3450 Copyright, Ownership, Publication Rights, Inventions, and Patents

The College encourages innovation, experimentation, invention, research, and development of the body of knowledge. The President of the College has the responsibility to enforce copyright and patent policy and procedures, although the President of the College may delegate this responsibility to other administrative officers.

The College personnel engaged in individual efforts in this regard may, with the permission of the immediate supervisor or administrator, utilize College facilities in research and development efforts insofar as such use does not interfere with the normal operations of the College and expendable materials so used are replaced.

College personnel engaged in the development of copyrightable or patentable materials must comply with existing copyright and patent law.

Nothing in these policies shall prohibit the College or its faculty from the fair use of a copyrighted work for the purposes of teaching, scholarship or research, nor shall this policy be interpreted to impose limitations or restrictions upon the use of copyrighted materials by the College or its faculty for purposes exempt under copyright law.

A. Terms and Definitions
   1. Copyrightable materials include, but are not limited to the folowing:
      a. Books, articles, study guides, proposals, brochures, pamphlets, and lab manuals.
      b. Lectures, music, works of art, and dramatic compositions.
      c. Films, charts, transparencies, prints, slides, and filmstrips.
      d. Video and/or audio recordings.
      e. Live video and/or audio recordings.
      f. Programmed instructional materials.
      g. Computer programs in any reproducible or usable form.
      h. Instructional material disseminated by computer software, CD ROM (compact disc-read only memory), DVD (digital video disc), electronically or World Wide Web exclusive of course descriptions, syllabi, and course objectives.
   2. Patentable Materials include, but are not limited to the following:
      a. Ideas that utilize a unique process or technique.
      b. Invention of tangible assimilated materials or equipment for a specific purpose.
   3. Locally Produced Materials are developed and/or produced by the College and/or its employees.
   4. College-assigned Efforts are all materials resulting from specific contract, grant, or assignment by the College.
   5. College Time is that time during which the College can reasonably expect the employee to engage in assigned duties.
   6. Significant Use involves the utilization of College-paid employee time and/or the consumption of expendable College materials that exceeds $500 in value.

B. Determination of Rights and Equities

   There shall be four categories of Locally-produced Materials:
   1. Individual Efforts: Produced by employee(s) with no significant use of other College personnel, consumption of expendable materials, and/or use of College time (library, Internet, college-supplied computers and college-supplied software excluded), and the materials are not prepared in accordance with the terms of a contract or grant as a specific assignment.
   2. College-Assited Individual Efforts: Produced by employee(s) with significant use of other College personnel, consumption of expendable materials, and/or use of College time (library, Internet, college-supplied computers and college-supplied software excluded), and the materials are not prepared in accordance with the terms of a contract or grant as a specific assignment.

3. College-Assigned Efforts: Produced by employee(s) resulting from specific contract, grant, or assignment and regarded by the College, per the terms of the contract, as College sponsored. The contract may include, but is not limited to, payment of a stipend or reduction in teaching load
4. Outside Agency Sponsored/Supported Efforts: Produced by employee(s) as a result of work supported partially or fully by an outside agency through contract or grant.

C. Determiniation of Ownership

1. Individual Efforts: Ownership resides exclusively with the individual(s) initiating the efforts. The individual(s) shall assume responsibility for any expenses incurred to obtain the appropriate copyright or patent protection.
2. College-Assisted Individual Efforts: Ownership resides exclusively with the individual(s) initiating the efforts. Negotiations between the College administration and the involved personnel shall occur prior to the use of College resources to determine the relative degree of profit sharing. These negotiations shall include a determination of appropriate sharing between the College and involved personnel of any expenses incurred to obtain the appropriate copyright or patent protection. The College may negotiate with the author to obtain:
    a. the right, on a limited, non-exclusive basis, to make reproductions of the work to use in teaching, scholarship, research and uses directly related to advancing the mission or maintaining the culture of the College
    b. the right to control whether the College's name or logo is displayed in association with the work
    c. the right require an appropriate acknowledgement of institutional support of the creation of work
    d. the right borrow portions of the work for use in compilations or other composite works
    e. the right to be informed in advance of any uses, reproductions, distributions, and dispositions of the copyrighted work by the authors(s)
    f. the right to duplicate the work for teaching, scholarship, and research and, on a limited basis, the right to make derivative works if the author or authors assign copyright ownership to a third party
3. College-Assigned Efforts: Ownership resides exclusively with the College, but the originator(s) shall share in any resulting profits. Negotiations between the College administration and the involved personnel shall occur prior to any marketing efforts in order to determine the use and the relative degree of profit sharing. The College shall assume responsibility for any expenses incurred to obtain the appropriate copyright or patent protection.
4. Outside Agency Sponsored/Supported Efforts: Ownership is determined by the specifications of a grant or contract with an outside agency. The outside agency shall assume responsibility for any expenses incurred to obtain the appropriate copyright or patent protection.

D. Mediation

In the event that good faith negotiations between the parties do not result in mutual agreements as to ownership, profit sharing, or other provisions of this section, then the Board of Trustees shall consider and resolve the impasse. Both parties shall be represented. The Board of Trustees shall make the final decision.

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