

**ISSUED:** *January 2017*

**EFFECTIVE:** *January 2017*

Every member of the Kettering College community has responsibilities and rights involving copyright law and the policy regarding intellectual property.

**PURPOSE:**

The purpose of this Policy is to establish the rights and procedures governing intellectual property (IP) that is developed by the faculty, staff, and students of Kettering College.

**Goals:**

1. Define the ownership and right-of-use for IP works created by Kettering faculty, adjuncts, students and staff specifically for instructional and learning purposes.
2. Define the ownership of creative IP works created by Kettering College faculty, adjuncts, students, and staff not specifically related to instructional and learning purposes.
3. Define the principles for assigning and protecting the ownership and right-of use for any IP created through the efforts of Kettering faculty, adjuncts, students, and staff with the direct support of Kettering College.

**POLICY STATEMENT:**

1. Kettering College has the **exclusive** right to use, retain, market, license, assign, and sell all **IP Work** created by Kettering faculty, staff, and other employees as part of their regular and assigned duties (**Work for Hire**).
2. **Instructional IP Work** created by Kettering faculty, adjuncts, students, and staff for the intended purpose of supporting Kettering instructional and teaching processes (e.g., syllabi) belongs both to Kettering College and to the **IP Work** creator. The ownership of this Instructional **IP Work** is non-
3. **Scholarly, Professional, and Creative IP Work** created by Kettering faculty, adjuncts, students, and staff while they are associated with the college but without the specific purpose of supporting Kettering College instructional and teaching processes (e.g., journal articles) shall remain the exclusive property of the IP Work creator(s).
4. Ownership of **Inventive IP Work** created by Kettering faculty, adjuncts, students, and staff with the support of College Resources(e.g., patentable inventions) shall be assigned by the appropriate administrative office jointly to Kettering College and the **IP Work** creator(s) by **specific written contract**.
5. Ownership of Student IP Work belongs to the student(s) creating it. The college has non-exclusive rights covering the use of Student IP Work for academic, non-commercial purposes. The identity of the creator(s) of **Student IP Work** used for academic, non-commercial purposes must be protected in keeping with FERPA regulations.

**Definitions:**

**College Resources:** includes money, materials, services, personnel, and infrastructure which Kettering College owns or purchases, and which are available for the use of and support of college faculty, students, and staff.



**Exclusive Rights:** The person or entity which owns all rights to an IP Work, including control, use, copyright, or patent, as each term may apply. Instructional IP Work an **IP Work** whose nature and purpose informs, supplements, or otherwise supports the instructional and teaching activities at Kettering College.

**Instructional IP Work:** An **IP Work** whose nature and purpose informs, supplements, or otherwise supports the instructional and teaching activities at Kettering College. **Instructional IP Work** is considered as a specialized **Work For Hire** to which Kettering College claims **Non-exclusive** rights. Examples include but are not limited to, syllabi, course outlines and plans, PowerPoint and other graphic presentations.

**Intellectual Property:** IP Creative or inventive activities and products.

**Inventive IP Work :** An **IP Work** whose nature and purpose is to develop a new object, process, or combination of objects and processes that could potentially receive a patent from the U.S. Patent Office as defined by its guidelines.

### **IP Work(s)**

#### **Non-exclusive Rights:**

The person or entity in question claims limited rights to an **IP Work** that includes the continued and perpetual access, right-of-use, modification, and adaption of the **IP work**.

#### **Scholarly, Professional, and Creative IP Work:**

An **IP Work** whose nature and purpose involves intellectual or creative content intended to be commercially or academically published. Examples include but are not limited to, research articles, review articles, book chapters, books and monographs, paintings and graphic arts, and creative works of fiction, drama, and poetry. An **SPC IP Work** created apart from the direct task of instruction or teaching on behalf of Kettering College is not a Work for Hire within the context of this IP policy, except as amended by a written agreement between one or more college employees and the college itself.

#### **Standard Written Contract:**

An agreement in writing, signed by both parties, that defines the **non-exclusive** rights, and ownership, of **Instructional IP Works** for any person who teaches courses for Kettering College Student IP Work An IP Work created by a student to fulfill a specific course requirement.

#### **Specific Written Contract:**

An agreement in writing, signed by all parties, that defines exclusive and non-exclusive rights, and ownership(s) of **IP Works** created with the substantial use of or support of Kettering College Resources.

#### **Work for Hire:**

Any **IP Work** created by a college employee in the completion of his or her normal work duties and assignments (other than instruction and teaching) is a Work for Hire to which Kettering College claims **Exclusive** rights.

References: Kettering Health Network Intellectual Property Policy.

**LAST REVISED: January 2017**

**REPLACES: N/A**

**APPROVED BY: College Council**

**EFFECTIVE DATE: January 2017**