2.15.4 POLICIES AND PROCEDURES

The college may distribute college-supported materials on temporary loan to other non-profit organizations, educational institutions or consortia as part of any reciprocal exchange agreement.

College-commissioned materials or inventions may be distributed or used externally at the discretion of the college.

A. Inventions and Materials Developed by Consulting Work

Inventions and materials made or developed solely in the course of consulting work performed by college personnel for outside organizations for which the approval of the President of the College, or his designated representative, has been obtained, shall not be considered as having been college-supported or college-commissioned and all rights to such inventions and materials, other than involving the substantial use of college funds or facilities, shall remain with the individual, unless otherwise provided in the President’s approval.

B. Releases

College personnel shall be responsible for obtaining appropriate written releases from individuals identifiable in, or in some manner requested to participate in the creation of college-supported materials. Written statements shall also be obtained from appropriate college personnel indicating that to the best of his/her knowledge, any of the materials developed do not infringe on existing copyrights, or other legal rights.
C. Copyright and Patent Application Procedures

1. In the instances in which the ownership of materials and inventions have been determined to reside with the college, appropriate application forms and assignments will be completed by the originating college personnel in the development of the materials and forwarded to the President’s Office for proper legal action. This same provision shall apply in instances where the product has been determined to have joint ownership (the college and individual).

2. In the instances in which the ownership of materials and inventions have been determined to reside with the college personnel, staff members will be solely responsible to file appropriate applications and to bear all costs.

D. Transfer of Rights

The college may at its discretion assign, transfer, lease or sell all or part of its legal rights in inventions and materials.

E. Transfer of Rights to College Personnel

If the college discontinues regular use of the materials in their existing form for more than 24 months, the college may relinquish to the originating college personnel all rights thereto, except in cases where it may be determined that materials have an historical or archival value, provided that the college personnel will be required to pay all costs associated with the transfer.

F. Revision

During the first three years after production, requests to revise college-supported materials in cases which require substantial college resources may be initiated by the college or by the college personnel directly concerned, but revisions not requiring substantial college resources may be made at any time by college personnel involved.
G. College Use of Income from Copyright and Invention Equity

The college’s share of income derived from equity in any materials and inventions will be applied to the educational fund. At least 50% of this income will be utilized to finance educational research and college-supported services and programs that assist college personnel in the development and improvement of instruction.

H. Definition of Terms

As used in this policy and procedure, the following terms have the meaning indicated:

1. Inventions: All devices, discoveries, processes, methods, uses, products or combinations, whether or not patented or patentable at any time under the Federal Patent Act as now existing or hereafter amended or supplemented.

2. Written Materials: All instructional, literary, dramatic, and musical materials or works and all other materials, published or unpublished whether or not copyrighted or copyrightable.

3. Recorded Materials: All sound, visual, audiovisual, films or tapes, videotapes, computer programs, kinescopes or other recordings or transcriptions, published or unpublished, whether or not copyrighted or copyrightable.


5. College Personnel: Part-time and full-time members of the faculty, staff, all other agents and employees, and students of the college.

6. Classroom(s): All physical spaces and environments under the jurisdiction of the college that are assigned, scheduled, or otherwise designated as instructionally related facilities of the college.