

# Intellectual Property

Isothermal Community College in its effort to improve life through learning encourages the development of intellectual property which may enhance the learning process or environment.

A college employee or student owns all rights to copyrightable or patentable independent works created by that employee or student with out college support. However, unless otherwise provided for in a rights agreement, the college asserts that all intellectual property created by faculty, staff or students while using college resources or as a result of employment with the college will belong to the institution.

Intellectual property may be defined as any intellectual or creative works that can be copyrighted or patented. Such works may include but are not limited to literary, musical, dramatic or artistic works, computer software, multimedia presentations or inventions.

The following conditions and criteria will be used by a committee appointed by the President to determine the ownership of a copyright or patent and to determine the distribution of any benefits arising from any such intellectual property.

1. Ownership shall reside primarily with the employee or student if the following criteria are met:
  - a. The work is the result of an individual initiative, not requested by the college.
  - b. The work is not the product of a specific contract or assignment.
  - c. The work was not produced as a part of the employee's normal job duties as detailed in their job description.
  - d. The work involves less than 50% use of college facilities, time, and/or other resources and was not produced as a result of a previously existing college-owned copyright or patent.
2. Ownership shall reside primarily with the college if the above criteria are not met and/or if the following criteria apply:
  - a. The work is prepared within the scope of an employee's job duties.
  - b. The work is the product of a specific assignment made as a part of that employee's position with the college.
  - c. The development of the work involved more than 50% use of facilities, time and/or other resources. These resources may include, but are not limited to, released time, grant funds, college personnel, salary supplement, leave with pay, equipment or other materials.
3. Both the student and the college will retain portfolio rights to the works that may result from student assignments.
4. The college and the employee/student may enter into an agreement for joint ownership, sharing of royalties or reimbursement to the college for its resources and support. When it can be foreseen that copyrightable or patentable property may be created, an agreement for ownership of the sharing of benefits should be

established before the creation of the property. In all cases the college will maintain the right to use the work without compensation to the individual for such use.

5. If an employee is granted full or partial leave, with pay, such as release time or educational leave, 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. Earned annual leave is exempt from this provision.
6. In the case of a work created under the provisions of a grant, the terms of the grant will determine the ownership and benefits distribution of the property created.

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