

## Aquinas College Intellectual Property Policy

Southern Association's standard:

3.2.14. The institutions' policies are clear concerning ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property. These policies apply to students, faculty, and staff.

### **I. Introduction**

Aquinas College encourages the production of creative and scholarly research, works and inventions, known broadly as intellectual property, among faculty, students and staff. Intellectual property may create rights and interests on behalf of the creator, author, inventor, public, sponsor and the college. This policy seeks to help faculty, students and staff identify, protect, and administer intellectual property matters and define the rights of those involved. As a matter of fundamental policy, the college encourages the wide dissemination of scholarly work produced by members of the Aquinas College community, including copyrightable works. Work created during work hours or for class or tasks specifically part of the Aquinas College employment relationship is normally the property of both the creator and Aquinas College. In agreeing to employment, the individual agrees to dual ownership. The percentage of ownership held by each party shall be determined prior to the production of intellectual property. Works for hire are the property of the College.

### **II. No college claim to copyright or patent rights**

Unless otherwise specified in faculty employment contracts or the Faculty Staff Handbook, Aquinas College does not claim copyright or patent rights to material developed in research, scholarly and artistic activities, scholarly articles, monographs, works of art, books, texts, theses, dissertations, and similar items, when the College has given no direct support beyond salary, normal use of support staff, offices, studios, etc.

### **III. Substantial level of direct College support**

A. Copyrightable or patentable material developed from individual, group or interdepartmental efforts receiving a substantial (see definition below) level of direct support from the College in the form of money, personnel or facilities in excess of those described in the preceding paragraph shall be regarded as the property of the College and may be copyrighted or patented in the College's name, at the discretion of the president, with the exception of works developed and supported by grants or contracts from federal, state or local government or private funding.

B. A substantial level of direct College support is defined as follows: When the author or inventor has received support for the development of copyrightable or patentable materials, in the form of monies in excess of salary, reduced teaching load or as otherwise specified in a written contract signed by both the author/inventor and the College.

C. Written Agreement: In all cases of substantial College support, a written agreement specifying the ownership of the product shall be executed between author/inventor and the College prior to the commencement of the project.

#### **IV. Definitions**

Intellectual Property for purposes of this policy shall consist of the following:

Copyrightable material includes original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

- a. Author or inventor refers to the creator of a copyrightable work or patentable invention.
- b. Intellectual property includes works eligible for copyright protection and inventions eligible for patent protection under U.S. and International Law.
- c. Ownership is legal title coupled with exclusive right to possession. Ownership can be shared proportionately according to a written agreement.
- d. Work for Hire refers to intellectual property created by Aquinas College faculty, staff or students assigned as part of the normal Employment contract or specially commissioned to produce defined works of intellectual property. The term can also refer to work developed/created by an independent contractor.

#### **V. Applicability**

This policy applies to intellectual property created by faculty, staff, and students of Aquinas College as well as any non-employed individual such as consultants and independent contractors, who create works on behalf of Aquinas College, unless a written agreement exists to the contrary.

#### **VI. Ownership**

Authors will own Intellectual Property that is not developed in the course of or pursuant to sponsored research or other specific agreement which precludes the author's ownership of the materials. Materials created as "work-for-hire" (work created as a work prepared by an employee or contractor within the scope of his or her employment or contract) and developed with the significant use of funds or facilities administered by Aquinas College are owned by Aquinas College.

The owner of the Intellectual Property shall have the right of use of any revenue generated as a result of that Intellectual Property.

Textbooks, materials, notes, and other creative expressions developed as a part of the instructional process, by faculty members, are the property of that faculty member. The college shall be granted a royalty free perpetual license to use such materials for instructional purposes.

## **VII Continued Use of Intellectual Property**

The creator of Intellectual Property shall retain his/her rights and Aquinas College shall not assert ownership rights with the exception of a royalty-free perpetual license to Aquinas College for Intellectual Property developed for college courses or curriculum, so that the college's continued use of such material for educational purposes at Aquinas College will not be compromised.

## **VIII. Copying and reproduction of Intellectual Property**

Intellectual Property belonging to faculty, staff, or students of Aquinas College may not be uploaded, downloaded, or altered except by individual students for the purpose of enhancing their own personal set of class-related materials. Students are expressly forbidden from uploading Aquinas College course materials for an audience larger than that originally intended by the author and Aquinas College. Violations are subject to the procedures located in the Student Handbook under Violations of Student Academic Responsibilities.

Intellectual Property may not be altered by others not owning such property under any circumstances unless expressly permitted by the author and owner. Altering the Intellectual Property of another without permission is in violation of this policy and will be addressed as set forth in this policy.

Use, reproduction, copying or redistribution of trademarks, without the written permission of Aquinas is prohibited.

## **IX. Resolution of Disputes**

### **Faculty and Staff Members**

Any disputes arising under this policy, between the college and any faculty member to whom this policy applies, shall be referred to the Curriculum Committee. The Curriculum Committee's responsibilities shall include, but not be limited to, disputes concerning:

1. Ownership of college commissioned works.
2. Terms of commissions.

The Curriculum Committee shall report its findings and recommendations to the president for final resolution. The decision of the president shall be final.

### **Students**

Any disputes arising under this policy, between the college and any student member to whom this policy applies, shall follow the procedures located in the Student Handbook under Violations of Student Academic Responsibilities.

### **Non-employed**

Any disputes arising under this policy, between the college and a non-employed person, to whom this policy applies, shall be resolved by the provisions in the contract in force.