

INTELLECTUAL PROPERTY

ADMINISTRATIVE RULE NUMBER: B006

LAST APPROVED: July 15, 2013, December 19, 2018

RELATED TO POLICY SERIES NUMBER: 208

WHAT IS INTELLECTUAL PROPERTY: B006.1

Although the law provides for several different types of Intellectual Property, faculty and staff concerns center on copyrights. The following definition is taken from pertinent federal statutes:

When used in this agreement, the term "Copyright" shall be understood to mean that bundle of rights that protect original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. "Works of authorship" (including computer programs) include, but are not limited to the following: literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works (photographs, prints, diagrams, models, and technical drawings); motion pictures and other audiovisual works; sound recordings; and architectural works. "Tangible media" include, but are not limited to, books, periodicals, manuscripts, phonorecords, films, tapes, and disks.

All College faculty and staff will ensure that the courses and materials created by them are original except for such materials from copyrighted sources that are reproduced with the written permission of the copyright holder; that the courses or materials will in no way constitute a violation of or an infringement upon any copyright belonging to any other party; that the courses or materials will contain no information previously published or copyrighted by the faculty member unless such information is noted in the course or material; and that the course or material will contain no matter which is libelous or in any way contrary to law.

OWNERSHIP OF INTELLECTUAL PROPERTY: B006.2

Any and all intellectual property that is (1) made, discovered, or created by a covered individual within the scope of his or her employment, (2) hired or commissioned by the College for the specific purpose of creating such property, or (3) made, discovered, or created by a covered individual who makes significant use of College resources in the development of such property shall be the sole and exclusive property of the College.

INTELLECTUAL PROPERTY

ADMINISTRATIVE RULE NUMBER: B006

LAST APPROVED: July 15, 2013, December 19, 2018

RELATED TO POLICY SERIES NUMBER: 208

A covered individual owns all rights to the intellectual property that is made, discovered, or created by the covered individual on his/her own time, time for which the individual was not hired or commissioned by the College, and for which said individual utilizes his/her own resources and, therefore, involves minimal use of College resources or equipment..

A covered individual and the College will share jointly in the rights of ownership of all intellectual property that is made, discovered, or created by the covered individual on his/her own time and that involves significant use of College resources or equipment. In any situation where a covered individual and the College share jointly in the rights of ownership to intellectual property, the compensation provisions of this policy will apply.

The College may, at its sole discretion, release its rights of ownership in intellectual property. However, the College will retain a royalty-free license to use this intellectual property for research and educational purposes for as long as it deems necessary.

In any situation where a covered individual and the college share jointly in the rights of ownership of intellectual property, the College will distribute in the same proportion as ownership percentage the income (revenue net of all expenses incurred/accrued by the College) generated by such intellectual property between the College and the covered individual.

COMPENSATION: B006.3

Compensation to covered individuals for production of educational materials and media may be approved in three ways:

- A. Covered individuals may produce material in the performance of their normal employment duties for which they receive a salary. In these situations, no additional compensation is provided.
- B. Covered individuals may receive a course load reduction during the term in which the educational material is being created, beta tested, and finalized or such other reductions in their schedule during the term of their contract in recognition of any additional work.

INTELLECTUAL PROPERTY

ADMINISTRATIVE RULE NUMBER: B006

LAST APPROVED: July 15, 2013, December 19, 2018

RELATED TO POLICY SERIES NUMBER: 208

-
- C. A covered individual may receive monetary compensation under an agreement for professional services.

INDEMNIFICATION: B006.4

Any special circumstances must be in writing and agreed upon in advance by the College and the covered individual. By creating or contributing to the creation of courses or course-related materials at the College, the covered individual, also known as the contributor or the creator, acknowledges and agrees to the policy stated above.

The covered individual will warrant in writing that there are no third party claims against the intellectual property that has been disclosed to the College, that the intellectual property in question is the exclusive work of the covered individual, that other persons identified in the disclosure to the College, and that no other person or entity claims an interest in the intellectual property in question.

EMERGING ISSUES, DISPUTES AND EXCEPTIONS: B006.5

In light of the changing legislative environment and in view of the evolution of contracts and policies in the intellectual property area TBCC believes that the establishment of an annually-appointed Intellectual Property and Rights Committee representing both faculty and administration would serve a useful purpose. Such a committee can play a role in policy development, as well as perform a dispute resolution function.

The Intellectual Property Policy and Rights Committee will be composed of members equally apportioned between faculty (elected by the Faculty Senate, or some similar faculty body) and administration (appointed by the College President or his/her designee). The committee members shall elect a chair from among themselves if they meet. The committee shall serve as a forum for the receipt and discussion of proposals to change existing institutional policy. Disputes over ownership, and its attendant rights, of intellectual property will be decided by the Intellectual Property and Rights Committee. In the absence of such an overall policy committee decisions, as well as dispute resolution, shall be conducted by the President or his/her designee.