JOURNAL OF THE UNIVERSITY SENATE The University of Oklahoma Norman

Regular Session -- April 10, 1972 -- 3.30 p.m.
Room 165 -- Student Union Building

The University Senate was called to order by Dr. Rufus Hall, Chairman.

Present: Bibens, Robert
Bourassa, Ronald
Brown, Homer A.
Burwell, James
Crim, Sarah
Daniels, Raymond
Eek, Nat S.
Eliason, Stanley
Feaver, J. Clayton
Frueh, Forrest
Gibson, Arrell
Gregory, Helen
Grunder, J. Richard

Hall, Rufus
Hansen, Robert
Hardin, Neal H.
Hopla, Cluff E.
Levy, David
Lutz, Raymond P.
Lynn, Thomas N.
Maehl, William H.
Marshall, Geoffrey
McNichols, W. J.
Norton, Spencer
Olson, Ralph E.

Owens, Mitchell V.
Potter, Emma J.
Prickett, Wilson B
Snow, James B., Jr.
Stone, George T.
Stuart, Chipman
Taylor, K. L.
Truex, Dorothy
Walker, Dallas R.
Weinheimer, A. J.
Wilson, William
Zelby, Leon W.

Absent: Abell, Creed
Bogart, George A.
Christian, Sherril
Costello, James F.
Johnson, B. Connor
Kuhlman, Richard

Love, Tom
Milby, T. H.
Miller, Fred
Shahan, Robert W.
Shepherd, Gene
Sims, James H.

Sokatch, John R. Upthegrove, Wm. R. Weiss, A. Kurt Whitney, David A. Wilcox, Stewart C. Zahasky, Mary

ACTION TAKEN BY PRESIDENT SHARP

On March 4, 1972, Dr. Paul F. Sharp, President of the University, approved the recommendation of the University Senate concerning teacher evaluation. (Please see pages 5 and 6 of the University Senate Journal for February 14, 1972.)

Accordingly, Dr. Pete Kyle McCarter, Provost of the University, addressed the following memorandum to the Deans of the degree-granting colleges on March 8, 1972:

"On March 4, 1972, President Sharp approved the teacher-evaluation recommendation approved by the University Senate on February 14, 1972, and forwarded to the President on March 2, 1972. A copy of that recommendation as approved by the Senate and by President Sharp is attached for your information.

"You will note that the policy urges that each college establish a committee 'that will have representation from the faculty and student body of the college and that will have the responsibility for developing and implementing an evaluation program most suitable to the college's instructional activities."

"I join the Senate in urging the establishment of the committee and the implementation of the program. I would appreciate receiving word from you about the action your college will take. Assuming that your college will wish to establish a committee, please let me know the names of those faculty members whom you expect to appoint to the committee and the number of students from the college whom you wish the Student Association to appoint to the committee. I would like to have this information as soon as possible, since I assume that President Sharp will wish me to provide him and the Senate with specific information before the end of the semester.

"Assuming that the committee can be established in time, I urge it to do all it can to see that an evaluation program suitable to the college's instructional activity is developed and a plan for its implementation formulated in time to be used in the fall."

AWNOUNCEMENT: Special Meeting of the University Senate

The University Senate will meet in special session at 3:30 p.m., on Monday, April 24, 1972, in Room 165 of the Student Union Building, to consider final reports from (a) Dr. William Maehl, Jr., concerning the proposed restructuring of University Councils and Committees and (b) Dr. Geoffrey Marshall concerning proposed changes in the Committee structure of the University Senate.

ANNOUNCEMENT: Spring meeting of the General Faculty

The spring semester, 1972, meeting of the General Faculty of the University has been scheduled for 3:30 p.m., Thursday, April 20, 1972, in Room 150 of Adams Hall Annex (College of Business Administration).

ACTION TAKEN BY THE CHAIRMAN, UNIVERSITY SENATE: Regents' Plan for the 70's

The ad hoc Committee of the University Senate appointed to study the Regents' Plan for the 70's will meet for the first time on April 13, 1)72. (Please see pages 6 and 7 of the University Senate Journal for March 13, 1972.)

In this connection, Dr. Rufus Hall, Chairman of the University Senate, reported on the following exchange of correspondence with the State Chancellor for Higher Education:

Letter of March 15, 1972, from Dr. H. T. Dunlap to Dr. Cluff E. Hopla:

"I read in yesterday's edition of the Oklahoma Daily that the Faculty Senate of the University had adopted a recommendation establishing an ad hoc committee to look into the relations of the State Regents and the Chancellor regarding finances of the University of Oklahoma. The statement further provided for the committee too 'examine the State Regents' Plan of the 70's and the diversion of Section 13 funds, once dedicated to OU exclusively, to state colleges.'

"The purpose of this note is to advise you that we shall be most pleased to visit with the Faculty Senate or any committee representing the group about any of the work of the office of the State Regents relating to the University of Oklahoma. Also, I know that our State Regents would be glad to meet with the Faculty Senate or its representatives in a discussion of any actions or considerations of the State Regents relating to the University of Oklahoma.

"Our State Regents meet regularly on the fourth Monday in each month, and we snall be glad to schedule your group for a meeting with the Regents as you may desire. Also, you will find members of my staff and me in the office nearly every day, and we will be glad to provide you any information that we can in the meantime.

"We look forward to hearing from you as we may be helpful."

Dr. Rufus Hall's reply of March 29, 1972, to Dr. Dunlap, Chancellor:

"At the March 13 session of the Senate a resolution was introduced by Dr. Tom Love calling for the appointment of an ad hoc committee to consider the State Regents' Plan for the 70's. During the discussion of the resolution, mention was made of the State Legislature's bill to divide the Section 13 funds among all the state colleges, and questions arose concerning the financial role of the State Regents. The student paper in its account combined the resolution and the discussion and produced a garbled report on the Senate action.

"Your offer to meet with the University Senate or any of its committees and to schedule a meeting with the Regents is most appreciated. I have appointed the <u>ad hoc</u> committee as requested by the Senate resolution; as soon as the members select a chairman and determine a work schedule, you will be notified concerning possible meeting dates with you and your staff.

"The committee and I look forward to a fruitful exchange of ideas with you and your staff."

INTERCOLLEGIATE ATHLETIC PROGRAMS AT THE UNIVERSITY OF OKLAHOMA

Professor Norman L. Crockett addressed the following request to the Chairman of the University Senate on March 12, 1972:

"As you know, I am deeply concerned with what I consider to be an atmosphere at the University of Oklahoma which at times seems to place athletic programs above scholastic endeavors. In my opinion, traces of this attitude permeate the entire campus from the entering freshmen to the faculty and administration. Of all groups, the faculty possesses a responsibility to create and to maintain a healthy balance between intercollegiate sports and the academic goals of the university.

"Therefore, would you please ask the Faculty Senate, either by the creation of an ad hoc committee or by referral to one of its standing committees, to consider the institution of a study to examine the following areas:

- The relationship of the athletic budget to the university budget relative to the degree of actual separation between the two and the desirability of merging the athletic budget with the total university budget in the future.
- "2) The degree to which the faculty and administration supervise the operation of intercollegiate athletic programs and the desirability of more or less control by the faculty and administration in the future.
- "3) The relationship of the individual budgets to the total university budget, of other programs at the university which must seek their own funding and which generate revenue above that necessary to continue their operations. (For example, it is my understanding that one program, which is required to seek its own funds, met operational expenses last year and generated over \$20,000 worth of new revenue. Yet, the new money went into the general fund and the employees of the program were not permitted salary increases."

On April 7, 1972, the Executive Committee referred this matter to the Senate Committee on University Budget, Organization, and Publications for study and report.

PROPOSED UNIVERSITY PATENT POLICY

Background Information: On February 22, 1971, the University Senate authorized the appointment of an ad hoc Committee to study the proposed University patent policy. (See page 4 of the University Senate Journal for February 22, 1971.) On December 1, 1971, that Committee submitted its report for subsequent distribution to the members of the Senate. At its January 10, 1972, meeting, the Senate was informed that the original report was being revised for resubmission to the Senate.

Senate Action: After calling attention to one typographical error in the revised report, Dr. A. J. Weinheimer, Chairman of the ad hoc Committee, moved acceptance of Sections I through IV of that report. During the ensuing discussion, Dr. Raymond Daniels made the following three separate motions to amend the report:

- (1) To add the word net to the word income in Section I, page 1.
- (2) To change the comma after matters to a period and delete the remainder of the first sentence and next four sentences in Section I, page 1.
- (3) To add the phrase, providing for the obligation in paragraph 2, at the end of paragraph 4 (Section II), page 3.

The first and second motions <u>failed</u> to carry. The Senate, however, did <u>approve</u> without dissent the third amending motion. In a voice vote with a few dissenting votes, the Senate then <u>approved</u> the report of the Committee as amended. The complete text of the report is reproduced on pages 8-11 of this Journal.

PROPOSED STATEMENT OF FACULTY RESPONSIBILITY

Background Information: At its November 8, 1971, meeting, the Senate requested its Committee on Faculty Personnel to prepare an appropriate statement of faculty responsibility. (Please see page 8 of the University Senate Journal for November 8, 1971.) Copies of the Committee's proposed statement were distributed at the March 13, 1972, Senate meeting. (Please see pages 4 and 5 of the Senate Journal for March 13, 1972.)

Senate Action: Dr. David Levy, Chairman of the University Senate Committee on Faculty Personnel, moved adoption of the proposed statement. After reviewing the background of this question, Dr. Levy expressed his opinion that nothing in this statement conflicts with the tenure process and the tenure regulations proposed by the Senate last year. He felt that this period, devoid of any pressures, was a most opportune time for the University faculty to take the initiative in this matter.

During the ensuing discussion, the use of the word <u>must</u> was questioned at some length. At one point, Dr. Arrell Gibson moved that the word <u>should</u> be substituted for the word <u>must</u> throughout the statement. The Senate <u>rejected</u> the proposed change in wording and subsequently <u>approved</u>, without dissent, the following statement as submitted by the Committee:

University of Oklahoma

STATEMENT OF ACADEMIC RESPONSIBILITY

(Approved by the Faculty Senate April 10, 1972)
The concept of academic freedom must be accompanied by an equally demanding concept of academic responsibility. While nothing in the following statement is intended to abridge in any way the principles and procedures of the various pronouncements of the American Association of University Professors or the Faculty Senate's statement on "Academic Freedom and Tenure" (passed on May 10, 1971), those statements may not got far enough in defining the particular responsibilities which members of the faculty must assume.

The faculty member has a responsibility to his students. He must encourage in them the free pursuit of learning and independence of mind, while holding before them the best scholarly standards of his discipline. He must show respect for the student as an individual and adhere to his proper role as intellectual guide and counselor. He must endeavor to define the objectives of his courses and to devote his teaching to their realization; this will require judicious use of controversial material and an avoidance of material which has no relationship to the objectives of his course. The faculty member must make every reasonable effort to foster honest academic conduct and to assure that his evaluations reflect, as nearly as possible, the true merit of the performance of his students, regardless of their race, creed, sex, or political beliefs. He must avoid any exploitation of students for his private advantage and acknowledge significant assistance from them.

The faculty member has a responsibility to his colleagues, deriving from common membership in a community of scholars. He must respect and defend the free inquiry of his associates. In the exchange of criticism and ideas he should show due respect for the opinions of others. He must acknowledge his academic debts and strive to be objective in his professional judgment of his colleagues. Although service must be voluntary, a faculty member should accept a reasonable share of the responsibility for the goverance of his institution. If he is driven by his conscience into dissent, he must take care that his dissent does not interfere with the rights of his colleagues to study, research, and teach.

The faculty member has a responsibility to his discipline and to the advancement of knowledge generally. His primary obligation in this respect is to seek and to state the truth as he sees it. To this end, he must devote his energies to developing and improving his scholarly competence. He must exercise critical self-discipline and judgment in using, extending, and transmitting knowledge, and he must practice intellectual honesty.

The faculty member has a responsibility to the educational institution in which he works. While maintaining his right to criticize and to seek revisions, he must observe the stated regulations of the institution, provided they do not contravene academic freedom.

The faculty member ought to be held accountable to his fellows for breaches of these responsibilities. The Faculty Appeals Board (see the Faculty Senate's statement on "Academic Freedom and Tenure," sec. II, E.) shall devise a suitable mechanism for hearing cases involving alleged breaches of faculty responsibility; and provision should be made for sanctions short of dismissal which would be imposed upon the guilty faculty member upon the recommendation of his colleagues. Such sanctions might include reprimand (oral, written, or recorded), restitution (e.g., payment for damage done to individuals or the institution), loss of prospective benefits for a stated period (e.g., suspension of "regular" or "merit" increases in salary, suspension of promotion), a reduction of salary, or even suspension from service for a stated period. Before going into effect, the by the Faculty Appeals Board and shall be approved by a majority vote of the Faculty Senate.

FALL MIDSEMESTER BREAK

Background Information: On December 13, 1971, the Senate approved a proposal for studying the possibility of revising the fall semester schedule to permit a desirable midsemester break. (Please see page 4 of the University Senate Journal for December 13, 1971.)

Senate Action: Dr. William Maehl, Jr., Chairman of the Senate Committee on Courses and Curricula reported on both formal and informal discussions of his Committee, and the University Committee on Class Schedules, as well as personal views of administrators, faculty members, and students. He reported that the University Class Schedule Committee has approved the 1973-74 and 1974-75 academic calendars that exclude the Labor Day holiday. Whereas students favor a one-week Thanksgiving vacation, the administration views such a proposal with disfavor. With the elimination of the Labor Day holiday, the Committee has no suitable alternatives to propose at this time.

He solicited additional faculty suggestions to assist the Committee.

FINAL EXAMINATION SCHEDULE

Background Information: A corollary to the above problem of the fall midsemester break was the question of scheduling a final examination week at the end of both semesters. The Senate Committee on Courses and Curricula was requested to study this matter also.

Senate Action: Dr. William Maehl, Jr., Chairman of the Senate Committee on Courses and Curricula, reported on the discussions of his Committee and the University Committee on Class Schedules. At the University Committee's session, strong student preference was apparent for retaining the final examination week. Dr. Maehl then moved approval of his Committee's recommendation that no change be made in the present final examination policy. Without a dissenting vote, the Senate approved that recommendation.

APPROVAL OF UNIVERSITY ACADEMIC CALENDARS

Dr. Maehl, Chairman of the Senate Committee on Courses and Curricula, reported that during recent meetings with the University Class Schedule Committee, some confusion was apparent as to the role of the University Senate in approving University calendars. In his opinion, the academic calendar comes to the University community by administrative decision rather than appropriate faculty consultation. To help remedy this situation, Dr. Maehl proposed a Senate resolution that the University calendar be submitted to the University Senate for approval before final adoption.

The question arose among Senate members as to which one—if not all—of the three calendars are to be considered by the Senate—the base calendar, the College of Law calendar, or the Health Sciences Center

calendar. Dr. Ronald Bourassa moved that this question be tabled pending further study by the Committee. The Senate <u>rejected</u> the tabling motion and subsequently approved, with some dissent, the resolution proposed by the Committee.

PROPOSED UNIVERSITY POLICY CONCERNING COPYRIGHTS

Dr. Raymond Lutz moved that an <u>ad hoc</u> Senate Committee be appointed to formulate a University policy concerning copyrights. Because the voice vote was indeterminable, the question was put to a show-of-hands vote. The Senate <u>approved</u> the motion in a tally of 17 affirmative and 10 negative votes.

CARD OF THANKS: Dr. and Mrs. Paul F. Sharp

The Senate accepted without dissent a motion to express the sincere appreciation of the University Senate to Dr. and Mrs.Paul F. Sharp for the Open House on April 5, 1972, at their official residence honoring the University Senate.

ADJOURNMENT

The University Senate adjourned at 5:12 p.m. The next regular meeting will be held at 3:30 p.m., on Monday, May 8, 1972, in Room 165 of the Student Union Building. The Senate, however, will also meet in special session at 3:30 p.m., on Monday, April 24, 1972, in Room 165 of the Student Union Building.

Anthony S. Lis Secretary

THE UNIVERSITY SENATE The University of Oklahoma Norman

Report of the ad hoc Patent Policy Committee approved by the University Senate on April 10, 1972:

Patent Policy

The committee recommends adoption of the following four sections (1, II III, IV) of this report as the basic guidelines for the management of patent matters involving the University and its faculty, staff and students. The sections are concerned with

- a) an administrative mechanism which will be responsive to the unique demands of timeliness and decisiveness essential to management of patent matters.
- b) a review and advisory mechanism to assist the university in preliminary review and decisions concerning potential patents, (II and III) and
- c) broad guidelines for the assignment of relative equities for a range of typical University/individual relationships. (IV)

U. J. .. Patent Administration

It is recommended that the University of Oklahoma Foundation be designated as agent for the University and the Research Institute in all patent matters, with the right of utilizing the services of a patent administration organization (e.g. Research Corporation, Inc.) as seems appropriate. Such use of outside service organizations should not be interpreted as any abrogation of inventor(s) rights. The use of an outside service agency serving in such capacity is viewed as a substitute or extension of the Oklahoma University Foundation. The royalty arrangements as outlined in Part IV and agreed to by the inventor and OUF are intended to support the administrative and service costs of patent activities; consequently, any amount of OUF shares of royalty may be assigned to a patent administration organization to compensate them for their services. The inventors' shares of royalty are not intended for this purpose. Proceedings will be initiated by the inventor by disclosure of the patentable discovery to the Executive Director of the Foundation. The Executive Director will then immediately activate the Patent Advisory Committee (Secion II) to obtain its recommendations on the University's intent in the invention. Recommendations to proceed with. patenting will then be implemented by the Foundation. Patent management by the Foundation will include retaining of appropriate counsel, filing applications for patents, acceptance of the issued patent, sale of options, management of patent licensing and disposition of income.

11. Patent Advisory Committee

The committee will be composed of eight members. The President of the University will be an ex officio member of the committee, and the Executive Director of the University of Oklahoma Foundation will be its permanent chairman.

The balance of the committee will consist of six tenured faculty members appointed by the President of the University from nominees presented by the Faculty Senate. These members will serve for three-year terms, two members being replaced each year. Initial members will be appointed for one, two and three-year terms (two each). At least one of these members of the PAC must be a faculty member of the Health Sciences Center.

Only the appointed faculty members of the committee will have voting privileges.

Modifications of the University's Patent Policy will originate in the Patent Advisory Committee as recommendations to the Faculty Senate and will become effective after approval by the Senate, the President, and the Regents.

The committee's primary function will be the initial review and evaluation of disclosures of patentable discoveries. This evaluation will be guided by the potential profitability of the invention and/or to other valuable considerations that could potentially derive from the patent(s) under review.

An important concern of the PAC will be consideration of the costs of acquiring the patent. The committee will make recommendation to the President's Office as to the University's interest and intent to pursue a patent, or to release the discovery to the inventor. The steps to be followed in this process are described in Section III.

A secondary function of the PAC will be to promulgate the patent policy among the members of the University Community and offer such advice and counsel as appropriate in developing the active and continuing interest of this constituency in bringing inventions to the attention of the committee.

III. Mechanisms and Procedures

1. Recommendations to proceed with patenting will be forwarded by the PAC to the Executive Director of the OU Foundation for implementation. The President's office shall be kept informed by copy of these recommendations. The administrative review by the President's office of patent recommendations shall be made as may seem appropriate. The administrative review of these recommendations must be done within the overall time frame allotment given the PAC, see Paragraph 3 and 4 below. By virtue of serving or having his representative serve on the PAC, timely review of patent disclosures by the President's office is assured.

- 2. Recommendations to not pursue a patent will constitute abandonment of the university's interest in the invention, leaving complete ownership with the inventor who may then proceed freely as he sees fit. However, in cases of sponsored research by federal or private agencies, the University agrees to seek the release of such patents to itself and in turn release them to the inventor(s).
- 3. Evaluation of vatentable disclosures will be undertaken immediately and should ordinarily be completed within two months of the disclosure date. In complicated cases, the two-month period may be inadequate for full evaluation by the committee. In this event, the committee will forward a status report to the inventor summarizing its progress in the evaluation of the invention and demonstrating its diligence in attempting to reach a decision.
- 4. The committee will have no more than one additional two-month period to reach its decision. If the committee fails to report at the end of the first two-month period, or to act by the end of the second two-month period, the University's interest in the discovery is abandoned to the inventor, providing for the obligation in paragraph 2.

(Since a patent agreement requiring a complete disclosure of patentable discoveries to the University will presumable become a condition of employment upon adoption of a patent policy, incomplete disclosure to the patent advisory committee will constitute a breach of contract subject to subsequent redress in the courts.)

- 5. Should the University of Oklahoma Foundation and its Executive Director decline to follow the committee's recommendation to pursue a patent, as evidenced by failure to retain appropriate patent counsel for filing a patent application, within two months of the recommendation date, the University's interest in the discovery is abandoned to the inventor, providing for the obligation in paragraph 2.
- 6. Further, it may become apparent from additional information encountered while acquiring a patent that the patent will be unprofitable to the University. Upon notification of the Foundation's decision to terminate the patent process, the committee will release the discovery to the inventor, providing for the obligation in paragraph 2.
- 7. The committee will include in its recommendations the percentage basis for University/inventor sharing in the net proceeds of a patent, with justification for the recommendation in accord with the guidelines set forth in section IV on Relative Equities.
- 3. Both the University and the inventor may request reconsideration of the relative equities recommended. The committee will attempt to arbitrate the matter and will render a second justification of its recommendation, whether changed or not. If either party remains dissatisfied, the matter will be submitted to binding arbitration by outside professional arbitrators from the membership of the American Arbitration Association. If required by the University, costs of outside arbitration will be borne by the University; if by the inventor(s) costs up to \$500 will be borne by the inventor, the balance by the University.

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- 3. Evaluation of vatentable disclosures will be undertaken immediately and should ordinarily be completed within two months of the disclosure date. In complicated cases, the two-month period may be inadequate for full evaluation by the committee. In this event, the committee will forward a status report to the inventor summarizing its progress in the evaluation of the invention and demonstrating its diligence in attempting to reach a decision.
- 4. The committee will have no more than one additional two-month period to reach its decision. If the committee fails to report at the end of the first two-month period, or to act by the end of the second two-month period, the University's interest in the discovery is abandoned to the inventor, providing for the obligation in paragraph 2.

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- 6. Further, it may become apparent from additional information encountered while acquiring a patent that the patent will be unprofitable to the University. Upon notification of the Foundation's decision to terminate the patent process, the committee will release the discovery to the inventor, providing for the obligation in paragraph 2.
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9. Disputes between co-inventors regarding relative equities within the inventor's share will be subject to similar arbitration, first by the committee and subsequently by an outside arbitrator for a binding decision. The co-inventor requiring outside arbitration will pay the first \$1000 of costs, the other inventor party shall pay 50% of the excess over \$1000; the initiating inventor, the other 50% of the excess.

IV. Relative Equities

Example 1. A 50:50 (University/inventor) sharing of gross income is recommended for inventions based upon ideas and discoveries made in the course of work funded by outside agencies in response to proposals originated by the inventor.

Example 2. A 70-30 (University/inventor) sharing is recommended for inventions based upon ideas and discoveries made in the course of work funded primarily by the University.

Example 3. A 20-80 (University/inventor) sharing is recommended for inventions based upon ideas and discoveries made in the course of work conducted primarily in off-campus activities but using University facilities (e.g., machines shops, laboratories, supplies) to a minor extent.

Example 3a. A variation on (3) involving more than minor use of University facilities could be accommodated by a change in the 20:80 sharing but not exceeding a 50:50 sharing. Major use of University facilities and supplies is unlikely to occur in off-campus activities, but could be involved in the development phase of the invention (see section V).

The inventor's share in the above examples is to be shared by co-inventors when two or more are involved.

Should outside granting agencies stipulate a lower share for the inventor, this lower share will determine the relative equities between the University and the inventor in inventions supported by such agencies.

\underline{V} . Development of Inventions

Should it become apparent during evaluation that additional development work would greatly improve the significance and profitability of a patent, and it is impossible for the inventor to accomplish the development in the normal circumstances of his employment, the committee may recommend to the University that it support the development through release time or additional assistance for the inventor.

Submitted by ad hoc Patent Policy Committee

W. R. Fulton

R. A. Shapiro

J. W. Sweeney

A. J. Weinheimer, Chairman

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