1 Requests to have Board Intellectual Property utilized or communicated by anyone other than a Board employee or the Board of Trustees will be in accordance with Board policies and procedures.

2.2 Billing statements and records of agreement shall be maintained in the Accounting Department in accordance with Board policies and procedures.

3. **Approved Professional Activities or Services Outside of Board on Regular School Days**

3.1 Approved professional services/activities and materials for events outside of the Board system must be approved by Senior Administration. This includes:

3.1.1 Presenting as workshop leaders, lecturers or speakers to boards, educational institutions or Ministry of Education events; and,

3.1.2 Acting in educationally-based multimedia productions (e.g., audio/video/television, social media), while working on Board time and being paid by the Board.

3.2 Remuneration

Approval to participate is given with the understanding that:

3.2.1 The employee will continue to receive salary and service credits during the involvement outside of the Board.