

(3) the effort leading to copyrightable material is sponsored in whole or in part by a third party, but as may be required by the third party.

If obligations to third-party sponsors are incurred as part of the activity that generates copyrightable material, agreement in advance regarding ownership of copyright is essential and must be negotiated prior to acceptance of sponsorship by the university or its auxiliaries.

Nothing in the specifications regarding contractual agreements, "work-for-hire," extra or special university support, or third-party sponsorship shall prohibit a decision by the university or its auxiliaries to award copyright solely to the creator.

An employee's obligation to teach and/or pursue scholarship or creative work, or to carry out obligations accepted in sabbatical or difference-in-pay leave proposals shall not be interpreted as a specific contractual agreement, nor as extra or special university support unless specified in advance and in writing by all parties. In addition, materials customarily created within and for teaching assignments shall not be subject to university claim of copyright unless all parties agree in advance of development and in writing.**

Copyright Administration

The university copyright policy shall be administered by the Associate Academic Vice President, Graduate Studies and Research (AAVP/GS&R). Inquiries pertaining to copyright and/or negotiations regarding the sharing of copyright and the right to any income resulting from copyrightable products shall be addressed to the AAVP/GS&R. As needed, the AAVP/GS&R shall convene a Copyright Advisory Committee consisting of at least one college dean, and two members of the faculty with copyright experience; advice on legal issues shall be obtained from university counsel. Agreements between the university and the creator of copyrightable materials shall be drawn by the AAVP/GS&R and approved by university counsel. All royalty income from university copyrights shall be maintained in a special SJSU account and applied to institutional support of activities leading to scholarship and creative work.

** University policy S91-3 establishes that the purpose of sabbatical leaves, including difference-in-pay leaves, is to benefit the University, its students and its programs through the professional development of its faculty as teachers and scholars [*italics inserted*]. In compliance with California Administrative Code, Title V (43000-43008, 43050, 43051), MOU Article 27, and University Policy S 91-3, faculty are required to make application for these leaves with pay. These applications must provide details of the applicant's plan of study, research, or travel and service together with a statement of the benefits that would accrue to the campus and students from the proposed study, research, or the travel and service. The application review criteria focus on the value of the proposed professional development activity to the university; specific outcomes or products are not required as a condition for support. Therefore, an application does not constitute a contract for the purposes of this policy, nor are approved proposals equivalent to specific contractual agreements or "work-for-hire." Furthermore, extra or special support

