

II-2.031 Intellectual Property

The college encourages the development, writing, invention, and production of intellectual property designed to improve the productivity of the college and/or to enhance the teaching/learning environment.

A college employee or student owns all rights to copyrightable or patentable independent works created by that employee or student without college support. Unless otherwise provided in a rights agreement, the college owns all rights to a copyrightable or patentable work created by an employee with college support. Students may not use college equipment or resources for works for hire. Both students and the college retain portfolio rights to the works that may result from student assignments.

Procedure

1. Intellectual and creative works that can be copyrighted or patented, such as literary, dramatic, musical and artistic works, computer software, multimedia presentations, inventions, etc., are “intellectual property.”
2. The ownership of a copyright or patent resulting from the development of intellectual property and any rewards or recognition attributed to the copyright or patent will be determined according to the following conditions:
 - a. Ownership resides with the employee or student if the following criteria are met:
 - 1) The work is the result of individual initiative, not requested by the college.
 - 2) The work is not the product of a specific contract or assignment made as a result of employment with the college.
 - 3) The work is not prepared within the scope of the individual’s college job duties.
 - 4) The work involves insignificant use of college facilities, time, and/or other resources and is not derivative of any other college-owned copyright.
 - b. Ownership resides with the college if the above criteria are not met and/or if the following criteria apply:
 - 1) The work is prepared within the scope of an employee’s job duties.
 - 2) The work is the product of a specific contract or assignment made in the course of the employee’s employment with the college.
 - 3) The development of the work involved significant facilities, time, and/or other resources of the college including, but not limited to, released time, grant funds, college personnel, salary supplement,

leave with pay, equipment, or other materials or financial assistance, or is derivative of any other college-owned copyright.

- 4) Notwithstanding these provisions, a student retains portfolio rights to works created by the student as a class assignment or as part of a pro-bono commission approved as a student project by an instructor. A pro-bono commission is work that an instructor may approve for students to undertake as a skill-building opportunity. Students may receive token payments provided by the person or group that commissions such a work.
3. The college and the employee or the college and the student may enter into an agreement for an equitable arrangement for joint ownership, sharing of royalties, or reimbursement to the college for its costs and support. When it can be foreseen that commercially valuable property will be created, the college and the employee or the college and the student should negotiate an agreement for ownership and the sharing of benefits prior to creation of the property. In all such cases, the agreement shall provide that the college will have a perpetual license to use the work without compensation to the employee or student for such use.
4. If an employee is granted full or partial leave with pay (e.g. release time or educational leave), to write, develop, produce, or invent intellectual property, the employee and the college will share in any financial gain, and the college's share will be negotiated prior to the time the leave is taken.
5. Notwithstanding the provisions of this policy, the ownership provisions of the grant shall prevail in the case of a work created under a grant accepted by the college.

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