

The primary mission of John A. Logan Community College is educational instruction. Even so, there are various occasions when the College personnel do research and creative writing. Research and creative writing leads to new ideas; new ideas may lead to patents and copyright. It follows that in regard to patents and copyrights which result from research or creative writing conducted by staff members with assistance and encouragement of the College, there should be an equitable distribution of credit and responsibility. Further, the College also has a responsibility to itself and to the public in regard to the type of research it sponsors and in obtaining from such research and creative writing, the greatest public benefit. The policy of the College concerning research, patentable discoveries and copyrights, and the benefits that may accrue from such patents and copyrights is as follows:

- A. Independent Research and Writing. Research or writing conducted by a staff member on his own time and at his own expense shall be termed "Independent Research and Writing."
 1. No claims or restrictions shall be placed by the College on any copyrights, patents, patent rights, or discoveries obtained as the result of independent research.
 2. The individual researcher or writer, however, may voluntarily assign all of his or her claim to the results of such research or writing to the College.
- B. College-Sponsored Research and Writing. Research and writing conducted by a staff member with the help of the College, either in the form of grant or grants or in the time assigned to research or write, or both, shall be termed "College-Sponsored Research and Writing."
 1. If the College's aid does not exceed ten percent (10%) for an individual's research or creative writing, either in actual funds or in salary for assigned time, or in both together, the College shall not be considered to have established a right to share in the results.
 2. In such cases where the College commissions the faculty work, the College pays such person to do the work, and thereby acquires ownership in the same. Royalties or profits resulting from the work are to be divided between the College and the faculty member.
 3. Staff members shall have the responsibility of reporting to the proper College authorities any possible invention or creative writing coming from College-sponsored research which should be protected by patent or copyright.
 4. If the College determines not to assert a claim to possible patent or copyright materials, the College may release its proprietary interest to the researcher or writer of record.
 5. The College or its designated agent shall assume all responsibility for protecting or promoting property rights to patents and copyrights developed with financial support of the College, unless the College elects to release its proprietary interests to the individual researcher or writer. If the College utilizes a patent or copyright management firm and such a firm assumes a part or all of the costs of patenting or copyrighting, a distribution of royalties shall be agreed to by the College, the management firm, and the inventor or writer.
 6. The researcher or writer shall be responsible for obtaining appropriate written releases from individuals identifiable in, or in some manner requested to participate in, the creation of College-sponsored materials or inventions. Written statements shall also be obtained from appropriate College personnel indicating that to the best of their knowledge all materials developed did not infringe on existing copyrights, patents, or other legal rights.

7. Each employee/inventor/writer will supply all information and execute all papers necessary for the purpose of presenting patent applications on inventions/discoveries or copyright materials covered under this policy.
8. Whenever income or royalties are divided, both the College and the faculty member will get at least ten percent (10%).

Division of the remaining eighty percent (80%) will be determined by negotiation and should be based upon the following criteria:

- (a) The origin of the idea on which materials and/or inventions are based.
 - (b) The subject matter expertise involved.
 - (c) The investment (time, energy and money) of the faculty member in the development of materials and/or inventions.
 - (d) The extent to which the College supported or commissioned the materials and/or inventions.
9. Agreement regarding specific division of equity is to be arrived upon, if at all possible, upon inception of the project. If a project is begun without a specific agreement, such agreement is to be obtained as soon as possible using the criteria listed above.
 10. Those materials and/or inventions developed with the College's involvement will be available for internal use by the College without charge.

C. Externally-Sponsored Research. Research contracts between the College and other agencies shall state clearly the obligations and rights of the College and of the cooperating agency and the procedures to be followed in case patentable discoveries or materials subject to copyright grow out of the research or writing. In each case the College shall be free to negotiate with the sponsor and agency so far as the copyrights are concerned.

D. Definitions: The following definitions apply under the terms of this policy:

Inventions: All devices, discoveries, processes, methods, uses, products or combinations, whether or not patented or patentable at any time under the Federal Patent Act as now existing or hereinafter amended or supplemented.

Materials: All instructional, literary, art, dramatic, and musical materials or works and all other material published or unpublished, whether or not copyrighted or copyrightable. This includes written and recorded materials.

Faculty Members: Part-time and full-time, teaching and non-teaching professional level staff.

College: John A. Logan Community College District No. 530.

Support: Include use of College facilities, equipment (owned or rented), materials, funds, information, and/or time and services of College employees and/or students or College and related duties.

ADOPTED: MAY 14, 1984
AMENDED:
REVIEWED:
LEGAL REF.:
CROSS REF.: