

Intellectual Property Policy

Five Colleges, Incorporated

Preamble

Five Colleges, Incorporated (FCI) and its member institutions derive both tangible and intangible benefits from the intellectual and creative activity of the consortium's faculty and staff members, students and Five College Associates, who inevitably will create Intellectual Property in the course of their research, teaching and administrative and service activities. FCI believes that the public interest is best served by fostering an intellectual environment through which creative efforts and innovations can be encouraged and rewarded, while still retaining reasonable access to and use of the intellectual property for whose creation FCI has provided assistance.

FCI supports the development, production and dissemination of intellectual property and honors the tradition that individuals own the copyrights of the academic, scholarly and other creative original works of authorship that they produce in association with FCI. This Five Colleges, Incorporated Intellectual Property Policy (the "Policy") identifies the ownership interest of authorship with respect to original works created with FCI involvement. Such "works of authorship" include, but are not limited to the following: computer programs; literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic and sculptural works (photographs, prints, diagrams, models, and technical drawings); motion pictures and other audiovisual works; sound recordings; architectural works; administrative policies and procedures; grant proposals; articles and essays; posters and promotional designs.

This Policy is incorporated by reference into the policies governing conditions of employment of all FCI employees, as well as in subawards for the engagement of employees of other institutions and as appropriate, in consultant contracts for specialized services.

Who is Covered by the Policy?

The policy applies to all "covered individuals" who are defined as: all persons employed by FCI, including full and part-time staff members; independent contractors or consultants; and/or anyone using FCI facilities or resources under the supervision of or with the permission of FCI personnel, including but not limited to, faculty members, staff members and students of member institutions, Five College Associates and volunteers.

Who Owns the Intellectual Property?

For purposes of this policy, Intellectual Property is categorized as an "Academic Work," a "Corporation Work" or a "Staff Work."

- 1. Academic Works:** FCI takes as its guiding assumption that in general, intellectual property shall be the sole and exclusive property of the individual who created or originated it, except as he or she may voluntarily choose to transfer such property, in full, or in part. Faculty members of the member institutions working on FCI projects and FCI Associates shall own all "Academic Works," meaning original works of authorship that reflect scholarly research and creativity produced by and on the initiative of faculty members or Associates within the scope of collaboration with FCI. "Tangible media" include, but are not limited to, books, periodicals, manuscripts, films, tapes and disks.

2. **Corporation Works:** FCI shall own all “Corporation Works,” meaning original works of authorship or invention that are created, in whole or in part with the use of “Substantial Corporation Resources,” meaning financial, material, personnel or other support provided that is beyond the level of common research and/or teaching or other support typically provided by FCI to that employee, faculty member or Associate; as a specific requirement of employment, pursuant to an explicit FCI assignment by a supervisor or duty, on commission from FCI for its own use, or pursuant to a gift, grant or contract which requires ownership by FCI. Corporation Works shall be owned by FCI as works made for hire within the scope of employment by FCI.

“Corporation Publications,” meaning FCI-sponsored or owned journals, periodicals, newsletters and other print or electronic publications; and “Corporation Administrative Materials,” meaning policies, curricula, promotional materials, websites, and similar works, including but not limited to works created for Five College and FCI committees, works created by FCI employees or faculty members in assigned administrative roles.

FCI grants to faculty members and staff members the non-exclusive rights to non-commercial use and distribution of Corporation Works that they have authored unless otherwise prohibited by contractual or legal restrictions.

3. **Staff Works:** FCI shall own all “Staff Works,” meaning original works of authorship that are created by employees within the scope of employment by FCI, or by non-employees, consultants, or contractors expressly for FCI. Exceptions may be granted in particular circumstances, such as for work done in an approved consultancy for another institution, or creative and scholarly work produced with FCI resources not related to the individual’s job description if so identified by the FCI Executive Director. FCI does not claim ownership of works created by employees outside of their scope of employment with FCI.

Use of the Five Colleges, Incorporated Name

The Five Colleges name, associated symbols and seal are important and valuable representations of Five Colleges, Incorporated and its reputation. Therefore, use of the FCI name, associated symbols, and/or seal in connection with work, other than for the sole purpose of identifying the author as an affiliated member of FCI, requires the advance written permission of the FCI Executive Director. This does not limit the right of FCI staff members and other associated members to use the FCI name in accurate descriptions of events and activities that were sponsored by FCI. Furthermore, staff members and other associated members may not participate in the creation or use of works that might give the impression of FCI sponsorship where there is none. If the FCI name, associated symbols or seal are to be used in connection with any works created under collaborative agreements with outside entities, other than to identify the creator by his or her title at FCI, such agreements must be approved in advance and in writing by the Executive Director.