

**Mission Statement - Public Relations**

The mission of the Office of Public Relations is to articulate, manage, and successfully promote the variety of programs and services BRCC offers to the community and to business and industry. Emphasis will be placed on the accessibility and affordability of attending an open admissions, two-year post secondary institution.

*Approved 6/10/05*

**Campus Closure for Emergencies**

The college recognizes that there are a variety of situations – natural disasters; civil emergencies; national, state, or local celebrations; or similar occurrences – during which it is unsafe for the college and its facilities to conduct normal operations. The Chancellor or designee has the authority to declare any or all college buildings and facilities closed in such circumstances.

*Approved 2/7/07*

### **Community Use of College Facilities**

Campus facilities and premises include buildings and property belonging to or in the care and custody of Baton Rouge Community College (BRCC). These facilities and premises are established and reserved for use in accomplishing the instructional and public service missions of the college and must always be given first priority in the assignment of facilities and premises for use. Accordingly, scheduling the use of facilities and premises should not preempt the use of facilities required for teaching and other academic activities.

Departments and divisions of BRCC, recognized student organizations, affiliated organizations as defined by the regulations of the LCTCS Board of Supervisors, or groups and organizations not otherwise affiliated with the college may be granted permission to use its designated facilities and premises when usage does not interfere with the accomplishment of campus missions and programs, either specific or general, and is in accordance with established conditions which govern such use. It is contrary to this policy for decisions regarding the use of designated facilities and premises to deny the exercise of constitutionally protected rights, to discriminate unlawfully, or to knowingly result in unfair competition with private businesses. However, in all cases in which its facilities and premises may be used, BRCC has the right to apply or formulate reasonable conditions as to the time, place, and manner in which such use may take place.

#### **Priority in Facility Use**

Priority in the use of facilities and premises is established as follows:

1. Departments and divisions of the college in the conduct of assigned missions and programs.
2. Recognized student organizations, organizations of faculty and staff, and BRCC affiliated organizations for programs and activities conducted pursuant to the purposes of these organizations.
3. Educational and non-commercial organizations not affiliated with BRCC may be granted permission to use its facilities and premises to conduct educational, informational, or cultural programs for the benefit of their members or the community and the general public. Programs of these organizations for them must be sponsored by a BRCC administrative unit or a recognized student or campus organization. If an admission fee is charged for programs which are educational in nature and offered to the community, it must be on a ticketed or "pay-at-the-door" basis only. If funds are to be solicited otherwise, the programs will be considered under provisions relating to charitable fund raising.
4. Other individuals or organizations not associated with BRCC.

#### **Incidental Use of Facilities and Premises**

Although, the college has no intent to knowingly permit the use of its facilities and premises so as to engage in unfair competition with private businesses, this policy recognizes that for certain kinds of activities and programs, the size, location, and specialized nature of some BRCC facilities may make them the most suitable available facilities for use by individuals and groups

not otherwise associated with the college. Under such circumstances and with the requirement that such use may not interfere with or hamper the conducting of college programs and activities, such incidental use may be approved by written agreement executed through the Chancellor's office. Such use might be based upon facility size or might be based upon the appearance or configuration of facilities and premises that might be used in filming or other purposes.

### **Fund Raising for Charitable Purposes**

With the sponsorship of an administrative unit of the college or a recognized organization of students or employees, or an affiliated organization, facilities and premises may be used by a tax-exempt, charitable organization for the purpose of raising funds for charitable purposes. In all such cases, the charitable organization must conduct the activity itself with active and meaningful BRCC sponsor involvement and may not contract with a third party for the conduct of the fund raising event nor may the event be conducted in such a way as to provide private businesses with opportunities to engage in commercial solicitation within college facilities and premises. Normally, such events are limited to one for each organization during each year and federal-tax exempt status is required.

### **Relationship with Non-BRCC Entities**

In granting the use of its premises and facilities to non-BRCC entities, BRCC establishes certain conditions necessary to define its relationship with the entity using its facilities.

1. Written indemnification against damages arising from or in the course of facility users use of its facilities and premises is required. The college reserves the right to require certification as proof of insurance. In the absence of specific written agreement to the contrary, no license or other approval is granted for the use of the name of any BRCC campus or any other word or images associated with the college for purposes of direct or indirect endorsement or for any use other than to incidentally denote the location of an activity on its premises.
2. In the absence of specific written authorization to the contrary, approval for the use of college facilities and premises grants no right for users of its premises and facilities to enter into third party agreements, which may involve the use of its facilities and premises.

### **Facility Use Fees**

Use of college facilities is granted with the requirement that such use be at no direct cost to the college. Accordingly, reimbursement for services provided and other costs incurred may be required as a condition of using facilities and premises. In addition, if the facility to be used is one in which all or a portion, of its operating costs are derived from use charges, the normal use charges shall be applied. If an admission charge is collected or funds are solicited, an additional fee may be assessed. Please refer to the application for space rental form.

### **Administration**

Authority for decisions regarding the use of college facilities and premises under this policy is vested in the Chancellor's office; however, review and action on routine requests by students and student organizations is assigned to the Chancellor's designee.

*Approved 2/7/07*

### **Intellectual Property and Shared Royalties**

BRCC recognizes that research and scholarship should be encouraged without regard to potential gain from licensing fees, royalties, or other income; however, the college also recognizes that intellectual properties and discoveries may arise from the activities of faculty, staff, and students in the course of the duties or through the use, by any person, of institutional resources such as facilities, equipment, or funds. BRCC is committed to assist faculty and other researchers in properly disclosing their scholarly work, in complying with applicable laws and formal agreements, and in gaining the protection available under the United States laws governing patents, copyrights, trademarks, and other appropriate provisions.

#### **Definitions/Background**

The following definitions shall govern throughout the Intellectual Property Policy:

- Intellectual Property shall be defined as inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data, and other creative or artistic works that have value. Intellectual property includes that which is protectable by statute or legislation, such as patents, copyrights, trademarks, service marks, trade secrets, mask works, and plant variety protection certificates. It also includes the physical embodiments of intellectual effort, for example, models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research.
- Traditional Academic Copyrightable Works shall be defined as a subset of copyrightable works created independently and at the creator's initiative for traditional academic purposes. Examples include class notes; books, theses and dissertations; articles; non-fiction, fiction, and poems; musical works; dramatic works including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; or other works of artistic imagination that are not created as an institutional initiative.
- Creator shall be defined as an individual or group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property. "Creator" shall include, but not be limited to, faculty, professional staff, administrative and support staff, and students. "Creator" shall also include the definition of "inventor" as used in the United States patent law and the definition of "author" as used in the United States Copyright Act.
- Institution Resources Usually and Customarily Provided shall include such support as office space, library facilities, ordinary access to computers and networks, or salary and shall be described in this policy as either "incidental" or "significant." The phrase does not include use of students or employees as support staff to develop the work, or substantial use of specialized or unique facilities and equipment, or other special subventions provided by the college unless approved as an exception.
- Technical Works shall include intellectual properties that are of a scientific, engineering, or technical nature such as patentable or unpatentable inventions (including biological materials), computer software, and college collections.

- Scholarly Works shall include all intellectual properties not covered in Technical Works that are of an artistic, scholarly, instructional, or entertainment nature.
- Computer Software shall include one or more computer programs existing in any form or any associated operational procedures, manuals, or other documentation, whether protectable or protected by patent or copyright.

### **Rights to Ownership/Disclosures**

The college has ownership of intellectual property created (a) by an employee within the scope of his or her employment, (b) by an employee who is hired or commissioned to create a specific work, (c) when more than incidental use of college resources usually and customarily provided occurs, or (d) when the intellectual property results from research supported by federal funds or third-party sponsorship. Institutions shall not assert ownership of intellectual property unrelated to job responsibilities and where only incidental use of college resources usually and customarily provided has occurred, nor do they have ownership of traditional academic copyrightable works. (See principles below; institutions do have the right to recover costs and/or right to use the work.) Joint ownership may occur under certain circumstances such as when scholarly works involve the services of other college employees (e.g., development of multimedia courseware).

### **Principles**

This policy shall apply to all persons/entities employed/contracted by college, to anyone using college facilities under the supervision of college personnel, and students. Institutions may assert ownership in intellectual property of all types (including, but not limited to, any invention, discovery, trade secret, technology, scientific or technological development, and computer software) regardless of whether the property is subject to protection under patent, trademark, copyright, or other laws, except as stipulated in Sections 3, 4, 5, and 6 which will follow. Institutions may assert their interest in intellectual property related to the creator's academic or professional field, regardless of the medium of expression. Institutions shall have ownership of all intellectual property created by persons under the conditions stated below:

- (1) if intellectual property is created by an employee within the specific scope of employment; or
- (2) if intellectual property is created with the use of college facilities usually and customarily provided; or
- (3) if intellectual property is commissioned by the college pursuant to a signed contract; or
- (4) if intellectual property is created by a person who was hired specifically, or is required as part of his or her job responsibilities, to produce it; or
- (5) if intellectual property fits within one of the nine categories of works considered "works for hire" under copyright law as defined below, or:

*Works Made for Hire. -- (1) a work prepared by an employee within the scope of his or her employment; or (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. 17 U.S.C. sec 101*

(6) if intellectual property results from research supported by federal funds or third party sponsorship.

***NOTE:*** Works related to an employee's job responsibilities, even if he or she is not specifically requested to create them, will belong to the college as works-for-hire. A copyright work is related to an employee's job responsibilities if it is the kind of work an employee is employed to do and if the work is done, at least in part, for use at work or for use by fellow employees, the employer, or the employee's clients. Use of personal time or other facilities to create the work will not change its basic nature if the work is related to the creator's job as described above. Works that have nothing to do with job duties will remain the property of the creator, so long as he or she makes no more than the incidental use of college facilities usually and customarily provided.

Institutions shall not have ownership when the creator is a student, professional, faculty, or non-faculty researcher and the intellectual property is a traditional academic copyrightable work in the creator's field of experience. Even though such a work may be within the scope of employment, it is the property of the creator unless it is a scholarly work (a) created by someone who was specifically hired or required to create it or (b) commissioned by the college. In either of these cases, the college, not the creator, will own the intellectual property.

***NOTE:*** The use of the terms "professionals" and "researcher," together with faculty members and students, is intended to encompass all those individuals who routinely create scholarly works (e.g., educational, artistic, musical, literary, or architectural work). For example, if a library administrator writes a book about Louisiana History, his or her field of expertise, the college should not assert ownership of the book.

In the case of traditional academic copyrightable work that involves significant institutional resource contributions, the college shall reserve the right to secure rights (including but not limited to joint ownership), for example, to use the work and to recover its investment, in a contract with the creator. If a project involves the use of significant institutional resources, the creator and the college shall agree before the project begins on the use of facilities, allocation of rights to use the work, and recovery of expenses and/or sharing of benefits from commercialization of the work.

***NOTE:*** The college's main concerns with traditional academic copyrightable works owned by professionals, faculty, non-faculty researchers, and students should be to allocate and recover resources that may be contributed to the creation of such works.

In addition to traditional academic copyrightable work created by professional, faculty, researcher, or student creators in their field of expertise, a creator shall own intellectual property under the following conditions:

- (1) if it is unrelated to the creator's job responsibilities and the creator made no more than incidental use of college resources usually and customarily provided; or
- (2) if it is intellectual property that has been released to the creator in accordance with college policy.

Institution facilities or resources shall NOT be used (a) to create, develop, or commercialize intellectual properties unrelated to an individual's employment responsibilities or (b) to develop or commercialize intellectual properties further that have been released to a creator except when approved by the college and when the college retains an interest under the terms of the release.

## **Organization/Management/Administration**

### **Acknowledgment of Institutional Impact and Authority**

BRCC recognizes that the evaluation of inventions and discoveries and that the administration, development, and processing of patents and licensable inventions involve substantial time and expense and require special talents and experience. Therefore, the college leaves to the individual institutions under its governance the task of establishing an organizational structure for the administration of intellectual property appropriate to the college's activities. The Chancellor has ultimate authority for the stewardship of intellectual property developed at the college. Refer to the academic affairs handbook for additional guidelines and procedures.

### **Disclosure**

All intellectual property in which the college has an ownership interest under the provisions of this policy and that has the potential to be brought into practical use for public benefit or for which disclosure is required by law shall be reported promptly in writing by the creator to the designated college officer through the appropriate unit executive officer(s). The disclosure shall constitute a full and complete disclosure of the subject matter of the discovery or development and identify all persons participating therein. The creator shall furnish such additional information and execute such documents from time to time as may be reasonably requested. Annually, the creator shall report to the college proceeds and/or units distributed for all copyrightable works and intellectual property.

### **Evaluation and Exploitation Decisions**

After evaluation of the intellectual property and review of applicable contractual commitments, the college may develop the property through licensing, may release it to the sponsor of the research under which it was made (if contractually obligated to do so), may release it to the creator if permitted by law, or may take such other actions as are determined to be in the public interest. Exploitation by the college may or may not involve statutory protection of the intellectual property rights, such as filing for patent protection, registering the copyright, or securing plant variety certification.

### **Questions Related to Institution Ownership**

In the event there is a question as to whether the college has a valid ownership claim in intellectual property, such intellectual property should be disclosed in writing to the college by the creator. Such disclosure is without prejudice to the creator's ownership claim. The college will provide the creator with a written statement as to the college's ownership interest.

### **Abandonment of Intellectual Property**

Should the college decide to abandon development or protection of college-owned intellectual property, ownership may be assigned to the creator as allowed by law subject to the rights of sponsors and to the retention of a license to practice for college purposes. The minimum terms of such license shall grant the college the right to use the intellectual property in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis. The college may retain more than the minimum license rights, and the assignment or license may be subject to additional terms and conditions, such as revenue sharing with the college or reimbursement of the costs of statutory protection, when justified by the circumstances of development.

### **Commercialization by Creator**

The college may, at its discretion and consistent with the public interest, license intellectual property to the creator on an exclusive or nonexclusive basis. The creator must demonstrate technical and business capability to commercialize the intellectual property. Agreements with creators will be subject to review and approval of conflict-of-interest issues.

### **Decision-Making Timeline**

Within 120 days of receipt of a complete intellectual property disclosure, the college will inform the principal creator of its substantive decisions regarding protection, commercialization, and/or disposition of intellectual property that he or she has disclosed. The college shall be bound by any confidentiality agreement made with any external parties.

### **Dispute Resolution Procedure**

Refer to the academic affairs handbook for the college's dispute resolution procedure.

### **Proceeds Distribution**

In the event that royalties are generated by intellectual property rights assigned or licensed to the college, an appropriate share of such royalties shall be paid to the creator. The college may recover its costs before the following conditions apply. The creator's share shall be determined by the following:

1. In cases where the college or creator, as the case may be, assign such intellectual property rights to a research corporation under contract to the college, the share of royalties to be paid to the creator shall be governed by the terms of the contract between the college and the research corporation.
2. In cases where the intellectual property is covered by a contractual agreement with a sponsoring agency, the financial arrangements shall be in accordance with that contractual agreement as negotiated between the college and the contracting agency.
3. In cases of sponsorship by federal agencies, compliance with the appropriate federal regulations shall be effected in the ultimate agreement.
4. In cases where the college retains ownership of an intellectual property from a creator or creators, and/or expends funds to develop and market the intellectual property, any royalties generated will be used first to cover the expenses of filing, procuring, maintaining, and marketing the intellectual property. Forty percent of the net royalties will be paid to the creator, and sixty percent will be retained by the college from which the intellectual property originated.
5. Net royalties on intellectual property available to institutions shall be used for research, development, and other scholarly activities and allocated one hundred percent to the college where the intellectual property originated.
6. In instances where the college chooses not to retain ownership of the intellectual property, the creator shall obtain permission from the Chancellor, or his or her designee, before associating the college's name, logo, etc., with the intellectual property.
7. The Board of Supervisors may approve exceptions to the established royalty distribution in extraordinary circumstances.

*Approved 9/15/03*

*Revised 2/16/07*