Intellectual Property in Research, Scholarship and Curriculum Development Policy

Navitas Professional Institute

Document

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<td>Policy Owner</td>
<td>Dean Academic</td>
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Version Control

<table>
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<tr>
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Intellectual Property in Research, Scholarship and Curriculum Development Policy

1. Purpose and Scope

This policy and procedure outlines the Navitas Professional Institute’s commitment to fostering an innovative culture in which the sharing and advancement of quality research, scholarship and ideas can flourish, for the benefit of the educational community and other stakeholders.

This policy is intended to provide a framework for NPI’s approach to the management and protection of intellectual property arising from the research, scholarship and curriculum development work of NPI staff and currently enrolled students. This policy attempts to balance the rights and obligations of NPI staff and students.

NPI recognises the right of the community, and research and project participants, to benefit from research and scholarship activities undertaken by staff and students of NPI.

This policy applies to all ongoing, temporary, casual, sessional and fixed term employees (full-time and part-time), independent contractors and students.

2. Policy

Staff and students of NPI create and disseminate knowledge through:

- Research activities
- Scholarship
- Consultancies
- Publications in the following forms:
  - books and book chapters
  - publications in academic, professional or other journals
  - conference presentations
  - technical and other reports
  - monographs
  - abstracts
  - poster presentations
  - electronic and online publications
  - software
  - exhibitions
- Course and unit curriculum development, including text on websites.

NPI recognises that originators of research and scholarship should participate in decision making about the commercialisation of IP.

NPI claims the IP of staff arising from course and curriculum development activities conducted in the course of their employment with NPI. Originators retain copyright of research and scholarship materials, other than course and unit curriculum materials, and are entitled to use them for publication as outlined above. All use of materials arising from scholarship and research activities of staff members is to include acknowledgement of NPI. NPI also asserts the right to a royalty-free non-exclusive perpetual license to use research and scholarship materials that have been created by staff in the course of their employment for research and scholarship purposes.

NPI grants staff members who have developed course and unit curriculum materials and resources in the course of their employment with NPI a royalty-free non-exclusive perpetual licence to use the IP in those materials for teaching, research and professional purposes. NPI recognises that experienced academic and teaching staff members bring curriculum materials and teaching resources developed in other contexts to their employment with NPI. NPI does not assert ownership of IP developed by staff prior to their employment at NPI.
NPI recognises that the IP of NPI staff members engaged in externally funded consultancies and research will be subject to the conditions of the funding contracts.

Enrolled students of NPI at both undergraduate and postgraduate levels retain ownership of the IP generated in their research and project work and copyright of their final reports. This right to ownership of IP developed through research and project work carried out in enrolled units applies to staff members who are studying at NPI. NPI cannot compel students to surrender their IP in order to be enrolled or maintain enrolment in their course of study.

In the case that the research or project supervisor has contributed to the final output beyond services normally provided to students, or the student is part of a research team, the IP will be negotiated on a case by case basis prior to the student commencing the work, according to the contribution to be made by the student and the principles of this policy. Students are encouraged to seek advice prior to surrendering the right to own the IP of their own work. This process will not interfere with the fair assessment of students’ work.

Dispute Resolution

The Navitas Grievance Management Policy will be used to manage any disagreement arising over IP in research and scholarship activities undertaken by NPI staff and students.

3. Responsibilities

The Dean Academic is accountable for the ongoing development, approval, implementation, awareness and effectiveness of this Policy.

Executive members, Heads of School and functional managers are responsible for ensuring their employees are aware of this Policy and their responsibilities defined herein.

Academic and professional staff are responsible for being aware of and complying with this Policy.

Students are responsible for being aware of and complying with this Policy, and should seek assistance from appropriate sources in respect of this policy where necessary.

4. Definitions

**Academic staff/teaching staff** refers to permanent and casual employees engaged in teaching and assessment of courses at the institution

**Course and curriculum materials** refers to materials used in or in connection with NPI’s accredited courses for the provision of workshops, seminars, tutorials, lectures, field or laboratory classes, assessments and placement and includes without limitation course and unit design and all its related documentation that serve as teaching resources.

**Commercialisation** refers to making, selling, copying, adapting, applying, publishing, developing, using, assigning, licensing, sub-licensing, franchising or otherwise utilising IP for the purpose of generating financial or other commercial gains.

**Institution (the)/College (the)** means the Navitas Professional Institute and its colleges (see registration information below).

**Intellectual Property (IP)** is generally regarded as representing the property of the mind or intellect: knowledge, creations and discoveries.

IP encompasses all statutory and other property rights (including the right to keep information confidential) protected under Australian Law and international agreements applying to Australia, as amended from time to time.

Relevant forms of IP include:

- A copyright work as defined in the Copyright Act 1968 (Commonwealth) - for original material in literary, artistic, dramatic or musical works, films, broadcasts, multimedia and computer programs and published works (including those published electronically)
• Copyright Amendment (Moral Rights) Act 2000
• Patents for inventions granted under the Patents Act 1990, which may include products and processes
• Confidential information including trade secrets which includes know-how and other confidential or proprietary information.
• Trade marks registered under the Trade Marks Act 1995 may be words, symbols, pictures, colours, sounds or smells, or a combination of these
• As well as any amendments to law arising out of the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 (Commonwealth).

While IP takes many forms, the most relevant forms of IP for NPI’s research, scholarship and curriculum development activities are reports, publications, copyright, patents, course and unit materials and websites.

**Moral Right** refers to the right to be recognised as the creator of the IP, and for such attribution to be reflected, where appropriate, in publications and any form of registered IP such as patents; the right not to have their work falsely attributed to others; and the right to take action about false attribution.

**Research activity** refers to any research project undertaken by staff or students to enhance teaching or learning, that has investigation as its primary objective and has the potential to contribute new knowledge, either theoretical or practical, and includes theses and projects undertaken by students, under the supervision of staff members, and for which formal approval has been granted by the NPI’s Human Research Ethics Committee.

**Scholarly work** refers to articles and reports which are the output of academic and teaching staff members, including research and other outputs in areas of staff members’ expertise.

**Unit** means a unit of study in a higher education course or a unit of study, subject, module and/or unit of competency in a vocational education and training course.

### 5. Review

This policy is reviewed at a minimum of every 5 years by the policy owner (or designate) to ensure alignment to appropriate strategic direction and its continued relevance to Navitas’ current and planned operations.

The next scheduled review of this document is listed in the Version Control section on Page 1.

### 6. Records

Records in association with this policy will be kept in accordance with the institution’s Records Management Policy and Records Retention and Disposal Schedule. Confidential files related to the implementation of the policy must be maintained according to relevant privacy processes.

### 7. Related documents

This policy is to be read in conjunction with the National Ethics Application form.

### 8. Related legislation

The relevant legislation with which the policy complies is as follows:

Australian Copyright Act 1968 (Commonwealth); Australian Patents Act 1990; Trade Marks Act 1995; Copyright Amendment (Moral Rights) Act 2000; Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 (Commonwealth)
Registration information

The Navitas Professional Institute is a group of colleges in the Navitas Professional and English Programs (PEP) Division of Navitas Limited the colleges being the Australian College of Applied Psychology (ACAP), Navitas College of Public Safety (NCPS), Health Skills Australia (HSA), and the Australian TESOL Training Centre (ATTC) with respect to ATTC’s 39296QLD Graduate Certificate in TESOL and 39297QLD Graduate Diploma in TESOL courses. Navitas Professional Institute Pty Ltd (NPI Pty Ltd), ABN 94 057 495 299, National CRICOS Provider Code 01328A, TEQSA HE Provider Registration Code 12009, RTO 0500. Health Skills Australia Pty Ltd ABN 53 123 479 201, RTO 21646.