

Policy Title: **RIGHTS TO PROFESSIONAL PUBLICATIONS, PRESENTATIONS, PRODUCTS, AND INVENTIONS**

I. Purpose

- A. The College seeks to encourage employee innovation in the area of instruction and District activities to include the authorship of publications, presentations, products, and inventions developed with the assistance of the College. It is the purpose of this policy to:
 - 1. Clarify and protect the rights of the developer and the College.
 - 2. List the responsibilities of the developer and the College.
 - 3. Facilitate agreement between the developer and the College in the determination of ownership, rights, copyrights, profits, royalties, and the use of materials.

- B. Any individual who develops publications, presentations, products, and inventions with the assistance of the College must reach a written agreement with the College prior to beginning the project according to the following procedure:
 - 1. Obtain written approval from the immediate supervisor.
 - 2. Agree to a compensation option and type of ownership.
 - 3. Establish timelines for the project.
 - 4. Develop a written agreement to be approved by the Vice President for Instructional Services.
 - 5. Adhere to all state and federal regulations regarding publications, presentations, inventions, copyright, products, and patents.
 - 6. Complete the project.
 - 7. Receive agreed upon compensation.

II. Ownership

Ownership, rights, and control of materials can fall into one of the following three categories:

- A. Total District Ownership
- B. Total Individual Ownership
- C. Joint Ownership between the District and the individual

A. Total District Ownership

Total District ownership will result in the case of materials, products, and inventions which are developed under the following arrangements; including those developed under grants or special projects:

- 1. Work done as part of the faculty or staff member's professional assignment.
- 2. Work done under curriculum agreement.
- 3. Work done outside of the professional assignment using College resources, equipment, or facilities.

B. Total Individual Ownership

Total individual ownership shall result when staff members develop materials or inventions over and above their professional assignment and at their own expense. This includes materials developed over and above an individual's normal work week and without the use of District facilities and/or equipment. In this instance all rights and profits shall be the individual's.

During the development of a project, a staff member may, by advance agreement with the vice president for instructional services, purchase or rent certain services of the District and thereby retain full ownership.

C. Joint Ownership

Joint ownership of materials and inventions shall occur when both the District and the individual have made a contribution to the development of the materials. The District's contribution may include (but is not limited to) support staff, facilities, equipment, travel, and/or supplies. The individual's contribution may also include his/her time and expertise.

When materials are developed in part within the normal course of preparation for instruction and during the individual's regular work week, they are developed at District expense and therefore jointly owned by the District.

Prior to beginning the development of materials, the developer, his/her immediate supervisor, others the supervisor might identify, and the vice president for instructional services should meet to determine the degree of both the individual's and the District's participation following the guidelines set forth in this policy.

A developer may retain copyright to a piece of original, independently produced material which is included in a work done for hire. A notice of copyright and permission to reproduce should appear on the material.

In order to encourage such creations, typically, fifty percent (50%) of the profits shall be distributed to the developer(s) of the material or device under a joint ownership agreement.

III. Control of Use

The District will not be charged for internal use of publications, presentations, or inventions. The District personnel involved in the direct production of these materials should have his/her contributions recognized and noted.

The District may distribute jointly owned materials on a temporary loan basis to other non-profit organizations, institutions, or consortia as part of any reciprocal exchange agreements. Materials developed totally with the District support may be distributed or used externally at the discretion of the District.

The developer maintains all rights and controls over the use and profits of individually owned materials.

IV. Profits

The individual and the District will share proportionately in the profits derived from jointly owned materials. Typically, fifty percent of the profits shall be distributed to the developer of the material or device. The developer will obtain the total profit derived from sale or rental of individually owned materials. The District will obtain the total profits derived from the sale or rental of District owned materials.

V. Establishing Rental or Resale Rates

In instances of joint ownership, rates for rental or resale will be mutually agreed upon by the individual developer and the Vice President for Instructional Services.

VI. Distribution of Materials to Students

Materials may either be distributed to students as classroom handouts on a no-cost basis, or may be sold through the campus bookstore.

Any published, unpublished, or patentable projects under individual ownership may be reproduced with the developer's permission at College expense and sold through the campus bookstore for use in FVTC classes.

VII. Revision Of Jointly Owned Materials

Revision of materials may take place at any time and should include the following as part of the review process:

- A. Review of the written agreements.
- B. Review the intent to publish.
- C. Review the type of ownership desired.
- D. Reach new agreement following the procedure outlined in this policy.

VIII. Clearance of Copyright Infringement

Before any use is made of the materials, the developer will certify in writing that to the best of his/her knowledge the materials do not infringe on any existing copyright, legal or privacy rights of others.

IX. Releases

The developer shall be responsible for obtaining written permission to use any portion of copyrighted print, media, or software in the publication. Written releases from individual's identifiable in the creation must also be obtained.

X. Copyright and Patent Application Procedures

In the instances where the ownership of inventions has been determined to reside with the District, appropriate application forms may be completed by District staff to register the material.

In the instances where the ownership of materials and inventions has been determined to reside with the developer, the developer will be solely responsible to file appropriate applications, and all costs will be borne by the individual.

XI. Transfer or Rights

The District or the developer may at its discretion assign, transfer, lease, or sell all or part of its legal rights to inventions, products, publications and presentations. The first option to transfer must be granted to the other party.

XII. District Use of Income

The District's share of income derived from equity in any publications, presentations, and inventions will normally be applied to the General Fund.

Adopted: xx/xx/xx

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