



**MINNESOTA STATE**  
Board of Trustees

**AGENDA ITEM SUMMARY**

**NAME:** Academic and Student Affairs Committee

**DATE:** March 19, 2024

**TITLE:** Proposed Amendment to Board Policy 3.27 Copyrights  
(First Reading)

Action

Review and Discussion

*This item is required by policy*

**PRESENTERS**

Satasha Green-Stephens, Senior Vice Chancellor for Academic and Student Affairs

**PURPOSE**

Board Policy 1A.1 Minnesota State Colleges and Universities Organization and Administration, Part 6. Board Policies and System Procedures requires board review and approval of proposed board policy changes and that each board policy is reviewed at least once every five years.

**BACKGROUND INFORMATION**

The proposed amendment consists of technical edits such as adding “Colleges and Universities” after Minnesota State in Part 1 and adding U.S. before “Copyright Act” in second paragraph of Part 1.

**RECOMMENDED ACTION (FIRST READING DRAFT)**

The Academic and Student Affairs Committee recommends that the Board of Trustees approve the proposed amendment to Policy 3.27.

*Date Presented to the ASA Committee:* 3/19/2024

*Date Presented to the Board of Trustees:* First reading – no action taken.

*Date of Implementation:* TBD

## PROPOSED CHANGES (FIRST READING DRAFT)

Single underlining represents proposed new language.

Strikeouts represent existing language proposed to be removed.

### 1 **3.27 Copyrights**

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#### 3 **Part 1. General Statement**

4 Copyright owners have exclusive rights with respect to their creation of original works.

5 Minnesota State Colleges and Universities promotes the recognition and protection of  
6 these rights, including the rights of reproduction, preparation of derivative works,  
7 distribution, display, and performance.

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9 Reproduction and use of copyrighted works in accordance with fair use limitations and  
10 Sections 110(1) and (2) of the U.S. Copyright Act can further teaching, research, and public  
11 service at Minnesota State colleges and universities. Where proposed uses of copyrighted  
12 works exceed those permitted by fair use and other statutory exceptions, permission to  
13 use the copyrighted works should be obtained from the copyright holder.

14

15 Consistent with the mission of the Board of Trustees and the distinct missions of the  
16 colleges and universities, the board supports the creation and sharing of new knowledge  
17 for course development and to improve student learning through eCreative eCommons  
18 licenses and open education resources (OER).

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#### 20 **Part 2. Applicability**

21 This policy applies to colleges, universities, the system office and their respective  
22 employees and students, and to works in which colleges, universities or Minnesota State  
23 has a legally recognized interest.

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#### 25 **Part 3. Definitions**

26 The following definitions apply to this Policy and to Procedure 3.27.1 Copyright Clearance.

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##### 28 **Copyright**

29 A form of protection granted by federal law for original works of authorship that are  
30 fixed in a tangible medium of expression. Copyright covers both published and  
31 unpublished works.

32

##### 33 **Copyright Compliance**

34 The actions of colleges, universities, the system office and their respective employees  
35 and students that ensure proposed uses of materials comply with copyright laws and  
36 do not infringe on the intellectual property rights of copyright owners.

37

#### 38 **Part 4. Copyright Notice**

39 A copyright notice (Copyright © [year] College or University Name) may be placed on  
40 college, university, and Minnesota State owned materials that will be made available to the

41 public. The date in the notice should be the year in which the materials are first published,  
42 i.e. distributed or made available to the public or any sizable audience. Where a work is  
43 revised over a period of time, a range of years should be used.

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#### 45 **Part 5. Copyright Registration**

46 Prior to commercialization of works in which a college, university, or the system office has  
47 an ownership interest, such works should be registered with the U.S. Copyright Office in  
48 the name(s) of the copyright owner(s).

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#### 50 **Part 6. Copyright Compliance**

51 Colleges, universities, and the system office shall develop and implement policies,  
52 procedures, and practices to comply with federal copyright laws.

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#### **Related Documents**

- [Board Policy 3.26](#) Intellectual Property
- [System Procedure 3.27.1](#) Copyright Clearance
- [System Procedure 5.22.1](#) Acceptable Use of Computers and Information Technology Resources
- [Minnesota State IP/Copyright Tools and Forms](#)
- [Minnesota State Copyright Resources](#)
- [U.S. Copyright Office](#)

To view related federal statutes, go to the U.S. Government Publishing Office site (<https://www.gpo.gov/fdsys/search/home.action>). You can conduct a search from this site by typing in the statute number.

- 17 U.S.C. §§ 101-810 Copyrights

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#### **Policy History**

*Date of Adoption: 06/19/02*

*Date of Implementation: 01/01/03*

*Date of Last Review: 01/29/20*

*Date & Subject of Amendment:*

*Xx/xx/24 – Full review, technical edits made such as adding “Colleges and Universities” after Minnesota State in Part 1 and adding “U.S.” in second paragraph of Part 1 before “Copyright Act”.*

*01/29/20 – Added to Part 1 language that references the statutory exceptions in copyright law and OER. Applied the new formatting and writing styles to the policy. 12/06/19 – Added to Part 1 language that references the statutory exceptions in copyright law and OER. Applied the new formatting and writing styles to the policy.*

*11/16/11 - Effective 1/1/12, the Board of Trustees amends all board policies to change the term "Office of the Chancellor" to "system office," and to make necessary related grammatical changes.*

*5/19/10 - amended to provide guidance to help system colleges, universities and their respective students and employees comply with federal copyright laws.*

*No additional History.*