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Florida State College at Jacksonville supports and encourages its full-time and part-time students, non-faculty employees and adjunct instructors to create scholarly, artistic and commercial works. Such activities increase professional knowledge, provide creative models for students, and bring recognition to the College. These developments may involve the use of College time and resources. The policy defines the rights and obligations of the parties concerned.

(1) Persons Covered Under the Policy

This policy applies to full and part-time Florida State College at Jacksonville students, non-faculty employees and adjunct instructors faculty, and non-faculty employees or individuals who are employed or working for the College, permanently, temporarily, through work-study, a contract, or a grant. This policy does not apply to the College’s full-time faculty, who are covered under a collective bargaining agreement.


(2) Definition of Categories of Works or Intellectual Property Covered under the Policy

This policy applies to original works or intellectual property authored or created in a tangible medium of expression that can be viewed or reproduced and are subject to copyright law. Technical inventions or processes, including some forms of computer software, can be eligible for patent protection. This policy defines works subject to copyright and/or patent law that were created for, at, or in affiliation with the College, that are subject to copyright and/or patent law, including but not limited to:

- A. Books, study guides, syllabi, tests, course assignments, television scripts, articles, lectures, artistic works, logos, graphic designs, musical arrangements and compositions, dramatic compositions, tests blogs and other similar relevant materials.
- B. Technological materials such as online courses, Internet-based materials, computer software and other, computer-controlled multimedia whether developed and released using the internet, cable television, open broadcast television, videocassette, CD, DVD, or any other related electronic formats.

(3) Ownership

Generally, the creator(s) of a work owns the rights, title and interest to the work, including the rights to any royalties. However, the ownership of a work created by a person in the course of the person’s employment usually will belong to the employer. As a result, the rights to works created by full-time and part-time students, non-faculty employees and adjunct instructor faculty, who are employed by or contracted with the College, are likely owned by the College. However, in keeping with the long practice at post-secondary institutions and in exchange for a perpetual,

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nonexclusive, royalty-free license permitting the College to use, copy, distribute and display the works for non-commercial purposes, the College disclaims any rights to works of full-time and part-time students, adjunct instructor faculty or non-faculty employees created at or in affiliation with the College, unless one or more of the following apply:

A. Use of College Resources.

The College hereby preserves and shall own the rights, title and interest to any works created with the Use of College Resources. “Use of College Resources” occurs when there is more than incidental use of College funds, personnel, facilities, equipment, materials, or technological information and includes such resources provided by public or private organizations when arranged, administered and/or controlled by the College. Incidental use of the College’s libraries, offices, or College-owned computers shall not constitute Use of College Resources.


B. College-directed or assigned activities.

The College hereby preserves and shall own all rights, title and interest to works created by any employee or independent contractor of the College, whether full-time and part-time students, adjunct instructor faculty or non-faculty employees, as a result of a specific assignment by the College or as part of regular employment or contracted duties.

C. College Assisted Individual or Group Effort

When the College provides support to an individual or group effort resulting in copyrightable material or a patent by contributing employee time, facilities and/or other College resources, the College is entitled to certain rights and privileges as listed below.

1. The College shall be granted a royalty-free license to make full use of all products and processes so developed pursuant to this section.
2. The College will recover all costs, supported by detailed records on time and materials, plus 10 percent.
3. Generally, copyrights and patents will be held in the name of the Florida State College at Jacksonville student or College employee concerned. However, agreement between the individual(s) and the College may create other rights and responsibilities, including joint ownership. Such arrangements must be developed and approved in writing prior to beginning the work, unless both parties agree at a later time to a written agreement.

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D. Sponsor-supported activities.

Full-time and part-time students, adjunct instructors faculty and non-faculty employees participating in the creation of works at or in affiliation with the College in connection with sponsor-supported projects shall be governed by the terms and conditions of the grant documents or the written agreement(s) with the sponsor, as applicable.

E. Written agreements.

The terms of any written agreement(s) with the College relating to specific projects or works created at or in affiliation with the College shall supersede this policy to the extent inconsistent with this policy.

(4) Patentable Works.

A full-time or part-time student, non-faculty employee, staff member, or adjunct faculty instructor member, who creates a work at or in affiliation with the College that may be patentable, shall disclose in writing to the College a description of the work and the conditions under which it was invented. Upon receipt, the College shall assess the respective equities and whether it intends to assert its interest in the invention. The College shall respond, in writing, within one hundred twenty (120) days as to whether it wishes to be involved in the protection, development and promotion of the invention and, if so, the appropriate division of any proceeds that may be generated from the licensing or assignment of the invention, which division must be approved by the Board in advance.

(5) Royalties.


The right to any royalties from the license or assignment of any work created at or in affiliation with the College shall be determined by the holders of the rights to the work and any written agreements entered relating thereto.

(6) Use of College's Name or Marks.

The creator of a work at or in affiliation with the College shall not use the College's name or marks in connection with the work without the advance written permission of the College.

(7) Registration and Protection of Works.

The College will not register or otherwise protect or enforce rights to works it does not own. The College may register and protect the rights to any work in which it has some right, title or interest.

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(8) Dissemination of Information Concerning the Policy.

This policy and all relevant information will be disseminated through three major sources.

- A. College website. The policy will be made available in its entirety in at least three places on the College website: 1) the Human Resources site; 2) the Instruction and Student Services site; and 3) an appropriate website available to all College students.
- B. Training programs sponsored by the College’s Professional Development Office.
- C. Consultation with the College librarians on a consultation basis available to both students and non-faculty employees.

(9) Disputes and Appeals.

Initial determinations of ownership shall be made according to the hierarchy defined below in this section. Full-time and part-time students, non-faculty and employees, and adjunct instructors who wish to appeal a College ruling on matters pertaining to this policy have the right to appeal as listed below:

- A. Students should address their appeal in writing to the Dean of Student Success on the campus of their choice; the standard student appeal process will be followed.
- B. Non-faculty employees, and adjunct instructors should address their appeal in writing to their immediate supervisor. This person will forward the appeal along with her/his recommendations through the organizational hierarchy until it reaches the appropriate member of the President’s Cabinet. The Cabinet member will make the final decision and inform the person concerned, in writing, stating the reasons for the acceptance, denial, or other outcome of the appeal within 30 days of the initial submission of the appeal.

(10) Review of the policy.

This policy and its attendant procedures will be periodically reviewed by the College. Appeals by students and employees will be analyzed to determine areas for improvement of the policy, procedures, and their implementation.

(General Authority: FS 1001.64, 1004.726, U.S. Patent Act, 35 U.S.C., U.S. Copyright Law, Title 17)

(Adopted 10/14/76, Revised 6/23/80, 8/3/93, 09/02/03, 02/03/04, 06/05/12 Formerly 5.53)

(Reviewed 2/11/14)