

C.1.8 (Policy) Intellectual Property

Responsible Department: Vice Chancellor for Academic Success, Vice Chancellor for Finance and Administration

Board Adoption: 8-18-09

Last Board Action: 1-26-10 Update 10-01

Last Amended: 11-7-16

Intellectual Property

Intellectual property is illustrated by, but not limited to, scientific, technical, literary, dramatic, musical, artistic, and other intellectual and creative works as well as inventions, discoveries, trade secrets, and computer software which are copyrightable or patentable.

College District-Supported Works

Unless otherwise provided in this policy, the College District owns all rights to copyrightable or patentable work that is created by a College District employee in the course of the employee's employment with the College District as illustrated by, but not limited to, the use of facilities, time, or resources of the College District, including, but not limited to, released time, grant money, sabbatical leave, or other material or financial assistance by the College District, or otherwise using College District resources such as computer, software, clerical, or other resources not generally available to the public.

Independent Works

A College District employee owns all rights to copyrightable or patentable work that is created by the College District employee while not in the course and scope of his/her employment as illustrated by, but not limited to, the following factors:

1. The work is the result of individual initiative.
2. The work is not the result of a specific assignment made within the course of employment with the College District.
3. The work does not involve the use of College District facilities, time, or resources.

Unless specifically prohibited by College District policy or procedure, the College District (including individual colleges) may recognize an artistic or literary achievement of a College District employee by holding official events such as book signings, exhibits, and other celebrations at which the artistic or literary work may be offered for sale, but only to the extent such would be available to non-employees.

However, no College District employee or student shall realize a profit from the sale or use of curricular or other materials where the source of funds is a College District student related to participation in a College District class, whether or not the employee or student owns the rights to the material. Nothing in this policy precludes an employee or student from assigning such revenue to the ACCD Foundation.

Rights Agreement

The Chancellor or designee shall establish procedures to ensure that any College District employee who creates copyrightable or patentable work with College District support shall enter into an agreement with the College District pursuant to [C.1.8.1](#).

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Institutional Review

Disputes as to ownership of rights related to copyrightable or patentable work created by a College District employee with College District support shall be reviewed by a review board chaired by the Vice Chancellor for Academic Success.

Sale, Lease or License of College District Works

The Chancellor or designee shall establish procedures to protect the copyright and patent interest of the College District in the sale, lease, or licensing to others of College District work products.

Procedure [C.1.8.1](#) Intellectual Property

Legal Reference - TACC Policy Reference Manual

CT(LEGAL) – Intellectual Property

DBD(LEGAL) - Employment Requirements and Restrictions: Conflict of Interest