

## H. Council Trenholm State Community College

<b>POLICY NAME</b>	<b>Intellectual Property Policy Regarding Ownership of Faculty, Staff and Student Intellectual Work</b>
<b>EFFECTIVE:</b>	<b>4/16/14</b>
<b>REVISED:</b>	<b>6/9/14</b>
<b>APPROVED BY POLICY COMMITTEE:</b>	<b>Yes</b>
<b>APPROVED BY PRESIDENT'S CABINET:</b>	<b>6-18-2014</b>

### **Intellectual Property Policy Regarding Ownership of Original Faculty, Staff and Student Intellectual Work**

#### **Introduction and Definitions**

H. Council Trenholm State Community College recognizes and values creativity and innovation as part of the teaching and learning process. Similarly, the College recognizes the importance of and wishes to encourage the transfer of new knowledge, generated in the College to the private sector for the public good. At the same time, as a publicly funded institution, the College must be a good steward of the public resources provided to it, and must safeguard against the use of public funds for private gain. This policy addresses the rights to, interest in, and protection and transfer of Intellectual Property created by the College's faculty, staff and students.

For purposes of this policy:

“Intellectual Property” means inventions, discoveries, innovations and copyrightable works.

“Invention” means a tangible or intangible discovery, whether or not reduced to practice and tangible research products whether or not patentable or copyrightable. Such research products include, but are not limited to, computer programs, integrated circuit designs, industrial designs, databases, technical drawings, equipment, biological materials and other technical creations.

“Copyrightable Works” mean original works of authorship fixed in tangible media of expression.

#### **Ownership**

Ownership of any Intellectual Property created by a faculty or staff member employed by the College or by a student enrolled at the College such as written compositions, musical scores,

scriptures, sculptures, paintings, photographs, films, videotapes and computer software, shall be vested in the faculty, staff or student unless the faculty, staff or student has been employed by the College to create the Intellectual Property. Any works created by faculty or staff members or students using College resources, including time at work, belong to the College.

### **Use of Intellectual Property: Submitted Work as Part of Course Requirements**

1. When a student submits work as a course requirement, the student retains ownership of the work, but ownership of the physical or electronic document shall be vested in the College. The College is granted a perpetual, royalty-free license by the submitting student to make copies of the work for administrative and educational purposes.
2. The College and its faculty, staff and students recognize that some Intellectual Property may arise or be developed by students from interaction with the instructor and other students. Under those circumstances, the Intellectual Property may not be the exclusive property of the student.
3. When work prepared/done by a student, faculty or staff has been accepted for publication by a journal or a publisher, absent an agreement to the contrary, the work becomes the property of the publisher.

### **Use of Intellectual Property: Computer Programs**

1. Computer programs that are written within the scope of faculty, staff and student's employment duties with the College become the property of the College.
2. When a program is developed for a course project or assignment by a student, faculty member or staff member, ownership is retained by the student, faculty or staff member with the College having a perpetual and royalty-free license to make and distribute copies to faculty, staff and students for administrative and educational purposes.

### **Compensation for Creation of Intellectual Property**

The College does not compensate employees or students for intellectual property of any kind developed as part of the creator's normal employment duties or course assignments. The only compensation provided by the College for intellectual property, other than that allowed for online course development, will be for fulfillment of a preauthorized, legally binding contract issued by the College to the creator for the sole purpose of the development of the Intellectual Property. Such a contract will necessarily constitute work performed in excess of the employee's normal duties and beyond his/her scheduled work hours. Compensation for intellectual property developed during the creation of an online course by a certified online instructor is governed by the policies set forth in the College's Distance Education Policy Manual, which is published on the College's Intranet.

## **Copyright Issues**

Intellectual Property rights for Copyrightable Works are earned through ownership, which is established according to the rules set forth earlier in this policy. College employees and students alike must comply with all federal copyright laws in the creation and use of intellectual property, whether such property is created for compensation, created or used as part of a course requirement, or created or used as part of normal employment duties. In particular, the College complies with Public Law 110-315 (the Higher Education Opportunity Act), which requires the institution to take measures to combat unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer (P2P) file sharing of music, photographs, videos or other digitally stored information. The U.S. Digital Millennium Copyright Act (DMCA) criminalizes such unlawful distribution, even when such distribution is unintentional. Employees and students can find more information about digital file sharing the copyright laws in the College's P2P/Copyright Policy posted on the College's website.

## **Use of Revenue from Intellectual Property**

All revenue derived from the sale or use of Intellectual Property created in association with Trenholm State Community College belongs to the established owner(s). Since ownership is dependent upon whether College resources are used in the production of Intellectual Property, instructors are prohibited from profiting from the sale of materials created while using College resources to develop online courses. More information on the Intellectual Property policies surrounding online course development can be found in the College's Distance Education Policy Manual, which posted on the College's Intranet.

## **Resolution of Disputes**

All complaints regarding the ownership of Intellectual Property, its use, compensation for its development, and/or use of revenue derived from its sale shall be addressed through the College's standard Grievance and Appeal procedures as established in the Student Handbook and Employee Handbook. If an Intellectual Property dispute is not resolved to the satisfaction of the complaining party, even at the highest level of appeal, then that party has the right to file the complaint with the appropriate civil court.