

Revised: October 1, 2012. October 1, 2018

Sandhills Community College supports the academic activities of the faculty, staff, and students. The College encourages the development, writing, invention, and production of intellectual property designed to improve the productivity of the College and/or to enhance the teaching/learning environment. It is the intent of the College to maintain a positive atmosphere for scholarly development.

Definitions:

As used in this Policy:

Intellectual Property – Intellectual property is defined as intellectual and creative work that can be copyrighted or patented, such as literary, dramatic, musical and artistic work, computer software, multimedia presentations, and inventions. It also includes any materials created for use in a distance education course.

Copyrightable Work – Copyrightable Work includes all creative work that is protectable under the copyright laws of the United States. Copyright protection is available for most literary, musical, dramatic, and other types of creative works, including but not limited to computer software, teaching materials, multimedia works, proposals, and research reports.

Ownership of Intellectual Property: The ownership of a copyright resulting from the development of intellectual property and any reward or recognition attributed to the copyright or patent will be determined according to the following conditions:

A. Ownership resides with the employee or student if the work:

- i. Is the result of individual initiative, not requested by the college.
- ii. Is not prepared within the scope of the employee's job duties or the student's enrollment.
- iii. Involves no use of significant college support including facilities, time, and other resources.

B. Ownership resides with the College if the work:

- i. Is prepared within the scope of the employee's job duties or the student's enrollment.

- ii. Was developed using significant college resources including the use of facilities, time, and other resources of the college including, but not limited to, released time, grant funds, college personnel, salary supplement, leave with pay, equipment, or other materials or financial assistance.
- iii. The college and the employee or student may enter into an agreement for an equitable arrangement for joint ownership, sharing of royalties, or reimbursement to the college for its costs and support. When it can be foreseen that commercially valuable property will be created, the college and the employee or student shall negotiate an agreement for ownership and the sharing of benefits prior to creation of the property. In all such cases, the agreement shall provide that the college will have a perpetual license to use the work without compensation to the employee or student for such use.
- iv. If an employee is granted full or partial leave with pay (e.g. release time or educational leave), to write, develop, produce, or invent intellectual property, the employee and the college will share in any financial gain, and the college's share will be negotiated prior to the time the leave is taken.

The College owns all rights to its logo, seal, and other related materials.

The College, at its sole discretion, may release its rights of ownership in intellectual property. However, the College shall retain a royalty-free license to use said intellectual property for research and education.

Notwithstanding the provisions of this policy, in the case of a work created under a grant accepted by the college, the ownership provisions of the grant shall prevail.

Liability Issues: All College faculty and staff will ensure that the intellectual property created by them are original except for such materials from copyrighted sources that are reproduced with the written permission of the copyright holder; that the intellectual property in no way constitutes a violation of or an infringement upon any copyright belonging to any other party; and that it contains 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. Violations of this policy may result in disciplinary action by the College including expulsion from the College and/or termination of employment.