

General/Faculty Policy – Intellectual Property

Intent:

The Policy on Intellectual Property defines and protects ownership rights created by all covered individuals independently or with the support of the college.

Definitions:

Intellectual Property – Intellectual Property includes any materials specifically created for use in a course offered by BSC and any other property type defined as Intellectual Property by law.

Creator - any person or persons who create an item of intellectual property.

Ownership:

Employees of Bismarck State College are encouraged to publish, copyright, invent and patent materials and objects of their own creation which will contribute to the advancement of knowledge. It is the desire of the College to encourage this policy to protect the interest of its personnel in relation to disclosure of scientific and technological developments including inventions, discoveries, trade secrets, computer software, and original works and ideas which may have monetary value. It is also the responsibility of the College to ensure that public funds and property are not used for personal gain. The creator is free to benefit from royalties and monies accruing from such publication or invention subject to the following guidelines:

1. All classes of intellectual property, scientific, and technological developments, materials or objects created on the employee's own time, and without the use of College facilities, equipment, materials or support, shall be the sole property of the creator.
2. Materials or objects created by employees at College expense or on College time or using College facilities or equipment shall be the property of the College. The College, in return for unrestricted license to use and reproduce original work without royalty payment, shall transfer to the creator of that work full ownership of any present or subsequent copyright/patent in accordance with the following paragraph.
 - a) In the event that materials or objects are sold to entities outside the College, all income will go to the College until all developmental expenditures incurred by the College for that project, including stipends paid to the developer (over and above contract salary), pro-rated support staff salaries, supplies and other expenses

related to the creation of the materials or objects, are recovered. Thereafter all remuneration as a result of copyright publication or patented sale will go to the creator(s) of the materials or objects.

3. The College will ensure equity and management participation on the part of the creator or creators in business entities that utilize technology created at the institution of higher education.
4. No College employee shall realize a profit from materials sold exclusively to Bismarck State College students.
5. When instructional material developed by the faculty is sold in the bookstore for a profit, the publisher of the material must be approved by the appropriate Academic Dean.
6. Personnel of divisions or units whose function is to produce educational materials may not realize a profit from the sale of those materials. In the case of any materials produced exclusively by these units, copyright will be held by Bismarck State College. Materials produced under an externally funded grant will be guided by the terms of the grant.

Process:

An employee desiring to develop co-ownership of Intellectual Property should initiate, in writing, a statement of intent to the President so that the means of development, ownership, equity and other pertinent documentation can be negotiated and a contract signed. The employee will have no claim of compensation, benefits or use of revenue from Intellectual Property aside from what is specified in the negotiated contract in writing by the College President.

Reference:

State Board of Higher Education Policy Manual Section 611.2 – Employee Responsibility and Activities: Intellectual Property

History of This Policy:

Approved by the Faculty Senate on December 1, 2016, reviewed by the Operations Council on December 14, 2016 and approved by the Executive Council on January 3, 2017; August 18, 2017.