

Appendix R

INTELLECTUAL PROPERTY POLICY

COVERAGE AND DEFINITIONS

- A. **Coverage** – This policy covers all intellectual property (1) created by faculty, staff or employees of LTS within the scope of their employment or with the use of LTS funds, facilities or resources; (2) created by students of LTS using LTS funds, facilities, or other resources; and (3) commissioned by LTS pursuant to a signed contract or otherwise a “work for hire” under copyright law.
- B. **Definitions** – Intellectual Property, for the purpose of this policy, is defined as the tangible or intangible results of scholarship, research, development, teaching, or other intellectual activity. Intellectual property may include but is limited to the following categories:
1. Inventions, discoveries, or other new developments which are appropriate subjects of patent applications.
 2. Written materials; exhibits, sound, video, and other media productions; computer programs; computer-based instructional materials; works of art including paintings, sculptures, and musical compositions; and all other material which may be copyrightable.
 3. Software (including instructional software), web pages and internet-based materials (including instructional materials) developed by faculty members in the course of their employment and/or usual scholarly, pedagogical and service activities. This includes projects undertaken during sabbatical leaves, faculty fellowships and other special assignment periods intended for such activities.
 4. Trade secrets, trademarks, service marks.
 5. Any other type of intellectual property regardless of whether such may be the subject of protection by patent, copyright, trademark, trade secret, or other law.

The above categories are not mutually exclusive; a given article of intellectual property may include aspects of all categories. Intellectual property includes that which may be created or undertaken during sabbatical leaves, faculty fellowships, and other special assignment periods intended for such activities.

GENERAL POLICY

All rights to Intellectual Property defined in Section I shall be exclusively owned and controlled by LTS except for Intellectual Property that is expressly identified below as Exempted Property.

- A. Exempted Property:** Intellectual Property that comprises the traditional products of scholarly activity such as books, monographs, articles, reviews, and works of art (including paintings, sculptures, plays choreography, musical compositions) in Exempted Property and, except as otherwise described below, shall be unrestricted property of the author or creator. Also exempted from this policy are individual course materials such as lecture material, transparencies, videos, study guides, workbooks, instructional software, web pages, online or internet-based instructional materials and the style and manner in which a course is taught, which include the expressions, witticisms, and insights that are expressed when addressing students in class, whether planned or extempore. Not included in this exemption are course titles, syllabi, and bibliographies.
- B. Work by students:** The exemption is also understood to encompass works produced by students either alone or with the assistance of LTS faculty or staff, if they fall under descriptions of traditional products of scholarly activity set forth in paragraph II.A. LTS will not claim ownership rights to such traditional works, and it specifically disclaims and potential rights to do so under the “work made for hire” provisions of the U.S. Copyright Act, unless there is a predetermined written agreement.
- C. Recordings Outside the Classroom:** In accordance with LTS’ recording policy regarding employees of LTS, audio or audiovisual recordings of scholarly activity on campus outside of coursework (such as public lectures, sermons, musical performances) are the property of LTS as a holding of the library and may be circulated to patrons accordingly. The content of the presentation remains the property of the presenter and can be used in other venues at the presenter’s discretion.
- D. Work Produced by Support Units:** Works produced in certain LTS support units (non-academic departments) whose mission includes the production of works for instructional, public service, or administrative use, and which employ designated staff or faculty for the purpose of producing such works (e.g. Information Technology, Recruitment & Admissions, Alumni/ae Relations Department, etc.), are deemed to be works made for hire and, therefore, the property of LTS. Such works may include brochures, recording, webinars, displays, drawings, slides, models, computer programs, works of art, and the like. LTS shall own and control all such works produced in such units for such purposes.
- E. Sponsored Projects:** LTS shall own and control the rights to intellectual property resulting from sponsored projects. While course materials and works art are generally the intellectual property of the instructor, experts in a field (both LTS employees and outside contractors) can be hired (apart from regular faculty and staff duties and pay) to create instructional or artistic materials to which the Seminary will retain property rights.
- F. License:** Because of the need for continuity with respect to online instructional programs in times of faculty transitions, regular faculty members who create online course materials that are otherwise Exempted Property pursuant to paragraph II.A, grant, pursuant to this policy and by virtue to their employment with LTS, a license to LTS for use of the materials during the one year period following the faculty member’s separation from LTS.

BINDING NATURE OF THIS POLICY

The policies set forth herein constitute an understanding which is binding on LTS faculty, staff, and students as a condition of their participation in LTS research, teaching, and service programs and for their use of LTS funds, facilities, or other resources. This policy may not be altered, nor may any exceptions to it be granted, except in a writing adopted by the Board.

REVISIONS AND MODIFICATIONS TO THIS POLICY

This policy is subject to ongoing assessment and modification in the light of actual experience and will be reviewed by the Board of Trustees in the fall of 2011. The version of this policy in effect at the time of disclosure is binding.