

POLICIES AND PROCEDURES

Subject: Intellectual Property Reference: E-XVII

Source: Board of Trustees Eff. Date: April 24, 2001

Approval Auth.: President Approved: _____

Remarks: Replaces previous policy dated March 19, 2001.

Date: April 24, 2001

A. Introduction

The Board encourages College employees to contribute to the advancement of knowledge by publishing and copyrighting, inventing, and patenting materials and objects of their own creation. The College may protect its interests and may assist in protecting the intellectual property interests of its personnel in relation to disclosure of scientific and technological developments including inventions, discoveries, trade secrets, and computer software in addition to the royalties pertaining to these activities. An author, creator, or inventor may receive benefits from publications and inventions according to provisions of this policy.

B. Definition of Intellectual Property

Intellectual property is defined as inventions, discoveries, technologies, processes, methods, trade secrets, computer software, literary works, instructional materials, publications, literature, art, dramatic and musical works, and all audiovisual materials including video, film, photographs, and audio programs.

C. Disclosure and Review of Intellectual Property

1. College employees who, during their affiliation with the College, produce intellectual property of commercial value resulting from or through the affiliation shall disclose such developments to their supervisors who will forward the disclosure to the

Vice President of Instruction. Employees who, subsequent to their affiliation, produce intellectual property that was supported in part by the College shall disclose the development to the Vice President of Instruction. Disclosure in either situation must be initiated within sixty (60) days after notification of the marketability of the intellectual property.

2. The Vice President of Instruction shall review the disclosure, gather necessary information, and recommend appropriate action to the President for final approval.

D. Guidelines

1. College employees shall have exclusive property rights to intellectual property products developed on their time without the use of substantial institutional resources such as equipment, facilities, personnel support, etc. or as part of their regular work responsibility, or produced before employment with the College.
2. Intellectual property products that have been developed by College employees using substantial institutional resources are jointly owned by the College and the employee. The creating employee may utilize the College-owned product for a specified time period agreed upon by the College and the employee, royalty-free, at another non-profit institution in the event of a change of employment.
3. College employees have a joint property right with the College for any products developed in conjunction with released time or with College support. This joint right shall entitle the College to the use of intellectual property products regardless of copyrights or patents and exclusive of any royalties, commissions, or profit to an employee until such time as the College has been reimbursed to the extent and amount that the College paid for the product. Once reimbursement for such release time or College support has been made, any joint property rights of the College will be in accordance with the agreement authorizing the product development. Cost of filing patents and copyrights will follow ownership and will be shared if ownership is shared.
4. College employees will not utilize any College property and/or facilities for any personal or private business activities. College facilities, equipment, and employees may be utilized for contracted research

projects only if prior approval by the College President, or designee, is obtained.

5. Upon approval of the research project, the College will enter into an agreement with the employee regarding legal protection, guidelines for licensing, patenting, and royalty participation. Either the college or the producer may initiate licensing. Ownership will follow property rights and income will be shared as negotiated between the Vice President of Instruction and employee depending upon ownership.
6. Intellectual property resulting from research projects supported by a grant or contract with the federal government, or an agency thereof, with a nonprofit or for profit nongovernmental entity, is governed by the specific terms pertaining to the intellectual property rights included in the grant or contract.
7. Published products: College employees may enter into contracts to publish instructional materials and may retain all royalties from the sale of such instructional materials, including sale at the College Bookstore, if they are published by a college-authorized publisher. Each order by the College Bookstore for published products authored by College employees shall be approved by the Vice President, Instruction who will assure that the interests of the students are protected.
8. In-house products: College employees may produce in-house instructional materials for sale through the College Bookstore, without royalty or other sharing by the employee in the sale proceeds. Prior approval to produce and sell all such materials must be secured from the Vice President, Instruction.
9. Equity and Management: In circumstances where the production and distribution of intellectual property results in enterprise activities and business ventures, the producer shall be allowed a share of the equity in fiscal returns and encouraged to participate in managing a business related to developing the intellectual property. Percentages and other details shall be negotiated on an individual basis between the producer and the Vice President of Instruction.

If more than one individual is entitled to an equity in the intellectual property and there is no agreement between such personnel, the Vice President of

Instruction with assistance of the Vice President of Business Services and College legal counsel, will negotiate the manner in which the equity award to the producers will be distributed.