

ARTICLE 28 - INTELLECTUAL PROPERTY RIGHTS

- 28.1 Materials or processes produced solely for the College and at College expense shall be owned by the College. The employee shall own materials or processes developed solely by an employee's individual effort and expense.
- 28.2 In the absence of an agreement otherwise, instructional materials or processes produced by a Faculty member or Academic Professional with College support, by way of use of significant personnel time, facilities or other College resources, will be owned by:
- the Faculty member, if the Instructor is a part-time employee,
 - the College, if the Instructor or Academic Professional is a full-time employee.
- 28.3 Unless there is a written agreement otherwise, traditional works of scholarly activity that are created primarily on a Faculty or staff member's own time with only limited use of College resources (e.g., occasional use of an Instructor's personal computer) are the unrestricted property of the Faculty member or Academic Professional who created them and are the employee's property. Such works include, but are not limited to: journal articles; textbooks; reviews; works of art including paintings, sculpture and musical compositions; computer software; as well as course materials such as workbooks, presentations and laboratory manuals.
- 28.4 When a Faculty member or Academic Professional enters into an agreement with the College specifically for development of books, articles or other materials (including electronically mediated) for use by either students or staff, he or she may transfer ownership of these materials to the College in the agreement to develop the materials. In the event of a transfer of ownership:
- 28.41 The materials will become the property of the College and any copyright or patent of such materials will be by the College; however, the staff member will be credited for the development of the material.
- 28.42 In the event such materials are used commercially, the employee shall retain 50% equity in the material following recovery by the College of its expenses in developing and marketing the project.
- 28.43 The Faculty member or Academic Professional will have the right of first refusal to teach any class that is primarily based on these materials offered at the College for one year after completion of the development of the materials.
- 28.44 The Faculty member or Academic Professional will have the right to use these materials for a class at another educational organization whenever he or she is the Instructor of record for that class provided that College equipment or resources are not used in delivering the course.
- 28.5 The foregoing provisions apply to both copyrights and patents.