

2470 – Intellectual Property

Purpose

Barton Community College (Barton) strives to establish an environment that fosters creation and innovation in service to students, community, and the College. The institution promotes innovation, progressive instruction, creative expression, and the free exchange of ideas.

Likewise, employees are expected to follow intellectual property policies and procedures. The purpose of the procedure is to identify the creation, use, and dissemination of knowledge. In addition, the procedure defines the rights associated with ownership and intellectual property, including that which is protected under copyright, trademark, and patents for both the College and the creator(s).

Definitions

1. Author or Creator:
Defined as any individual or a team who invents, authors, discovers, or creates intellectual property.
2. Intellectual Property:
Defined as any work(s) that may be submitted for copyright. This includes, but is not limited to the following:
 - a. Instructional materials such as assignments, assessments, tests, handouts, lectures, exercises, labs, study guides or any other material used within a course or within the learning management system.
 - b. Complete online courses and other web-related course materials.
 - c. Creative works such as prose, dramatic works, musical compositions, poetry, choreography, drawings, and other artistic products.
 - d. Scholarly works such as papers, articles, reviews, blogs, analyses and scientific discoveries/products.
 - e. Technology (hardware/software-based materials) such as computer programs, audio/visual material, media, devices, coding, or any invention that could obtain a patent.
3. Substantial Support:
Defined as the use of professional, technical, or technology College resources that are generally provided for the construction or implementation of courses or projects OR use of College resources beyond normal access.
 - a. Examples of normal professional, technical, or technology support:
 - i. Regular employee compensation and workspace
 - ii. Standard use of technology or access to other professional options
 - iii. Typical professional development opportunities
 - b. Examples for beyond normal substantial support:
 - i. Extra compensation for work
 - ii. Additional cost for personal, services, technology or other project needs
 - iii. Substantial use of employee's time and energy within working hours

4. Mediated Courseware:

Mediated courseware (<https://www.lawinsider.com/dictionary/mediated-courseware>) includes, but is not necessarily limited to, instructional material delivered over the Internet, synchronous and/or asynchronous video or audio courses, components of courses, or instructional support materials.

5. Creative Commons:

“Creative Commons licenses give everyone from individual creators to large institutions a standardized way to grant the public permission to use their creative work under copyright law” ([Creative Commons](#), CC BY).

Barton’s open educational resources (OER) initiative utilizes creative commons as the most common way to find accessible instructional resources that fall within one of six open licenses or the public domain.

General Copyright

The ownership of the various rights associated with copyright are dependent upon the specific type of intellectual property. Since the College’s Board of Trustees and Administration have a fiduciary responsibility for the appropriate use of College funds, unless otherwise provided for under this procedure, all rights associated with works produced with substantial support of institutional resources belong to the institution.

Mediated Courseware

Mediated courseware belongs to the institution and Barton has the right to decide who will utilize the mediated courseware in instruction.

Mediated Courseware may be defined into two categories:

- Self-Initiated Mediated Courseware means mediated courseware created by the employee without specific direction by the College for use within their assigned courses or related activities regardless of delivery method.
- Institution-Directed Mediated Courseware means mediated courseware created pursuant to a specific assignment, and the College provides the employee with materials and time to develop the mediated courseware.

Creation of Intellectual Property

Intellectual property created for the administrative functions of the College is the property of the College unless a specific contract is entered into between the creator and the College before the work has begun. Faculty and staff, at their discretion, may enter into specific contracts with the College for work outside their regular employment agreements. Ownership of intellectual property created by contractors and partners who are not regular College employees will be specified in their contractual agreements.

Use of Intellectual Property

It is the responsibility of all members of the College to comply with all copyright laws. If a faculty member utilizes course materials copyrighted prior to their Barton employment and/or copyrighted in association with employment at other institutions, these materials may be utilized in accordance with this procedure as long as the faculty member accepts employment with the College. Once employment is discontinued, the College would no longer have the right to use the copyrighted course materials without written authorization from the faculty member.

Scholarly and Artistic Works

Notwithstanding any use of institutional resources or the ownership of textbook,

scholarly monographs, trade publications, maps, charts, articles in popular magazines and newspapers, novels, nonfiction works, artistic works, like works, and supporting materials shall reside with the creator(s), and any revenues derived from the creator(s) work shall belong to the creator(s). In the case of course materials, Barton shall have royalty-free use of the work within the College, unless otherwise agreed in writing.

Manuscripts for Academic Journals

1. Notwithstanding any use of institutional resources or the owner of manuscripts for publication in academic journals shall reside with the creator(s), and any revenue derived from the creator(s) works shall belong to the creator(s).
2. If the manuscript is to be published, the creator(s) shall request the right to provide the College with a royalty-free right to use the manuscript within the institution in its teaching, research, and services programs, but not for external distribution, and, if successful, the creator(s) shall grant such right to the institution.

Inventions Regulations

Inventions available for or that have obtained a patent, that have an actual or projected market value in excess of \$10,000 annually, and that have received substantial support from the College shall be retained by Barton. Inventions may include, but are not limited to, the items listed in the "Intellectual Property" definition provided with this procedure.

The following regulations shall be followed with respect to inventions:

1. Anyone who conceives an invention resulting from a project sponsored by the College or who develops copyrightable software that is not included in mediated courseware shall report the matter to the employee's appropriate supervisor. The supervisor will notify the College President of the project.
2. If the President decides the invention does not warrant patenting, the inventor is free to patent it. In such case, however, the College does not relinquish its right to publish any of the data obtained in or through the project. If the College decides not to further the use of the copyrightable software, it shall assign the rights therein to the creator(s).
3. When any revenue is obtained by or on behalf of the College from the development or assignment of any patent or from royalties, license fees, or other charges based on any patent or copyrightable software, not less than twenty-five (25) percent of revenues shall be paid to the inventor(s) or creator(s). Revenue sharing shall begin only after the College recoups costs as set forth in this procedure.
4. In case of a cooperative project sponsored in part by an outside corporation or individual, a written contract shall be made between the College and the cooperating agency or organization.
5. In the case of a project where it is proposed that all costs including overhead, salary of the employee, reasonable rent on the use of equipment, etc., are paid by an outside party, the outside party and the College shall negotiate the appropriate assignment of all patent or copyrightable software rights prior to the provision of any funding by the outside party.
6. Changes in the above regulations may be made by the College to conform to the requirements of the United States Government when contracting with the United States Government or a Federal Government Agency.

Student Academic Creations

The intellectual property rights of students' works submitted in fulfillment of academic requirements rests with the author or creator(s).

Students, by enrollment in the College, give the institution permission and a nonexclusive royalty-free license to mark on, modify, submit to instructional vendor, retain the work as may be required by the process of instruction, or otherwise handle the work as set out in the College's Intellectual Property Procedure or in the course syllabus. These methods include but are not limited to grading, certifying, and assessing student submissions for authenticity, and these should not be seen as a violation of the student's intellectual property rights. The College shall not have the right to use the work in any other manner without the written consent of the creator(s).

The student may choose to assign an open license (like [Creative Commons](#)) to their work for the future use and benefit of students, faculty, and the College.

Trademarks

Barton retains the sole right to any and all trademarks of and represented by the College. The use of the College's trademark(s), may be granted by the President, who may require a licensing fee for their use.

Disputed Claims

Final decisions on disputed materials will be made by the College President and shall constitute final agency action.

Contact(s)

Vice President of Instruction

Related Form(s) Relevant Policy or Procedure(s): [Policy 1463 – Intellectual Property](#)

Approved by: President

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