Southwestern Community College acknowledges the ownership rights associated with intellectual property and requires students and employees to adhere to all applicable state and federal laws. Intellectual property is property protected by copyright, trademark, or patent law.

1. **Works Made for Hire**
   The College recognizes that the works made for hire doctrine applies to College employees. Under this doctrine, a work made for hire is defined as a work prepared by any employee within the scope of his or her employment. Other works created under the terms of an agreement between the College and a creator may also be deemed works made for hire under that agreement. Works include any material that may receive protection under federal patent, copyright, or trademark law. The college retains its ownership of works made for hire and all rights incidental to that ownership except as stated below. This policy does not include independent works by employees that were not created within the scope of employment.

2. **Academic Exception**
   The College recognizes an academic exception to the works made for hire doctrine. It is the College's policy that employees own copyright to traditional works that they create for traditional academic purposes. The employee grants and the College retains a "shop right" in these works. A "shop right" includes the right of perpetual, royalty-free, non-exclusive use of the works within the institution for educational and research purposes. Regardless of any use of institutional resources or the work made for hire doctrine, the ownership of textbooks, scholarly monographs, trade publications, maps, charts, articles, novels, nonfiction works, supporting materials, artistic works, syllabi, lecture notes, educational software and multimedia, and like works will reside with the creator(s) and all rights incidental to that ownership will belong to the creator(s). Employees, however, may not use College resources to commercialize or publish a work without written approval from College administration.

3. **Student Works**
   The College recognizes that students retain ownership of intellectual property submitted in fulfillment of academic requirements. By enrolling in the institution, the student gives the institution a "shop right" in any work created in fulfillment of academic requirements. This "shop right" includes a perpetual, non-exclusive, royalty-free license to mark, modify, and retain the work as may be required by the process of instruction.

   Student class or lab notes may only be used for personal educational purposes. Publication of class notes may be unlawful copyright infringement.
4. Other Agreements
   a. In support of its mission, the College, an employee or a student may voluntarily enter into other agreements for ownership or sharing of royalties. In these instances, the written agreement is controlling, not this policy.

   b. In the case of a work created under the provisions of a grant, the terms of the grant will determine the ownership and all rights incidental to the ownership of the property created, not this policy.

   c. All revenue derived by the College from the creation and production of intellectual property, shall be used for educational and research purposes that directly support the College’s mission.

5. Dispute Resolution
   a. Prior to creating works using College resources, employees and students should direct intellectual property ownership questions to the Vice President of Instruction and Student Services.

   b. Employees - If issues related to ownership of intellectual property arise and cannot be resolved informally, College employees may seek resolution through the Employee Grievance – 4.03.06. Prior to initiating litigation, both parties will participate in mediation of the dispute before a neutral third party mediator and will equally share the cost of such mediation.

   c. Students - If issues related to ownership of intellectual property arise and cannot be resolved informally, College students may seek resolution through the Student Grievance Procedure for Academic Matters as outlined in the Student Handbook.

Cross-Reference: 4.03.06 – Employee Grievance