

ARTICLE 25 - INTELLECTUAL PROPERTY

The College creates and supports an intellectual environment in which College employees are free to create and collaborate in the development of scholarly and creative works, educational materials, and other intellectual property. Such development activities increase professional knowledge, provide creative models for students, and bring recognition to the individuals and the College.

1. **Materials subject to copyright and patent.** In general, the materials subject to copyright and patent shall be divided for discussion purposes into the following major categories:
 - A. Books, study guides, television scripts, articles, lectures, artistic works, logos, graphic designs, musical arrangements and compositions, dramatic compositions, tests and other relevant materials which are usually covered by copyright laws.
 - B. Technological materials such as computer programs, computer-controlled multimedia including videodiscs, CD ROMS, etc., and television related materials, such as educational materials and video programs developed and released through cable television, open broadcast television, videocassette and the like, all of which are normally covered by copyright laws.
 - C. Scientific products and discoveries, which are usually subject to patent as opposed to copyright laws.
 - D. All materials covered by this Article shall be interpreted under one of the above categories.
2. **Determination of Rights.** To determine the disposition of rights to copyrightable materials and patents developed by Faculty, such rights shall be interpreted within the framework of the categories listed below:
 - A. **Individual Effort.** Right to copyrightable materials or patents that are generated as a result of individual initiative and not as a specific College assignment shall reside solely with the author or inventor. This includes materials generated with the incidental use of College facilities and/or resources.
 - B. **College Assisted Individual Effort.** When the College provides support of an individual effort resulting in copyrightable materials or patents by contributing Faculty time, facilities and/or other College resources, the College is entitled to certain rights and privileges as listed below.
 - i. The College shall be granted a royalty-free license to make full use of all products and processes so developed pursuant to this section.
 - ii. The College shall recover all costs, supported by detailed records on time and materials.
 - iii. Generally, copyrights and patents shall be held in the name of the College Faculty member concerned, but agreements between the Faculty member

and the College may create other rights and responsibilities, including joint ownership.

- C. **College Initiated and Supported Efforts.** Ownership of copyrightable material or a patent relating to materials or processes identified above, developed as a result of specific assignment by the College or arising out of the duties for which the individual was specifically employed by the College, shall reside with the College. Under special circumstances, the College may share royalty income with the author or inventor upon recommendation by the College and approval by the Board of Trustees.
- D. **Sponsor Supported Efforts.** Faculty who produce copyrightable material or a patent under sponsor-supported projects shall be governed by the specific terms and conditions of the applicable sponsorship contract. Faculty are responsible for determining, in advance, the terms of sponsorship and executing a Copyright/Patent Royalty Agreement with the sponsor.

3. **Disclosure.**

- A. Upon the creation of a work and prior to any publication, the faculty member shall disclose to the Provost any work made in the course of College-supported efforts, together with an outline of the project and the conditions under which it was done. The Provost shall assess the relative equities of the faculty member and the College in the work.
- B. If practicable, within sixty (60) days, but in no case later than ninety (90) days, after such disclosure, the Provost will inform the faculty member whether the College seeks an interest in the work. A written agreement shall thereafter be executed in accordance with this article. Creation, use, and revision of such works, as well as provisions relating to the use or revision of such works by persons other than the author, shall also be the subject of the written agreement between the faculty member and the College as well as provisions relating to the use or revision of such works by persons other than the author. The faculty member shall assist the College in obtaining releases from persons appearing in, or giving financial or creative support to, the development or use of these works in which the College has an interest. All such agreements shall comport with and satisfy any preexisting commitments to outside sponsoring entities.
- C. The faculty member and the College shall not commit any act which would tend to defeat the College's or faculty member's interest in the work and shall take any necessary steps to protect such interests.

4. **Royalty Income.** Royalty income from copyrighted materials and patents shall be distributed as listed below.

- A. **Individual Effort.** Income derived from materials and patents produced from the individual initiative of College Faculty, as defined above, shall accrue solely to the author or inventor.
 - B. **College Assisted Individual Effort.** Income derived from individual efforts which are complemented by College time, facilities and/or resources, as defined above, shall accrue solely to the author or inventor. However, repayment to the College must be made by the individual(s) concerned, as outlined above, which also outlines the other rights of the College in these cases. In these cases, royalties shall be shared with the College and a written agreement that specifies the sharing of royalties shall be executed and approved by all parties prior to the approval of the use of College time, facilities and/or resources.
 - C. **College Initiated and Supported Efforts.** When copyrighted material or a patent is generated by a specific College assignment or as a result of labors for which the individual was employed, for any matters covered under the above information, the College shall be the sole recipient of all income derived therefrom. In specific instances, where an exceptional individual-initiative product results, and only after College recommendation and approval by the Board of Trustees, portions of income derived therefrom may be shared between the College and the author or inventor. Such efforts shall be determined on a case-by-case basis.
 - D. **Sponsor Supported Efforts.** Income derived from sponsor-supported efforts shall be disbursed in accordance with the specific terms of governing contractual or grant documents. Income derived from copyrighted materials or patents shall be disbursed in accordance with stated College policies when the contract or grant document is silent as to disbursement of royalties or times of value.
5. **Dispute Resolution.** Disputes between the author(s) of a work and the College are grievable in accordance with Article 8 Grievance Procedure.