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Purpose

The purpose of this procedure is to establish the policies for non-instructional employees, adjunct instructors and students regarding ownership rights in intellectual property and copyrightable works, and to provide the methods required for distribution of information and education on the topic of copyright law.

Florida State College at Jacksonville (FSCJ/College) recognizes and honors the long-standing practice at post-secondary institutions of fostering the creative work of non-instructional employees, adjunct instructors and students. The below listed College procedures and publications define how ownership rights are determined and how the intellectual property of others may be used within the College.


Procedure

A. Persons Covered Under the Procedure

1. With respect to determining the ownership of works and materials developed at the College, this procedure applies to full and part-time FSCJ non-instructional employees, adjunct faculty, students or other individuals who are employed or working for the College, permanently, temporarily, through work-study, a contract or a grant. The procedure does not apply to the College's full-time faculty who are covered under a collective bargaining agreement.
2. With respect to third party works, materials and other intellectual property that are used at the College in the classroom or otherwise, this procedure applies to all employees and students.

B. Definition of Categories of Works or Intellectual Property Covered under the Procedure

1. This procedure applies to original works or intellectual property authored or created in a tangible medium of expression that can be viewed or reproduced and are subject to copyright law. Technical inventions or processes, including some forms of computer software, can be eligible for patent protection. This procedure defines works subject to copyright and/or patent law that were created for, at, or in affiliation with the College, that are subject to copyright and/or patent law, including but not limited to:
 - a. Books, study guides, syllabi, tests, course assignments, television scripts, articles, lectures, artistic works, logos, graphic designs, musical arrangements and compositions, dramatic compositions, tests blogs and other similar relevant materials.
 - b. Technological materials such as online courses, Internet-based materials, computer software and other, computer-controlled multimedia whether developed and released using the internet, cable television, open broadcast television, videocassette, CD, DVD or any other related electronic formats.

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C. Ownership

1. Adjunct Faculty – Sole and exclusive ownership of any and all scholarly works and materials created by adjunct faculty in the course of teaching at the College as part of the adjunct's instruction assignment will belong to the College by operation of federal law.
2. Non-Instructional Employees:
 - a. Generally - Ownership of works created by College employees within the course and scope of their employment will belong to the College by operation of federal law. As a result, the rights to works created by non-instructional employees, who are employed by or contracted with the College, are owned by the College.
 - b. College-directed or assigned activities – From time to time, the College may solicit an employee to assist with a project beyond the scope of the employee's regular work activities and that results in the development of works or materials. In such an event, the College and the employee shall endeavor to address intellectual property ownership issues in a written contract prior to beginning the project. In the event that the parties do not enter into a written agreement, any works developed shall be deemed a work-made-for-hire and shall be owned by the College.
 - c. Grant/Sponsor Supported Efforts and Other Contracts Entered into by the College – From time to time, the College may enter into grant/sponsor agreements or other agreements whereby the College is developing works and materials for a customer. Ownership of such materials produced under a grant/sponsor-supported projects or other contract shall first be determined by the specific terms and conditions of the grant/sponsor agreement or contract. In the event that the grant/sponsor agreement or other contract is silent with respect to ownership, then any works or materials produced as a result of such efforts shall be owned by the College unless otherwise agreed between the College and the employees.
3. Activities Outside the Scope of Employment - Any and all materials developed as a result of an employee's individual efforts outside the scope of their employment shall be owned by the employee by operation of federal law. The College shall not claim any ownership rights in such materials.

D. Use of Copyrighted Materials by Faculty and Students

The several publications listed below provide the policies with which all employees and students must comply when using another party's intellectual property:

1. The *Faculty Handbook*, as well as guidelines located on the Office of the General Counsel's webpage, provide guidance for the way copyright protected materials may be used in connection with the academic setting in both traditional classroom teaching and online teaching.

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2. Students are required to comply with the College's Computing Policies, which are set forth in the *Student Handbook*. These policies warn students about the criminal and civil consequences for federal piracy, including software and music. Students must also agree and consent to a Computing Facilities Use Agreement prior to using any College computing resources. The Agreement instructs students to "respect the copyright of all software and data available through" the College.
 3. The Copyright Web Page listed under Policies and Procedures on the College's Web Page provides additional resources on copyright laws.
- E. All contracts or written agreements involving the development of any copyrightable work, such as photos, curriculum, textbooks, technology, software or any other work to which the College expects to maintain ownership, must include provisions to address copyrights ownership and should be reviewed by the Office of General Counsel.
- F. Any questions about intellectual property, copyrights, or patentable works should be directed to the Office of General Counsel.

REFERENCES: F.S. 100.164, 1001.65, 1004.726, U.S. Patent Act, 35 U.S.C., U.S. Copyright Law, Title 17

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