

Policy Information

Number: 3.26.1

Name: Intellectual Property

Effective Date: 26 May 2021

Next Review Date: AY 2025–2026

Regulatory Authority

- [Minnesota State Board Policy 3.26 – Intellectual Property](#)
- [Minnesota State Board Policy 3.6 – Student Conduct](#)
- [Minnesota State Board Policy 5.22 – Acceptable Use of Computers and Information Technology Resources](#)
- [Minnesota State Board Policy 3.27 – Copyrights](#)
- [Master Agreement Between the Minnesota State Board of Trustees and the Minnesota State College Faculty \(MSCF Contract\) at Minnesota State Employee and Labor Relations](#)

Part 1. Recording of Lectures.

Subpart A. Recording by Faculty Member.

Faculty members may voluntarily make audio or video recordings of classroom lectures for instructional purposes related to their courses at NHCC. A recorded classroom lecture may not be used for any purpose except to meet the educational objectives of that particular class and NHCC.

Students must be informed if faculty members intend to record class meetings. Recordings of class meetings shall only be distributed privately to the section of the class that was recorded. Such distributions do not require student consent. Classroom recordings must not be used, shown, or distributed outside of private classroom environments to any other individual or group without the express written permission of the faculty member, every student participating in that class, and NHCC administration.

Use of an audio or video recording of a faculty member lecture that does not include student participation may be used by the faculty member in the same manner as other course materials owned by the faculty member. All requests for use of a recorded lecture involving only the faculty member shall be determined by the faculty member.

Faculty have the freedom to control their recorded lectures, to delete them after the semester, or preserve them for use in a future semester. The college will retain a copy for a period of one year from the end of the term in which the recording was made, unless otherwise requested by the faculty member.

Subpart B. Classroom Capture.

Classes will only be offered in the classroom capture format at the request of the faculty member teaching the class. No faculty member will be assigned to teach a classroom capture format without their consent.

Students who enroll in a course designated as classroom capture consent to being recorded. Students shall also sign an NHCC consent form allowing their voice and likeness to be recorded and the recorded lecture to be used only for non-profit educational purposes at NHCC. The intent to record the classroom lectures must also be referenced in the course syllabus and explained the first day of class.

Faculty members are responsible for ensuring that all content recorded through classroom capture is free of copyright infringement.

Use of any recording equipment and technology owned, leased, or licensed by NHCC shall be primarily for the non-profit educational purposes of NHCC students. Any other proposed use of this equipment requires the permission of NHCC administration.

Recorded classroom capture lectures will be made available only to students in a streaming audio/video format through a platform provided by NHCC or Minnesota State. Students who receive or are provided access to a recorded lecture are prohibited from downloading the recorded lecture to a computer or other electronic device, circumventing technology controls, or distributing the recorded lecture or any portion thereof to anyone. Recorded lectures will be retained for one academic year by the college, unless the faculty member requests other arrangements in writing. The college will automatically delete all recordings upon separation of a faculty member from NHCC, unless the faculty member provides written permission for the continued non-profit educational use of the recorded lecture by the college.

Subpart C. Recordings by Students.

Students shall request permission from the faculty member teaching the class to record classroom lectures because the classroom lecture is the intellectual property of the faculty member. Students who have received permission may record classroom lectures using personally owned recording devices. Students may use their recordings only for their own personal educational uses unless they have written permission from the faculty member for other uses.

Unauthorized file sharing or distribution of all or any portion of a recorded classroom lecture may be deemed a violation of the Student Code of Conduct and other applicable laws.

Students who wish to record a classroom lecture as part of an accommodation under the Americans with Disabilities Act shall work with Access Services to receive the accommodation.

Part 2. Instructional Materials.

Faculty members have the right to select and develop the materials used to meet the course outcomes of the courses they teach. Faculty members shall use their best judgment to choose materials that are of the highest quality and value for students.

Faculty members have the responsibility to ensure substantive use of all required course materials. Any course materials that are not required for the successful completion of the course shall be designated as recommended materials.

Faculty members may use self-authored materials for which they receive royalties as long as the materials substantively meet the course outcomes of the course.

Faculty members who wish to use faculty member-assembled coursepacks may distribute coursepacks through the online learning management system or through the college bookstore. Coursepacks distributed through the college bookstore cannot be sold for an amount higher than the actual cost of duplication and copyright fees.

Faculty members are responsible for ensuring that their use of instructional materials complies with the Minnesota State Board Policy 3.27 Copyrights and System Procedure 3.27.1 Copyright Clearance and follows the guidelines established by Minnesota State.

It shall be standard practice that substitute and replacement faculty members will only have access to faculty-developed curriculum and faculty-authored instructional materials with the express written permission of the faculty member who owns the intellectual property. In the case that it is not possible to obtain written permission, the college has the right to provide substitute and replacement faculty members with access to all course materials for the purposes of minimizing disruption to student learning. Such access shall be limited to the specific term, and the replacement faculty member will have no rights to the curriculum and instructional materials.

Subpart A. Authorized Use of Course Materials.

NHCC follows Minnesota State Board Policy 3.26 Intellectual Property and the Master Agreement Between the Minnesota State Board of Trustees and the Minnesota State College Faculty concerning ownership and use of intellectual property.

Part 3. Student-Authored Materials.

Materials created by students are their intellectual property. This policy indicates when student permission is necessary for sharing student-authored materials and when student permission is not necessary.

Subpart A. Acceptable Use of Student-Authored Materials.

Student-authored materials may be distributed or shared without student permission in the following cases:

1. Work is distributed as part of the classroom experience (e.g. peer review assignments, poster presentations, etc.).

2. Work is shared among faculty members (within and beyond the NHCC campus) for the purposes of learner outcome assessment. Student identifying information will be removed.
3. Work is shared among faculty members for the purposes of norming.
4. Work is shared with the Code of Conduct officer in cases of suspected academic dishonesty.
5. Work is shared with appropriate officials as a part of Title IX mandatory reporting.
6. Work is shared with Behavioral Concerns and Response Team (BCRT) when there is reasonable cause.
7. Work is shared as part of an investigation under Minnesota State Board Policy Chapter 1.

Subpart B. Permission Required for Use of Student-Authored Materials.

Student written consent to distribute their materials is required in any case not covered above, including but not limited to the following:

1. Publication of the student work in an NHCC publication (e.g. *Under Construction, Realities, Northern Light*).
2. Inclusion of student work in an academic article submitted for publication.
3. Permanent or temporary display of student work in any area of the campus or the internet.
4. Use of student work for marketing purposes.
5. Distribution of student work as exemplars for future students (for example, providing students with examples of student work).

Part 4. Campus Review.

| Review Action | Date(s) |
|--|------------------------|
| Campus Community Review Period: | 5 Mar 2021–26 Mar 2021 |
| Diversity, Equity, and Inclusion Committee Review: | 3 May 2021 |
| AFSCME Review: | 5 Apr 2021–14 May 2021 |
| MAPE Review: | 5 Apr 2021–14 May 2021 |
| MMA Review: | 5 Apr 2021–14 May 2021 |
| Shared Governance Council Review: | 14 May 2021 |
| Student Senate Review: | 29 April 2021 |
| President Rolando Garcia Approval: | 26 May 2021 |
| Campus Community Dissemination: | 14 June 2021 |

History.

- Fall 2016: new procedure combining:
 - NHCC V.01.01 – Video and Audio Recording of Classroom Lectures
 - Adopted 12/13/2010 by President John O’Brien

- NHCC VI.03.01 – Copyright
 - Adopted 02/08/08 by President Ann Wynia
- NHCC VI.03.02 – For-Profit Teaching Materials
 - Adopted 03/27/2006 by President Ann Wynia
- NHCC VI.03.03 – CoursePack
 - Adopted 03/27/2006 by President Ann Wynia
- Fall 2017: added Part 3, Subpart A, #7.
- Fall 2020: updated language about recording class meetings to align with MinnState General Counsel recommendations; added language about social media after Campus Comment period to address current need; policy shifted to expedited review to go through full review Spring 2021.
- Spring 2021: Moved social media to Postings and Displays (5.36 & 5.36.1). Adopted 5/26/2021 by President Rolando Garcia.