I. Introduction

The purpose of this policy is to protect the rights and interests of university constituents as well as the university itself; and to provide university constituents with information that will guide understanding of intellectual property and its application at Mississippi College. All faculty (full time, part time, and adjunct), staff, student employees, and students, as well as non-employees who participate or intend to participate in teaching and/or research or scholarship projects at Mississippi College are covered by this policy.

Intellectual property refers to products of the human intellect and is property distinct from personal property and real property. Practically speaking, intellectual property rights here refer to the bundle of rights associated with ownership and use of material subject to statutory and common law copyright laws, patent laws, and trademark laws.

As a Christian University, it is Mississippi College’s policy and practice to acknowledge, attribute, or otherwise provide appropriate credit for all intellectual content, inventions and patents, to the original author/creator irrespective of the placement of actual intellectual property rights.

II. Definitions Used in this Policy

The following definitions relate to intellectual property rights at Mississippi College:

A. Copyrightable Work

The term “copyrightable work” means an original work of authorship that has been fixed in a tangible medium of expression. A copyrightable work
may be the product of a single author or a group of authors who have collaborated on a project.

B. Course
The term “course” refers to any designated units of study, offered under the auspices of Mississippi College, and presented for credit towards completion of any degree, credential, certificate or program requirements.

C. Digitized Intellectual Content
The term “digitized intellectual content” refers to any instructional or course related material that is produced, captured or converted into a form usable by computers for delivery or distribution over the Internet or computer networks.

D. Blended/Hybrid Course
The term “blended/hybrid course” refers to a course that blends online and face-to-face delivery. A substantial proportion of the content (30 to 79%) is delivered online, typically uses online discussions, and typically has a reduced number of face-to-face meetings.

E. Instructional Copyrightable Works
The term “instructional copyrightable work” means a copyrightable work that is authored by an identifiable faculty member or instructor primarily for the instruction of students and is not specifically commissioned by the university. Examples include course syllabi, tests, and other handouts.

F. Intellectual Content
The term “intellectual content” refers to any material, in any tangible medium, contained or presented within a course, including but not limited to syllabi, lecture notes, bibliographies, readings, assignments, and examinations, and all other literary works as defined by 17 USC §101, created or generated but not limited to Mississippi College faculty and/or employees.

G. Intellectual Property
The term “intellectual property” means property, such as an invention or a copyrightable work, that originates in or relates to academic or research activity and that is protected under copyright, patent, or trademark law.
H. Invention
The term “invention” means a new, useful process, machine, improvement, etc., that did not exist previously and that is recognized as the product of some unique intuition or genius, as distinguished from ordinary mechanical skill or craftsmanship.

I. Online Course
An “online course” refers to a course where most or all (80+%) of the content is delivered online. Online courses typically have few if any face-to-face meetings.

J. Scholarly Copyrightable Works
The term “scholarly copyrightable works” refers to a copyrightable work created by any person subject to this policy, and created primarily to express and preserve scholarship as evidence of academic advancement or academic accomplishment. Such works may include, but are not limited to, scholarly publications, journal articles, research bulletins, monographs, books, plays, poems, musical compositions and other works of artistic imagination, and works of students created in the course of their education, such as exams, projects, theses or dissertations, papers and articles.

K. Trademark
The term “trademark” means any word, name, symbol or device, or any combination thereof, whether formally registered or not as a trademark, that is used to identify goods or services and distinguish them from those manufactured or sold by others.

L. Traditional Course
The term “traditional course” refers to a course where no online technology is used. Content is delivered in writing or orally.

M. Web-Facilitated Course
The term “web-facilitated course” refers to a course that uses web-based technology to facilitate what is essentially a face-to-face course (1 to 29% online). May use a course management system (CMS) or web pages to post the syllabus and assignments.
III. Copyright and Ownership Principles

Introduction

Under copyright law, the work product of employees developed during the scope of employment is considered a work-for-hire and is treated as the property of the employer. However, in higher education, colleges and universities commonly grant faculty, staff, and students the rights of ownership to those works developed as part of their employment that are considered scholarly works as well as those developed in the scope of their employment and used for pedagogical purposes.

Educational and instructional delivery methods have evolved from the traditional course format where teaching was conducted face-to-face in a lecture format to now include fully online courses, hybrid courses (part online and part face-to-face), web-enhanced courses and other varieties using digitized intellectual content. Mississippi College expends considerable time, energy, and financial resources to assist in the preparation and ongoing maintenance of course management systems to facilitate the varied forms of online instruction.

With respect to all forms of online instruction in higher education (e.g. online classes, hybrid classes, web assisted classes) copyright ownership practices are quite varied. In both policy and practice, Mississippi College seeks to encourage the development of online teaching materials and courses and also seeks to balance the ownership interests of its employees and that of the University itself.

As a general principle, Mississippi College grants the ownership of copyright to the creator/author but retains a perpetual, royalty-free, non-exclusive license for courses and course materials developed for use at Mississippi College. Mississippi College also retains the right to make derivative works and to use the course and course materials for any instructional or educational purpose of the University.

Mississippi College further retains the right to use separate written agreements to outline the rights and responsibilities for course creator/authors, but in the absence of such an agreement this policy shall guide the rights and responsibilities of the parties. In the event Mississippi College intends an online course or course materials to be the exclusive property of Mississippi College, Mississippi College will enter into an agreement expressly noting that the work is considered a work-for-hire.
Should conflicts arise about the interpretation of these policies or course development agreements, the Vice President for Academic Affairs and/or Legal Counsel may offer interpretations or declare exceptions to these policies.

A. Scholarly Copyrightable Works

The creator/author of scholarly copyrightable works shall be considered the owner of the works. Each creator/author retains ownership rights to his/her intellectual content.

B. Instructional Copyrightable Works

1. Traditional Courses
The author/creator of instructional copyrightable works used in traditional courses retains the ownership of the copyright for those works. Mississippi College retains a perpetual, non-exclusive, royalty-free license from the author/creator to create derivative works and to use derivative and original works for educational purposes.

2. Online, Hybrid, and Web-Facilitated Courses
The author/creator of intellectual content and digitized intellectual content retains the ownership of the copyright. Mississippi College shall retain a perpetual, non-exclusive, royalty free license to create derivative works and to use derivative and original works for educational purposes.

C. Recording and Redistribution of Course Content and Lectures

Except as recommended by the Office of Disability Services recording of class materials, lectures, or other content by students for personal use is at the discretion of the individual instructor(s). Posting on public networks or redistributing class materials, lectures, or other content for redistribution or posting on public networks is strictly prohibited without the express written permission of both Mississippi College and the instructor(s). The unauthorized posting or redistribution of class materials and lectures may subject the persons responsible to civil and/or criminal penalties.
IV. Patents

Introduction

The University recognizes that research, particularly that involving collaborative investigations with students and faculty, is an important part of achieving academic excellence and encouraging a spirit of inquiry. Such research may, on occasion, result in patentable processes, inventions, etc. Apart from an agreement to the contrary, the ownership of patents and inventions repose to Mississippi College when developed within the scope of one’s employment or work as student researcher.

A. Patent Process

All potentially patentable ideas and inventions developed in whole or in part by University faculty in the course of their employment, or with more than incidental use of Mississippi College resources, shall be disclosed in writing to the Office of Academic Affairs. Written disclosure should include the (1) name of the inventor, (2) what was invented, (3) circumstances that led to the invention, and (4) the information as to what might be subsequent activities surrounding the invention.

The next step is that a Patent Committee will review the invention disclosure information submitted. The Vice President of Academic Affairs will convene an ad hoc Patent Committee to consist of the Dean(s) of the appropriate School, representatives from the Faculty Council and other University offices, and knowledgeable people in the field.

This Committee will make a recommendation to the Vice President of Academic Affairs either to seek a patent using University funds or to transfer the rights to the faculty member(s). If the Committee is unable to choose a course of action, the Committee may pursue evaluation of the invention to ascertain whether there is sufficient interest and financial return that would make the acquisition of a patent feasible.

If the University does not choose to seek a patent, all patent rights revert to the inventor. After such decision is made, the inventor may then seek other aid outside the University to assess the patentability of the invention.

The remaining steps include the following:

1. A patent is obtained or institutional steps are put into place to protect the invention as a trade secret. These steps may ensure that, in the event of not
immediately applying for a patent, proper protection is maintained and limited
disclosure and publication are delayed to a later date.
2. A patent, if any, is licensed and royalties are earned.
3. Legal enforcement of patent rights begin.

B. Sharing of Royalties

Royalty distribution will be as follows:

1. 100% will accrue to the University for recovery of costs associated with the patent development. This would include all fees for preparing and prosecuting patents. All marketing and licensing fees would also be included.

2. Remaining income would be distributed according to the following:
   a. Inventor(s) or their heirs - 40% of gross royalties
   b. Inventor(s) Department - 20% of gross royalties
   c. University - 40% of gross royalties

Under certain conditions, the University may agree to accept a negotiated percentage of equity in place of all or some portion of the license or royalty fee(s).

V. Trademarks

Mississippi College owns all rights, title, and interest in trademarks that relate to Mississippi College intellectual property or relate to a program of education, service, public relations, research, athletics, or training by the University. Faculty, staff, and students may use the University's approved names, logos, and/or other marks where necessary to identify themselves on matters of official University business. Use of the University name for private purposes is limited to use purely for identification by a current or former faculty, staff, and/or student. Mississippi College names, logos, and other marks shall not be used by individuals or entities otherwise in a manner that implies University endorsement or responsibility for particular activities, products, or publications involved, or by any individual or group promoting itself, without the express written permission of the President or the President's designee. Any and all use of the University names, logos, and/or other marks for commercial purposes is prohibited unless approved by the Office of Public Relations.
VI. Conclusion

Questions of ownership or other matters related to materials covered by this policy shall be resolved by the Vice President for Academic Affairs (or designee) in consultation with others, as appropriate.

This policy shall not be interpreted to limit the College’s ability to meet its obligations for deliverables under any contract, grant, or other arrangement with third parties, including sponsored research agreements, license agreements, and the like.