

CONTRACTS & COPYRIGHT

1/31/2020

1

Legalities

Affiliates are legally
incorporated
organizations

Susceptible to legal
ramifications

2



WHEN TO CONTRACT

Services or Expertise is Needed
 Money Exchanged
 Definition of Expectations
 Partnership
 Deliverables Exchanged
 Oral or Written

1/31/2020

3

REQUEST FOR PROPOSAL

- Request for services needed
- General overview & background
- Criteria for responders
- Length of time of work needed

Recommended for 3 bids for objective comparison of costs and services.

Written bids are recommended if the contract exceeds \$1500 or is greater than 6 months in duration.

4

4

CONTRACT DETAILS

- Parties included
- Term and termination
- Location
- Services of contractor
- Compensation & reimbursement
- Confidentiality
- Force Majeure
- Attrition
- Indemnification
- Ownership of work product



5

5

CONTRACT ASSESSMENT

Annual review/assessment

- Performance
- Identify areas for growth/goals
- Review expectations
- Open conversation

Annual budget review

- Costs compared to work/performance
- Overall percentage of costs
- RFP policy



6

6

Executive Directors & Administrators

TO EMPLOY OR CONTRACT?

Scope of work
Hours of work
Office location
Employee benefits,
payroll, taxes
State laws
Costs/fees
Length of agreement

7

SELF- INCORPORATION



The IRS may view the services provided by self-employed executive directors as employees versus contractors.



The IRS looks for abuse of payroll, health insurance, and employee benefits.



The Academy recommends that every executive director, who is not an employee sign, a contract with their affiliate.



Include separate job responsibilities.

8

8

COPYRIGHT

1/31/2020

9

INTELLECTUAL PROPERTY

Copyright

Trademark

Patent

10

10

The initial creator is the copyright owner.

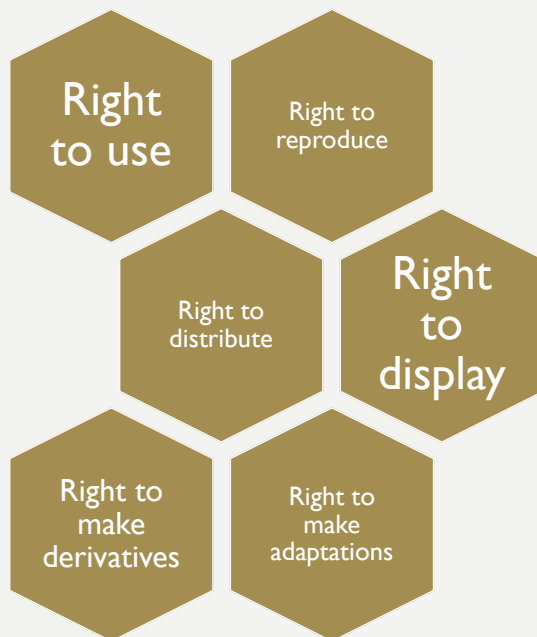
(with two exceptions)

EXCEPTIONS

Created for an employer

Created within parameters of a service agreement

11



The copyright owner possesses exclusive rights.

12

12



COPYRIGHT INFRINGEMENT

Articles, text and images on the internet are not public domain.

Web crawlers

Need written permission for use.

13

13

TRANSFERRING RIGHTS

Capture permission via author, photography or speaker agreements.

Ask permission for use:

- How
- Where
- When
- How Long

Date

14

14



15



16

16

Group Discussion

Please Move to your Assigned Table for Discussion 7 on Day 3. Topics for discussion are:

- RFPs and Contracts
- Copyright



1/31/2020