

<u>Type of Policy:</u> Academic Affairs Sector	<u>Effective:</u> 2/3/2010
Student-Owned Intellectual Property	<u>Replaces:</u> NEW
<u>Application:</u> University-wide	<u>Position responsible for facilitating compliance:</u>
<u>Access:</u> Public	VP for Academic Affairs

POLICY

Unless otherwise provided for in a written, signed instrument, students at Niagara University own the copyright, trademark, patent, or trade secrets (collectively, “intellectual property”) that are their original works of authorship or novel inventions. To that end, Niagara University faculty, administration, staff, and students are expected to create an environment where awareness and respect for intellectual property are regarded as critical aspects of Academic Freedom.

The Statutes of Niagara University. Part VI, state “Academic freedom is the natural right of the teacher and the student to pursue knowledge unimpeded.” This includes the assurance that the student and teacher will be able to freely use the intellectual property they personally author or invent, and that when authorship or invention becomes collaborative in any way, a signed, written instrument ensures clarity of ownership.

PROCEDURE

Awareness regarding student-created intellectual property shall be fostered in the following ways:

1. Syllabi

All syllabi shall contain the following provision: “Unless there is a signed, written instrument stating otherwise, students own the intellectual property they generate in the course of their academic work. Students should review the Niagara University “Policy on Ownership of Student-Created Intellectual Property,” found at www.niagara.edu/policyonstudentip so they can learn about this aspect of Academic Freedom.”

2. Library

In concert with the American Library Association, the University Library offers as part of its services information regarding all forms of intellectual property, and the fair use thereof.

3. General Counsel

The Office University General Counsel shall conduct regular trainings for students, staff and faculty regarding respect for intellectual property, including student-created intellectual property. Those seeking guidance on collaboration or co-authorship may consult the General Counsel for the university's position in such matters, although individuals must retain their own counsel for representation.

4. Faculty Relations

The University has entered into a Collective Bargaining Agreement ("CBA") with the Niagara Lay Teachers Association that governs faculty ownership of the intellectual property they generate in the capacity of their employment.

5. Award letters for internal grants and awards

Award letters for research grants and assistantships shall contain the express terms of student-generated intellectual property in the context of the work to be funded by the university.

6. External Grants and awards

Students working on externally sponsored projects are expected to abide by the terms set forth in the controlling agreements. Upon accepting such a position, students should familiarize themselves with the terms of the award. NOTE: Many times, the granting agency is assigned the right to the work generated by a project. Students should carefully read the grant terms for such a clause.

7. Student employees

With the exception of faculty work governed by the CBA, work generated by university employees during the regular course of their employment is the property of the university. This includes work-study students, temporary hires, and interns, and students fulfilling co-op work placements with the university.

8. Student violations of Intellectual Property Laws

Per the Niagara University Academic Integrity policy, a student's violation of intellectual property laws could also be a violation of Academic Integrity. Per the Student Disciplinary Rules, a student's violation of intellectual property laws could also be a violation of the Rules. Students are encouraged to familiarize themselves with these policies.

9. Violations

Students and others who feel this policy is being violated, or who have a concern about their rights, should contact the Vice President for Academic Affairs (or designee). For students enrolled in the Niagara University in Ontario, the laws and jurisdiction of Canada shall apply. For students studying/enrolled at other locations, US laws apply.