



POLICY AND PROCEDURE

TITLE:	Intellectual Property Policy
---------------	-------------------------------------

POLICY STATEMENT:

Goodwin University recognizes that the creation of intellectual Property may be a natural outgrowth of activities within the Goodwin University community. The goal of this Policy is to ensure that Intellectual Property created by Covered Individuals is utilized in ways most likely to benefit Goodwin University and the public. This policy defines and protects ownership rights in Intellectual Property created by all Covered Individuals independently or with the support of the University.

Intellectual property rights to Independent Works belong to the creator of the work when it meets all of the criteria described in the definition of "Independent Works". An Independent Work is created by an employee outside the scope of his or her employment or by a student attending the University, but without use of University resources other than resources that are available to the general public.

Intellectual property rights to University-Supported works that meet at least one of the criteria described in the definition of "University Supported Works" belong to the University, unless otherwise provided in a written rights agreement. The University owns all rights to a copyrightable or patentable work created by the employee or student with Significant Use of University resources. The University, with the permission of the president or designee, retains the option to release or transfer the rights of a University-Supported work to the work's creator through an appropriate written agreement. The University owns all rights to its trademarks, including all names, acronyms, logos, seals, and other related materials associated with the University.

A Covered Individual may enter into a written agreement with Goodwin University for an equitable arrangement for joint ownership, sharing of royalties, or reimbursement to the University for its costs and support, which may include publication and distribution of University-Supported Works. In all such cases, the agreement shall provide that the University will have the right to use the work at no cost for its educational purposes.

Notwithstanding the provisions of this policy, in the case of a work created under a grant accepted by the University, the ownership provisions of the grant shall prevail.

PROCEDURE DETAILS:

Where there is disagreement between the individual and the University as to ownership rights (e.g., whether their work is University-Supported Work or Independent Work), the Provost and Dean of Faculty shall conduct a review of the case and render a determination as to ownership. The burden of demonstrating that intellectual property was created outside the scope of University employment and without any significant use of Goodwin University Resources is on the individual. The decision of the Provost and Dean of Faculty may be appealed to the President.

PUBLISH POLICY STATEMENT (CLICK ON BOX NEXT TO OPTION-SELECT ALL THAT APPLY):

UNIVERSITY CATALOG

STAFF HANDBOOK

FACULTY HANDBOOK

STUDENT HANDBOOK

DEFINITIONS:

Intellectual Property: all intellectual and creative works that can be copyrighted or patented, including, for example, educational materials and products; databases; computer software and materials; research materials; web-based learning; and improvements and inventions. It does not cover traditional scholarly works such as literary, artistic and theatrical works; scholarly articles; course materials; and lecture notes.

Covered Individuals: all faculty, staff, and other persons employed or contracted by the University, whether full-time or part-time, acting in the scope of their employment or engagement; anyone using resources owned by or under the supervision of the University; and all students who are enrolled in the University on a full-time or part-time basis.

Significant Use: the use of University-funded or supported resources including, but not limited to: facilities, time, equipment, property, personnel, reassigned time, grant funds, salary supplement, leave with pay, or any other material, human, or financial assistance; the use of specialized or experimental equipment; and/or the use of any University facility that leads to an appreciable expenditure of University funds that would not have otherwise occurred. The use of University resources is considered Significant when it entails a level of use not ordinarily available to all, or virtually all, faculty, staff or students. If an employee or student develops Intellectual Property that arise in part or in whole from the Significant Use of University resources, Goodwin University will have complete and exclusive ownership of all resulting copyrights and/or patents. Occasional use of University-owned computer software, office or classroom space or libraries will not ordinarily constitute Significant Use.

University-Supported Works: Intellectual Property created by a Covered Individual which meets any one or more of the following criteria:

1. The work is a regular part or routine product of the Covered Individual's job duties or activities.
2. The work is the product of a specific contract made in the course of the Covered Individual's employment with or engagement by the University.
3. The work constitutes a work for hire, including, but not limited to, reassigned time, grant funds, salary supplement, leave with pay, or other material or financial assistance.
4. The development of the works involves Significant Use of University facilities, time, equipment, property, personnel, and/or other resources.

Independent Works: Intellectual Property created by a Covered Individual which meets all of the following criteria:

1. The work is the result of individual initiative.
2. The work is not the product of a specific contract or assignment made as a result of employment with, or engagement by, or attendance at the University.
3. The work is not a work for hire.
4. The work is neither a regular part nor a routine product of the Covered Individual's duties or activities.
5. The work does not involve Significant Use of University facilities, time, equipment, property, personnel, and/or other resources.

Student Works: In the case of students, Intellectual Property produced through individual initiative without the use of Significant Resources as a part of a student's coursework in a Goodwin University class for which the student has paid tuition and fees ordinarily belongs to the student. This includes papers, artistic and musical works, and other creative works made by students in the instructional process. In situations when student works are made during the

course of employment at Goodwin University, or Significant Use of University Resources were used, the ownership of such work must be assigned to the University.

EXCLUSIONS:

NA

OFFICES DIRECTLY AFFECTED BY THE POLICY:

Provost and Dean of Faculty

President

HISTORY:

Created, December 2019

Reviewed and Revised January 2020

EFFECTIVE DATE:	January 2010
RESPONSIBLE OFFICE (ONLY ONE):	Office of the Provost and Dean of Faculty
REVIEW DATE:	Annually

APPENDIX:

None