

SAN JUAN COLLEGE BOARD POLICY

Policy No. 805

SECTION: Business Services

POLICY TOPIC: Copyrights and Patent Ownership

I. Shared Use of Instructional Material

The College encourages its faculty and staff to create reusable learning materials in any format in support of classes taught at the College. The College does not claim exclusive ownership of such materials and will not limit their portability for use at other institutions at which faculty or staff may be employed after leaving San Juan College. Likewise, the College reserves the right to use such materials in its classes after the employee who created them leaves the institution. The College reserves the right to modify such materials at its discretion.

II. Rights Statements

Employees have the right to copyright any literary material (including printed, electronic audio or video), to patent any inventions and copyright any data processing programs, unless their employment contract or program agreement charges them with the duty of producing materials for the College for copyright purposes, to develop an invention for the College to patent, or to create data processing programs to complete administrative, instructional or public service tasks.

A. Independent Works

The employee shall be entitled to all profits earned from copyrighted materials or patented inventions developed provided that the employee has produced the work on personal time and with personal equipment and without the use of College facilities.

B. Supported Works

Profits earned from copyrighted material, patented inventions developed totally or partially on College time with the use of College facilities, equipment or with College funding, shall be shared no less than equally, with the College as provided by a contract between the employee and the College.

C. Rights Agreement

The President shall establish procedures to ensure that any College employee creating works for copyright or patent with College support shall enter into a contract with the College providing either:

- a) that the employee assigns ownership rights to the College; or
- b) for a fair and equitable arrangement for shared ownership, sharing of royalties, or

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reimbursement to the College of its costs and support. In any case where a copyrightable or patentable work is created with College support, the contract shall provide that the College will have a perpetual license to use the work without further compensation.

III. Applicable Funding

In the case of works created under developmental grants from governmental or foundation sources prescribing ownership rights, the conditions of such grants, rather than this policy, shall govern. An exception to the policy shall preside where shared College and external grant funding exists in which a contract will then be enacted to reflect that the shared funding support will be executed.

IV. License or Sale of College Works

The President shall establish procedures to protect the copyright and patent interests of the College in the sale, lease, or licensing to others.