

INTELLECTUAL PROPERTY RIGHTS

Title: Intellectual Property Rights	Number: 5.42.0940.1
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RATIONALE

HLSCC supports creativity, innovation and invention among its students, faculty and staff. The intent of this policy is to assure that any intellectual property produced is protected for the benefit of the creators and the College.

PURPOSE

This policy is designed to:

- A. Establish principles and procedures for administering Intellectual Property produced at the College;
- B. Protect the creative works of creators and the College’s assets; and
- C. Establish principles governing the equitable allocation of value generated by those creative works.

DEFINITIONS:

Intellectual Property – intellectual or creative works that can be copyrighted or patented, such as literary, dramatic, musical and artistic work, computer software, multimedia presentations, inventions, etc.

Invention – any invention, process, machine, article of manufacture, know-how or concept that may have commercial value, whether or not patentable;

Work - any original work of authorship eligible for protection under relevant copyright law

Creator – the inventor of an invention or author of a Work as applicable

Substantial use of College resources includes:

- a. More than 10% of the normal duty time of an employee in any semester or 5-month period;
- b. Released or reassigned time from the creator’s normal duties;
- c. More than 20% of the work hours of assisting College employees in any semester or 5-month period; or
- d. Procurement or usage of special supplies, services, equipment, or other support by the College.

POLICY

HLSCC is supportive of creative activities and works of all members of the College community. However, the basic purposes of the College always take precedence over Intellectual Property considerations. College resources are to be used solely for College purposes and not for personal gain or personal commercial advantage, nor for any other non-College purposes.

SCOPE

This policy applies to all members of the HLSCC Community. It includes faculty, staff, administrators and students. Each HLSCC community member shall be subject to this policy.

OWNERSHIP RESIDES WITH THE EMPLOYEE OR STUDENT:

Ownership resides with the employee or student if the following criteria are met:

- The work is a result of individual initiative, not requested by the College.
- The work is not the product of a specific contract or assignment made as a result of employment with the College.
- The work is not prepared within the scope of the individual's college job duties.
- The work does not involve substantial use of College facilities, time, and/or other resources and is not derivative of any other college-owned copyright.
- Inventions or discoveries made by the Creator on his/her own personal time (e.g. made during non-working hours) and not involving the use of the College facilities or materials are the property of the Creator except as may be specified in any applicable agreement.

OWNERSHIP RESIDES WITH THE COLLEGE

Ownership resides with the College if the following criteria apply:

- The work is prepared within the scope of an employee's job duties.
- The work is the product of a specific contract or assignment made in the course of the employee's employment with the College.
- The development of the work involved substantial College support, including but not limited to release time, grant funds, college personnel, salary supplement, leave with pay, equipment, or other College materials or financial assistance, or is derivative of any other College-owned copyright.

The College claims no ownership of popular nonfiction, novels, poems, musical compositions, or other works of artistic imagination created by faculty members or created by students in the course of their education.

Distribution of Royalties or Other Proceeds

Faculty and Student Owned Works – In the case of Inventions or Works owned by faculty members or students, the Creator shall have sole discretion to decide whether and in what manner he or she will seek to commercialize or otherwise benefit from the Intellectual Property. When more than one Creator is involved, the responsibility for determining the relative distribution of royalty or other income among the Creators rests solely with the Creators.

College Owned Works – HLSCC shall have sole discretion to decide whether and in what manner it will seek to commercialize or otherwise benefit from Intellectual Property owned by the College. In the event the College receives royalty or other income from Inventions or Works created by a member of the HLSCC Community, the College may, but shall not be required to, share such income with the Creator.

LIABILITY ISSUES

All College faculty and staff will ensure that:

- The courses and materials identified as created by them are original except for such materials from copyrighted sources that are reproduced with the written permission of the copyright holder;
- The courses or materials will in no way constitute a violation of or an infringement upon any copyright belonging to any other party;

- The courses or materials will contain no information previously published or copyrighted by the faculty members unless such information is noted in the course or material, and
- The course or material will contain no matter which is libelous or in any way contrary to law.

DISCIPLINARY ACTION

Individuals are responsible and liable for their own actions in the creation, use, and distribution of intellectual property, and violators of the policy may be subject to disciplinary action, including expulsions from the College, and/or termination of employment.

ADMINISTRATION OF THE POLICY/PROCEDURES

The Employee shall disclose promptly to the College all discoveries and inventions made during the term of any Agreement or Contract. The duty to disclose arises as soon as the Employee has reason to believe, based on his or her own knowledge or upon information supplied by others, that the discovery or invention may be patentable. Certainty of patentability is not required before a disclosure is made. The Employee shall execute such declarations, assignments or other documents as may be necessary in the course of an invention evaluation, patent prosecution, or protection of rights to ensure that the title to such inventions shall be held by the College.

Determination of Ownership in Unclear Cases - In all cases where the College claims ownership, such questions of ownership or other matters relating to Intellectual Property the following shall pertain:

- a. The Creator must submit the matter in dispute in writing to the Vice President within three months of the occurrence.
- b. The Vice President shall assemble an ad hoc review committee to review the dispute and make a recommendation to the Vice President, who will render a decision in writing, within 60 days of receipt of the initial dispute notification.
- c. The Creator may appeal the decision in writing to the President. The President's decision is final.
- d. The Vice President must prepare an annual report to be maintained by Office of Planning and Institutional Research.

In cases where the College claims no ownership, questions shall be resolved by the Creators in accordance with principles of Intellectual Property law.

Commercialization Options – For Inventions or Works owned by a Creator, the Creator has the following options for protection and commercialization.

- a. Commercialization by the Creator - A Creator who wishes to protect or commercialize Inventions or Works made in the course of academic research or scholarly study at the College may do so at his or her own expense. Written notice to the Vice President should be submitted.
- b. Commercialization by the College – If a Creator wishes the College to protect or commercialize Inventions or Works owned by a Creator, the College may, in accordance with current policy, undertake such effort, but is not required to.

Protection of Intellectual Property - Applications to register Intellectual Property in the name of the College are subject to the College's current policies and procedures. No application may be filed in the College's name without prior approval of the Vice President.