Policy on the Ownership of Intellectual Property created at Kalamazoo College
Revision of: July 10, 2003

Introduction

A. Kalamazoo College (hereinafter "the College") seeks to clarify with this policy the rights of the College and its faculty, staff, and students with respect to intellectual property.

Copyright

B. Traditional works of scholarship are works such as books, articles, manuscripts, data collections, drawings, sketches, designs, plays, writings, musical scores, films, photographs, transcriptions, mechanical productions and other works of art. (a) The copyright to traditional works of scholarship created by faculty or students shall be owned by the creator. (b) The copyright to traditional works of scholarship created by staff within the scope of their work shall be owned by the College.

C. (a) The copyright to curricular material or software created by faculty or students using normal College resources shall be owned by the creator. (b) The copyright to curricular material or software created by faculty or students using special College funding shall be jointly owned by the College and the creator. (c) The copyright to curricular material or software created by staff within the scope of their work shall be owned by the College.

D. For the purpose of determining copyright ownership, works, such as notes, notebooks, models, data collections, and manuals, created in the process of creating traditional works of scholarship, curricular material, or software shall be considered in the same way as their final product.

E. Works created for the purpose of College governance and operations, such as policies, memoranda, and reports, created by faculty, staff or students within the scope of their work shall be owned by the College.

F. The copyright to other works created by faculty, staff or students within the scope of their work shall be owned by the College.

G. The College disclaims ownership of copyright to any work created by faculty, staff or students outside the scope of their work.

Patents, Trade Secrets and Know-How

H. (a) Patents, trade secrets and know-how created by faculty and students using normal College resources shall be owned by the creator. (b) Patents, trade secrets and know-how created by faculty and students using special College funding shall be jointly owned by the College and the creator. (c) Patents, trade secrets and know-how created by staff within the scope of their work shall be owned by the College.

I. Any patentable invention resulting from work under the auspices of special College funding must be promptly disclosed in writing to the Provost.
J. The College disclaims ownership of patents, trade secrets and know-how created by faculty, staff or students outside the scope of their work.

Other agreements

K. Specific agreements made between the College and creators, or among the College, creators, and outside parties, take precedence over this policy. Creators are strongly encouraged to make specific agreements regarding intellectual property ownership when appropriate.

Procedures for handling disputes

L. Should disputes arise with respect to this policy, either the Provost, on behalf of the institution, or the creator may request the appointment of an ad-hoc committee to review the dispute and make a recommendation to the President for final decision. The membership of the committee will consist of one person selected by the Provost, one person selected by the creator, and one person mutually agreed upon by both parties. The committee will have access to the College's legal counsel if necessary.

Administration

M. This policy shall be administered by the Provost, who shall be the final arbiter in any dispute regarding intellectual property, subject to Paragraph L, above.

Terms

N. "Normal use" of college resources is taken to mean those resources provided to faculty, staff, and students to carry out their normally assigned duties, such as salary, start-up funds, office space, faculty development grants, and basic computer, clerical, and office services.

O. "Special College funding" means monetary or non-monetary resources extended to an individual or individuals for development of a project or program outside the usual scope of their work. Given the relative rarity of such funding, resources shall be considered special College funding only if explicitly declared as such by the College administration. Special College funding will entail supplemental resources provided in addition to those normal professional and technical support resources supplied by the College.

P. A "creator" is the person or group who authors, creates, or invents works of authorship, copyrights, patents, know-how or other intellectual property rights.

Q. "Staff," for the purposes of this policy, includes all non-faculty employees of the College, including full-time and part-time employees (including student employees), consultants, and independent contractors.