

## **6.0**

# **ACADEMIC PROCEDURES AND RESOURCES**

## 6.1 PROCEDURES FOR ACADEMIC CHANGES

The Student Administrative Services shall maintain an official list of approved courses. This list shall be called the "Register of Courses" and shall be the basis for the course listing in the catalog.

1. Proposals involving the addition, deletion or re-naming of degree programs or degrees must be approved by the Provost, the Faculty Senate, the Administrative Council, the President, the Board of Trustees and the New York State Education Department.
2. All changes in curricular requirements, as stated in the University catalog, must be approved by the, dean of the school, the Provost, the Faculty Senate, the Administrative Council and the President. All changes (except as defined in number 5 below) in course title, assignment of credit hours and/or description of course content for courses specifically listed in the catalog as required for a degree program must be approved in the same manner.
3. Any proposed new degree program, or change in degree program requirements that could affect the Common Experience requirements, must be reviewed by the Clarkson Common Experience Committee to verify that the degree program satisfies the Clarkson Common Experience requirements. Proposed new courses that are intended to satisfy any of the Common Experience requirements, or changes (except as defined in number 5 below) to such existing courses must also be reviewed by the Clarkson Common Experience Committee. The committee will report its actions to the Provost and the Faculty Senate.
4. All changes (except as defined in number 5 below) in course title, assignment of credit hours and/or description, including the addition or deletion of a course, for courses other than those listed as required for a degree program must be approved by the dean of the school and the Provost. It is the responsibility of the department or academic unit which proposes these changes to seek concurrence of any other department or academic unit which might be impacted by the proposed change. If the Provost determines that such concurrence cannot be obtained, the proposed changes should be forwarded to the Faculty Senate together with a recommendation from the Provost.
5. Editorial changes that do not substantively change the content or description of a course may be made by the department offering the course with the approval of the dean of the school.

6. After final approval, all changes will be communicated to the deans of the schools and the Student Administrative Services for inclusion in the Register of Courses.
7. Courses not taught within a period of 5 consecutive years will be removed from the list of approved courses. Exceptions must be approved by the dean of the school and the Provost.

Approved by Faculty Senate, April 1997  
Approved by Administrative Council, April 1997  
Revision Approved by Faculty Senate, November 2005  
Revision Approved by Administrative Council, February 2006

## 6.2 TUTORING

The payment of tuition entitles a student to reasonable personal assistance. Students are encouraged to consult members of the faculty to a reasonable extent and members of the faculty are expected to post on the door of their offices six or eight hours per week when they will be present for such consultation. Faculty members may give tutoring service under the following regulations only when no one else is available to provide the service:

1. All tutoring services shall be arranged through the registrar; and
2. Permission for giving tutoring services shall be granted by the dean of the school in which the course is offered.

Revised August 1966  
Editorial Revisions August 1974, 1977

### **6.3 ROLE OF TEACHING ASSISTANTS**

Graduate students who also serve as teaching assistants perform valuable services for the University. Generally teaching assistants (TA's) are assigned to assist the faculty in their teaching. Assistants may be involved in most of the activities related to teaching but are not expected to serve as a replacement for faculty or other staff members. The duties of teaching assistants are normally related to specific work assignments agreed upon by the teaching assistant and his or her supervisor. The spectrum of activities will encompass many of the duties listed below:

1. Teaching students in recitations or laboratories for no more than two different courses within the same session;
2. Grading and recording homework, laboratory reports, or exams;
3. Proctoring exams;
4. Holding office hours and help sessions for their students;
5. Preparing teaching material for their sections;
6. Setting up equipment and maintaining laboratories required for their TA assignments;
7. Performing administrative tasks to facilitate learning.

Teaching assistants are first and foremost graduate students. Therefore, teaching assistants and their supervisors should negotiate work schedules that are consistent with the academic careers of the students and take into account the duties listed above. A full-time teaching assistant load (comprising all associated duties) is an average of twelve (12) hours per week for fifty (50) weeks. Students receiving less than full stipend (and appropriate tuition) will have their loads reduced correspondingly.

Any other duties assigned require the approval of the appropriate department chair, school dean, and graduate school dean.

Approved July 1984  
Editorial Change May 1998

## 6.4 RESEARCH AND CONSULTING

The University encourages its staff to engage in research, consulting and other activities that will promote the professional growth of the individual and thereby strengthen the standing and recognition of the University.

### I. Research Policy

Research will be encouraged, within University capacity, by adjustment of teaching loads, use of facilities and allotment of funds. Financial support will be given through the Division of Research with corresponding responsibilities to the Division agreed upon at the time of allotment. No payment of supplemental salary will be made to any faculty for research which is supported solely by University funds.

Payment may be made to persons holding faculty status for work done under contract with outside agencies as follows:

During the summer months, persons holding faculty status may be paid from grants and contracts up to 33 1/3% of the academic year salary, computed as one-ninth of academic salary per month of summer effort.

Faculty members engaged through funds obtained by grants or contracts are responsible to the director and are assigned by him or her 1) to the project director for research work done, and 2) to the departmental chair if the faculty member is to engage in any teaching.

All research involving grants or contracts with outside agencies will be administered by the director of the Division of Research. All commitments involving research use of personnel, equipment, and/or space of departments will be agreed to in writing by the department chair to the director, who then has the responsibility for the facilities and personnel assigned. Such agreements shall be within University policy.

### II. Guidelines for Approval of Research

- A. **General Consideration.** All research conducted at Clarkson is expected to be consistent with the objectives of the University, i.e., the education of undergraduate, graduate, and postdoctoral students, the advancement of knowledge through research and scholarship, the preservation and dissemination of knowledge, and the advancement of public welfare. In addition, it is expected that all research shall be soundly based and shall give promise of making a significant contribution to knowledge. The research also shall be judged to be appropriate to the purposes and capabilities of Clarkson

All research shall be carried out by, or under the direction of, a member of the faculty or comparable professional employee.

- B. **Research Support.** Research grants, contracts or gifts will be accepted only when the research contemplated is believed to be of benefit to the University, and the public in general, in accordance with the above objectives. The availability of funds must not be the sole justification for undertaking research. The terms of any grant, contract, or gift for research shall conform to the usual University policies and business procedures and, in general, permit the University to exercise administrative control and accountability for the proposed research.
- C. **Classified or Proprietary Research.** Because Clarkson University engages in research primarily for the advancement, preservation and dissemination of knowledge and for the advancement of the public welfare, University facilities shall not be used for the purpose of classified or proprietary research without the prior approval of the director of Research.

Research contracts in these categories are those which require that the results be withheld from disclosure because the results contain confidential or proprietary information, in the case of private sponsors or, in the case of the government sponsors, any category of classified information defined in the *Industrial Security Manual for Safeguarding Classified Information* (DOD 5220 22M).

The University does not have the facilities to store, retain, or transmit government-designated classified material and, therefore, cannot approve the conduct of government classified research.

The University recognizes that in some cases it may be necessary to delay the disclosure of results for a limited period of time normally not to exceed sixty days. Additional delays, normally not exceeding four months, may be granted to allow the development of patentable products or techniques or to allow a period of review by the sponsoring agency because of the use of confidential proprietary or government classified information in the conduct of the research. Graduate students considering such projects for thesis work should be informed by the principal investigator of the restrictions involved.

While it is the responsibility of the director of Research to insure that the University's policy on classified or proprietary research is enforced, it is also the responsibility of the principal investigator(s) of any research project to call to the attention of the administration any restrictions that limit the use and distribution of information resulting from the research.

- D. **Graduate Theses and Dissertations** - Theses and dissertations should not incorporate research that cannot be made public at the time the final examination is held.

### III. **Compliance Issues Related to Research**

- A. **Human Subjects** - All activities related to human subjects research must initially be reviewed and approved or exempted by the Clarkson University Institutional Review Board (IRB), whether they are conducted by faculty, staff, assistants, students, or any other research collaborator. See Section 2.10.2.III.D and Section 6.5 of this Operations Manual for further information.
- B. **Radiation Safety** - The University maintains a license and registration from the New York State Department of Health which permits faculty to use radioactive materials and ionizing radiation producing equipment. The University must comply with the State Sanitary Code and the NBS Handbook III. The Radiation Safety Committee administers the radiation program at Clarkson. All research, regardless of funding source, which involves radioactive materials or the acquisition of equipment which produces ionizing radiation, must be reviewed by the Radiation Safety Committee.
- C. **Controlled Substances.** (drugs, needles and syringes) The University maintains a license from the New York State Department of Health and a registration with the Federal Drug Enforcement Administration which allows research using controlled substances to be conducted on campus. The Division of Research maintains the list of approved substances. All proposed research which would utilize a controlled substance must be approved by New York State for both the substance and the research protocol. In addition, the University is governed by pertinent sections Chapter II, Subchapter J, Part 80 of Public Health Law 3308[2] article 33 which deals with record keeping and reporting, and hypodermic syringes and needles. All research on campus must meet those regulations.
- D. **Animals.** Currently, research using live vertebrate, warm-blooded animals is not permitted at Clarkson University.

### IV. **Salary Recovery Guidelines**

An attempt should be made to recover from each sponsored project academic year salary equal to the summer salary requested in the proposal. In cases where asking for full salary recovery may affect the

probability of funding of the proposal, the director of the Division of Research, in consultation with the principal investigator and the dean of the principal investigator's school, may reduce or eliminate the amount of salary recovery requested.

If an agency funds a proposal at a reduced level, the director of the Division of Research, in consultation with the principal investigator and the dean of the principal investigator's school, shall determine the best way to revise the budget to meet the available funds while satisfying the research and educational goals for which the proposal was written.

The money raised through salary recovery shall be distributed as follows: two-thirds to the dean of the principal investigator and one-third to the principal investigator's department or area. This money will be spent to support the scholarly activities of the faculty, reduce faculty teaching loads, and support University wide research needs.

## V. **Consulting**

Faculty members are free to engage in personal consulting practices under the following conditions.

- A. Any faculty member engaging in consulting must inform his or her immediate supervisor in advance of accepting a consulting obligation.
- B. The work does not interfere with their responsibilities to the University. (Such interference is to be judged by the staff member's immediate superior.)
- C. University equipment and space are not used (nor can they be borrowed or rented).
- D. The University name is not used, other than to identify the consultants as members of the University and their position.
- E. Payment charges are to be between client and consultant and are not to be reported to the University, nor is the University to be involved in any way with these charges, except that it is requested that charges be not less than average for similar professional services. If it becomes known that low charges are placing the University in an unfavorable light, the faculty member will be requested to correct his or her range of fees.

- F. Faculty members engaged in government-sponsored research are expected to inform and confer with the Division of Research on the nature and extent of consulting which **could impair or conflict** with their responsibilities to granting agencies. For examples of potential conflict of interest situations, see "On Preventing Conflict of Interest in Government-Sponsored Research at Universities," *AAUP Bulletin*, Spring, 1965, pp. 42-43.

Revised August 1966, April 1969, February 1978, July 1981, July 1989  
Revised and Approved by Faculty Senate February 1989  
Revised September 1993  
Revised and Approved by Faculty Senate March 1998  
Revision Approved by Faculty Senate February 2008  
Revision Approved by Administrative Council May 2008

## **6.5 RESEARCH INVOLVING HUMAN SUBJECTS**

### **1. Definitions**

Research is defined as the planned and organized generation of data, whether or not there is a plan for publication or dissemination. Human subjects are involved whenever data about individuals or groups are generated by planned or organized activities, or results from post hoc examination of records that contain information about individuals or groups.

The term "human subject" shall apply to any living individual about whom an investigator (whether professional or student) conducting research obtains certain information: (1) data acquired through intervention or interaction with one or more human subjects, (2) data acquired through studies involving human tissue or biological specimens (e.g., blood), or (3) identifiable private information about one or more human subjects, regardless of the subjects' affiliation (or lack of affiliation) with Clarkson University.

### **2. Ethical Policy**

Since Clarkson is a recipient of federal funds for human subjects research, Clarkson's IRB is regulated by the Office for Human Research Protections (OHRP) within the Department of Health and Human Services (DHHS) and the University is required to maintain a Federalwide Assurance (FWA) of Compliance with the DHHS. The DOR is responsible for maintaining Clarkson University's FWA. According to the terms of Clarkson's Federalwide Assurance (FWA), "All of the Institution's human subjects research activities, regardless of whether the research is subject to Federal regulations, will be guided by the ethical principles in: (a) *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research*, or (b) other appropriate ethical standards recognized by federal departments and agencies that have adopted the Federal Policy for the Protection of Human Subjects, known as the "Common Rule."

### **3. Roles and Responsibilities**

Per Federal requirements, the Principal Investigator (PI) is responsible for maintaining compliance with University policies and procedures and Federal rules and regulations pertaining to human subjects research, whether it is conducted by faculty, staff, assistants, students, or any other research collaborator.

The Division of Research is responsible for supporting the PIs and IRB by:

- a. Maintaining the University's Federal-Wide Assurance (FWA),
- b. Maintaining compliance of University activities with the FWA,
- c. Providing oversight of the Institutional Review Board (IRB),
- d. Providing training for PIs and IRB members regarding University policies and procedures, and Federal rules and regulations with respect to human subjects research,
- e. Maintaining a web page regarding IRB procedures and University and Federal policies and procedures on human subjects research, and
- f. Apprising all researchers involved in Human Subjects Research of any changes with administrative or regulatory requirements.

The Institutional Review Board (IRB) is responsible for reviewing all proposed human subjects research prior to its initiation as mandated by Federal regulations and University procedures.

#### **4. Institutional Review Board (IRB)**

The University maintains an IRB with the mandate of protecting the rights and welfare of humans who participate in research. IRB membership is comprised of a minimum of five voting members (See Section 2.10.2.III.D for more information).

The IRB is structured and operated according to principles and practices set forth in *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research*, published by the Department of Health, Education, and Welfare, and The American Psychological Association's Ethical Code, *Ethical Principles of Psychologists and Code of Conduct*, and the requirements of Title 45 CFR Part 46, Protection of Human Subjects.

All human subjects research activities initially must be reviewed and approved or exempted by the IRB as indicated in this Section 6.5.3.

#### **5. Review Criteria & Procedures**

Researchers conducting research involving human subjects must consult the DOR website for current procedures concerning such research. It is the responsibility of the Principal Investigator (PI) to ensure compliance with University policies and procedures pertaining to research involving human subjects, whether it is conducted by faculty, staff, assistants, students, or any other research collaborator.

All research involving human subjects initially must be reviewed and approved by the IRB. The requirement for a full IRB review may be waived but only when certain exemptions permitted by Federal rules and regulations apply. The IRB must be consulted when determining whether an exemption is appropriate for a given circumstance. IRB applications for review of research proposals and for possible exemption from a full IRB review may be obtained in electronic form by download from the DOR website or by contacting the DOR directly.

Additional information about IRB procedures is available on the IRB web page. See Section 2.10.2.III.D and Section 6.4.3.III.A of this Operations Manual for further information.

July 1970

Revised by the Board of Trustees May 1974

Revision Approved by Faculty Senate February 2008

Revision Approved by Administrative Council May 2008

## **6.6 CLARKSON UNIVERSITY INTELLECTUAL PROPERTY POLICY**

### **I. PREAMBLE**

It is the policy of Clarkson University (the "University") to encourage creativity and inventiveness in its faculty, staff, and students. By providing facilities, equipment, information, resources, and personnel, and by obtaining external support from public and private sources, the University strives to create an environment fostering the interests of the academic community. The University wishes to offer incentives to its faculty, staff, and students to develop scholarly and creative works and other intellectual property, which can be used for the good of the University and public at large.

### **II. OBJECTIVES**

- 2.1 Promote the publication of scholarly works and new discoveries;
- 2.2 Encourage the full and free exchange and expression of creative and scholarly ideas and further scholarly comment within the context of the teaching, research, and public service missions of the University and applicable law and regulation;
- 2.3 Maintain and enhance the reputation of the University as a teaching and research institution;
- 2.4 Promote the public good by producing, disseminating, and, when appropriate, commercializing works of artistic, scientific, and practical value;
- 2.5 Enhance opportunities for cooperation and productive interaction with external sponsors funding University research and creative endeavors; and
- 2.6 Establish the basis on which income resulting from the commercialization of Intellectual Property developed by members of the University is shared by the University with faculty, staff, or students responsible for its creation.

### **III. DEFINITIONS**

Whenever used in this Policy, the following capitalized terms shall have the meanings given to them below.

- 3.1 Creator - each Member of the University who develops or creates Intellectual Property. An individual's status and royalty or other rights as Creator shall continue even if the individual leaves the University.

- 3.2 Creative Works - articles, papers, books, novels, compilations, theses, poems, texts, and other literary works; graphic designs, paintings, drawings, sculptures, musical compositions, films, photographs, choreographic works, and other visual and performing art works; architectural and engineering drawings; and all other works subject to protection under copyright law; provided, however, that the term "Creative Works" shall not include computer software or maskworks.
- 3.3 Intellectual Property - inventions (patentable and non-patentable), creations, innovations, discoveries, Creative Works, trade secrets, computer software, maskworks, trademarks, service marks, and tangible research property. Tangible research property is any physical item, not otherwise listed in the preceding sentence, used or generated in connection with any research, scholarly, or administrative activity conducted by any Member as part of the Member's normal and customary duties or responsibilities to the University which relate to research, including notes, charts, graphs, compilations of data in any form, draft grant applications, draft or unpublished articles, computer printouts, cell lines, prototypes, constructions, video tapes, films, biological materials, integrated circuit chips, engineering and architectural drawings, etc.
- 3.4 Members - faculty, staff, students, and visitors of the University, whether or not compensated for their services; persons performing research or engaging in work or study utilizing University resources or facilities; and other persons contracted by the University to perform research whether or not using University resources and facilities.
- 3.5 Sponsored Program - any grant, contract, agreement, or similar arrangement between the University and a private or governmental sponsor furnishing funds, equipment, or other resources to support research, the creation of a Creative Work, or any other educational or scientific activity to be performed by one or more Members of the University that may result in the creation of Intellectual Property.
- 3.6 University Resources - facilities, library resources, equipment, funds, salary, personnel, and other resources belonging to or supplied by the University.

## **IV. OWNERSHIP OF INTELLECTUAL PROPERTY**

### 4.1 Ownership of Intellectual Property

With the exception of student theses as described below in Section 4.3 (Ownership of Copyrights in Theses), rights in patentable inventions, mask works, tangible research property, trademarks, and copyrightable works, including software ("Intellectual Property"), made or created by Members including Clarkson faculty, students, staff, and others participating in Clarkson University programs, and visitors are as follows:

#### 4.1.1 Inventor(s)/author(s) will own Intellectual Property that is:

- i) not developed in the course of or pursuant to a sponsored research or other agreement (the faculty advisor, administrative officer, or the Director of the Division of Research can advise on the terms of the agreements that apply to specific research); and
- ii) not created as a "work-for-hire" by operation of copyright law (a "work-for-hire" is defined, in part, as a work prepared by an employee within the scope of his or her employment) and not created pursuant to a written agreement with Clarkson University providing for a transfer of copyright or ownership of Intellectual Property to Clarkson University; and
- iii) not developed with University funds or use of facilities administered by Clarkson University.

#### 4.1.2 Ownership of all other Intellectual Property will be as follows:

- i) ownership of Intellectual Property developed in the course of or pursuant to a sponsored research or other agreement will belong to the University unless specified differently in the sponsor research Agreement;
- ii) ownership of copyrightable works created as "works-for-hire" or pursuant to a written agreement with Clarkson University providing for the transfer of any Intellectual Property or ownership to Clarkson University will vest with Clarkson University;
- iii) ownership of Intellectual Property developed by faculty, students, staff, and others participating in Clarkson University programs, including visitors, with the use of funds or facilities administered by Clarkson University will vest with Clarkson University.

- iv) in cases in which the University has an ownership interest in an invention pursuant to this policy and either does not file a patent application within nine months, or fails to make a positive determination regarding pursuit of a patent within a period of six months from the date of disclosure, all of the University's rights shall be reassigned to the inventor upon request in writing to the University, subject only to such external sponsor restrictions as may apply.

#### 4.2 Use of Resources Administered by Clarkson University

When Clarkson University faculty, students, staff, visitors, or others develop Intellectual Property while participating in Clarkson University programs using Clarkson funds or Clarkson University facilities, Clarkson University will own the Intellectual Property. If the material is not subject to a sponsored research or other agreement giving a third party rights, the issue of whether or not use was made of Clarkson University facilities will be determined by an ad-hoc committee of five selected by the Provost and composed of administration and faculty. Textbooks developed in conjunction with class teaching are excluded from the "resources used" category and not considered "works-for-hire," unless such textbooks were developed using Clarkson University-administered funds paid specifically to support textbook development. Otherwise, the author is the owner. Generally, an Invention, software, or other copyrightable material, maskwork, or tangible research property will not be considered to have been developed using Clarkson University facilities if:

- a) the Intellectual Property has been developed outside of the assigned area of research of the inventor(s)/author(s) under a research assistantship or sponsored project, and
- b) only a minimal amount of time has been spent using Clarkson University facilities and equipment (note: use of office, library, and traditional desktop personal computers are examples of facilities and equipment that are not to be considered), and
- c) the development has been made on the personal, unpaid time of the inventor(s)/author(s).

When a created item of Intellectual Property is not subject to a sponsored research or other agreement (such as an equipment agreement), but has been developed using Clarkson University funds or facilities, the DOR may, at its discretion and consistent with the public interest, license the inventor(s)/author(s) exclusively or nonexclusively on

a royalty basis. The inventor(s)/author(s) must demonstrate technical and financial capability to commercialize the Intellectual Property, and the DOR will have the right to terminate such license if the inventor(s)/author(s) have not achieved effective dissemination by the time agreed upon in the license Agreement. Where such a license is issued, the inventor(s)/author(s) may be required to assume the costs of filing, prosecuting, and maintaining any patent rights.

#### 4.3 Ownership of Copyrights in Theses

In all cases the student shall own the copyright to his/her doctoral dissertation or master's thesis. Consequently dissertation and master's thesis advisors must take responsibility to ensure that the contents of dissertations and master's theses do not fall under Intellectual Property agreements precluding the student owning the copyright to any portion of a doctoral dissertation or master's thesis. Intellectual Property, other than the copyright of the doctoral dissertation or master's thesis, created doing research toward a doctoral or master's degree is subject to all the other terms of this policy.

#### 4.4 Evidence of Ownership

For ownership documentation and protection of ownership of Intellectual Property by the University (e.g. patents, trademark registrations, copyright registrations, etc.) as established by this policy, members shall sign any and all documents reasonably necessary or desirable, as determined by the University in its sole discretion for these purposes.

#### 4.5 Reservation of Rights

Whenever the University grants rights in, or transfers ownership of, Intellectual Property, the University hereby reserves for itself, without further act or deed, the royalty-free right to (a) use the Intellectual Property for its own academic, educational, and research purposes, and (b) permit other academic institutions to use the Intellectual Property for academic, educational, and research purposes.

**V. DISCLOSURE AND PROTECTION OF INTELLECTUAL PROPERTY**

- 5.1. Inappropriate or premature disclosure of Intellectual Property to persons, firms, or corporations outside the University may jeopardize the ability to protect it. Prompt disclosure to the University of Intellectual Property is essential to the proper administration of this Policy. In addition, Sponsored Programs frequently give the sponsor the right to review or inspect a discovery or invention. Each Member shall promptly disclose to the Division of Research any creation, invention, discovery, improvement, or other Intellectual Property developed or created by the Member or under his or her supervision if the University has or may have an ownership interest under this policy. Disclosure shall be made in the manner and with the degree of specificity as the Division of Research may prescribe. No other disclosure shall be made without the proper approval of the Director, Division of Research.
- 5.2. After consulting with the Creator and other appropriate parties, the University, in its discretion, shall determine whether and to what extent to seek legal protection of Intellectual Property owned by the University. If the University elects not to seek legal protection within six months of disclosure, as per Section 4.1.2.iv above, ownership may revert to the Creator as specified in Section 3.1.
- 5.3. The University may make suitable arrangements not inconsistent with the provisions of this Policy with agencies or firms for the purpose of obtaining services and advice with respect to the patentability of inventions, obtaining patent or copyright protection, and the management and commercialization of Intellectual Property.
- 5.4. The Creator shall cooperate and assist the University in all phases of the process of seeking protection for the University's Intellectual Property, including execution of documents of assignment. The costs of obtaining legal protection for the University's Intellectual Property shall be paid by the University, by sponsors or by partners where appropriate in connection with the commercialization of Intellectual Property.
- 5.5. In cases where the University has not obtained legal protection for its Intellectual Property and has elected to transfer ownership to the Creator, the Creator may place the Intellectual Property in the public domain without obligation to the University. The University will maintain a file of its Intellectual Property dedicated to the public domain and will arrange for copies to be available to the public through the Educational Resources Center.

## VI. DISTRIBUTION OF INCOME FROM COMMERCIALIZATION OF INTELLECTUAL PROPERTY

- 6.1 It is the general policy of the University to encourage the commercialization of Intellectual Property resulting from the scientific or educational endeavors of its Members.
- 6.2 In recognition of the efforts and contributions of Creators who develop Intellectual Property owned by the University, the University will share income derived from its commercialization with the Creators in accordance with the following guidelines.
- 6.2.1 From gross income derived from the commercialization of its Intellectual Property (whether from sale, licensing, royalties, or otherwise), the University will retain enterprise expenses in an amount equal to the costs and expenses incurred in connection with the legal protection, development, promotion, marketing, and licensing of the Intellectual Property, and any other direct costs associated with its commercialization. The Director of Research and the Controller's Office shall identify such expenses.
- 6.2.2 the balance (the "Net Income") shall be distributed within three months of receipt as follows:

25% of up to \$400K income (40% of additional income) to the University	To help defray costs of managing the Intellectual Property program generally. (This money will be allocated to an Intellectual Property account for other related expenses)
50% to the Creator(s)	Joint Creator(s)' shall determine in writing what percentage of the Creators share of income shall be allocated to the respective Creators.
25% of up to \$400K income (10% of additional income) to the Creator(s)' Department, or School in the absence of a Department.	For the benefit of the Creator(s)' appropriate subunit, typically the department.  In the case of Intellectual Property supported by two or more departments or units of the University, this portion of the Net Income shall be allocated and made available to the appropriate departments, or comparable unit on an equitable basis as determined by the Director of the Division of Research.

6.2.3 The above guidelines are subject to certain pre-existing and ongoing requirements ("Requirements") affecting income from and license or other rights in various categories of Intellectual Property, including Requirements relating to Intellectual Property "created or developed at, or through the use of, the facilities of the Center for Advanced Materials Processing in accordance with Section 23 of New York State Laws of 1987, Chapter 839, and any agreement between the University and the New York State Urban Development Corporation ("UDC") pursuant to that legislation.

Unless the terms of the applicable Requirement provide otherwise, Net Income for purposes of this Policy shall exclude all amounts payable to UDC or to others as required by such Requirement.

6.3. The provisions of this Policy dealing with the distribution of income shall apply only to income received from Intellectual Property disclosed to the University subsequent to the effective date of this Policy.

## **VII. ADMINISTRATION OF INTELLECTUAL PROPERTY POLICY**

7.1 Responsibility for all Intellectual Property matters, including the interpretation and administration of this Policy, shall rest with the Division of Research in consultation with an Intellectual Property Committee.

7.2 The Division of Research will provide the following support and supervision for implementation of this Policy:

- assure that Members are aware of and adhere to provisions in research contracts or other agreements with outside parties restricting publication rights or otherwise relating to the creation, use, or disposition of Intellectual Property;
- facilitate the early identification of potentially patentable inventions and discoveries, the preparation of disclosures, and the review thereof;
- advise on available methods for the protection of copyrightable works, and, if appropriate, assist in negotiations for publication or commercialization;
- review the terms and conditions governing others' Intellectual Property acquired for use in University-sponsored programs and activities and advise on compliance with those terms and conditions;

- issue guidelines or other information and materials applicable to this Policy;
- for Intellectual Property management purposes, the University shall also maintain an internal (within DOR) searchable database on all assigned and unassigned Intellectual Property disclosed to the University and evaluate, in consultation with Creators, invention disclosures in order to confirm ownership or applicable grant and contract terms.
- determine whether legal protection (e.g., patent filing, formal copyright registration, or other mechanism) should be procured and, if so, the territory to be covered.

### 7.3 Intellectual Property Committee

- 7.3.1 The Intellectual Property Committee shall provide advice, and make recommendations to the Director, Division of Research, with respect to interpretation and implementation of this Policy, amendments to this Policy, and such other matters as the Director may deem appropriate.
- 7.3.2 The Intellectual Property Committee shall be comprised of nine persons as follows: a chair of the committee; five members of the faculty (provided that no department shall have more than one member); a member of the professional non-teaching Staff; and, ex officio, the Chief Financial Officer and the Director, Division of Research. The Faculty Senate shall nominate for the President's approval the faculty members of the Committee (other than, ex officio members), as well as the chair of the Committee who shall be a senior, tenured member of the faculty. Administrative Council shall nominate the professional non-teaching staff member. The President must approve all nominees.
- 7.3.3 Faculty and other Staff members (other than ex officio members) of the Committee shall be appointed for three year terms, renewable for a maximum of two additional terms, Terms shall be staggered so that no more than three new members will be appointed each year.
- 7.3.4 Should any member of the Committee be unable to complete his or her term of service, the Faculty Senate (or Administrative Council) will nominate, for the approval of the President, another member of the faculty (or the professional Staff), as appropriate, to serve for the duration of the unexpired term.

- 7.3.5 No member of the Intellectual Property Committee may participate in the deliberations of the Committee if that member has a personal interest or direct involvement in matters to be discussed,
- 7.3.6 The Director of Division of Research, and the chair of the Intellectual Property Committee shall jointly report annually to the President of the University upon matters of significance relating to the administration of this Intellectual Property Policy,

Faculty Senate Action, October 21, 1992  
Administrative Council Action, November 9, 1992  
Board of Trustees Action, January 20, 1993  
Revised Effective September 2005