

M. Policy on Intellectual Property

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The University recognizes that quality teaching requires the creativity of the faculty to achieve that goal. This creativity will result in intellectual property. This policy strives to clarify ownership of this property.

There are three tiers of ownership of intellectual property:

1. Faculty members own all lecture materials, ancillaries, PowerPoint presentations, photographs, recordings, and other items created without explicit compensation.
2. The University and the faculty member jointly own materials that were developed using significant University resources. Significant means that the University provided staff or purchased supplies that would not normally be provided (*e.g.*, a supplied computer and campus-licensed software would not constitute significant, because they are provided to the faculty member to carry out his or her teaching responsibilities). This joint ownership will be made clear to both parties prior to the onset of the project and not at the end.
3. The University owns all materials that were developed under a work-for-hire contract.

Definitions of Intellectual Property Rights

Course Materials

Example #1 Any material prepared for teaching in any form or format.

Example #2 Materials developed to illustrate or explain the subject matter, including—but not limited to—lectures, answer keys, assignments, websites, visual aids, text, images, syllabi, diagrams, graphs, multimedia presentations, videos, exercises for collaboration, simulations, and group projects.

Intellectual Property

Example #1 Tangible or intangible results of research, development, teaching, other intellectual activity, or some combination.

Example #2 Works eligible for copyright protection and inventions eligible for patent protection under U.S. law, international law, or both.

Work for Hire

Example 1 A specially ordered or commissioned work prepared by a faculty member.

Ownership Examples:

Case #1 The syllabus for a course is owned by the University and is placed into the archives at the Library.

Case #2 Presentations, assignments and the materials used to teach a course belong to the faculty member.

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Case #3 Texts written by a faculty member to support a course taught by him or her are owned by the faculty member even if typed on a University-supplied computer, copied using University copiers, and mailed to publishers at University expense. It is expected that the University will be credited as the affiliated organization in the published document. The University receives the intangible benefit of the association. The University does not share in any liability that could result from materials written and published by the faculty member.

Case #4 A faculty member develops a blended course for use at the Mount. The University wishes to market that course to outsider institutions or other entities: The faculty member owns the material used to teach the course unless he or she used significant University resources to develop the course. The University can purchase the exclusive rights or share in the revenue of the course following negotiation with the faculty member.

Case #5 The University plans to offer a series of blended courses to support a program or cohort of students. A faculty member is specifically contracted to create the courses. The faculty member receives release time or other additional compensation to develop the courses and provides updates on progress to the Provost or designee. Staff at the University work with the faculty member to provide expertise to create the podcasts, web pages, mp4 videos, and other ancillaries. The University owns all rights to the final products although the faculty member has the right to include copies of them in internal portfolios or for purposes of promotion and tenure at the Mount.

Case #6 A faculty member receives a sabbatical or a summer research grant and writes a book or paper resulting from his or her scholarly activity. The faculty member owns the copyright because sabbaticals and summer grants are available to all faculty as a method of keeping the faculty member current in his or her field. The faculty will also own the results of their scholarship, research, community service, and other materials created for the purposes other than teaching unless grant policy or contracts state the contrary. Conversely, a few years ago a Mount faculty member received an NSF grant just prior to leaving the University. NSF policy was that the grant was to the institution not the faculty member. The University accepted the grant and assigned another faculty member to complete the project even though the grant's author was no longer employed at the University.

Case #7 A faculty member is contracted by the University to develop a jointly owned blended course. The faculty member provides the content expertise and works with university staff in developing materials such as podcasts, videos, and websites to be used in teaching the course. This material is jointly owned by both the University and the faculty member, and they both can utilize materials without compensation. The University or the faculty member cannot transfer ownership without prior approval from the other co-owner.

Responsibilities

The Provost of the University will enforce this policy and will house all paperwork within his or her office. Any questions relating to the application of this policy should be resolved prior to the start of any work.

The University, through the school deans, with approval of the Provost, may begin negotiations with a faculty member prior to the creation of course materials if the University desires ownership of said course materials. Unless the University negotiates with the faculty member prior to the creation of course materials, the course materials belong to the faculty member. The University will prepare a separate contract for each faculty member whose materials will be

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jointly owned. Joint ownership cannot be applied retroactively without approval of the faculty member.

