Orangeburg-Calhoun Technical College
Statement of Procedure

Title: Intellectual Property Rights

Number: 3.010.01
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Department of
Responsibility: Vice President for Academic Affairs

Authorization:

_____
President

Date Approved: January 18, 2005   Last Revised: August 10, 2021
                                         Last Reviewed: September 19, 2017

Pursuant to State and Federal copyright, patent and ethics statutes and standards, Orangeburg-Calhoun Technical College shall manage Intellectual Property rights in a manner that:

1. Encourages the creation of intellectual property by all employees and students;

2. In limited circumstances and by prior written agreement only, may provide for a portion of the net proceeds from the commercial exploitation of specifically designated intellectual property to be awarded to the employee(s) or student(s) who created the work on the institution's behalf;

3. Protects agency resources and assures that they are used consistently with the college mission; and

4. Uses intellectual property to serve the public good.

Within the limitations prescribed in Procedure 3.010.01, Orangeburg-Calhoun Technical College delegates to the college president the authority to enter into written property ownership agreements with employees or independent contractors who create original works involving copyrights, patents or other forms of intellectual property for use or ownership by the college.

As part of any intellectual property agreement, the College agrees to adhere to the following:

- Waive the institution's copyright to no more than class lectures, notes, or course syllabi, or to scholarly works which are not created within the scope of employment, or to scholarly works which are not created using agency resources;

- Under no circumstances provide for a portion of the net proceeds from the commercial exploitation of intellectual property to be awarded to an employee(s) who created the work on the institution's behalf if the material was created within the scope of his or her employment, or if the material was created by using any agency resources;

- Are fully compliant with the provisions of the State Ethics Act, Policy 8-0-102; Personal Benefit from Projects or Written Materials, and Policy 8-0-105: Ethics Requirements for Employees;

- Will not violate the provisions of the Federal Copyright Act, or any other federal law or regulation.

Intellectual property developed by a non-employee third-party consultant pursuant to the terms of a written and signed contract will generally be considered to be owned by the college, unless otherwise provided in the consulting contract. Nothing in this procedure precludes the College from entering into such a consulting contract where the parties have agreed that the non-employee consultant will own the materials upon creation.

Students shall have exclusive ownership of intellectual property developed on their own time and at their own expense, including all products of course assignments. The College shall have ownership of intellectual property developed by the student if the College funded development of the property, or if the College and student entered into an agreement for the College to have ownership of the property, or to purchase the property upon completion of development.

DEFINITIONS

Employee	Any individual employed by Orangeburg-Calhoun Technical College to perform assigned tasks. Third-party consultants are not employees within the meaning of the Orangeburg–Calhoun Technical College Intellectual Property Rights Policy and these procedures.
Intellectual Property	Any product of intellectual activity that is unique, novel, unobvious and/or original, or otherwise subject to copyright or patent protections pursuant to Title 17 or Title 35 of the U.S. Code of Laws.

NOTE: A state agency has 11TH Amendment immunity from Title 17 lawsuits; however, 11th Amendment immunity does not extend to lawsuits against State employees in their Individual capacities.