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1. Introduction

Midway College encourages faculty and professional staff to engage in research activities and the development of inventions or other intellectual property. The college believes that such scholarly and professional pursuits enhance teaching and provide other benefits to students. Since the development of intellectual properties may generate public and commercial interest, the following policies are adopted to ensure that any benefits are distributed fairly. The Intellectual Property Policy applies to all faculty, students, and employees of Midway College.

2. Disclosure

Any intellectual property created by an employee of Midway College who utilizes the physical, technological, fiscal, or human resources of the institution in the research and development process must be disclosed to the appropriate Vice President for Academic Affairs. Disclosures will be in the form of a memorandum fully describing the invention or intellectual property, evaluating the use of institutional resources in its creation, and assessing its public and commercial value. This policy shall apply to intellectual properties of all types, including, but not limited to, an invention, discovery, trade secret, technology, scientific or technological development, electronic courseware, and computer software produced by an employee, faculty member, or student of Midway College. Excluded are scholarly or educational materials, art works, musical compositions, dramatic and non-dramatic literary works, unless expressly created as “works for hire.”

3. Institutional Review

The memorandum of disclosure will be reviewed by the President’s Executive Committee of Midway College, which may request additional information or consult with external experts and legal counsel. The Executive Committee will determine if Midway College has a legal ownership interest in the property and negotiate reasonable distribution of the responsibilities for patent, copyright, or other protection. The creator(s) of the intellectual property shall be notified by the college president within 60 days of submission of a memorandum of disclosure the determination of the Executive Committee.

4. Licenses

The securing of licenses, patents, copyrights, or other protection for an intellectual property is the obligation of the owners. If Midway College is deemed sole or partial owner of intellectual property, it will accept the responsibility of seeking protection. Licensing agreements will be negotiated to the benefit of all owners and stakeholders. The costs of licensing an intellectual property will be reimbursed before distribution of any resulting royalties.

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5. Ownership

Ownership of an intellectual property will be determined by weighing the interest of Midway College and the contributions of all parties involved in creating the property. The specific ownership rights of all parties will be documented in a written agreement signed by the president of the college. In the case of multiple owners, whether or not the college claims an interest in the intellectual property, Midway College may agree to represent all owners in securing protection or commercial development of the intellectual property. Any costs to the college to representing the owners will be reimbursed from financial benefits generated by the intellectual property.

6. Royalties

Although an intellectual property is determined to be owned by Midway College, employees can share in any royalties generated by the property. The distribution of such royalties shall be negotiated between the employee and the administration of the college and documented through a written agreement signed by the president of the college.

7. Equity and Management

As the creator or discoverer of an intellectual property, an employee is allowed to share in the equity of a business designed to develop, manufacture, or market an invention. The employee may also directly participate in the management of such a business venture. In either case, an agreement concerning the college's interest in the intellectual property and the employee's work schedule shall be negotiated with the administration of Midway College and documented through an agreement signed by the president of the college.