



# Administrative Policy Intellectual Property Rights

**Approved by:** President

**Date Approved:** August 26, 2024

**Effective Date:** August 26, 2024

- 1. Summary:** This policy establishes the rights and responsibilities of Criswell College's students, faculty, and staff regarding intellectual property. It is designed to support the College's mission of providing ministerial and professional higher education by encouraging creative work that produces educational resources and by ensuring compliance with accreditation standards and legal regulations that ensure the integrity and quality of education provided by the College. This policy transfers copyright ownership to faculty for their scholarly and aesthetic works.
- 2. Rationale:** This policy is needed in order to 1) encourage creative work; 2) protect the intellectual property of the College and its faculty, staff, and students; and 3) establish policy for determining the rights of ownership of intellectual property.
- 3. Entities Affected:** Any student enrolled in the College, any faculty member hired by the College, or any staff member employed by the College who produces intellectual property while they are enrolled in or employed or hired by the College.
- 4. Definitions:**

*Academic Authors:* employees who have a general obligation to create copyrightable scholarly or aesthetic works.

*copyright protection:* intellectual property protection, provided by U.S. Code 17, which applies to original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device (§102(a)).

**Note:** In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodies in such work. (§102.(b))

*course materials:* materials prepared for use in teaching, fixed or unfixed, in any form, including, but not limited to, digital, print, audio, visual, or any combination thereof. Course materials include, but are not limited to, lectures, lecture notes, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, web-ready content, and educational software.

*employees:* all individuals employed or appointed by the College in any capacity, regardless of whether they are (1) administration, faculty, staff, or students, or (2) employed full-time, part-time, or in a temporary capacity.

*faculty:* Academic Authors who administer, oversee, and/or implement all or portions of the College's academic programs and activities. (Qualifications, responsibilities, terms of employment, accountability, compensation, and grievance resolution for faculty are found in the Faculty Employment Policy.)

*Family Educational Rights and Privacy Act (FERPA)*: The federal law, enacted in 1974, that protects the privacy of student education records. FERPA applies to any public or private elementary, secondary, or post-secondary school. It also applies to any state or local education agency that receives funds under an applicable program of the US Department of Education.

*intellectual property (“Property”)*: Original works of authorship, referred to throughout this Policy as “Property,” which include, but are not limited to (§102.(a)):

- literary works;
- musical works, including any accompanying words;
- dramatic works, including any accompanying music;
- pantomimes and choreographic works;
- pictorial, graphic, and sculptural works;
- motion pictures and other audiovisual works;
- sound recordings; and
- architectural works.

*patent*: Government property right, granted to an inventor, to “exclude others from making, using, offering for sale, or selling” an invention.

*scholarly and esthetic works*: all copyrightable works authored by Academic Authors within the scope of their employment as part of or in connection with their teaching, research, or scholarship.

*substantial College resources*: College resources *beyond* the usual support provided by the College and generally available to similarly situated faculty or, as applicable, students. For the purposes of this policy, “usual support provided by the College and generally available to similarly situated faculty” includes customary administrative support, library facilities, office space, personal computers, access to computers and networks, and salary.

## 5. Policy:

### a. Non-faculty employees

The College owns the copyright and/or patent to any Property which is created by non-faculty employees as part of their regular duties at the College or which is used in performing or fulfilling those duties. This Property includes, but is not limited to publications, software, training materials, photographs, audio or visual recordings, musical or dramatic work, and/or data compilations.

### b. Faculty

- The College transfers all Property rights for course materials to the faculty member who produces them.
- When a faculty member leaves the College:
  - The departing faculty member may take all video and other LMS course content with them, immediately usable in other venues.
  - The institution will begin the process of rebuilding the course with another College faculty member(s).
  - The College retains the right to use the faculty member’s course/materials for one year or the next course cycle after her/his departure.

- The departing faculty member acknowledges that that there will be no compensation for the property’s use during the year or course cycle after her/his departure.
- Should the College fail to produce a replacement course in the time specified above, the College will “rent” the video and course content until a new course is produced, according to a pre-determined, mutually acceptable rental contract.
- When faculty members create Property *unrelated* to their College duties, they shall retain ownership of the copyright for that Property, except in the following circumstances:
  - when the Property was created as part of an externally sponsored research program or agreement that allocates rights of ownership to the College;
  - when a faculty member was assigned and funded by the College to develop Property for a special project under a written agreement that allocates rights of ownership to the College;
  - or when the Property was created by making use of substantial College resources.

**c. Students**

Property created by students of the College includes work produced in fulfillment of class assignments, projects for academic credit, and projects with co-curricular units and organizations. Such Property is owned by students, but the College shall have a full, unlimited, and non-expiring license to use such Property, as long as any information protected by FERPA has been redacted (see the Student Information and Education Records Policy).

**6. Procedure:**

- a. Implementation:** not applicable
- b. Responsibility for Compliance:** Vice President of Academic Affairs
- c. Notification:** This policy will be posted on the College’s website and excerpts and/or summaries of this policy will be published in the *Faculty Handbook*, *Employee Handbook*, and *Student Handbook*.
- d. Policy review:** This policy will be regularly reviewed according to the College’s policy review procedure.

For the Office of the President only:

Policy version: 3.0	Policy number: 2.061
Related policies:	
Faculty Employment Policy	
Student Information and Education Records Policy	

**Policy History**

Version 1.0	March 10, 2017
Version 2.0	September 13, 2023
Version 3.0	August 26, 2024