

SECTION TWO
PERSONNEL

II.18 Intellectual Property Rights - Ownership and Control

The College reserves the right to enact the following, unless otherwise specified by the collective bargaining units.

- A. It is the intent of the Board to further the philosophy, objectives and purpose of the community college by:
1. Encouraging the design and production of more effective methods of instruction and learning evaluation through the use of media by:
 - a. Providing audio-visual services, material and equipment for instructional purposes.
 - b. Providing freedom to market for profit such productions resulting from the use of such instructional resources.
 2. Making available for use by the college all such methods of instruction and learning evaluation designed and produced by staff members by:
 - a. Securing the college's right to the use of materials and productions developed by its staff members through the use of its staff services, equipment or materials; and
 - b. Requiring reimbursement for costs incurred by the college in the production of materials marketed for profit.
- B. All property rights in books written, instructional materials developed (including workbooks, laboratory manuals, transparencies, audio tapes, video tapes, films, and the like) and equipment designed, developed or invented by any staff member in conjunction with his job or teaching assignment, with any extended time or released time or assigned project authorized or directed by the college, or written, developed or designed prior to becoming a member of the college staff, shall belong to said staff member. Such property rights shall, subject to paragraph four hereto, include:
1. The right to publish for private profit and the right to copyright any book, manual or printed official material, or any other medium, and
 2. The right to negotiate privately with any person, firm or corporation for the manufacture of any equipment or instructional material and the right to acquire any patent rights which may be obtainable thereon.

- C. The property rights in joint projects of staff members undertaken either as part of a job or teaching assignment, released time or assigned project, or on their own time, shall be shared by the participants in the manner upon which they shall agree, in writing.
- D. Notwithstanding the property rights of any staff member in any book, instructional materials or equipment published, developed, or designed by said staff member while he/she is a staff member of the College, in conjunction with his/her job or teaching assignment, with any extended time or released time or assigned project authorized or directed by the college. Mohawk Valley Community College shall have the right, for any bona fide educational purpose, to use or purchase said book, instructional material or equipment regardless of copyright or patents thereon and exclusive of any royalties, commissions or other pecuniary profit to the applicable staff member.

The college shall be reimbursed from any royalties, commissions or other pecuniary profit received by said staff member to the extent and amount that the College paid for that part of the project or program which resulted in the creation of the book, instructional material or equipment, not to exceed the staff member's pay rate for his/her particular salary category and such other costs as may be involved in the project.

Once such reimbursement has been made, all royalties, commissions or pecuniary profit thereafter earned by the sale of any said book, instructional material or equipment to any purchaser thereof shall belong exclusively to the staff member who published, developed or designed said book, instructional material or equipment.

- E. Employment of any staff member by the college binds that staff member to the Board Policy described herein.

(Revised: November 21, 2011)