

Life Chiropractic College West
Intellectual Property and Copyright Compliance Policy

General policy

Life Chiropractic College West's graduate and post-graduate faculty, staff, and students will observe all laws pertaining to intellectual property, including patents, copyrights, trademarks, and licenses in the course of their participation in activities authorized by the College. This general policy is made available to the College community as specified in the section regarding distribution.

"Intellectual property" comprises "Works" and "Inventions". Works eligible for copyright protection are fixed expressions of ideas, not the ideas themselves. Works may be recorded in any enduring physical or electronic medium. Federal copyright law provides that original works are protected automatically when they are fixed in tangible form. Inventions are original or improved processes, products, or discoveries whether patentable or not. Responsibility for registration of copyright or patent will lie with the owner.

In context of the College community, "Work for hire" is an original work or invention prepared by an employee of the College at the explicit request of the College outside of the usual job description. If the College contracts with a student, staff or faculty member for the express purpose of creating a "Work for hire", ownership of copyrights or patents resides with the College.

The LCCW community of faculty, students and staff will comply with clauses in employment contracts established with bargaining units and with individuals. They will also observe other documents developed at LCCW as guidance in implementing intellectual property policies in specific situations.

Contracts take precedence over intellectual property laws with regard to ownership. If the College and creator(s) enter into a contractual agreement, the terms of the agreement take precedence over general policy. Contracts with agencies of the federal government or external funding organizations may require transfer of rights to the sponsor.

Contracts and agreements will be reviewed by appropriate parties prior to signature, in order to ensure compatibility with other contracts and relevant regulations. Reviewers will include designated College personnel, particularly those responsible for research and administration of sponsored programs such as grants or other dedicated funding. The contract will specify the product expected, the terms of copyright or patent ownership, and distribution of any royalties.

Ownership of Rights

LCCW encourages scholarship and creative activities among its faculty, staff, and students, and makes its staff and facilities available for purposes that contribute to the fulfillment of its mission.

It is the policy of LCCW that intellectual property rights for works developed using the creator's own time and resources while using the support of College staff and facilities in a way that does not qualify as "special support" as defined below, belong exclusively to the creator(s), subject to the following conditions:

- The College will retain the non-exclusive, non-transferable, royalty-free license to use the work or invention created, in whole or in part or in contribution to a derivative.
- Any creator who draws from or repurposes a work or invention developed at the College will give credit to the original creator(s).

A substantial revision a textual copyrighted work will likely qualify as an original work if the text passes standard plagiarism filters when compared to the existing work using manual or electronic means, as is appropriate to the situation; and if the original creator's graphics and audiovisual materials have been removed or permission is granted and documented for such derivative use.

It is the policy of LCCW that all intellectual property rights will remain with the creator(s), unless:

- the employee is hired by the College in the role of providing creative work or invention, as specified in the job description
- the work or invention is prepared by contractual agreement with the College and the agreement states otherwise.
- the College funds a specific research initiative, above general operation of the research department. In these cases, an agreement signed by the president of the College or designee and researchers, specifying desired product or outcome and any procedures and policies regarding patent registration and ownership, defraying of expenses, and royalties that may ensue, will be developed prior to beginning work.
- a grant or other external source in whole or in part sponsors the effort leading to creation of patentable or copyrightable materials. In these cases, prior agreement regarding ownership will be negotiated and signed by the president of the College or designee before sponsorship is accepted by the College.
- the College provides special support. The College provides special support when its employees contribute essential creative input, differentiated from minimal or substantial advice or assistance; or, the College makes the project viable by providing special support at additional cost to the institution, specifically costs that would not have been incurred by the institution otherwise. In these cases, the College and the creator(s) will share ownership and should establish terms as part of the arrangements at the time the special support is requested. Such agreements should be reached prior to beginning the work, signed by the intended creator(s) and the president of the College or designee. Any income that may be derived from the sale or rental of materials will be divided between the College and creator(s) in the manner specified by the agreement.

In cases of joint creation where the College and creator(s) have not established terms of ownership in a written agreement, the parties may use, repurpose or disseminate the creation in whole or in part so long as a notice crediting all original and subsequent collaborators is evident in perpetuity.

Media Releases

The LCCW community of faculty, staff and students will observe protocols for obtaining appropriate media releases and respecting provisions during the production and distribution of recordings for information, promotion, and education.

Copyright Notices

LCCW expects its faculty, staff and students to give credit where it is due, and to document any needed permissions to use works in writing, before materials are used, disseminated or repurposed. LCCW encourages sharing creative works where appropriate, and in such cases recommends inclusion of a Creative Commons license on the original work.

In cases where the College has purchased a license for a resource, the user of material will provide an appropriate credit according to specifications in the license; and if none given, the statement will be as follows or similar in keeping with intent to provide proper credit:

Licensed for use at Life Chiropractic College West. cYYYY, Rights owner's name.

In cases where the College retains ownership, the College name will be specified as follows:

Copyright [year], Life Chiropractic College West. All rights reserved.

In cases of joint ownership, the specification will be as follows:

Copyright [year], Life Chiropractic College West and [name(s) of other owner(s)]

In cases of revisions, the specification will be as follows:

Revised [year] [name of editor]; Copyright [year], [name of original creator]

Creators may also use the licensing symbols as specified by Creative Commons.

Copyright Compliance

The College makes available educational resources and tools for copyright registration and compliance, primarily through resources available at the library.

Where appropriate and for educational purposes, as such purposes are defined by law, LCCW and its faculty, staff and students may exercise "fair use" rights in regard to copyright. Users of copyrighted material are responsible for documenting the source and the rationale for each case of "fair use".

LCCW faculty, staff and students will comply with terms and conditions of licenses, and acknowledge that licenses take precedence over other permitted uses commonly practiced at educational institutions. College employees responsible for license purchase or subscription will provide access to the license upon request.

Where royalty payments are required, users of copyrighted material will request funding in advance of use.

Copyright Law in Higher Education

Resources related to the Copyright Act [Title 17 of the United States Code](#) of 1976, including registering a work and guidelines for compliance, are available at the LCCW library.

LCCW takes reasonable steps to comply with the [Digital Millennium Copyright Act](#) (DMCA) of 1998 at 17 U.S.C. § 512 (a), et seq. In accordance with the DMCA, upon receipt of proper notification by a copyright

owner of an alleged copyright infringement, LCCW will expeditiously take all appropriate and necessary actions, including but not limited to, the removal or disabling of access to the allegedly infringing material. Copyright owners who wish to file a claim on infringement at LCCW can contact the Executive Vice President/Chief Financial Officer at (510) 780-4500 for instructions.

In accordance with the Higher Education Opportunity Act of 2008 (HEOA), LCCW makes available information on penalties to the campus community. Employee handbooks and manuals refer to *Penalties for Copyright Infringement* in the College Catalog and Student Handbook.

Administration and Dissemination of the Policy

The Vice President for Academic Affairs (VPAA) and the Executive Vice President/Chief Financial Officer (EVP-CFO) will jointly administer the policy and respond to queries or disputes regarding intellectual property issues, particularly as regard negotiations and income rights.

Policy administrators will ensure that:

- the latest version of the IPP policy is posted on the College website
- references to the policy and its location are included in the Catalog and Student Handbook, Employee Handbook, Faculty Manual, and appropriate postgraduate faculty and partnership agreements
- any guideline developed by the College regarding application of the policy is disseminated to all members of the College community who are responsible for such application currently or in the future
- representatives of groups affected by forthcoming revisions have the opportunity to comment on proposed policy and accompanying guidelines.

Revision history:

Initial draft by Library Director, November 20, 2014.

Reviewed by Academic Planning Group , May 26, 2015.

Reviewed by Vice President of Academic Affairs August 13, 2015.

Final revision by Library Director August 21, 2015.

Distribution:

This document is to be posted at the College website on resource pages for faculty and staff, and for students. In addition, this information is to be provided to all faculty members and to new hires for whom the policy is relevant on initial orientation. A copy is provided to the College employee for signature and placed in the employee's personnel file.

Reference to this document is maintained in the College Catalog & Student Handbook, Employee Handbook, and Faculty Manual.