

3.2.14 The institution's policies are clear concerning ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property. These policies apply to students, faculty, and staff. (Intellectual property rights)

Off-site Committee's Response

Texas College has a policy regarding intellectual property in the Faculty and Staff Handbook, the Student Handbook, and the College Catalog. However, in the policy the term "copyrightable materials" is used broadly and it is not clear that it applies to patentable works or trademarks. There is no clear statement on the use of any proceeds or revenue derived from the creation of intellectual property. Additionally, Texas College did not provide evidence that the policy is actually implemented and followed or has never been challenged.

Institution's Response

The Off-site Committee confirmed that, the College has a policy regarding intellectual property. The committee expressed a concern that the term "copyrightable materials" was used broadly and was uncertain if it applies to patentable works and trademarks. The Committee also expressed that they could not establish if the policy is implemented or has ever been challenged.

The Intellectual Property policy of the College has been published and circulated throughout the College in appropriate documents. The circulation of the policy (as noted by the Off-site Committee) is documented in the Faculty and Staff Handbook; the Student Handbook; and the College Catalog (see Attachment 3.2.14). The sharing of the policy with constituents of the College is for their information and use, when applicable. The term "copyrightable materials" in the policy is inclusive and applies to patentable works and trademarks, per the conditions of the policy. To date there has been no challenges of the policy.

The policy is as follows:

The objective of this policy is to encourage the production of copyrightable materials ("Works") that advance Texas College's academic, scholarly, and service-oriented mission and that contribute to the professional stature of those involved in the creation of the Works.

The policy governs the respective ownership rights of the College and all of its employees, both academic and non-academic in copyrightable material produced within the scope of employment or otherwise arising out of the participation of individuals, including students, in the activities of the College. While the College will not assert its ownership interest in scholarly and academic Works created by members of the faculty/staff who use generally available College resources, the College does assert ownership of copyrightable Work where significant College resources are utilized in the creation of the Work or in other circumstances as required pursuant to an agreement with a third party or where the Work is a work made for hire. (Generally available resources include one's office, office computer, telephone (excluding long-distance charges), and library resources.

As a general rule, the author of a Work is the owner of the copyright. It is the general policy of the College that Works that are created on an individual's own independent initiative outside the time, place, and scope of employment or activity within the College are owned by the author. Conversely, under the work made for hire doctrine of the Copyright Act, the author, and therefore the owner, of the copyright in Works created by persons within the scope of their employment is

the employer rather than the individual creator. Therefore, unless modified by this Policy or by the specific terms of a written agreement signed by the faculty member or other employee or covered individual and the President (or his or her designee), as a matter of law, Works created by College faculty members in the course of their teaching and research and by other personnel in the course of their employment (including students working in conjunction with faculty,) are the property of the College.

However, since a fundamental principle of the College as organization of higher education is to encourage the development and widest possible dissemination of scholarly Work produced by members of the College Community, and consistent with longstanding academic tradition, except as described below, the College cedes copyright ownership to the faculty member who writes or develops a scholarly or academic tangible or virtual Work (including books, papers, lecture notes, articles, and similar materials) where such Work is created by a faculty member either using his or her own resources or using College resources that are generally available to the College faculty.

Texas College does not cede ownership in the following situation:

- (1) The College retains ownership of the copyright to works created (a) by faculty members as part of an assigned project or task, where the assignment explicitly states that the work will be owned by the College; (b) by staff members in any work they perform for the College; and (c) by student employees in the course of any assigned duties other than research tasks performed in support of a project directed by a faculty member that does not fall within any other exception.*
- (2) Ownership of the copyright to works commissioned or developed by a faculty member or other employee pursuant to an agreement that the College has with an entity outside of the College will be governed by the terms of such agreement. If the agreement does not specify ownership by the outside entity, ownership shall vest in the College. All such agreements must be approved in writing by the President (or his or her designee).*
- (3) Unless the parties agree in writing to the contrary, the College shall own the copyright in a work of the College: (a) will make or has made a significant investment in the development of the work through the provision of substantiate' financial, personnel, technology, facilities, or other resources beyond that which is generally provided faculty in the ordinary course of instruction and research; or (b) enters into a written agreement with the developer(s) that makes provision for copyright ownership.*

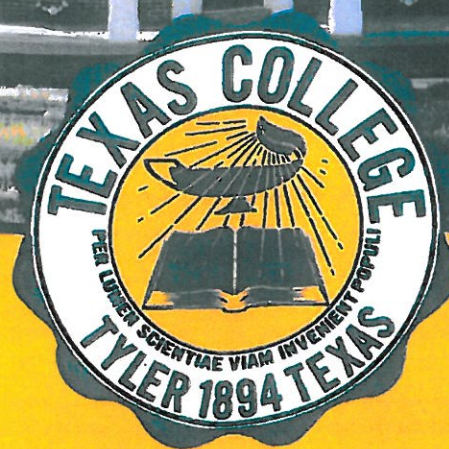
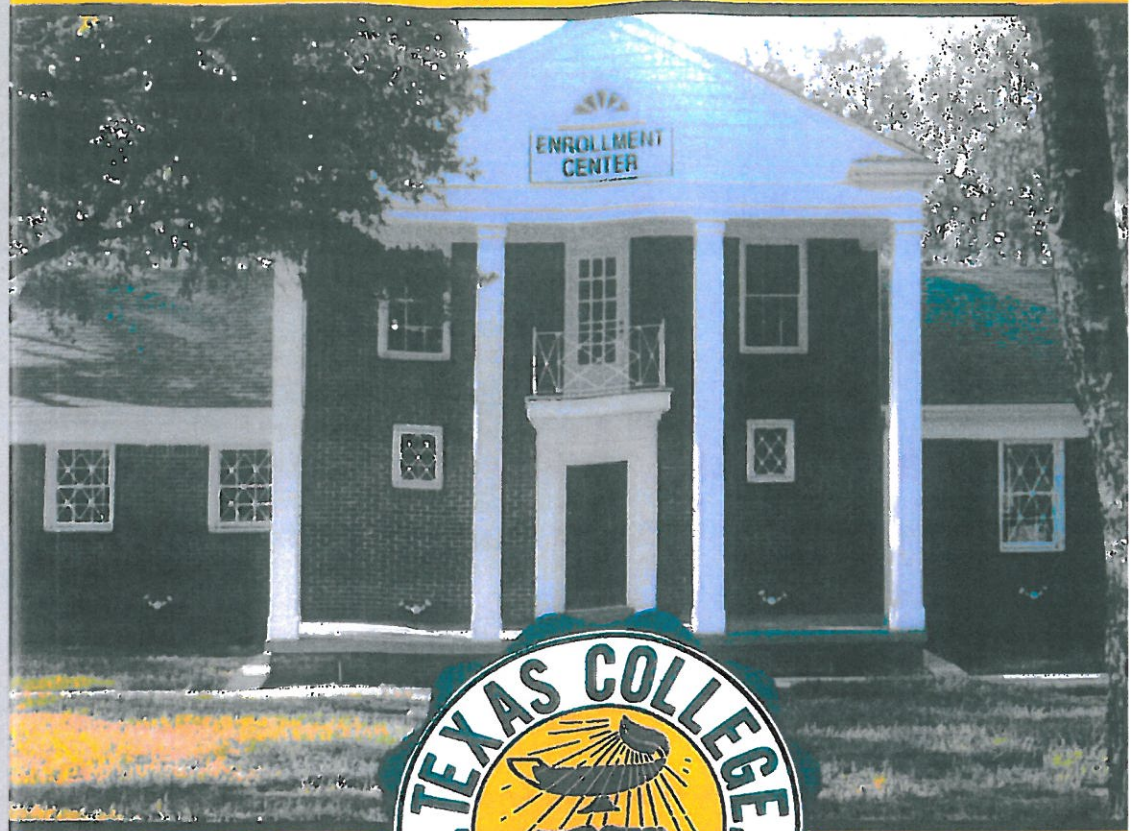
Further the Committee raised the following concern: "There is no clear statement on the use of any proceeds or revenue derived from the creation of intellectual property. Additionally, Texas College did not provide evidence that the policy is actually implemented and followed or has never been challenged." To date there have been no cases of revenue being generated for any aspect of intellectual property. When and if it does, the revenue will belong to the institution based on our policy. Our intellectual property policy was approved and implemented October 30, 2014. It has not been changed since it was approved nor has it been challenged.

Documentation:

Attachment 3.2.14-A: Excerpts of the Intellectual Property Policy from College Catalog, Student Handbook and Faculty and Staff Handbook

Attachment 3.2.14-A: Excerpts of the
Intellectual Property Policy from College
Catalog, Student Handbook and Faculty
and Staff Handbook

“Give the People Light and They Will Find Their Way”



COLLEGE CATALOG

2014-2017

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Administrative Withdrawal from the College. The College reserves the right to administratively withdraw students who are in violation of the College's policy or are affected by extenuating circumstances. Administratively withdrawn students will receive grades of "W" for all enrolled classes.

Unofficial Withdrawal Policy. An unofficial withdrawal takes place when a student has discontinued attendance for unknown reasons and failed to inform the College. When this occurs, the College makes a determination of the student's last date of enrollment by consulting with the student's faculty of his/her last date of class attendance. If the last date of attendance cannot be determined, the College will use the 60 percent point of the semester as a determination of the last date of attendance. The grade of *FX* is assigned for all classes for the semester.

Intellectual Property Policy. The objective of this policy is to encourage the production of copyrightable materials ("Works") that advance Texas College's academic, scholarly, and service-oriented mission and that contribute to the professional stature of those involved in the creation of the Works.

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As a general rule, the author of a Work is the owner of the copyright. It is the general policy of the College that Works that are created on an individual's own independent initiative outside the time, place, and scope of employment or activity within the College are owned by the author.

Conversely, under the work made for hire doctrine of the Copyright Act, the author, and therefore the owner, of the copyright in Works created by persons within the scope of their employment is the employer rather than the individual creator. Therefore, unless modified by this Policy or by the specific terms of a written agreement signed by the faculty member or other employee or covered individual and the President (or his or her designee), as a matter of law, Works created by College faculty members in the course of their teaching and research and by other personnel in the course of their employment (including students working in conjunction with faculty), are the property of the College.

However, since a fundamental principle of the College as organization of higher education is to encourage the development and widest possible dissemination of scholarly work produced by members of the College Community, and consistent with longstanding academic tradition, except as described below, the College cedes copyright ownership to the faculty member who

writes or develops a scholarly or academic tangible or virtual Work (including books, papers, lecture notes, articles, and similar materials) where such Work is created by a faculty member either using his or her own resources or using College resources that are generally available to the College faculty.

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- (2) Ownership of the copyright to works commissioned or developed by a faculty member or other employee pursuant to an agreement that the College has with an entity outside of the College will be governed by the terms of such agreement. If the agreement does not specify ownership by the outside entity, ownership shall vest in the College. All such agreements must be approved in writing by the President (or his or her designee).
- (3) Unless the parties agree in writing to the contrary, the College shall own the copyright in a work of the College: (a) will make or has made a significant investment in the development of the work through the provision of substantiate' financial, personnel, technology, facilities, or other resources beyond that which is generally provided faculty in the ordinary course of instruction and research; or (b) enters into a written agreement with the developer(s) that makes provision for copyright ownership.

GRADING

Course Examinations. Regular examinations are generally held for all courses at mid-semester and at the close of each semester. Credit will be granted for a course only after the student has taken all regular examinations for that course.

Grade Reports. Students are notified by the Office of the Registrar of their mid-semester grade performance electronically through the JICS portal. Final semester grade reports are also electronically posted through the JICS portal at the end of each semester, including the summer term. Grade reports are made available to all students who are in good financial standing with the College. In keeping with FERPA, grades are not sent to parents unless there is written authorization from the student to do so.

Grading Policy. The final semester grades are determined by the instructor based on the grades earned by the student for all completed course work. Grades are reported officially by the instructors to the Office of the Registrar at mid-semester and at the end of the course according to the following grading system:

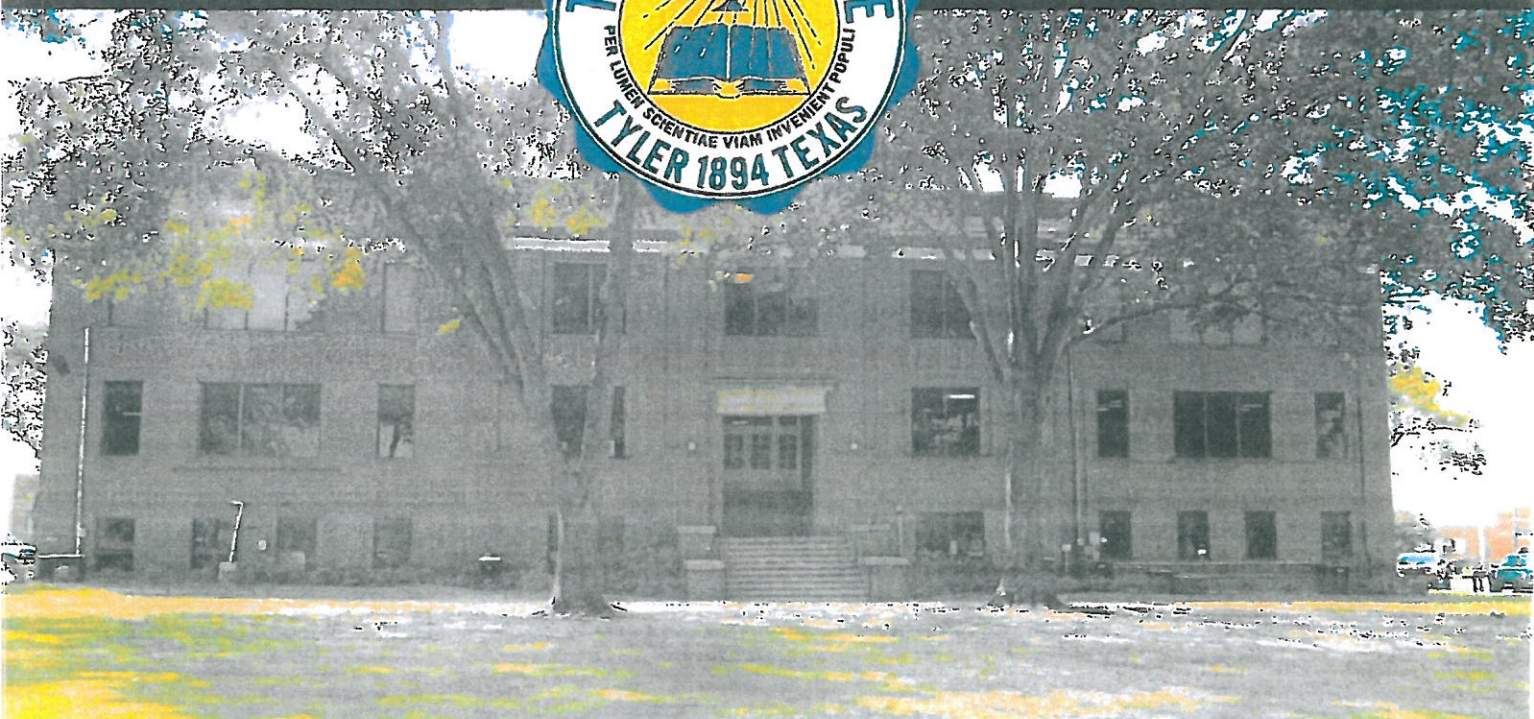
A – 90-100
B – 80-89



STUDENT



HANDBOOK



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maintain personal integrity in academic matters and not to contribute or condone the dishonesty of others. Scholastic dishonesty (which includes any form of plagiarism, cheating, falsification of records, and collusion with others to defraud) is improper and will not be tolerated. Texas College reserves the right to apply disciplinary actions to a student who has committed scholastic dishonesty.

Honors' Organizations: Student scholars who meet standards of academic excellence and distinction can be inducted into the following national honor societies and/or organizations:

- *Alpha Kappa Mu* recognizes scholars who are juniors and seniors in all academic majors. A minimum 3.30 GPA is required.
- *Beta Kappa Chi* recognizes scholars in all majors with a minimum GPA of 3.0 and 3.5 in the major program. Students must have completed at least 64 semester hours of coursework.
- *Pi Lambda Theta* is an international honor society for education majors who aspire to become effective teachers and educational leaders. Candidates must have a 3.50 minimum GPA.
- *Who's Who Among Students in American Colleges and Universities* is a national organization that honors student scholars who exhibit campus leadership, community service, and exemplary citizenship. Candidates must have at least a 3.30 grade point average (GPA) and are nominated by the College Scholarship Committee.

Transcripts: Academic transcripts are issued by the Office of the Registrar, located in the Enrollment Center, which is the college-designated office for maintaining official academic records of all students currently or previously enrolled. Requests for transcripts will be honored only if they 1) are in writing, 2) contain the signature of the student or former student whose record is requested, and 3) are cleared financially by the Business Office, including the Office of Financial Aid. One official transcript is given to graduates without charge; additional transcripts are \$12.00 per copy. All transcript requests will be honored as expeditiously as possible, but during such periods as examinations, grade reporting, and registration, there may be some delay.

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Conversely, under the work made for hire doctrine of the Copyright Act, the author, and therefore the owner, of the copyright in Works created by persons within the scope of their employment is the employer rather than the individual creator. Therefore, unless modified by this Policy or by the specific terms of a written agreement signed by the faculty member or other employee or covered individual and the President (or his or her designee), as a matter of law, Works created by College faculty members in the course of their teaching and research and by other personnel in the course of their employment (including students working in conjunction with faculty,) are the property of the College.

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TEXAS COLLEGE

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If you have violated the Policy, you will incur the same types of disciplinary measures as violations of other College policies. Violation of state or federal free/statutes may lead to criminal or civil prosecution.

Students: Campus disciplinary measures may include, but are not limited to, failure in a class, permanent or temporary loss of information technology privileges, suspension or expulsion from the College, and restitution of expenses as well as charges for damages.

Faculty and Staff: Campus disciplinary measures may include, but are not limited to, reassignment of duties, transfer, censure, suspension, termination, and restitution of expenses as well as charges for damages.

Off-campus users: The College may revoke the privileges of users who are found to be in violation and may report any serious violation to the users home campus authorities and to appropriate law enforcement officials.

Intellectual Property

The objective of this policy is to encourage the production of copyrightable materials ("Works") that advance Texas College's academic, scholarly, and service-oriented mission and that contribute to the professional stature of those involved in the creation of the Works.

Administrative Rule:

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Keys

After the normal working hours, all buildings shall be locked in order to maintain the security of both the buildings and their contents.

Faculty, and staff may be issued keys to campus offices upon the recommendation of the supervisor, department head, and vice president in accordance with established procedures.

Keys are issued for entry to campus buildings for the purpose of conducting official business only.

Only authorized individuals are allowed in the building..

An individual entering or leaving a locked building shall be responsible for securing the door and may be held responsible for any loss or damage to institutional property resulting from failure to do so.

All keys issued remain the property of the College and shall be returned under the following conditions: (1) transfer to another department or building; (2) termination of employment; (3) written request from supervisor or department head; (4) leave of absence without pay for a period of 30 or more calendar days; however, employees granted such leaves may retain their key if authorized to have access to the building during the leave period; and (5) at the end of the academic semester. It is the responsibility of the supervisor to ensure that all keys are returned.

In no case is a key to be transferred from one individual to another or obtained from any source other than from the authorized institutional officer. When any transfer or duplication of a key is made or used without official consent, the key shall be recovered and the individual(s) involved reported to the Office of Human Resources for disciplinary actions.