

Huntingdon College
Intellectual Property Policy

Purpose:

The purpose of this document is to outline Huntingdon College's policies on intellectual property rights in the context of the increasingly electronic academic environment, while remaining consistent with best practices and standards, such as those set forth by the AAUP (American Association of University Professors).

Definitions of Terms:

Intellectual Property: Intangible creations or originations eligible for copyright protection, trademark protection, or patent. Items falling into this category include, but are not limited to: published or unpublished manuscripts, reports, manuals, instructional materials (physical or electronic), works of art, musical compositions, and inventions.

Works for Hire: 'A "work made for hire" is—(1) a work prepared by an employee within the scope of his or her employment; or (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, *if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire*. For the purpose of the foregoing sentence, a "supplementary work" is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwords, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes, and an "instructional text" is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities.' (17 USC 101 - <https://www.law.cornell.edu/uscode/text/17/101>)

Net Revenue: Gross revenue minus College expenses incurred due to the development, licensing, or patenting of intellectual property.

Faculty and Administrative Policies:

Traditional Academic Works

In the interest of supporting academic freedom and encouraging an environment of creative pedagogical excellence, works historically falling under the *academic* umbrella of a traditional faculty job description, such as research papers, lecture notes, tests, answer keys, content created for paper or electronic consumption for pedagogical purposes (including original material created by a faculty member and posted on the faculty

member's individual course site – i.e. not pertaining to a College template), artistic creations, computer programs created as part of intellectual exploration, and more, traditionally do not fall under the category of works for hire, unless specifically commissioned in writing by the College. As such, a faculty member retains copyright to all such material, with the possible exception of commissioned cases, specially supported cases (see "Grants and Significant Support"), or when work done by a faculty member is created in a situation in which a faculty member is playing an administrative role (see "Works for Hire"). When receiving a grant or other college support in the form of money or resources for academic work, a faculty member should confirm whether intellectual property created falls under traditional academic work, or work given significant support by the college, for which ownership would be shared as outlined in "Grants and Significant Support. In furtherance of administrative and clerical needs, the College requires faculty to produce syllabi in accordance with College syllabus templates; due to the multitude of administrative and academic purposes that syllabi serve, copies of syllabi may be distributed by the College to appropriate parties.

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Works for Hire

Works for hire at the College fall into three categories:

1. Externally commissioned/outsourced work.
2. Work commissioned internally from an employee or team of employees, which falls under a category outside the typical job description of the employee or team of employees, or which is created by an employee in an administrative role, whether individually or on a team.
3. A combination of 1 and 2.

Work falling under any of the three categories in this section will be the exclusive property of Huntingdon College, unless a prior alternative agreement is reached in writing by the parties involved in the work.

Faculty members should take note that some faculty work specifically falls under the works for hire category, including cases in which the College provides specific authorization, supervision, or oversight/commissioning of the work, or the work falls outside the realm of what is considered to be traditional academic work created by a faculty member (see "Traditional Academic Work"). Examples of works for hire created by a faculty member (noting that a faculty member may often function simultaneously as an administrator for the College) include, but are not limited to: faculty committee reports or documents, College brochures, computer programs specifically commissioned by the College, assessment documents, commissioned course materials (both online and on paper) such as Evening Studies modules and their corresponding electronic resources, and works created which are included under the umbrella of an administrative portion of an employee's job description.

Grants and Significant Support

1. Research funded in part or in whole by a federal agency is controlled by the Bayh-Dole Act (1980). The College will act in accordance with the Bayh-Dole act and any applicable amendments to the act.
2. In some cases, a faculty member may obtain significant support from the College monetarily, or in the form of additional resources. In these cases, the College and faculty member will share ownership of the intellectual property, with the division of net revenue from all shared ownership as follows:

50% to the faculty member

50% to the college.

Before a faculty member is approved to receive resources which could be considered as “significant college support,” the faculty member requesting these resources will be notified in writing of the portion of intellectual property which will fall under shared ownership. An example of a case in which shared ownership might apply would be if a faculty member contributed content, but requested that the College itself construct an online version of the given course content.

Conflicts of Interest

1. In some cases, a faculty member’s intellectual property may become a source of personal income. A conflict of interest could result when such income-generating intellectual property is selected for use at the College (prompted by the property owner) and results in purchase of the intellectual property by the College or its students. In this situation, the faculty member must provide the College with a rationale regarding use of the material. The rationale must be approved prior to requiring purchase of the property by the College or its students.
2. Huntingdon College has a legal and moral obligation to ensure that students with documented disabilities and approved related accommodations are provided with the necessary materials in all relevant situations. If access to a faculty member’s intellectual property is required in order for the College to fulfill this legal obligation, the faculty member is expected to supply the intellectual property to the student requiring access. In such cases, the owner may request that the student enter into an agreement not to redistribute the intellectual property.

Student Policy

Unless a student is acting as an agent or employee of the College or has entered into a prior agreement with the College ceding or sharing intellectual property, then it is assumed that any intellectual property created by the student is solely and exclusively owned by the student. This includes any material created as a result of the performance of duties in a class. However, students assisting in faculty research are not recognized as having legal claims over the intellectual property of that research, whether the ownership is shared with the College or remains solely with the faculty member.

Trademark Policy

The Huntingdon College name, seal, logo, and slogan are the property of the college and the college retains all rights to their use.