

STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

COPYRIGHTS AND PATENTS

BP 3-90

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REFERENCES:
FEDERAL LAW

ISSUED BY:

Joe D. May, System President

Policy Statement

The Board seeks to provide an environment in which faculty and other employees can discover, examine critically, preserve, and transmit the knowledge and wisdom which will help to improve the quality of life for present and future generations. The rights of the Board and its employees concerning production, ownership, and use of copyrightable and patentable materials are controlled by this policy.

Scope

This policy applies to employees at the state system community colleges and at the System central office.

Definitions

Copyrightable Materials: Any material which can be copyrighted under federal law. The term includes but is not limited to books, articles, study guides, proposals, brochures, pamphlets, lab manuals; lectures, music and dramatic composition; films charts, transparencies, prints, slides, filmstrips; video and/or audio tapes and cassettes; live audio and/or video productions; programmed instructional materials; computer generated materials; and computer programs in any reproducible or usable form.

Patentable Materials: Any material which can be patented under federal law. The term includes but is not limited to ideas which utilize a unique process or technique; and tangible assimilated materials or equipment.

President: Refers to the college president when materials are developed by employees at a college and to the system president when materials are developed by members of the system central staff.

Disclosure Statement

Employees who develop or plan to develop materials which may be copyrightable or patentable shall submit a disclosure statement to the president when such materials are developed or will be developed, in whole or in part, with college/system assistance. The disclosure statement will include the specifics of any contract, grant, or assignment by the college or outside agency; the extent of utilization of college/System facilities and personnel; the names, titles, and roles of personnel to be involved; brief descriptions of the materials produced or to be produced and of the anticipated use of produced materials; and the calendar of development and utilization of the produced materials.

Failure to submit a timely disclosure statement of any such project may result in the project's being deemed the property of the Board.

Determination of Category

The president or designee will assign the project to one of the following categories:

Wholly Individual Efforts: Materials which are produced by employee(s) with no significant use of other college/System personnel, time and/or facilities and with no significant consumption of college/System expendable materials; and which are not prepared in accordance with a college/System assignment or contract.

Ownership resides exclusively with the individual(s) initiating the effort and all proceeds are kept by the individual(s).

Wholly College/System efforts: Materials produced by employee(s) on college/System time using college/System facilities in accordance with the terms of the employment contract or assignment, or under a contract/grant.

Ownership resides exclusively with the Board or its designee. The board reserves the right to protect such materials by copyright/patent application except in those cases where the terms of a contract with an outside sponsor require the assignment of such rights to the sponsor. Any net proceeds from the materials are the property of the Board.

College/System-assisted efforts: Materials produced by employee(s) with use of other college/System personnel, college/System time and/or facilities, and/or with consumption of college/System expendable materials. Such materials include but are not limited to those materials produced by individuals for personal use (book manuscripts, class lecture notes, laboratory outlines, extramural photographs, etc.)

Ownership resides with the employee(s) who produced the materials. Distribution of net proceeds from any commercial use of the materials shall be subject to written agreement negotiated between the employee(s) and the president or designee. If there is no written agreement, the board shall receive fifty percent (50%) of the net proceeds.

Use of Facilities

College/System-assisted efforts must have the approval of the president prior to use of college/System time, facilities, materials, and/or staff. The immediate supervisor and/or other appropriate college/System authority(ies) may approve use of college/System facilities and expendable materials by employees who are engaged in individual efforts, so long as such use does not interfere with normal operations, and expendable materials used are replaced.

Use of Produced Materials

Approval of the president is required prior to sale of produced materials as a part of the college's required curriculum.

Procedures

The System president shall promulgate such procedures as may be needed for the implementation of this policy.