

SECTION: Administrative

NUMBER: A-001-01-0020

AREA: General

DATE: 8/28/2013

SUBJECT: Intellectual Property

REVIEWED: 12/13/2022

I. PURPOSE

Rocky Mountain College's intellectual property policy is designed to cover all College employees and is adapted from the American Association of University Professors' Sample Intellectual Property Policy and Contract Language. In keeping with the guidance offered by the AAUP, the general purpose of the policy is twofold: to foster an intellectual environment which encourages and rewards creative efforts and to provide College constituents with access to the product of those efforts.

II. POLICY

A. Definitions

Although intellectual property can be manifest in numerous forms, this policy focuses primarily on copyrights and patents. Federal statutes define these terms as:

1. "Copyright" denotes rights that protect original works of authorship in any tangible medium of expression, presently known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a device.
2. "Works of authorship" include, but are not limited to the following: literary works, musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; sound recordings; architectural works; and computer programs.
3. "Tangible media" include, but are not limited to, books, periodicals, manuscripts, phone records, films, tapes, disks, and other magnetic storage devices.
4. "Patent" refers to rights that protect inventions or discoveries which constitute any new or useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof; new and ornamental designs for any useful article; and plant patents for the asexual reproduction of a distinct variety of plant, including cultivated sprouts, mutants, hybrids, and new found seedlings, other than a tuber propagated plant or plant found in an uncultivated state.
5. Computer software programs fall into a gray area between copyrights and patents. Programs that are a "new and useful process" may be eligible for patent

protection, while programs embodying minimally original expression may be eligible for copyright protection.

B. Intellectual Property Ownership

1. Unless otherwise noted herein, intellectual property created, made, or originated by a College employee shall be the sole and exclusive property of the employee, author, or inventor, except as he or she may voluntarily chose to transfer such property, in full, or in part.
2. Rocky Mountain College shall own intellectual property only in the following three circumstances:
 - a. The College expressly directs an employee to create a specified work, or the work is created as a specific requirement of employment or as an assigned institutional duty that may, for example, be included in a written job description or an employment agreement.
 - b. The employee author-creator has voluntarily transferred intellectual property rights to the institution. Such a transfer shall be in the form of a written document signed by the employee.
 - c. The College has contributed to a “joint work” under the Copyright Act. The College can exercise joint ownership under this clause when it has contributed specialized services and facilities to the production of the work that goes beyond what is traditionally provided to faculty members generally in the preparation of their course materials. Such arrangement is to be agreed upon in writing, in advance, and in full conformance with other provisions of this policy.

C. Intellectual Property Use

1. Rocky Mountain College retains the right to use employee-created and owned intellectual property without charge for educational and administrative purposes within the institution.
2. Material created for ordinary teaching use such as syllabi, assignments, and tests shall remain the property of the author, but RMC shall be permitted to use such material for internal instructional, educational, and administrative purposes, including satisfying requests of accreditation agencies for faculty-authored syllabi and course descriptions.
3. Employees are urged to seek to provide rights for the institution to use employee-created works for internal, instructional, educational, and administrative purposes when employees agree to transfer works to a publisher.

D. Distribution of Funds

1. Funds received by the employee from the sale of intellectual property owned by the employee shall be allocated and expended as determined solely by the employee author or inventor.
2. Funds received by the College from the sale of intellectual property owned by the College shall be allocated and expended as determined solely by RMC.

3. Funds received from the sale of intellectual property jointly owned by the employee and the College shall be allocated and expended in accordance with a specific agreement negotiated in advance by the parties.
4. In the event of multiple creators, the creators will determine the allocation of their individual shares when the work is first undertaken.

E. Intellectual Property Committee

1. The Intellectual Property Committee will exist as a standing committee composed of the following members: the Academic Vice President; the Associate Academic Vice Presidents; the Faculty Chair; the chair of the Judicial Committee; the chair of the Personnel Policies Committee; the faculty representative to the Education Committee of the Board of Trustees; the College Librarian; the Chief Financial Officer of the College; and the Chief Human Resources Officer. The Academic Vice President shall serve as chair of the committee.
2. Disputes over ownership, and its attendant rights, of intellectual property will be decided by the Intellectual Property Committee.
 - a. The Committee shall make an initial determination of whether the College or any other party has rights to the intellectual property, and, if so, the basis and extent of those rights.
 - b. The Committee shall make a determination on resolving competing faculty claims to ownership when the parties cannot reach an agreement on their own.
 - c. If inventors/creators disagree with the determination of the Committee, the matter may be appealed to binding arbitration, the cost of which shall be borne equally by the employee(s) and the College.
3. The Committee will review the merits of inventions, and other creations, and make recommendations for the management of the invention, including development, patenting, and exploitation.
4. The Committee shall monitor and review technological and legislative changes affecting intellectual property policy and shall report to relevant faculty and administrative bodies, when such changes affect existing policies.
5. The Committee shall serve as a forum for the receipt and investigation of proposals to change existing institutional policies regarding intellectual property.

F. Student Work

1. Students maintain ownership of intellectual property created in the context of their work at RMC unless a different ownership arrangement is negotiated at the initiation of the relevant project or assignment.
2. When student work is funded by RMC or its affiliates, an agreement for sharing ownership of the resulting intellectual property with the College shall be negotiated.

III. REVIEW AND RESPONSIBILITIES

Responsible Parties: President's Cabinet

Review: As deemed as appropriate

IV. APPROVAL

Approved: _____ Date: _____
President

Approved: _____ Date: _____
Chair, Board of Trustees