

ADMINISTRATIVE RULES

Title: INTELLECTUAL PROPERTY	Identification:	6HX-10-2.12
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	Effective Date:	February 22, 2017
Authority:	Signature/Approval: Dr. Ken Atwater	
FS 1001.64; 1001.65; 1004.726		

PURPOSE

This administrative rule establishes College policy regarding intellectual property, which includes educational materials, copyrightable work and inventions that may be subject to trademark, copyrights and patents by faculty, staff, and students at Hillsborough Community College (HCC).

RULE

For the purpose of this rule, intellectual property includes all works, which include any copyrightable material and inventions created, developed and produced by faculty, staff and students. Intellectual property may be the result of College-sponsored or supported efforts or the result of the individual's independent efforts. College students, faculty and staff are encouraged to develop intellectual property relating to educational endeavors that include but are not limited to an invention, educational materials, works of art, literary works, teaching aids, textual materials, computer software, databases, audiovisual materials, and any drawings, lectures, musical/dramatic compositions, pictures, graphics, any other copyrightable material, and any other products that are designed to enhance or supplement the educational process at Hillsborough Community College. The Board may in its own name secure letters of patent, copyrights and trademarks on intellectual property produced or developed on behalf of the institution.

College-sponsored or supported efforts include a work developed with use of College funds, personnel, facilities, equipment, materials or technological information, which would include support by another public or private organization if administered or arranged by HCC. College-sponsored or supported work means the work was not made in the course of independent efforts and the creator was either engaged by the College or made use of the College's support in developing the intellectual property, which is the property of the College. The creator will share in any proceeds subject to the terms of an agreement with the College.

Students, faculty and staff may produce educational endeavors that are subject to copyright, trademark or patent statutes from intellectual property that results from the individual's independent efforts. In such cases, the creator has the right to determine the disposition of the material and to receive revenue derived from such work. Independent efforts include those ideas that came from individual faculty/staff/student; the work was not made with the use of College support; and the College is not responsible for opinions expressed in the independent work. The intent of this policy is not to assert College rights on works developed without the use of appreciable College support and used solely to assist/enhance a faculty member's instructional assignment. Further, a scholarly article published in independent journals and publications or books, articles and similar work intended to disseminate the results of scholarly study or academic research are generally considered independent efforts unless College-sponsored or supported.

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Once intellectual property is created and prior to publication, the faculty/staff/student is required to disclose to the Vice President for Education and Student Development any work made through College-sponsored or supported efforts. The Vice President for Education and Student Development will have sixty (60) days to determine whether HCC wants an interest in the particular intellectual property and to develop a written agreement to reflect the interests of both parties including how any proceeds will be distributed. Both the College and the individual will make every effort to protect both parties' interests.

Hillsborough Community College will not be held responsible for any opinions expressed for College-sponsored or supported intellectual property that is subject to trademark, copyright or patent statutes. The agreement with the individual and the College will consider the relative contribution by such individual and establish the percentage of ownership of the trademark, copyright or patent, and compensation terms for development. All such agreements will satisfy any pre-existing commitments to outside sponsoring agencies. All revenue derived from such intellectual property by the College shall be used for student/academic-related areas.

All discoveries or inventions made outside the field in which the employee is hired by the College and where the College has not provided any support are the individual's property and invention. However, the employee and the College may agree that the patent for any such discovery and invention be pursued by the College and the proceeds shared.

The development of intellectual property shall not interfere with the employee's effective performance of his/her assigned duties at the College. Unless otherwise determined by an agreement between the College and the employee, the employee's immediate administrative supervisor shall determine whether development of the intellectual property has a detrimental effect upon the employee's performance of his/her regular assignments.

For all intellectual property made during an approved outside employment, the employee may only delay such disclosure to protect the outside employer's interest until a decision has been made whether to seek a patent, copyright or trademark.

All College personnel and students are obligated to refrain from any act that would defeat the College's rights in any College-sponsored or supported intellectual property created.

Faculty covered by the FUSA Collective Bargaining Agreement shall follow any applicable provisions governing royalties, copyrights and patents contained in the Collective Bargaining Agreement. In the event of a conflict with the terms of the FUSA Collective Bargaining Agreement, the terms and conditions of the FUSA Collective Bargaining Agreement will govern.

The President will develop an administrative procedure concerning intellectual property, which will include guidelines for implementing this policy.