

SBCTC COPYRIGHT AND OPEN LICENSING POLICY

Overview

The Washington State Board for Community and Technical Colleges (SBCTC) cultivates the culture and practice of using and contributing to Open Educational Resources. In alignment with the values of sharing, access, and inclusion of Washington community and technical colleges, SBCTC continues to provide policy and material support for the use of open licenses on educational resources.

The purpose of the present policy is to expand the open licensing requirement to include all materials created by the agency or agency sponsored activities, regardless of how the activity is funded. All works created by/through an SBCTC employee, contractor, or using grants funded and managed by the State Board are to be released under a CC BY license. This policy updates and clarifies SBCTC's intention to ensure that the public has free and open access to resources produced and supported using public funds.

Definition

1. Copyright

A form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works (U.S. Copyright Office¹).

2. Open License

A copyright license that grants permission to access and repurpose a work with few or no restrictions. Unlike the public domain work, copyright ownership is retained with an open license. The author grants broad rights to the public to reproduce the creative work.

3. Creative Commons licenses

An open licensing system provided by Creative Commons, a global nonprofit organization. These are essentially copyright licenses that allow material to be shared and reused under terms that are flexible and legally sound. Creative Commons offers a core suite of six copyright licenses (Creative Commons²).

4. Creative Commons Attribution license (CC BY)

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Policy

I. Copyright

Consistent with federal copyright law³ the Washington State Board for Community and Technical Colleges (SBCTC) affirms that original works of authorship created by employees within the scope of employment are “work made for hire” and owned by SBCTC.

Except where otherwise agreed to in writing, SBCTC affirms that original works of authorship produced by contractors which include an assignment of intellectual property rights are owned by SBCTC. See Copyright Provisions section of contract from SBCTC.



This policy does not affect retention schedules. Follow the retention schedule for grants, contracts, and SBCTC generated materials as directed by your department.

This policy is not retroactive and does not pertain to work created before the effective date on this document unless specifically designated by a CC BY 4.0 license.

2. Licensing

• Works created by SBCTC employee

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• Works created using a SBCTC-sponsored grant

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• Adapted works

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Copyright and Licensing Matrix

All derivative works adapted by state employees, contractors, or grantees from others' existing openly licensed resources must follow the terms of the open license on those materials.

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SBCTC employee	SBCTC	Creative Commons Attribution License, version 4.0 or later (CC BY)
SBCTC contractor	SBCTC	Creative Commons Attribution License, version 4.0 or later (CC BY)
SBCTC-sponsored grant	SBCTC or appropriate grantor	Creative Commons Attribution License, version 4.0 or later (CC BY)

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Inapplicable Cases

- Cases in which a specific license is required by the terms of a grant.
- Works created by the Technology Solutions Group and publications produced by a consortium of which SBCTC is a member.
- Publications for which a stock image was purchased and that image carries a license that is specific to only one usage of the materials.
- Publications for which a college or other entity donated an image for use, unless SBCTC is given permission to license the image under CC BY 4.0 terms.
- Work that is intended for limited use within the agency, such as employee email.

Notes:

1 U.S. Copyright Office (<http://www.copyright.gov/>)

2 Creative Commons (<https://creativecommons.org/>)

3 Works Made for Hire, Circular 9 (<http://www.copyright.gov/circs/circ09.pdf>)



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