

	Policy Number: 810	
	Policy Category: <i>Ethical and Responsible Conduct Policies</i>	
	<i>Intellectual Property</i>	
	Policy Summary: <i>This policy defines the ownership, legal protections, development, and disposition of intellectual property conceived or first reduced to practice by any college employee or student</i>	
	Approval Date: 9/11/23	Effective Date: 9/11/23
	Policy Owner: <i>President</i>	
	Scheduled for Review: <i>Fall 2028</i>	

Policy Statement

Prescott College embraces the free and open exchange of ideas as vital to the academic mission. In the course of teaching, professional development and other intellectual and administrative activities at the College, faculty, staff, students and others may create materials, or make discoveries or inventions that are entitled to legal protection as intellectual property. Encouraging and supporting the creation of intellectual property is in the public interest and is consistent with the advancement and dissemination of knowledge and other well-established academic values. The College is also committed to fostering an environment of respect for and responsible and fair use of the intellectual property of others. This policy includes sections on “Fair Use” exceptions in scholarship, Copyright Ownership and Patent Policy.

1. All members of the community are expected to respect property rights of others and uphold Copyright Law and are encouraged to educate themselves with aspects of the law and any updates that relate to their role in our academic community.
2. All members of the community are expected to understand the Fair Use sections of the law are of particular importance in an educational setting, including the factors to consider when responsibly determining the applicability of the Fair Use exception.
 - A student with questions regarding Copyright regulations or the “Fair Use” exception should discuss the matter with their faculty member and/or librarian.
3. Illegal downloading and file sharing are prohibited under the law, and are subject to this policy.
4. Prescott College supervisors have the responsibility to advise supervisees of this policy and assist when analysis and judgments are necessary.
5. When an employee obtains copyright permissions or pays copyright royalties, documentation is to be submitted to and kept with the department head.
6. The College does not tolerate any illegal or unethical handling of Copyrighted or Licensed material, including illegal downloading or file-sharing. A student or employee in violation of Federal copyright laws may be subject to disciplinary action up to and including suspension, expulsion, termination of employment, and prosecution under the law.

Copyright and Ownership

1. In the course of scholarly efforts, a large volume of copyrightable work is produced. Current copyright law provides that copyrightable works created by employees in the course of employment will be owned by their employers. Traditionally, colleges and universities have declined to assert ownership over works of scholarship created by faculty in the course of traditional academic activities.
2. Traditional Works of Scholarship are created as part of the regular academic and scholarly activities including: syllabi and other original materials created for use in a college course, books (including textbooks), class notes, presentation and instruction, research proposals, articles, other forms of textual material, software, works of art including music, lyrics, compositions, photographs, poetry, choreography, architectural works, sculpture, pictorial, and graphic works, motion pictures, and sound recordings
3. The College assigns any ownership interest it has in Traditional Works of Scholarship to the person or persons who create such works, and such works shall be sole and exclusive property of the creator or author. The individual(s) creating the work retain ownership except in the following circumstances:
 - a. The College retains ownership of the copyright in works that are specifically directed, contracted, or commissioned by the College as a job requirement or part of a sponsored program, including administrative assignments, College publications, computer software, and committee or special projects. This does not include materials created by faculty in connection to their teaching or scholarship. However, the College shall be permitted to use faculty-authored syllabi, assessments, course descriptions or other materials used to satisfy accreditation agencies or use in College publications that include course titles and descriptions. The College shall also be permitted to use course materials for the duration of the scheduled semester of any faculty member who becomes unavailable to teach.
 - b. Materials closely associated with a patent owned by the College are subject to the Patent Policy, including but not limited to copyrightable material created to effectuate an invention.
 - c. Materials created with substantial college resources that go beyond those that are customarily provided to employees. Examples of college resources include office, lab, studio space, equipment, computer hardware, software, server space, special licenses, and staff support. The dean is charged with decisions regarding when the provisions of resources are "substantial and beyond customary." A written agreement is required for works created with substantial college resources and it is the responsibility of the creator to seek clarification and initiate agreement negotiations.
 - d. Works produced under an externally funded and college-approved contract, such as a grant, may stipulate copyright ownership in the written funding agreement.
 - e. Materials created in the course of outside employment or consulting remain the property of the creator but must be disclosed and preapproved by the College.
4. Written agreements are recommended and should make clear any questions of ownership, particularly when it is not clear if these policy exceptions apply, or when engaging on collaborative projects with students or colleagues. Required and suggested written agreements include the rights of author(s), the College, and funding parties to use, distribute, market, sell, alter and/or modify materials, division of revenues, acknowledgement rights and parameters, and status of any changed rights after the period of formal association with the College.

Patent Policy

This Patent Policy establishes the procedure to be followed in the administration of inventions which result from teaching, professional development, and other intellectual activity performed under college auspices. The College will own any discoveries or inventions conceived or first reduced to practice in the course of college employment, or with use of college resources, as well as all related tangible research property including, but not limited to, models, devices, designs, avatars, computer software, storage media, text, chemical compounds and compositions, formulations, plant varieties, laboratory notebooks, clinical information, records and data related to discoveries.

Exceptions:

- Written sponsored research contractual agreements may provide alternate ownership and patent provisions.
 - The College shall make no claim to an invention or discovery made by a faculty member in the course of a disclosed and approved outside employment or consulting engagement if the invention or discovery resulted from work on a problem or topic proposed by the entity to which the faculty member is consulting and on which the faculty member has not engaged in research at the College, and the invention or discovery was conceived and first reduced to practice without the use of college resources, facilities or personnel.
1. In order to ensure that the College is fully informed of inventions and discoveries, able to make a proper determination of inventorship and ownership, and able to fulfill reporting obligations to governmental and other research sponsors, all persons subject to this policy shall promptly notify and fully disclose to the College all inventions and discoveries resulting from various activities conducted wholly or in part at the College, or under college auspices. If an inventor is uncertain whether the College has ownership rights in an invention, the invention shall be disclosed to the College.
 2. Written notice and disclosure of an invention or discovery should be made to the appropriate dean's office at least two (2) months prior to any public disclosure (including but not limited to disclosures required in connection with sponsored research requirements, and any proposed publication or presentation, such as at academic conferences), primarily because patent rights may be lost if information describing an invention has been published prior to filing of a patent application. Discoveries and inventions shall not be disclosed without the express written consent of the dean.
 3. Authors and inventors shall execute assignments and other appropriate documents as requested by the College to perfect the College's ownership rights and shall cooperate with the College as reasonably requested in support of efforts to secure, protect, market and transfer college intellectual property and comply with federal regulations. The College acknowledges the rights of inventors to take reasonable precautions to assure the confidentiality and physical security of formulas, methods, processes, patterns, computer code, devices, compositions of matter or other tangible research property in this process.
 4. The College has a right to apply for patent protection or otherwise protect and market the inventions and discoveries it owns.
 5. Income earned from the sale, licensing, or other transfer of intellectual property of the College shall be received solely by the College and shall be distributed as follows:
 - a. Reimbursement of all direct expenses related to prosecuting and maintaining the intellectual property protection and securing licenses, including fees for legal counsel or other experts, if required is distributed first.

- b. Remaining income will be split 50% to the inventor or inventors, and 50% to the College. If there is more than one inventor, distribution shall be prorated according to the contribution of each as may be agreed in writing between parties. Royalty income is payable to the inventor upon actual receipt by the College.
 - c. If administrative/professional or classified staff make commercially valuable discoveries or inventions in the course of carrying out their assigned duties (e.g. the employee received a salary or wage for the purpose of developing the discovery or invention), there is not presumption that the College will share any resulting net revenue as set forth above.
6. The College is not obligated to protect, enter into licensing arrangements, or commercialize any invention or discovery unless it has made an explicit contractual commitment to do so. If the College decides that it does not wish, and/or has no obligation to participate in patenting or licensing an invention, the College may release its interest in the invention to the inventor. In such cases the College may elect to retain an irrevocable royalty-free license to use the invention for education, research, and other non-commercial purposes.
7. This Policy will be administered by the President, who may delegate duties to other officers, committees, or employees of the College as appropriate to make recommendations. Decisions of the President shall be final. Responsibilities include overseeing the College's ownership of particular works of intellectual property, the interpretation of provisions in this policy, approving changes or exceptions, and hearing and resolving disputes related to intellectual property.

Detailed Applicability:

- This policy applies to all faculty, staff, administrators, and students. It also applies to any person using College facilities including, but not limited to, consultants, visiting faculty and scholars, employees on sabbatical and/or on paid leave.
- Faculty who engage in outside employment or consulting activities shall inform the party for whom the employment or consulting activities are to be performed of the College's Intellectual Property Policy, and of the faculty member's obligations under this Policy.
- When visitors from other institutions participate in research and other activities at the College, such participation might involve joint creation of intellectual property. While consideration will be given to the intellectual property policies of the visitor's home institution, the obligations of visitors should be assessed and potential conflicts resolved prior to the start of the visitor's participation in such research or other activities.

Reason for Policy

Teaching, scholarship and service are fundamental missions of Prescott College ("College"). In the course of teaching, professional development and other intellectual and administrative activities at the College, faculty, staff, students and others may create materials, or make discoveries or inventions that are entitled to legal protection as intellectual property. Encouraging and supporting the creation of intellectual property is in the public interest and is consistent with the advancement and dissemination of knowledge and other well-established academic values including academic freedom, the promotion of excellence and innovation, support of the ability of faculty to publish, share information and collaborate in research activities, and support of students in full participation in these and other educational activities.

Responsibilities	
For following policy:	All students and employees of the College and any person using College facilities under the supervision of College personnel
For enforcement of policy:	Dean, Academic Affairs
For oversight of policy:	President
For procedures implementing the policy:	Dean, Academic Affairs
For notification:	Policy Librarian

Revision History
Replaces policy: 810.0 Handling of Proprietary Materials – 11/01/97