

Policy V.5003.B, Intellectual Property Rights

Purpose

This policy provides guidance for intellectual property rights of employees and students of San Jacinto College. The revised policy aligns with requirements of [Texas Education Code Subchapter O, Section 51.680](#).

Policy

This policy applies to all full-time and part-time San Jacinto College ("College") employees, students working with or without compensation on any project under the direction and control of the College, and anyone using College facilities or conducting activities under the supervision of College personnel.

This policy shall apply to intellectual property of all types regardless of whether subject to protection under patent, trademark, copyright, or other laws. Intellectual property includes, but is not limited to, books, course material, dramatic works, and other written material, software, music composition, artwork, graphics, photography, video and film, and scientific or technological inventions.

Classification of Property.

- A. Intellectual property created with no College resources, labor, materials, facilities or equipment.
- B. Intellectual property created in whole or in part with College resources, labor, materials, facilities, or equipment.
- C. Intellectual property that results from any activity supported by a grant or contract with federal, state, or local government, or any agency thereof, a nonprofit or for-profit nongovernmental entity, or by a private gift to the College.
- D. A "work made for hire" as defined in [17 U.S.C.101](#).

Property Rights and Obligations.

- A. When an individual creates intellectual property without College resources, labor, materials, facilities or equipment, the individual is the exclusive owner of the property.
- B. Intellectual property created in whole or in part with College resources, labor, materials, facilities or equipment is subject to ownership by the College. The creator(s) may request transfer of ownership of intellectual property through the Chancellor or designee.
- C. Intellectual property that results from any activities supported by a grant or a contract with federal, state or local government, or any agency thereof, a

non-profit or for-profit nongovernmental entity, or by private gift to the College shall be subject to ownership by the College unless superseded by the specific terms of the agreement.

D. When a work is made for hire, the College is the legal owner of the work. This rule applies to employees who created the work in the course and scope of their employment. This rule also applies to an independent contractor who is not an employee but is engaged to create a work and is subject to the specific terms of a work- made-for-hire agreement between the College and the contractor.

E. **Use of Copyrighted Material.** Unless the proposed use of a copyrighted work is an exception under the “fair use” guidelines maintained by the Chancellor or designee, the College shall require an employee or student to obtain a license or permission, or work with the College to obtain such license or permission, from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder’s work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

1. All persons are prohibited from using College technology in violation of any law including copyright law. Only appropriately licensed programs or software may be used with College technology resources. No person shall use the College’s technology resources to post, publicize, or duplicate information in violation of copyright law. The Chancellor or designee shall employ all reasonable measures to prevent the use of College technology resources in violation of the law. All persons using College technology resources in violation of law shall lose user privileges in addition to other sanctions.
2. Unless any license or permission obtained provides otherwise, lawfully obtained electronic media in the classroom, including motion pictures and other audiovisual works, must be used in the course of teaching activities as defined by law.
3. The College shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent's identity. The College shall include on its website information on how to contact the College’s designated agent and a copy of the College’s copyright policy. Upon notification, the College’s designated agent shall take all actions necessary to remedy any violation. The College shall provide the designated agent appropriate training and resources necessary to protect the College.

4. If a content owner reasonably believes that the College's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.
5. For more information regarding use of copyrighted and trademarked materials see Policy VI-K.

F. Trademark. The College protects all College and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

1. The College may grant permission to College-approved student organizations the use of College trademarks in furtherance of school-related business or activity. The Chancellor or designee shall determine what constitutes use in furtherance of school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.
2. Members of the general public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use College trademarks without the written permission of the Chancellor or designee. Any production of merchandise with College trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.
3. Any individual, organization, or business that uses College trademarks without appropriate authorization may be subject to legal action.
4. For more information regarding use of copyrighted or trademarked materials see Policy VI-K.

Property Rights and Responsibilities by Role

A. Full and part-time employees shall disclose scientific and technological developments, including inventions, discoveries, trade secrets, and computer software supported by College resources. Upon disclosure, the Chancellor or designee will direct a review for evaluation and determination of ownership, legal protection, licensing actions, and/or compensation.

Upon the termination of any person's association with the College, all permission to access, possess, receive, or modify the College's intellectual property shall also immediately be terminated. All such persons shall return to the College all physical and digital intellectual property, including but not limited to any copies, no matter how kept or stored and whether directly or indirectly possessed by such person, and the College shall have rights to continue to use the materials as deemed appropriate by College leadership in the future.

B. Students shall retain their intellectual property rights on projects produced as a result of their individual initiative (e.g., course assignments, artwork) and that

involve only incidental use of College facilities and resources unless an exception is noted in College policy. If the student is working on a project initiated and funded by San Jacinto College, ownership resides with the College.

C. The College District may hire an independent contractor for specially commissioned work(s) under a written works-made-for-hire agreement that provides that the College District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Associated Procedures

Procedure V.5003.B.a, Request Transfer of Intellectual Property

Procedure V.5003.B.b, Agreements for Works for Hire of Instructional Content and Other Intellectual Property

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Primary Owner	Deputy Chancellor/President
Secondary Owner	Provosts
