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| C:\Users\lschnell\Pictures\NWIC Logo.jpg | Intellectual Property Policy | Policy #  POL-404  Revision #0.0 |
| Prepared By: | Preparer’s Name/Title:  Greg Mahle, Department Chair CARE Progam | Date Prepared:  mm/dd/yyyy |
| Approved By: | College President’s Signature | Date Approved: mm/dd/yyyy |
| Effective Date:  mm/dd/yyyy | Board of Trustees Chair’s Signature | Date Approved:  mm/dd/yyyy |
| Review Date:  mm/dd/yyyy | College President’s Signature | Date Approved:  mm/dd/yyyy |

404.1 POLICY STATEMENT

It is the policy of the Board of Trustees that NWIC supports appropriate ownership of intellectual property based upon inherent rights as the acceptable practice in the Honorable House of Learning (NWIC). Further, it is policy whereby faculty, staff, students, and all others acting within the purview of NWIC are expected to act in accordance with certain protocols in order to protect and ensure the sustainability of Indigenous Knowledge. Faculty, staff, students, and others acting within the purview of NWIC must follow the established acceptable practices relating to inherent intellectual property in all aspects of research, scholarship, teaching, publication, and other activities and be committed to the highest ethical standards as they relate to the protection of inherent property rights.

404.2 PURPOSE

The purpose of the Intellectual Property Policy is to inform faculty, staff, students, and other individuals and institutions working with NWIC, about the application of the cultural ethical standards in the determination of intellectual property, ownership, and copyright at NWIC.

404.3 SCOPE

This policy applies to faculty, staff, students, and others who collaborate with NWIC in teaching, research, internships, or any other activities in which the exchange of information occurs or the creation or use of intellectual property occurs.

404.4 BACKGROUND

In Western academia, intellectual property refers to ownership by individuals or other entities, which are determined by certain criteria. This policy addresses ownership of intellectual property within an Indigenous context, thus protecting property, whether that refers to knowledge or physical objects, that is owned as the result of a family’s or community’s inherent rights. The determination and protection of inherent property rights are applied before any consideration is made whether NWIC or individuals within or outside of NWIC may own intellectual property.

404.5 RESPONSIBILITY

Faculty, staff, students, and others who collaborate with NWIC must know the contents of this policy in order to properly understand and respectfully support appropriate ownership, particularly of inherent intellectual property.

404.6 DEFINITIONS

*Context*, *framework, informed consent, ownership, access,* and *control* are defined in the Indigenous Research Policy. *Paradigm* refers to the perspectives articulated in the attached paradigm document. *Ethics*, *copyright,* and *intellectual property* are further elaborated in the paradigm document.

404.7 INTELLECTUAL PROPERTY POLICY STATEMENT

NWIC acknowledges that inherent Intellectual property rights and ownership are expressions of the intergenerational transference of knowledge or inherent rights. Inherent intellectual property rights are based upon the Indigenous context, framework, and paradigm, and through understanding the relationship between Indigenous knowledge and the communal responsibility to share knowledge with the Indigenous people of that place in appropriate ways. Inherent intellectual property is not viewed as a commodity and is only used to preserve knowledge for future generations. By contrast, intellectual property from a Western perspective describes knowledge as owned by an individual or institution. The term intellectual property refers to thoughts and ideas, print or electronic materials, literary works, artistic designs, symbols, and images that may be used in commerce or for profit. NWIC is committed both to the development of strong Indigenous academic research and researchers, and to the protection of the inherent rights of Tribal Peoples. When considering questions about the rights of individual faculty, staff, and students regarding intellectual property, NWIC must take into account the following principles: that the effective protection of Tribal Peoples’ intellectual property will be of long-term benefit to all, and that Tribal Peoples are solely responsible for the protection of their intellectual property and inherent rights. All people associated with NWIC must understand that there is cultural knowledge that is deemed public knowledge and there is knowledge that is private to individuals and families. Ownership in this context, whether the knowledge is public or private, means that an individual, family, or community owns the cultural knowledge so informed consent of those owners is required in order to access, disseminate, or use that knowledge in any way. Inherent intellectual property may not be owned by NWIC or individuals within the college and must be protected.

In order to protect inherent intellectual property, Tribal peoples must exercise control over all research or other relevant activities conducted within their place, which includes activities that use or involve their people as objects of study. This control extends over all aspects of inherent intellectual property.

The free and informed consent of the traditional owners is an essential precondition of any agreements that may be made for recording, studying, using, or displaying any inherent Intellectual property.

When no Inherent intellectual property rights or ownership are involved, NWIC endorses the interests of faculty, academic staff members, and students in performing research, scholarship, and professional activities and will assist and enhance their ability to pursue these aims, when possible.

NWIC encourages the development, writing, invention, or production of intellectual property designed to improve the capacity of NWIC in fulfilling its mission, to enhance the teaching and learning environment, and to contribute to the betterment of Tribal communities. Intellectual property includes, but is not limited to, intellectual and creative works that can be copyrighted or patented, such as print or electronic materials, literary, dramatic, musical and artistic works, computer software, multimedia presentations, and inventions.

When determining ownership of any intellectual property it must first be determined whether it is the inherent property of any individual, family, or community. If the intellectual property is not the inherent property of any Tribal peoples then the appropriate ownership by individuals or NWIC of the intellectual property may be then be determined, in accordance with the following criteria:

Ownership resides with a student if the following criterion is met:

1. The work is the result of the individual’s status as a student at NWIC and not as a result of their employment at NWIC, in which case the following employee criteria apply.

Ownership resides with an employee if all of the following criteria are met:

1. The work is the result of an individual’s initiative, not requested by NWIC;
2. The work is not prepared within the scope of the employee’s job functions, work plan, or other assigned duties, or as a product of a specific contract with NWIC; and
3. The work involves insignificant use of NWIC facilities, time, and/or other resources including but not limited to release time, NWC sponsored grant funds, college personnel, salary supplement, leave with pay, equipment, or other material or financial assistance.

Ownership resides with NWIC if the above criteria are not met. If NWIC owns the intellectual property by these criteria, it may negotiate a shared ownership and any possible proceeds from that ownership or copyright with students, employees, or external entities.

The application of this policy does not preclude the possibility of students or employees disseminating or publishing if the appropriate review and approval processes have been followe*d and approval has been granted.*

404.8 RELATED INFORMATION

* + 1. Research Agenda, Indigenous Research Policy, Academic Responsibility and Freedom Policy, and Paradigm
    2. Policies, procedures, and guiding documents with references to publication, Traditional Ecological Knowledge, cultural objects, cultural appropriation, and ethics
    3. Institutional Review Board Manual: Purpose and Policies
    4. Framework for Indigenous Evaluation

404.9 REVIEW DATE

This policy will be reviewed every three years.

Attachment: Paradigm, Third Draft