

OWNERSHIP OF INTELLECTUAL PROPERTY

POLICY PURPOSE

Northeast Community College is committed to providing an environment that supports the teaching and service activities of its faculty, staff and students. Likewise, the College values creativity and ingenuity in the teaching/learning process. This Policy is intended to promote and encourage excellence and innovation in teaching by identifying and protecting the rights of the College, its faculty, staff, and students.

Copyright ownership and the rights associated with it are concepts defined by federal law. This Policy and the College's policies are structured within the context of those federal laws.

This Policy is a framework to provide guidance in understanding the relationship between the College and those persons engaged in creative efforts at the College. In some instances, the result of the creative effort will be the property of the College, while in other instances some or all of these rights of ownership shall belong to the Author or Inventor.

DEFINITIONS

As used in this Policy the following terms shall be defined as follows:

"Author(s)" and/or "Inventor(s)" – shall include faculty, staff, and other persons employed by the College, whether full or part-time; and any other persons, including students, who create or discover Intellectual Property.

"College Resources" - means all tangible resources provided by the College to Authors or Inventors, including compensation, office, lab, studio space and equipment; computer hardware, software, and support; secretarial service; research, teaching, and lab assistants; supplies; utilities; funding for research and teaching activities; travel; and other funding or reimbursement within the department, division or other unit in which the Author or Inventor holds his or her primary appointment from the College.

"Derivative Works" – shall include a work based upon one or more preexisting works, such as: a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a derivative work.

"Intellectual Property" - shall include, but is not limited to patentable inventions (*Reference*, Policy Code 4401), derivative works, trademarks, and copyrightable works, including software.

"Instructional Materials" - are other than Institutional Works (see Code 4402.a, Section 5.1 for definition), the primary use of which is for the instruction of students. Such works include textbooks, syllabi, lectures, lecture notes, and study guides.

"Substantial College Resources" - means the use of College funds, facilities, equipment, or other resources in excess of the norm for educational purposes in the department or unit in which the creator holds his or her primary appointment.

"Substantial creative contribution by staff and students" - means providing original ideas or new techniques that are essential to the creation of the product or significantly improves its value. For example, devising a new way to test one of the major hypotheses in a study would normally count as such a contribution, but providing ordinary research assistance or conducting standard data analysis would not.

"Traditional Works of Scholarship" - are works reflecting creativity, which, within the College, are considered as evidence of professional advancement or accomplishment. Such works result from scholarly endeavors, and include, but are not limited to instructional materials, journal articles, monographs, books, plays, poems, and artistic works.

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