



POLICY

Category	Approval		
Series 700: Personnel	Effective 2/22/10	Administration 12/4/09	Board 2/22/10
	Revised	For Review	2029

INTELLECTUAL PROPERTY

MTC 752

Mitchell Technical College owns the intellectual property rights in any and all works produced by or for the College.

In order that MTC be able to utilize to the best and fullest extent all works produced for it, and all works provided for its use, anyone producing work for the College and anyone providing work for the College's use, represents and warrants that such works:

- Do not violate any law;
- Do not violate or infringe any intellectual property right (including but not limited to copyright, trademark, patent, or right of publicity) of any person or firm; and
- Do not libel, defame, or invade the privacy of any person or firm.

Intellectual property includes, but is not limited to, any copyrightable subject matter or materials, patentable inventions, online courses, computer software, or materials that would normally be developed on a proprietary basis.

The College owns all rights to a copyrightable or patentable work created by the employee or student with the support of College resources unless addressed in a separate agreement. A legally binding agreement must specify the named party or parties describing to whom the intellectual property belongs and the attribution ownership of the intellectual property to the general public.

College resources may include, but are not limited to, offices, computers, standard office equipment and supplies, libraries, labs, funds, and personnel.

The ownership of a copyright or patent resulting from the development of intellectual property and any rewards or recognition attributed to the copyright or patent will be determined according to the conditions described in the two sections below.

The employee or student retains ownership if all of the following criteria are met:

- The work is the result of individual initiative, not requested or required by the College;
- The work is not the result of a specific contract or assignment made as a result of employment or enrollment with the College;
- The work is outside the scope of the employee's job duties or course/program requirements;
- The work is done without using equipment or resources provided by the College.

Ownership remains with the College if any of the above criteria are not met and/or if any one of the criteria below applies:

- The work is produced within the scope of the employee's job duties or course/program requirements;
- The work is the product of a specific contract or assignment made in the course of the employee's employment or student's enrollment with the College; or the development of the work involved facilities, time, and/or other resources of the College such as released time, grant funds, College personnel, salary supplement, leave with pay, equipment, or other materials or financial assistance.

When a question of ownership arises, the President must approve the development of the intellectual property by any employee or student of Mitchell Technical College.

When questions arise as to equities, rights, division of revenues, or any other intellectual property-related matter, they shall be referred to the President for consideration, interpretation of policy, and decision. Appeals within the College must be made in writing within sixty days of written notice of a final decision.