

## Greenville Technical College Administrative Policies

### 6-2 Copyright, Intellectual Property Rights

Insertion Date: 9-9-2011  
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Removal Date: \_\_\_\_\_

Approved by President:

*Kia Miller*

**A. Greenville Technical College (GTC) uses policies and procedures of the State Board for Technical and Comprehensive Education (SBTCE) that are available on the insertion/revision date of this policy. GTC policy is intended to supplement SBTCE policies and procedures, and a thorough review of these policies and procedures by supervisors is required prior to applying any GTC policy. SBTCE policies and procedures are available at <http://www.sctechsystem.com/faculty-and-staff/policies-and-procedures/index.html>. Those referenced in the development of this policy are:**

1. 1-3-100, Copyright
2. 3-0-100, Intellectual Property Rights
3. 3-0-100.1, Intellectual Property Rights
4. 8-0-102, Personal Benefit from Projects
5. 8-0-105, Ethics Requirements for Employees and Public Officials

**B. Definitions:**

1. "Copyright" is a form of legal protection extended to the creators of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. Since copyright protection exists from the moment that a work takes on a fixed form, it pertains to both published and unpublished works. United States Copyright Law generally gives copyright owners exclusive rights to reproduce the work; prepare derivative works; distribute copies to the public by sale or other transfer of ownership, or by rental, lease, or lending; and, if applicable, perform, display, or transmit the work publicly.
2. "Intellectual Property (IP)" is defined as patentable inventions, discoveries, processes, mask works, tangible research property, trademarks, service marks, software and other copyrightable works. Per SBTCE, this means any product of intellectual value that is unique, novel, unobvious and/or original, or otherwise subject to copyright or patent protections pursuant to Title 17 or Title 35 of the U.S. Code of Laws.
3. "GTC resources" include funds, facilities, equipment, and any other infrastructure paid for by GTC.
4. An "employee" is any individual who is hired and compensated by GTC for the performance of assigned tasks. Third party consultants are not employees within the meaning of the SBTCE's IP rights policy and these procedures.

5. “Work-for-hire” means work prepared by any employee, including students employed by the college. It also includes all work accomplished specifically for GTC or in support of GTC while employees are on sabbatical, leave or otherwise away from the work place.

C. GTC’s Policy for Copyright:

1. Purpose: GTC intends that all employees, students, and visitors comply with United States Copyright Law (Title 17, United States Code, Sect 101, et seq.) which governs the use of copyrightable materials.

2. Policy:

The college’s policy supports SBTCE Policy 1-3-100 which mandates adherence to copyright laws by all employees. Additionally, the Higher Education Opportunity Act (P.L. 110-315) requires any institutions of higher education that provide federal student aid programs to annually communicate college policies regarding copyright infringement and related penalties to students.

3. Responsibilities:

To help employees and students comply with copyright law and guidelines, GTC has assigned the following roles and responsibilities:

- a. The Dean of Learning Resources (Dean) has been appointed to serve as Copyright Officer for the college.
- b. Under direction of the Dean, the Library Services department is charged with maintaining online copyright information for both employees and students that includes a link to this policy as well as detailed information about types of copyrightable materials, their appropriate use in the college’s learning environments, and penalties that may be associated with misuse. Online copyright information is provided for information purposes only and should not be used as a substitute for actual legal advice. Online copyright information, including a Copyright Compliance Form, is available at <http://libguides.gvltec.edu/copyright>.
- c. The Dean provides a Copyright Compliance Form that individual employees may use to document their efforts to comply with copyright law. Employees who are concerned about possible improper use should discuss the issue and file the Copyright Compliance Form with the Dean. While completion of this form shows an effort on the part of the employee to comply with the college’s policy, it does not guarantee compliance with the law.
- d. Responsibility for seeking copyright information and completing a Copyright Compliance Form rests with the individual employee who uses the work.
- e. The Division of Student Affairs is responsible for annually communicating copyright information to students, as required by the Higher Education Opportunity Act. This

disclosure communicates the civil and criminal penalties that may be associated with copyright violations, including peer-to-peer file sharing.

- f. Members of the college administration, various technical departments, and distance education faculty are responsible for meeting requirements set by the TEACH Act of 2002.

**D. GTC's Policy for Intellectual Property (IP):**

1. Purpose: GTC intends that all students, faculty, and staff properly own, disclose, recognize, and disseminate IP consistent with policies and procedures outlined by the SBTCE and GTC. Through this policy, the college:
  - a. Encourages the creation of intellectual property by all GTC students, faculty, and staff.
  - b. Agrees to share IP between institutions that are members of or affiliated with the SBTCE.
  - c. Protects agency resources and assures that they are used consistently with system and college missions.
  - d. Uses IP to serve the public good.
  - e. Desires that any IP defined in this policy have a written ownership agreement when needed as soon as is practical.
  - f. When designated through a written ownership agreement, may provide for a portion of the royalties from the commercial exploitation of specifically designated IP to be awarded to the individual(s) who created the work on the college's behalf.
2. Policy: This policy supports SBTCE Policy 3-1-100, Intellectual Property Rights, and 8-0-102, Personal Benefits from Projects. In general, employees or contractors working for GTC do not retain IP rights for work conducted on behalf of GTC unless a written property ownership is entered between the individual and GTC. GTC retains ownership of the IP for students who create an original work or invention while completing assigned coursework or while significantly using GTC resources. GTC believes that when possible, it is in the best interest of the student, faculty, staff, and institution to share any royalties received from such an innovation. As prescribed in SBTCE 3-0-100.1, the President of GTC has the authority to enter into written property ownership agreements with employees or independent contractors who create original works involving copyrights, patents, or other forms of IP for use or ownership by the college. This policy does not address students attending GTC, however when applicable, students should seek a written property ownership agreement per paragraph D3e.
3. Responsibilities:

- a. Students:
  - i. GTC does not claim any ownership for IP developed by students who create an original work or invention on their own time using their own resources and not as a result of course work or projects assigned while taking a GTC course.
  - ii. GTC retains ownership of the IP when students create an original work or invention while completing assigned coursework or while using significant GTC resources.
  - iii. GTC may enter a written ownership agreement with students for IP royalties.
  
- b. GTC Faculty and Staff:
  - i. GTC does not claim ownership for IP developed by faculty or staff who create an original work or invention on their own time, with their own facilities and resources, and when engaged in research/projects not within stated objectives of their sponsored research such as a grant.
  - ii. GTC retains ownership of IP for inventions made by faculty or staff while working on GTC related projects, grants, or instruction.
  - iii. Faculty or staff members may seek a written agreement of ownership with GTC according to paragraphs D3c and D3d when applicable.
  
- c. GTC may enter into an IP agreement students, faculty, or staff members provided:
  - i. Employees and students comply with copyright laws and requirements defined in Section C of this policy and IP does not violate provisions of United States Copyright Law or any other federal law or regulation.
  - ii. Applicants understand GTC does not waive the institution's copyright ownership as it pertains to class lectures, notes, or course syllabi. GTC does waive the institution's copyright to scholarly works which are not created within the scope of employment, or to scholarly works which are not created using agency resources without a written agreement stating such.
  - iii. Unless specifically approved by the President of the college through a written ownership agreement, GTC does not agree to award a portion of the royalties from any IP to students, faculty, or staff who created the work on the institution's behalf as described in D3a and D3b.
  - iv. All IP is fully compliant with the provisions of State Ethics Act, Policy 8-0-102: Personal Benefit from Projects or Written Materials, and Policy 8-0-105: Ethics Requirements for Employees.
  
- d. Except through a written ownership agreement with the President of the college, the institution does not honor any agreement concerning IP and its use when rightfully owned. There is no specific format for the written ownership agreement of IP but agreements must specify the scope and nature of the IP, the owner, proposed use for the material, and any arrangements to award royalties. Individuals should also provide a detailed description of the IP, where and why it was developed, the specific requirements requested, and any other pertinent information. When employees are involved, requests for agreements should be forwarded to the individual's appropriate Vice President. In turn, the Vice President will make a recommendation and forward the request to the President for approval or disapproval. Student requests should be

sent through the Vice President for Education. At no time does application for approval or verbal agreement infer approval.