

## 5.9 INTELLECTUAL PROPERTY

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Revised:

The Intellectual Property policy addresses the ownership and other rights in and to intellectual property that is created by members of Delaware County Community College. This policy applies to all faculty, staff, and students, whether full-time, part-time, or seasonal, and covers all forms of intellectual, scholarly and creative property, including inventions, discoveries, methods, formulas, designs, writings, research, data, works of art, scholarly works, performances, computer software, courses and other curricular materials, and other works of authorship or technology (collectively "Works"). For purposes of this policy, "Intellectual Property" refers to all of the rights in and to a Work, whether those rights arise under copyright, patent, trade secret, or otherwise.

The rights, in and to Intellectual Property shall be determined as follows:

A. Except as provided below, the rights in all Works created by faculty shall be owned by and shall belong exclusively to the faculty member(s) that create or develop the Works. With respect to rights in a Work that are protected by patent, the College shall be granted a perpetual, non-exclusive, royalty-free license to use the patented rights only for purposes consistent with the College's educational, business, or other missions.

B. Where the College specifically commissions the creation or development of a Work by a member of faculty, the rights in such Work shall be jointly owned with fifty percent (50%) of the Work being owned by the College and fifty percent (50%) of the Work being owned by the faculty member(s) who created or developed the Work. A faculty member's rights in Works that are jointly owned with the College pursuant to this paragraph may not be sold, assigned, licensed, or otherwise transferred to a person or entity that competes with the College:

1. While a faculty member is employed by the College; and
2. In the case of adjunct faculty only, for a period of one year after that adjunct faculty member's employment with the College terminates; and
3. Unless the College consents to any such transfer in writing.

C. The rights in all curriculum design, including course descriptions, course objectives, and course outlines shall be owned by and shall belong exclusively to the College.

D. The rights in all Works created or developed by any staff member, including administration and faculty, and arising from that staff member's fulfillment of his or her duties to the College, shall be owned by and shall belong exclusively to the College. The ownership of any materials or processes developed solely by a faculty member's (ISM's) individual effort and expense shall vest in the ISM and may be patented or copyright, if at all, by the ISM. The ownership of material or processes produced solely for the College and at College expense shall vest in the College and may be patented or copyright, if at all, by the College. In those instances wherein materials or processes are produced by an ISM with College support, by way of use of significant personnel time, facilities or other College resources, the ownership of the materials or processes shall vest in (and be patented or copyrighted, if at all) the party designated by mandatory written agreement between the parties entered into prior to the production. Written agreements between ISMs and the College shall be forwarded to the Distance Education Committee for review and response.

E. The rights in all Works created or developed by students shall be owned by and shall belong exclusively to the student(s) creating or developing such Work, except that:

1. The College shall be granted a limited license to make use of such Works as reasonably necessary for the completion and evaluation of the student's participation in a particular course, program or project; and
2. A faculty or staff member teaching a particular course, shall not be required to return individual copies of exams, quizzes, assignments, essays, research papers, software programs, or other written materials submitted by a student in connection with a course, program or project; and
3. Art and Design faculty reserve the right to retain Works created in their courses at the end of the semester for submission to the annual student exhibitions. Student Works will be housed and safeguarded on DCCC campus. Please note that retention of Work does not guarantee acceptance into the annual student exhibitions (roughly 30% of student artwork will be accepted). All student Works submitted for inclusion in the annual student exhibitions will be held for exactly one year after the opening date of the exhibition. After this time, the art faculty reserves the right to discard any Work not picked up by the student.
4. Instructors also reserve the right to photograph student Works of art for documentation, marketing, social media, and assessment purposes for the benefit of the college/program. Student Work may also be used on the instructor's website or featured in future classes as a student project example. Additionally, specific assignments may be included as part of the College's Program Assessment; as a result, course Works may be withheld until the following semester.

F. In all cases, where there is a separate written agreement that addresses the ownership of and/or rights in a particular Work, that written agreement shall control and shall take precedence over this policy.

G. Disputes over the interpretation and/or implementation of this policy shall be addressed through the appropriate grievance procedure established by the College.