

***Carmel College Operational Policy 05:  
Protection and Sharing of Intellectual Property (Creative Commons)***

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## Special Character statement

*Our college is the Catholic Church in action, an authentic expression of the Church's mission. Therefore, our role as a Catholic college, is, above all, to be a place where every member of this learning community can encounter the living God and our focus is on helping to form Christ in the lives of others. We do this through the Catholic and Mercy traditions.*

## Outcome statement

The Board enables and encourages sharing and collaboration between teachers by recognising and removing legal barriers that exist to the sharing of learning resources and other materials created by school staff in the course of their employment.

## Scoping

The New Zealand Copyright Act 1994 Section 21 (2) recognises the copyright ownership rights of Board of trustees of works produced by their employees in the course of their employment.

By licensing its copyright, the Board is giving permission in advance for others to copy and share learning resources developed by its employees and owned by the Board.

## Delegations

The Board delegates to the principal the responsibility to:

1. apply by default a Creative Commons Attribution Licence to all teaching materials and policies in which the Board of trustees owns copyright
2. 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
3. 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.

## Expectations and limitations

The Board:

1. does not make any claim over the ownership of copyright works produced by students - the copyright to these works remains with the creator
2. recognises that this policy only applies to copyright works and not to any other forms of intellectual property
3. recognises that the copyright in works produced by an employee other than in the course of their employment by the Board of trustees 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, the documentation should be presented to the Board chair.
3. If the dispute is still not resolved following steps 1 and 2, mediation with an appropriate authority will be undertaken.

Steps 1 and 2 could be replaced with the school's dispute resolution process, where appropriate.

## Definitions

**Creative Commons Aotearoa:** The New Zealand affiliate of an international non-profit movement 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.

## Procedures/supporting documentation

1. Creative Commons procedure
2. Creative Commons Aotearoa

## Monitoring

Any matters or risks in relation to this policy shall form part of the principal's report to every Board meeting, taking care that individuals cannot be identified. The Board shall monitor the protection and sharing of intellectual property in order to identify any risks or issues that require governance action.

## Legislative compliance

[The New Zealand Copyright Act 1994](#)

Date reviewed:	March, 2022	Next Review:	March, 2025
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