

3.2.1. OFTC Intellectual Property Procedure

Oconee Fall Line Technical College (OFTC) adheres to the Technical College System of Georgia (TCSG) Intellectual Property Policy.

In order that OFTC or TCSG be able to utilize to the best and fullest extent all works produced for it, and all works provided for its use, anyone producing work for OFTC or TCSG and anyone providing work for OFTC's or TCSG's use, represents and warrants that such works:

- Do not violate any law;
- Do not violate or infringe any intellectual property right (including but not limited to copyright, trademark, patent, or right of publicity) of any person or firm; and
- Do not libel, defame, or invade the privacy of any person.

Intellectual property includes, but is not limited to, any copyrightable subject matter or materials, patentable inventions, online courses, computer software or materials that would normally be developed on a proprietary basis.

TCSG owns all copyrightable or patentable work created by the employee or student with the support of OFTC or TCSG resources unless addressed in a separate agreement.

A legally binding agreement must specify the named party or parties describing to whom the intellectual property belongs and the attribution ownership of the intellectual property to the general public.

OFTC resources may include, but are not limited to, offices, computers, standard office equipment and supplies, libraries, labs, funds, and personnel.

The ownership of a copyright or patent resulting from the development of intellectual property and any rewards or recognition attributed to the copyright or patent will be determined according to the conditions described in the two sections below.

The employee or student retains ownership if all of the following criteria are met:

- the work is the result of individual initiative, not requested or required by OFTC and/or TCSG;
- the work is not the result of a specific contract or assignment made as a result of employment or enrollment with OFTC and/or TCSG;
- the work is outside the scope of the employee's job duties or the student's course/program requirements, and
- the work is done without using equipment or resources provided by OFTC and/or TCSG.

Ownership remains with TCSG if any of the above criteria are not met and/or if any one of the criteria below applies:

- the work is produced within the scope of the employee's job duties or student's course/program requirements, and
- the work is the product of a specific contract or assignment made in the course of the employee's employment or student's enrollment with OFTC or the development of the work involved facilities, time, and/or other resources of OFTC and/or TCSG such as release time, grant funds, OFTC and/or TCSG personnel, salary supplement, leave with pay, equipment, or other materials or financial assistance.

When a question of ownership arises, the President must approve the development of the intellectual property by any employee or student of OFTC through the TCSG Intellectual Property Policy and the TCSG Development of Patentable Devices/Materials or Copyrightable Materials/Media by Technical College/Department Procedure.

When questions arise as to equities, rights, division of revenues, or any other intellectual property-related matter, they shall be referred to the President for consideration, interpretation of policy, and decision. An employee or student has the right to file a grievance or complaint using the appropriate OFTC Student Grievance Procedure or TCSG Employee Grievance Policies. Employee, as used in the procedure, means any full-time or part-time, contractual or non-contractual employee.

Student, as used in this procedure, means any student officially enrolled at OFTC.

Adopted: May 23, 2013

Reviewed: February 24, 2014; March 19, 2015; March 17, 2016; March 23, 2017

Revised: March 19, 2015