

3.3.5 Intellectual Property

It is the policy of KCTCS to recognize and encourage the individual effort on the part of its faculty, staff, other employees, and students that leads to the creation of intellectual property. As such, it is the intent of KCTCS to protect the rights of the individual and of KCTCS to provide for reasonable and appropriate sharing of any proceeds in the event that these creations have commercial value.

3.3.5.1 Applicability

This policy applies to all persons employed by KCTCS either as full-time, part-time, or temporary employees, including those on sabbatical leave and on leave with pay; it also applies to students enrolled at one or more KCTCS colleges and to other persons using KCTCS facilities and resources. Contracts between KCTCS and independent contractors should define the respective rights and responsibilities of the parties with respect to ownership of any intellectual property developed as a result of the contract.

3.3.5.2 Ownership of Intellectual Property

Ownership rights to an intellectual property creation are determined by the following provisions unless an agreement provides otherwise.

- ***Institutional Works.*** Intellectual property rights in institutional works belong to KCTCS, unless an agreement provides otherwise. Institutional works are made in the course and scope of employment by faculty, staff, other employees, or any person with the use of KCTCS resources, unless the resources were available to the public without charge or the creator had paid the requisite fee to utilize the resources. Program curriculum is institutional work.
- ***Scholarly Works.*** Intellectual property rights in scholarly works belong to the KCTCS faculty, staff, or other employee who created the work, unless an agreement provides otherwise. Scholarly works are creations that reflect academic effort, creativity, and/or research; they include course syllabi, instructional materials such as textbooks and course materials, journal articles, research bulletins, lectures, monographs, plays, poems, literary works, works of art, computer software/programs, sound recordings, musical compositions, and similar creations.
- ***Online Works.*** Intellectual property rights in online works are equally shared between KCTCS and the KCTCS faculty, staff, or other employee who created the work, unless an agreement provides otherwise. Online works are materials developed for and used within the delivery of online courses.

- **Personal Works.** Intellectual property rights in personal works belong to the creator of the work, unless an agreement provides otherwise. A personal work is created by faculty, staff, or other employee outside his or her scope of employment and without the use of KCTCS resources other than resources that are available to the public or resources for which the creator has paid the requisite fee to utilize.
- **Student Works.** Intellectual property rights in student works belong to the student who created the work, unless an agreement provides otherwise. A work created by a student employee during the course and scope of employment is an institutional work, and intellectual property rights to such creation belong to KCTCS, unless an agreement provides otherwise.

3.3.5.3 Administrative Procedures

The overall responsibility for application of this policy is vested in the KCTCS President and is administered by the Intellectual Property Standing Committee, which oversees implementation of its procedures; this committee consists of KCTCS legal counsel and representation from KCTCS faculty, staff, and students. Any member of this committee ceases to be eligible for membership and ceases to serve this committee upon termination of his or her respective relationship with KCTCS. While members of this committee may consult with others as needed, the KCTCS General Counsel or designee acts as legal counsel to this committee.

3.3.5.4 Process of Disclosure

Whenever a KCTCS faculty, staff, other employee, or student operating under the scope of this policy creates intellectual property that could reasonably be expected to have commercial value, that person notifies the Intellectual Property Standing Committee, through the KCTCS General Counsel using the “Intellectual Property Commercialization Disclosure Form,” for the purposes of this committee evaluating the intellectual property ownership and commercial potential of the creation. The committee interviews the creator and other persons as needed to make this evaluation and provides the KCTCS President with its recommendation. For those creations with commercial potential in which KCTCS is determined to have an ownership interest, the KCTCS General Counsel works with all parties with an ownership interest to complete an agreement to provide for reasonable and appropriate sharing of any proceeds derived from commercialization of the creation.

3.3.5.5 Copyright

The Kentucky Community and Technical College System (KCTCS) requires that all college personnel and students adhere to the provisions of the United States Copyright Law (Title 17, United States Code). This law applies to anyone at KCTCS who wants to reproduce, alter, or perform works that are protected by copyright. Examples of these works include printed materials, sound recordings, video recordings, visual art, computer software, and multimedia.

The Chancellor or a designee(s) shall develop and distribute to students and employees guidelines that:

- clearly discourage violation of the copyright law, and
- inform students/employees of their rights and responsibilities under the copyright law.

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President, KCTCS Date