



27. Protection and sharing of intellectual property (creative commons)

Learning resources and other materials created by school staff in the course of their employment are an important asset and form a large part of the school's intellectual capital. The open and free exchange of information, knowledge and resources, and the collaborative production of copyright works that are made freely available allows our students' access to a wider range of high quality learning resources and materials than would otherwise be possible. The purpose of this policy is to ensure that the Board's access to materials produced by the Board's employees in the course of their employment is protected, while encouraging staff to share these works with others. The Ōtūmoetai College Board, therefore:

1. Recognises that the Board members hold first ownership of copyright of works produced by the Board's employees in the course of their employment under section 21(2) of the Copyright Act 1994 (NZ).
2. Delegates to the principal the responsibility to:
 - a. Apply by default a Creative Commons Attribution Licence to all teaching materials and policies in which the Board of trustees of the school owns copyright.
 - b. Apply a Creative Commons Attribution licence to other copyright works, aside from those described in (2).
 - c. Transfer to the original creator the copyright in created works licensed by the school under a Creative Commons Attribution or Creative Commons Share-Alike licence.
 - d. Ensure that all staff are aware of the terms of this policy and how it relates to teaching resources they develop in the course of their employment at the school.
3. Does not make any claim over the ownership of copyright works produced by students. The copyright to these works remains with the creator.
4. Recognises that this policy only applies to copyright works, and not to any other forms of intellectual property.
5. Recognises that the copyright in works produced by an employee other than in the course of their employment by the school Board remains the property of that employee. Where this is unclear, the process for dispute resolution, outlined below, shall apply.

Resolution of disputed copyright ownership

Where the first ownership of copyright in a given work is disputed or unclear, the following process will apply:

1. In the first instance the dispute should be documented and presented to the school principal.
2. If the dispute is still not resolved, then the documentation should be presented to the Presiding Member of the Ōtūmoetai College Board.
3. If the dispute is still not resolved following 1) and 2), mediation with an appropriate authority will be undertaken.

(1 & 2 above should be replaced with the school's dispute resolution process, where appropriate.)

Definitions:

Creative Commons: An international non-profit that provides free open licences that copyright holders can use to share their work.

Teaching Materials: Copyright works produced by employees of the school for the purposes of teaching.

Review schedule: September 2027