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	Related Procedure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Legal Citation (if Applicable)	Board Approval/Revision: 26 March 2014	

Colorado Mountain College affirms its commitment to two key principles:

1. Encouraging and rewarding authors, creators, researchers, and innovators who are developing intellectual property
2. Supporting the creative works of authors, creators, researchers, and innovators who will under most circumstances retain ownership of copyright in order to support their creative endeavors

In keeping with longstanding academic custom, Colorado Mountain College recognizes faculty, staff, and student ownership of copyright in works of authorship created by faculty, staff, and students for textbooks, other works of nonfiction and novels, articles, or other creative works, such as poems, musical compositions, visual works of art, and e-learning materials regardless of whether such works are disseminated in print or online formats.

Standard course materials, such as syllabi, assignments, and testing, created for the classroom, whether face-to-face, hybrid, or online learning environments, shall be the property of the faculty member, author, creator, researcher, and innovator. Personal course materials will belong solely to the faculty member and includes special videos, pictures, images, and programming done by the instructor. These items require that the College gain permission for their continued use unless the faculty member was explicitly paid to develop these materials.

Colorado Mountain College shall be permitted to use course material for the purposes of accreditation and audit, and materials may be retained until the audit or accreditation is cleared. However, the College shall have unlimited use of syllabi for administration, accreditation, and audit purposes.

“Significant Use”

“Significant Use” is the use of College-funded or supported resources including, but not limited to: facilities, time, equipment, property, personnel, reassigned time, grant funds, salary supplement, leave with pay, or any other material, human, or financial assistance; the use of specialized or experimental equipment; and/or the use of any College facility that leads to an appreciable expenditure of College funds that would not have otherwise occurred. The use of College resources is considered “Significant” when it entails a level of use not ordinarily available to all, or virtually all, faculty, staff or students. If an employee or student develops intellectual property that arises in part or in whole from the Significant Use of College Resources, CMC will have complete and exclusive ownership of all resulting copyrights and/or patents. However, prior to the development of intellectual property, the employee or student who plans to develop the product may enter into an agreement with the College as discussed in C. Rights Agreement.

Occasional use of College-owned computer hardware and software, office or classroom space or libraries will not ordinarily constitute Significant Use. If a Covered Individual, faculty, staff, or students, makes, creates, or discovers intellectual property that is the same as, directly related to, or substantially similar to an intellectual property in which the Covered Individual is engaged at the College, then

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Significant Use of College resources is presumed. The Covered Individual may rebut this presumption through submission of documentary evidence which clearly establishes that the intellectual property was developed without Significant Use of College resources.

Ownership Rights:

A. Independent Works

Intellectual property rights in Independent Works belong to the creator of the work. An Independent Work is created by an employee outside the scope of his or her employment or by a student attending the College, but without use of “Significant” College resources other than resources that are available to the general public.

B. College-supported Works

Intellectual property rights in College-supported works, unless otherwise provided in a written rights agreement, belong to the College. The College owns all rights to a copyrightable or patentable work created by the employee or student with Significant Use of College resources. The College, with the permission of the president or designee, retains the option to release or transfer the rights of a College-supported work to the work’s creator through an appropriate written agreement. The College owns all rights to its trademarks, including all names, acronyms, logos, seals, and other related materials associated with the College.

C. Rights Agreement

A Covered Individual may enter into a written agreement with Colorado Mountain College for an equitable arrangement for joint ownership, sharing of royalties, or reimbursement to the College for its costs and support, which may include publication and distribution of College-supported Works or works for hire. In all such cases, the agreement shall provide that the College will have the right to use the work at no cost for its educational purposes.

Although faculty participation in new forms of e-learning and other emerging technologies may necessitate the support of institutional resources, these resources are not considered “Significant” but rather “common” in today’s learning environment. Colorado Mountain College recognizes the purpose of these “common” resources is to encourage quality learning programs. Some examples include: electronic courseware products and digital repositories, LMS trainers, and general online technical support and training from instructional designers, programmers, and other support personnel.

Publication and Disclosure:

If, at any point in the creation of educational materials, “Significant” resources are used or anticipated, then a negotiated written agreement, signed by the creator(s) and a designated representative of the College shall be required.

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If the author, creator, or innovator wants clarification as to whether “Significant” resources are used or anticipated, he/she may consult and/or negotiate a written agreement with the College.

If a person or party is responsible for creating specific revenue-generating education materials, a negotiated written agreement signed by all creators and the College shall be required. A negotiated written agreement will usually specify:

1. The rights of the creator and the College to use, distribute, and sell the materials
2. The division of revenues between the College and the creator
3. The rights of the College of use and to modify the materials during and after the period of formal association with the College
4. The right of the creator, and the College, and/or external funding parties to be acknowledged or not in the distribution or modification of the materials by the College

Publications of research and/or other scholarly materials and activities typically occur in professional/academic journals, books, and other professional resources and may require that the author(s) sign over the copyright to the publisher. Nothing in this policy shall be constructed to restrict or constrain these traditions.

Works specifically commissioned by College contract, or done as part of an explicitly designated job assignment other than normal teaching responsibilities, or fall outside the scope of the project, shall be the property of the College.

Dispute Resolution:

In the event of a dispute, the College shall establish an Intellectual Property Board, composed of faculty, administrators, staff, and students, to hear and recommend resolution of disputes. The Intellectual Property Board also interprets and directs the implementation of policies stated in this document.

Generally, the Intellectual Property Board shall comprise five members. These shall include two faculty appointed by the College-wide Faculty Senate, one professional staff member, and one administrative staff member appointed by the College President or College President’s designee. The fifth member shall be a clerical/technical staff member appointed by the consensus of the other four members. In cases where students are parties to a dispute, the Committee shall add two students appointed by the Student Senate at the campus where the student is enrolled.

Any negotiated written agreement made in connection with the creation of educational materials may be modified at any time upon the agreement of the employees who are a part of the agreement and the College President or College President’s designee. Such modifications will normally be necessary when a

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continuing project changes the list of creators or the project involves a change in the College's contribution of substantial resources.

A person formally affiliated with the College shall be obligated to report in a timely manner any efforts to create educational materials that might impact any College policy, including this policy. Such reporting shall be to the direct supervisor, and if deemed appropriate by the supervisor, to the President or designee.