INTELLECTUAL PROPERTY DEVELOPMENT BY COLLEGE PERSONNEL

General Statement

The College supports and encourages its faculty, staff, and students, (when students are supporting College faculty and staff), to develop and publish (i) scholarly and creative works, (ii) educational materials, and (iii) products/intellectual property, all of which may be subject to copyright or patent protection and which may generate royalty income. Such activities increase professional knowledge, provide creative models for students, help promote public/private partnerships, and bring recognition to the College.

These developments may involve the use of College time and resources. The policy listed below, therefore, defines the rights and obligations of all parties concerned. This policy should be considered a binding agreement between the College and its employees and the College and its students; each employee’s continued employment, and each student’s matriculation at the College, shall be considered adequate consideration for this binding agreement. This policy shall be included in the Student Handbook.

DETERMINATION OF RIGHTS

To determine the disposition of rights to copyrightable materials, patents and other intellectual property (collectively, “intellectual property”) developed by College personnel and students, such ownership rights will be interpreted within the framework of the categories listed below.

Individual Effort

Ownership, and rights associated therewith, of intellectual property generated as a result of individual initiative, and not as a specific College assignment and with only incidental use of College facilities, and/or resources, shall reside solely with the author or inventor; provided, however, the College shall be granted a royalty-free license to make full use of all products and processes so developed.

College Assisted Individual Effort
When the College provides support of an individual effort resulting in intellectual property by contributing College personnel and/or student time, facilities and/or other College resources to the effort, the College is entitled to certain rights and privileges as listed below:

- The College shall be granted a royalty-free license to make full use of all products and processes so developed.
- The College will recover all costs, supported by detailed records on time and materials, plus 10 percent of such costs.

Generally, such intellectual property will be held in the name of the College. However, a written agreement between the individual and the College may create other rights and responsibilities, including joint ownership.

**College Initiated and Supported Efforts**

Ownership of intellectual property developed as a result of specific assignment by the College, or arising out of duties for which the individual was specifically employed by the College, shall reside exclusively with the College. Under special circumstances, the College may share royalty income with the author or inventor upon recommendation by the College and approval by the Board of Trustees.

**Sponsor Supported Efforts**

College personnel and students who produce intellectual property under sponsor-supported projects shall be governed by the specific terms and conditions of the sponsorship contract. College personnel are responsible for determining, in advance, the terms of sponsorship and shall be required to execute any Copyright/Patent Royalty Agreement with the sponsor.

**ROYALTY INCOME**

Royalty income from intellectual property shall be distributed as listed below.
Individual Effort

Royalty income derived from intellectual property produced from the individual effort of College personnel and students as defined above shall accrue solely to the author or inventor.

College Assisted Individual Effort

Royalty income derived from individual efforts, which are complemented by College time, facilities and/or resources, as defined above, shall accrue solely to the author or inventor. However, repayment to the College must be made by the individual(s) concerned as outlined above, which also outlines the other rights of the College in these cases.

The above holds in all cases save those in which the individual(s) request, and the College agrees to permit, its name to be used in connection with the product or process, and in which the College also agrees to market or assist in acquiring a marketing source for the product or process. In these cases, royalties will be shared, with the College receiving 25 percent of royalty income and the individual(s) receiving 75 percent of royalty income, unless a written agreement is executed and approved by all parties prior to the granting of the copyright or patent.

College Initiated and Supported Efforts

When intellectual property is generated by a specific College assignment or as a result of labors for which the individual was employed, or for any matters covered under the above definition, the College shall be the sole recipient of all income derived therefrom. In specific instances, where an exceptional individual-initiative product results in a marketable product, and only after College recommendation and Board of Trustees’ approval, portions of royalty income derived therefrom may be shared between the College and the author or inventor. Such efforts shall be determined on a case-by-case basis.

Sponsor Supported Efforts
Royalty income derived from sponsor-supported efforts shall be disbursed in accordance with the specific terms of governing contractual or grant documents.

Royalty income derived from intellectual property shall be disbursed to the College when the contract or grant document is silent as to disbursement of royalties.

**Student Involvement/Ownership**

Except for intellectual property resulting exclusively from a student’s individual effort (as defined above), or unless otherwise expressly agreed, in writing by the College, student’s contributions to efforts of faculty and staff which result in the development of intellectual property, shall be considered part of the student’s educational experience at the College; therefore students shall not share in any ownership of intellectual property or royalties derived therefrom.