

Comparative Policy Analysis
Colorado College 2025 Proposed Intellectual Property Policy
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Colorado College Proposed 2025 Intellectual Property Policy

Executive Summary: Comparative Policy Analysis

Overview

Colorado College’s proposed 2025 Intellectual Property Policy fundamentally restructures institutional IP management, significantly expanding College control over faculty and staff IP. The revision departs from the 2013 policy’s emphasis on faculty ownership, adopting a comprehensive commercialization model more typical of research universities. This shift diverges notably from both AAUP principles and peer institutional practices.

Key Changes from 2013 Policy

The revision expands from seven to eleven sections, introducing extensive patent provisions, mandatory disclosure requirements, and commercialization frameworks absent from 2013. Critical changes: broadened “Significant Use” definitions potentially capturing routine faculty work; mandatory 30-day disclosure for commercial IP; publication delays up to 90 days; three-tier revenue sharing with the College (100% first \$5K, 40% of \$5K-100K, 30% above \$100K); and governance shifting from faculty committees to centralized Dean of Faculty/CFO authority. These changes substantially alter existing faculty rights.

Divergence from Academic Norms

The policy departs from both AAUP standards and peer practices. AAUP principles emphasize inventors should initially own inventions, assignment should be voluntary, and faculty governance bodies should oversee IP policies; none of these provisions are features of the new policy. Analysis of ten peer liberal arts colleges reveals CC as an outlier: peers default to creator ownership with typical 50% revenue sharing versus CC’s less favorable tiered structure. No peer mandates disclosure timelines or imposes publication delays. While AAUP and peer institutions ensure faculty participation through governance committees, CC centralizes authority administratively.

Stakeholder Impacts

- **Faculty** face reduced ownership rights through expanded “significant use” triggers, mandatory disclosure obligations, potential publication delays, and reduced governance participation. While gaining structured revenue sharing and startup opportunities, these come with extensive restrictions uncommon in liberal arts settings.
- **Staff** see marginal improvements through inclusion in scholarly work protections but remain vulnerable to work-for-hire classifications.
- **Students** retain basic ownership but face new exceptions for sponsored research and “significant use” scenarios affecting thesis work.
- The **College** gains comprehensive IP management authority, revenue streams, and commercialization pathways - acquiring research university capabilities without corresponding faculty protections.

Primary Concerns

Expanded “significant use” definitions could capture routine faculty research currently owned by faculty. Mandatory disclosure and publication delays raise academic freedom concerns - principles protected by AAUP and respected by peers. Eliminating faculty governance contradicts both AAUP shared governance principles and peer practices. The commercialization framework appears misaligned with liberal arts missions and may create conflicts without adequate protections.

Suggested Recommendations for Faculty Advocacy

Faculty should advocate for modifications aligning with AAUP standards and peer practices:

1. **Narrow “significant use”** to exclude routine academic resources
2. **Make disclosure voluntary** except for patent applications
3. **Eliminate publication delays** except when externally required
4. **Establish faculty-majority IP committee** with oversight authority
5. **Adopt 50% revenue sharing** consistent with academic norms
6. **Add protections** against pressure to surrender rights
7. **Simplify commercialization** to match liberal arts context
8. **Ensure Faculty Senate approval** of final policy

These modifications would align CC with both peer institutions and broader academic standards while preserving institutional interests. The current proposal positions CC as restrictive compared to peers, potentially affecting faculty recruitment and retention.

Glossary of Intellectual Property Terms

Administrative Assignment

Definition: Work duties specifically assigned by supervisors or required as part of one's job description, typically involving management, operations, or institutional functions rather than academic pursuits.
Example: The Registrar creates a new student information system manual as directed by their supervisor—this is an administrative assignment and the College owns the resulting work.

Administrative Works

Definition: Documents, reports, and materials created for the internal operation and management of the institution, as opposed to scholarly or teaching materials.
Example: Budget reports, strategic planning documents, accreditation self-studies, committee reports, and policy manuals are administrative works owned by the College.

Assignment (of Rights)

Definition: The legal transfer of ownership rights from the creator to another party (usually the institution). Can be voluntary or mandatory depending on policy.
Example: When a faculty member signs a grant agreement stating any inventions will belong to the College, they are assigning their rights to future inventions.

Commercial Potential

Definition: The likelihood that intellectual property could generate revenue through sales, licensing, or other market activities.
Example: A chemistry professor's new catalyst that could improve industrial manufacturing has commercial potential; a scholarly article on 19th-century poetry typically does not.

Conflict of Interest (COI)

Definition: Situations where personal financial interests could compromise or appear to compromise professional judgment and institutional responsibilities.
Example: A faculty member who owns stock in a company cannot objectively evaluate that company's products for institutional purchase without declaring the conflict.

Copyright

Definition: Legal protection automatically granted to original works of authorship fixed in tangible form, giving the owner exclusive rights to reproduce, distribute, display, perform, and create derivative works.
Example: When you write a textbook, you automatically own the copyright—you control who can copy, sell, or adapt it.

Derivative Work

Definition: A new work based on or incorporating pre-existing copyrighted material, requiring permission from the original copyright holder.
Example: Translating a novel into another language, adapting a textbook into an online course, or creating a film from a book are derivative works.

Disclosure (of IP)

Definition: Formal notification to the institution about the creation of potentially valuable intellectual property, typically required by policy.
Example: A biology professor who develops a new diagnostic test must file a disclosure form with the College within 30 days, describing the invention and its potential uses.

Fair Use

Definition: Legal doctrine allowing limited use of copyrighted material without permission for purposes such as criticism, comment, teaching, scholarship, or research. Requires case-by-case analysis of four factors.
Example: Showing three slides from a colleague's presentation in your class for critique is likely fair use; copying their entire textbook for your students is not.

First-Sale Doctrine

Definition: Once a copyrighted item is legally sold, the buyer can resell, lend, or give away that specific copy without the copyright owner's permission (but cannot make new copies).
Example: The library can lend out books it purchased, and you can sell your used textbooks, but neither can photocopy entire books for distribution.

Indemnification Protection

Definition: Legal protection where one party (usually the institution) agrees to defend and cover costs if another party (faculty/staff) is sued for actions taken within their job scope.
Example: If a professor is sued for copyright infringement while using materials in good faith for teaching, the College's indemnification means the institution handles the legal defense and any damages.

Intellectual Property (IP)

Definition: Creations of the mind that can be legally owned, including inventions (patents), creative works (copyrights), symbols/names (trademarks), and trade secrets.

Example: Your research article (copyright), a new teaching method you develop (potentially patentable), and a software program you write (copyright) are all intellectual property.

License vs. Ownership

Definition:

- **License:** Permission to use someone else's property under specific conditions while they retain ownership
- **Ownership:** Full legal rights to control, use, and transfer property

Example: When faculty retain copyright to their textbook but grant the College a license to use it for internal teaching, faculty own it but the College can use it. If the College owns it, faculty need permission to use it elsewhere.

Material/Significant/Substantial Use (of Resources)

Definition: Use of institutional resources beyond what is routinely available to faculty/staff in their positions. Definitions vary significantly between institutions.

Example at some institutions:

- **Routine use:** Office, computer, library access, standard lab space
- **Significant use:** Dedicated research assistant, special funding, exclusive lab space, substantial IT support beyond normal

Critical Note: This definition varies widely and can be a point of contention—what one policy calls "significant" another might consider "routine."

Patent

Definition: Government-granted exclusive right to make, use, and sell an invention for a limited period (typically 20 years), requiring formal application and approval.

Example: A new surgical device developed by an engineering professor can be patented, preventing others from manufacturing it without permission.

Prior Art

Definition: Any evidence that an invention was already known before a patent application, which can invalidate patent claims.

Example: If someone published a paper describing your "invention" five years ago, that paper is prior art that would prevent you from getting a patent.

Reduction to Practice

Definition: The point when an invention is either physically created and tested (actual) or described in sufficient detail in a patent application (constructive).

Example: Having an idea for a new battery design is not reduction to practice; building and testing a working prototype is.

Revenue Sharing

Definition: Agreement on how income from commercialized intellectual property is divided between creators and the institution after cost recovery.

Example: After the College recovers patent filing costs, licensing revenue might be split 50% to inventors, 25% to their department, and 25% to the College.

Scholarly and Academic Works

Definition: Traditional products of teaching and scholarship including research articles, books, lectures, course materials, and creative works produced as part of academic duties.

Example: Peer-reviewed journal articles, monographs, conference presentations, syllabi, lecture notes, and artistic performances by faculty.

Shop Rights

Definition: Institution's right to use employee-created intellectual property for internal purposes even when the employee retains ownership.

Example: If a professor owns copyright to their innovative teaching method, shop rights mean the College can still use that method internally without paying royalties.

Sponsored Research

Definition: Research funded by external sources (government, foundations, industry) usually with specific terms about intellectual property ownership and use.

Example: An NSF grant that requires any inventions be reported to the government and may include federal "march-in" rights.

Supporting Information

Definition: Background data, documentation, and materials that validate or enable understanding of intellectual property claims.

Example: Lab notebooks, raw data, experimental protocols, and draft manuscripts that document how an invention was developed.

Trade Secret

Definition: Valuable business information kept confidential to maintain competitive advantage, protected without formal registration as long as secrecy is maintained.

Example: A unique algorithm for matching students with internships that gives the College a competitive advantage—loses protection if publicly disclosed.

Trademark

Definition: Words, symbols, or designs identifying and distinguishing the source of goods or services.

Example: The College's name and logo are trademarks; faculty cannot use them on personal consulting materials without permission.

Underlying Program

Definition: The foundational software, code, or system upon which new development or modifications are built.

Example: If you modify open-source software for teaching, the original open-source code is the underlying program with its own licensing terms.

Work-for-Hire (Work Made for Hire)

Definition: Legal doctrine where the employer, not the employee who created it, owns the copyright to works created within the scope of employment.

Example: A staff photographer's photos of campus events are work-for-hire owned by the College; a professor's scholarly article is typically NOT work-for-hire at most institutions.

Key Distinctions to Remember

Voluntary vs. Mandatory Assignment

- **Voluntary:** Creator chooses whether to disclose/assign rights (common at liberal arts colleges)
- **Mandatory:** Policy requires automatic assignment under certain conditions (more common at research universities)

Creator-Owned vs. Institution-Owned

- **Creator-Owned:** Individual retains rights, institution may have license
- **Institution-Owned:** College controls all rights, individual may receive revenue share

Internal Use vs. Commercial Use

- **Internal:** Using IP for teaching, research, and institutional operations
- **Commercial:** Licensing, selling, or otherwise monetizing IP externally

Important Note

These definitions reflect general usage in academic IP policies, but specific meanings can vary significantly between institutions. Always consult your institution's actual policy language and seek clarification from appropriate offices when needed. When in doubt, ask for written clarification of how terms apply to your specific situation.

Detailed Comparison Table: 2025 Proposed Policy Provisions & Impact on College Stakeholders

Policy Provision	2013 Policy	2025 Proposed Policy	AAUP Alignment	Impact on College/Admin	Impact on T/TT Faculty	Impact on NTT Faculty	Impact on Staff	Impact on Students
1. SCOPE & DEFINITIONS								
Basic Scope	Covers copyright and fair use for faculty, staff, students	Expanded to include patents, trademarks, data, software, commercialization	AAUP supports comprehensive coverage but emphasizes faculty control	Gains broader IP management authority and potential revenue streams	Must navigate more complex IP landscape with potential restrictions	Same as TT faculty	More comprehensive coverage but with more restrictions	Clearer framework but more exceptions to ownership
Definition of IP	Limited to copyrightable works	Includes copyrightable works, patents, software, databases, trademarks	Neutral - AAUP accepts broad IP definitions	Broader asset portfolio to manage	Broader range of work potentially subject to College claims	Same as TT faculty	Same as TT faculty	Same as TT faculty
“Significant Use of College Resources”	Not explicitly defined; general acknowledgment of College support	Detailed definition with specific exceptions and inclusions	DIVERGES - AAUP warns against using facilities as justification for ownership claims	Creates clearer basis for ownership claims	Risk of more work being classified as College-owned	Same as TT faculty	Higher risk as often use more specialized resources	Research projects more likely to trigger this provision
2. COPYRIGHT OWNERSHIP								
Faculty Scholarly Works	Faculty own copyright with perpetual license to College for internal use	Maintains faculty ownership but adds staff categories; retains College license	ALIGNS - AAUP supports faculty ownership of scholarly works	Maintains access rights for teaching/admin use	Ownership preserved but license obligations remain	Explicitly included in ownership rights (positive change)	Limited staff now included in scholarly work protections	No change to basic ownership
Work-for-Hire	College owns specifically directed/commissioned works	Expanded definition includes “job specific deliverables” and broader scope	DIVERGES - AAUP opposes mandatory assignment as condition of employment	Clearer, broader ownership claims	Risk of more work classified as work-for-hire	Same as TT faculty	Most vulnerable to work-for-hire claims	Better defined but more exceptions
Student Works	Students own their work with limited exceptions	Adds three specific exceptions including “significant use” and sponsored research	PARTIALLY DIVERGES - AAUP opposes advance surrender of rights	More opportunities to claim student work	May affect student research collaborations	Same as TT faculty	Not directly affected	More scenarios where College claims ownership
Administrative Works	College owns administrative assignment works	No significant change	Neutral	Maintains ownership	Not typically affected	Same as TT faculty	Primary creators of these works; no change	Not typically affected
3. PATENTS & INVENTIONS								
Patent Ownership	Minimal coverage; contract-determined	Detailed framework with “significant use” and employment scope triggers	DIVERGES - AAUP: inventions initially owned by inventors, assignment should be voluntary	Major expansion of ownership claims and management role	Potential loss of patent rights without voluntary assignment	Same as TT faculty	Most work likely considered within employment scope	Research assistantship work may trigger College ownership
Disclosure Requirements	Not specified	30-day disclosure requirement for potential commercial IP	DIVERGES - AAUP supports voluntary participation	Enables systematic IP capture and evaluation	New mandatory reporting burden	Same as TT faculty	Same as TT faculty	Must disclose student research with commercial potential
Publication Delays	Not addressed	Up to 90 days delay for patent filing	PARTIALLY ALIGNS - AAUP accepts reasonable delays but emphasizes academic freedom	Protects commercial value	Academic freedom concern; publication delays	Same as TT faculty	Less likely to affect	Thesis/dissertation delays possible
4. COMMERCIALIZATION & REVENUE								

Policy Provision	2013 Policy	2025 Proposed Policy	AAUP Alignment	Impact on College/Admin	Impact on T/TT Faculty	Impact on NTT Faculty	Impact on Staff	Impact on Students
Revenue Sharing	Not specified	Detailed three-tier structure (100% first \$5K, then 40-30% to creators)	PARTIALLY ALIGNS - AAUP supports sharing but emphasizes faculty control over commercialization decisions	New revenue stream with 50-60% share after \$5K	Incentive to commercialize but less control than AAUP ideal	Same as TT faculty	Same structure but less likely to generate IP	Same structure for their IP
Startup Provisions	Not addressed	Detailed requirements for licensing College IP to startups	Neutral - AAUP doesn't specifically address	New pathways for technology transfer and equity stakes	Opportunities but with restrictions and obligations	Same as TT faculty	Limited relevance	Could benefit from faculty startups as employees
Conflict of Interest	Basic policy reference	Explicit COI disclosure and management requirements	ALIGNS - Supports transparency	Better risk management	Additional compliance requirements	Same as TT faculty	Same as TT faculty	Must navigate COI if involved in commercialization
5. TRADEMARKS								
Trademark Control	Not addressed	College owns marks associated with College-owned IP	Neutral - standard practice	Protects brand and controls naming	Cannot use College name without permission for ventures	Same as TT faculty	Same as TT faculty	Same as TT faculty
6. DISPUTE RESOLUTION								
Appeals Process	Not specified	Three-tier process: Offices → President → External mechanisms	PARTIALLY ALIGNS - AAUP emphasizes faculty governance role in disputes	Clear process for resolution	Process exists but limited faculty governance role	Same as TT faculty	Same as TT faculty	Same as TT faculty
7. FAIR USE & COPYRIGHT COMPLIANCE								
Fair Use Principles	Seven detailed principles with extensive guidelines	Similar seven principles with “reasonable effort” standard	ALIGNS - Both emphasize case-by-case analysis	Maintains flexible approach	Preserved protections	Same as TT faculty	Same as TT faculty	Same as TT faculty
Compliance Expectations	“Reasonable effort” to comply	“Reasonable effort” now defined with specific documentation methods	ALIGNS - Supports good faith analysis	Clearer compliance standards	More documentation requirements but clearer safe harbors	Same as TT faculty	Same as TT faculty	Same as TT faculty
Library Reserves	Detailed physical and electronic reserves policies	Maintained with minor updates	Neutral	No significant change	No significant change	Same as TT faculty	No significant change	No significant change
8. GOVERNANCE & OVERSIGHT								
Faculty Governance Role	ITAL Board oversight for guidelines	Reduced; CFO and Dean make most decisions	STRONGLY DIVERGES - AAUP emphasizes faculty senate/governance body primary role	Centralizes control in administration	Significant reduction in faculty governance input	Same as TT faculty	Limited voice in policy	Limited voice in policy
Advisory Positions	Four designated advisory positions across campus	Not specified; centralized in two offices	DIVERGES - Reduces distributed expertise	Streamlines decision-making but reduces expertise distribution	Fewer resources for consultation	Same as TT faculty	Same as TT faculty	Same as TT faculty

Conclusion

The 2025 proposed revision modernizes Colorado College’s IP policy with comprehensive coverage of contemporary IP issues and commercialization opportunities. However, it diverges significantly from AAUP principles regarding faculty ownership, governance, and voluntary participation in IP management. While the policy creates new opportunities for revenue generation and technology transfer, it does so by expanding institutional control at the expense of individual creator autonomy, particularly for faculty members. The policy would benefit from modifications to better balance institutional interests with creator rights and academic freedom principles.

Analysis Summary by Stakeholder Group

Impact on College/Administration

- **Gains:** Comprehensive IP management framework, revenue streams, clearer ownership claims, startup/commercialization pathways
- **Obligations:** Complex administration, dispute resolution, commercialization support
- **Net Effect:** Substantially strengthened position with more control and revenue potential

Impact on Tenured/Tenure-Track Faculty

- **Gains:** Revenue sharing structure, startup opportunities, clearer policies
- **Losses:** Potential expansion of College ownership claims, mandatory disclosure, reduced governance role, publication delays
- **Net Effect:** Mixed - new opportunities but with significant restrictions and less autonomy than AAUP standards recommend

Impact on Non-Tenure Track Faculty

- **Gains:** Explicit inclusion in scholarly works ownership, same revenue sharing as TT faculty
- **Losses:** Same as TT faculty, but more vulnerable to work-for-hire classifications given employment structure
- **Net Effect:** Slight improvement in recognition but vulnerable position unchanged

Impact on Staff

- **Gains:** Some staff included in scholarly works protections, revenue sharing opportunities
- **Losses:** Work product more clearly defined as College-owned, limited IP rights
- **Net Effect:** Marginal improvement for some academic staff, status quo for most

Impact on Students

- **Gains:** Clearer policies, revenue sharing if IP developed
- **Losses:** More exceptions to ownership, potential delays to graduation for commercial IP
- **Net Effect:** More restricted ownership but clearer framework

Key Divergences from AAUP Standards

1. **Involuntary Assignment:** The 2025 policy’s use of employment and “significant use” as automatic assignment triggers contradicts AAUP’s principle of voluntary assignment
2. **Faculty Governance:** Centralization of decisions in administrative offices rather than faculty governance bodies
3. **Initial Ownership:** AAUP principle that inventors initially own their inventions is compromised
4. **Mandatory Disclosure:** Conflicts with AAUP’s emphasis on faculty control over their research
5. **Pressure on Rights:** No explicit protections against pressure to surrender rights

Recommendations

1. **Strengthen Faculty Governance:** Establish faculty committee for IP policy oversight as recommended by AAUP
2. **Voluntary Assignment Option:** Consider voluntary assignment model for patents rather than automatic triggers
3. **Clarify “Significant Use”:** Provide more specific examples and thresholds
4. **Protect Student Rights:** Add stronger protections against pressure to surrender rights
5. **Faculty Senate Review:** Ensure faculty senate reviews and approves final policy
6. **Grievance Process:** Strengthen grievance procedures for all stakeholders
7. **Regular Review:** Establish periodic review schedule with faculty input

Comparative Analysis

CC Proposed IP Policy vs. Peer Liberal Arts Institutions

This analysis compares CC’s proposed 2025 IP policy with policies from ten peer liberal arts institutions, revealing a significant departure from peer norms, particularly in its expansive definition of institutional ownership claims, mandatory disclosure requirements, and centralized administrative control. Most peer institutions policies emphasize academic freedom, faculty ownership, voluntary participation, and shared governance - principles that are diminished in CC’s proposed policy, which aligns more closely with neo-liberal research university models.

Major Divergences from Peer Norms:

Ownership Defaults

- **Peers:** Default to creator/inventor ownership with specific exceptions
- **CC:** Expands institutional ownership through broad “significant use” definition

Faculty Governance

- **Peers:** Ensure faculty participation in IP decisions through committees
- **CC:** Centralizes authority in CFO and Dean with minimal faculty input

Mandatory Disclosure

- **Peers:** Encourage voluntary disclosure
- **CC:** 30-day mandatory disclosure requirement

Revenue Sharing

- **Peers:** Typically 50% to creators after cost recovery
- **CC:** Less favorable tiered structure (40-30% after first \$5K)

Commercialization Framework

- **Peers:** Minimal or no commercialization provisions
- **CC:** Extensive startup and licensing framework atypical for liberal arts colleges

Areas of Alignment:

- **Traditional Scholarly Works:** Basic principle of faculty ownership maintained
- **Student Works:** General ownership by students with employment exceptions
- **External Funding:** Deference to grant/contract terms
- **Staff Works:** Standard work-for-hire application

Unique CC Provisions Not Found in Peer Policies:

- Detailed startup company formation procedures
- Comprehensive conflict of interest management for commercialization
- Three-tier revenue sharing structure
- Specific publication delay provisions (up to 90 days)
- Extensive trademark control provisions

Institutional Patterns

More Restrictive (Like CC):

- None of the peer institutions match CC’s level of institutional control

Moderate Approach:

- **Bates, Hamilton, Grinnell:** Balance institutional interests with creator rights
- **Bowdoin:** Joint ownership model for substantial resource use

More Permissive:

- **Carleton:** Minimal patent provisions, strong creator rights

- **Swarthmore:** Extensive faculty governance, collaborative approach
- **Whitman:** Clear “exceptional use” definitions protecting creators

Minimal Policies:

- **Amherst:** Patent-focused only
- **Colby:** Basic framework
- **Macalester:** References policy but doesn’t provide full detail

Recommendations for Alignment

To better align with peer institutions, Colorado College could consider:

1. **Defaulting to creator ownership** with narrow, specific exceptions
2. **Establishing faculty-led IP committee** for policy oversight and disputes
3. **Making disclosure voluntary** except for patent applications
4. **Adopting standard 50% revenue sharing** after cost recovery
5. **Removing or simplifying** commercialization provisions inappropriate for liberal arts context
6. **Strengthening faculty governance** role throughout the policy
7. **Narrowing “significant use” definition** to match peer institutions
8. **Eliminating mandatory publication delays** except when required by external agreement

Detailed Comparison Table: Policy Comparison with Peer Liberal Arts Institutions

Policy Category	Colorado College 2025	Amherst	Bates	Bowdoin	Carleton	Colby	Grinnell	Hamilton	Macalester	Swarthmore	Whitman	CC's Alignment/ Divergence
1. FACULTY OWNERSHIP OF SCHOLARLY WORKS												
Traditional Scholarly Works	Faculty own scholarly works (books, articles, creative works) with perpetual College license for internal use; exceptions for “significant use” of resources	Faculty own all scholarly works; College has no claim	Faculty own “scholarly work defined broadly” including books, articles, creative works	Faculty own traditional scholarly works including pedagogical, literary, artistic works	Faculty own all works from scholarly, pedagogical, creative activities	Faculty own textbooks, scholarly works, artistic works; College has royalty-free use	Faculty retain ownership of traditional scholarly works	Faculty own scholarly works by default	Faculty own academic works per Employee Handbook policy	Faculty own traditional products of teaching/scholarship	Faculty own journal articles, books, lectures, creative works	ALIGNS WITH QUALIFICATION S - Faculty retain basic ownership, but CC adds more exceptions and “significant use” triggers unlike peers
Course Materials	Faculty own course materials, syllabi, lectures with College retaining license for teaching use	Not addressed	Faculty own all teaching materials including lecture notes, syllabi	Faculty own lecture notes, problem sets, syllabi, course websites	Faculty own all teaching materials	Not explicitly addressed	Included in traditional scholarly works	Faculty own by default	Not explicitly addressed	Faculty own all course materials including websites	College doesn’t claim syllabi but retains use rights	PARTIALLY DIVERGES - CC maintains ownership but imposes institutional use rights broader than most peers
2. “SIGNIFICANT/ SUBSTANTIAL USE” OF COLLEGE RESOURCES												
Definition	“Significant Use” includes dedicated personnel, special funding, specialized facilities beyond normal; excludes offices, library, computers, sabbaticals	“Material use of funds or facilities” - deliberately vague for case-by-case determination	Lists specific examples; normal use excludes office, computers, library	“Special support” beyond routine; normal includes labs, sabbaticals, offices	Not defined	“Substantial use” = more than normal support or dedicated resources	Detailed list of triggers including dedicated facilities, special staff support	“Extraordinary use” beyond normal	Not explicitly defined	“More than normal support” with detailed examples	“Exceptional use” with detailed exclusions	DIVERGES - CC’s definition broader and more expansive than peers
Impact on Ownership	College claims ownership if significant use involved	College owns if material use involved	Creator must repay identifiable resources from income	Joint ownership with College	Not addressed for copyrights	Creator must repay College from revenues	College asserts ownership with significant use	Requires written agreement	Not addressed	College entitled to cost recovery and revenue share	Written agreement required	DIVERGES - CC claims full ownership while peers often use joint ownership or cost recovery
3. PATENTS AND INVENTIONS												

Policy Category	Colorado College 2025	Amherst	Bates	Bowdoin	Carleton	Colby	Grinnell	Hamilton	Macalester	Swarthmore	Whitman	CC's Alignment/ Divergence
Initial Ownership	College owns if: significant use of resources, within employment scope, or externally funded; automatic assignment	College owns if material use of resources or external funding	College owns if from sponsored research or significant use	Joint ownership if substantial resources used	College owns all from College research	College/Organization owns if from sponsored research	Default to inventor; College owns only with specific triggers	Default to creator unless specified conditions	Not addressed	Similar to copyrights policy	College may claim if within employment scope	STRONGLY DIVERGES - CC defaults to College ownership; most peers default to inventor
Disclosure Requirements	Mandatory disclosure within 30 days of IP with commercial potential	Prompt disclosure encouraged but not mandated	"Promptly disclose" via disclosure form	Not specified	"Promptly disclose"	Report required	Prior authorization required before creation	Not specified	Not addressed	Report if seeking College support	Must publish or report to Provost	DIVERGES - CC has mandatory 30-day requirement; peers encourage but don't mandate
Reassignment if Not Pursued	May reassign to inventor at College discretion if not commercialized	Rights reassigned to inventor upon request if College doesn't pursue	If College doesn't pursue, assigns to inventor	Not addressed	Rights reassigned if not filed within 1 year	If not pursued, assigns to creator	College consideration of public domain option	Not specified	Not addressed	Not specified	May reassign at College discretion	PARTIALLY ALIGNS - Most have reassignment but CC's is more restrictive
4. REVENUE SHARING												
Patent Royalties	Tiered: 100% to inventors (first \$5K), 40% (\$5K-\$100K), 30% (above \$100K) after costs	50% to inventors after costs	50% to inventors after costs	Not specified	Not specified	25% minimum to inventors after costs	50% to inventors after costs	60% to inventors, 40% to College after costs	Not addressed	Case-by-case negotiation	50% to inventors after costs	DIVERGES - CC's tiered system less favorable than peer 50% standard
Copyright Royalties	Same tiered structure applies to all IP revenues	Not addressed	50% to creators after costs	Negotiated case-by-case	100% to individual creators	Not specified	Not typically applicable	60% to creators after costs	Not addressed	75% to creator, 25% to College default	Not typically applicable	DIVERGES - Most peers don't claim copyright royalties; CC does
5. STUDENT INTELLECTUAL PROPERTY												
Student Ownership	Students own work except: significant use, sponsored research, or employment; College retains license	Not explicitly addressed	Students own academic creations with non-exclusive license to College	Students own literary, scholarly, artistic works; exceptions for employment	Students generally own their work	Students own work with College license for academic use	Students retain ownership except in employment	Students own their creative works	Students retain copyright per policy	Students own traditional IP unless employed	Students own work created independently	PARTIALLY ALIGNS - But CC adds more exceptions including "significant use"

Policy Category	Colorado College 2025	Amherst	Bates	Bowdoin	Carleton	Colby	Grinnell	Hamilton	Macalester	Swarthmore	Whitman	CC's Alignment/ Divergence
Student Employment	When employed, work-for-hire applies; College owns employment-related work	Not addressed	When employed, staff IP policies apply	Student employees subject to work-for-hire	Employment agreements determine rights	Not addressed	Student inventions in employment belong to College	College owns student employee work	Subject to employee policies	Staff policies apply when employed	Students hired for tasks retain no rights	ALIGNS - Standard approach across institutions
6. WORK-FOR-HIRE DOCTRINE												
Faculty Application	Traditional scholarly works excluded; "job specific deliverables" and directed works are work-for-hire	Not addressed	Traditional academic works excluded from work-for-hire	Traditional scholarly works not work-for-hire	Faculty works not considered work-for-hire	Not addressed	Pedagogical/scholarly works not work-for-hire	Faculty scholarly work not work-for-hire	Faculty academic works excluded	Faculty works not work-for-hire	Scholarly works not work-for-hire	PARTIALLY DIVERGES - CC expands "job specific deliverables" potentially capturing more work
Staff Application	Staff work within employment scope belongs to College; some academic staff excluded	Not addressed	Normal employment creates work-for-hire	Non-faculty staff work belongs to College	Directed/commissioned works belong to College	Institution owns directed courseware	Staff work within duties belongs to College	Staff work defaults to College	Staff faculty-like creative works excluded	Staff IP belongs to College	Within scope belongs to College	ALIGNS - Standard application to staff
7. DISPUTE RESOLUTION												
Process	Three-tier: CFO/Dean → President → External mechanisms; limited faculty input	Not specified	Dean determines; appeal to ad hoc committee then President	Ad hoc committee reviews disagreements	Not specified	Ad hoc committee appeal process	IP Advisory Committee advisory to President	Review Committee for disagreements	Not addressed	Review Committee process	Joint adjudication by multiple offices	DIVERGES - CC's process more bureaucratic; peers emphasize faculty committees
Faculty Governance Role	Minimal; decisions by administrative officers	Not specified	Faculty participation in appeals	Faculty-selected committee members	Not specified	Not specified	Faculty on Executive Council involved	Faculty select committee members	Not addressed	Extensive faculty involvement	Faculty committee oversight	STRONGLY DIVERGES - CC centralizes in administration; peers ensure faculty voice
8. EXTERNAL FUNDING AGREEMENTS												
Handling	External sponsor terms take precedence; College owns sponsored research IP	Federal law governs; follows federal requirements	Terms of external agreement control	Grant provisions take precedence	Not addressed	Written contracts required for external parties	External agreements take precedence	Grant terms control	Not addressed	Grant conditions apply if accepted	Sponsor agreements control	ALIGNS - Standard deference to external agreements

Policy Category	Colorado College 2025	Amherst	Bates	Bowdoin	Carleton	Colby	Grinnell	Hamilton	Macalester	Swarthmore	Whitman	CC's Alignment/ Divergence
9. COMMERCIALIZATION												
Startup Provisions	Detailed requirements for licensing to creator startups; equity stakes; conflict management	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Options for spin-offs considered	Not addressed	Development options discussed	Not addressed	UNIQUE TO CC - Detailed startup/licensing framework unusual for liberal arts colleges
Conflict of Interest	Extensive COI disclosure and management for commercialization activities	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	COI policy applies; equity participation rules	Not addressed	Not specified	Not addressed	UNIQUE TO CC - Detailed COI provisions unusual for peers
Publication Delays	Up to 90 days delay for patent filing or sponsor review	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	UNIQUE TO CC - Formal publication delay provisions not found at peers
10. GOVERNANCE STRUCTURE												
Primary Authority	CFO and Dean of Faculty joint authority for most decisions	Comptroller with Dean consultation	Sponsored Programs Office	Dean for Academic Affairs	VP and Treasurer	President final determination	IP Advisory Committee/President	VP for Academic Affairs	Not specified	Provost	Provost/Dean jointly	DIVERGES - CC's CFO/Dean structure more corporate; peers use academic officers
Faculty Input	No formal faculty committee; limited to individual appeals	Not specified	Faculty involvement in appeals	Faculty representation required	Faculty consultation	Faculty/staff on committees	Faculty on committee	Faculty select reviewers	Not specified	Extensive faculty role	Faculty committee involvement	STRONGLY DIVERGES - CC minimal faculty role; peers ensure faculty participation