

JOURNAL OF THE FACULTY SENATE
The University of Oklahoma
West Lecture Hall, Basic Science Building
Oklahoma University Health Sciences Center
Oklahoma City

Regular Session -- February 12, 1973 -- 4:00 p.m.

The Faculty Senate was called to order by Dr. William H. Maehl, Chairman.

<u>Present:</u>	Beaird, Lolly	Grunder, J. Richard	Owens, Mitchell V.
	Burwell, James R.	Huneke, Harold V.	Patton, Charles C.
	Chandler, Albert M.	Jischke, Martin C.	Prickett, Wilson B.
	Costello, James	Letchworth, George	Sokatch, John R.
	Crim, Sarah R.	Levy, David	Staples, Albert F.
	de Stwolinski, Gail	Maehl, William H.	Stuart, Chipman G.
	Donnell, Ruth J.	McDonald, Bernard R.	Sutherland, Patrick K.
	Eek, Nat S.	Miller Fred	Taylor, K. L.
	Estes, James R.	Olson, Ralph E.	Weinheimer, A. J.
	Feaver, J. Clayton	Ordway, Nelson K.	Zahasky, Mary C.
	Felts, W. J.		

Non-voting delegates from the University of Oklahoma Student Association:

Andersen, Mark	Marcus, Barbara	Tabor, Tim
Blackburn, Rob		

<u>Absent:</u>	Anderson, Paul S.	Gregory, Helen	Milby, T. H.
	Bibens, Robert F.	Haden, C. R.	Pollak, Betty
	Bogart, George A.	Hardin, Neal	Shahan, Robert W.
	Brown, Homer A.	Hilbert, Richard	Swank, David
	Christian, Sherril	Kuhlman, Richard	Truex, Dorothy
	Coussons, Timothy	Laguros, Joakim G.	Whitney, David A.
	Frueh, Forrest L.	Love, Tom J.	Wilson, William H.
	Gibson, Arrell N.		

Non-voting delegate from the University of Oklahoma Student Association:
Scull, Dan

APPROVAL OF MINUTES

The Journal of the Faculty Senate for the regular session on January 16, 1973, was approved.

ACTION TAKEN BY PRESIDENT PAUL F. SHARP

- (a) Deletion of Provost from Membership on Academic Personnel Council: On January 16, 1973, Dr. Paul F. Sharp, University President, approved the Faculty Senate recommendation for deleting the University Provost from membership on the University Academic Personnel Council. (See page 5 of the Faculty Senate Journal for December 18, 1972.)

At this meeting, Dr. Maehl, Senate Chairman, announced that the University Regents had recently approved the recommend deletion.

- (b) University Class Schedule Committee: On January 17, 1973, Dr. Paul F. Sharp, University President, approved the recommendation of the Faculty Senate concerning the Class Schedule Committee. (See pages 5-6 of the Faculty Senate Journal for December 18, 1972.)

- (c) University Committee To Study Inequalities of Women in the University Structure. Dr. Paul F. Sharp, University President, recently selected Professor Gloria Smith (Nursing) as the Health Sciences Center faculty representative on the University Committee To Study Inequalities of Women in the University Structure. (See page 8 of the Faculty Senate Journal for December 18, 1972.).

ACTION TAKEN BY THE EXECUTIVE COMMITTEE, UNIVERSITY SENATE

Dr. Dale Vliet, for reasons of health, submitted his resignation from membership during the spring semester, 1973, on the University Councils on (a) Faculty Awards and Honors (1971-73), and (b) Academic Personnel (1971-74). The Senate Executive Committee recently approved the Committee on Committee's nomination of Professor George Frazor (Law) as the temporary (spring semester, 1973) replacement for Dr. Vliet on the Academic Personnel Council.

/REMARKS BY DR. LEONARD ELIEL, HEALTH SCIENCES CENTER

In welcoming the Faculty Senate at its annual meeting on the Health Sciences Center campus, Dr. Leonard Eliel, Executive Vice President of the University and Director of the Center, outlined the current "crisis" at the Health Sciences Center as follows.

- (1) The expectations of the public of a solution of the health care problems. The ability of the Center to meet these commitments depends upon resources provided. The current annual payroll of the Center of \$1.4 million continues to increase.
- (2) The drain on the education resources caused by the unreimbursed cost of care to the indigent. Legislative change is needed urgently because at present the Center is "programmed for disaster."
- (3) The accounts receivable total of \$7.2 million over the past six years. The management consultants, Herman Smith Associates, began the reorganization study with a completion target date of July 1, 1973.

UNIVERSITY PATENT POLICY

Background Information: On April 10, 1972, the University Senate approved a proposed University Patent Policy (see pages 4 and 8-11 of the University Senate Journal for April 10, 1972). An administration-Senate conference committee subsequently prepared a compromise document that was published on pages 3-6 of the Agenda for the February 12, 1973, Senate meeting. Two additional changes proposed by Dr. A. J. Weinheimer were distributed at this meeting.

Senate Action: Dr. James Costello, Chairman of the Senate ad hoc Committee, moved approval of the proposed University Patent Policy with the additional changes proposed by Dr. Weinheimer. After a brief discussion, the Faculty Senate approved the Patent Policy proposal without dissent. (For the complete text of the University Patent Policy proposal, see pages 4-7 of this Journal.)

DISPOSITION OF "I" GRADES

In his progress report, Dr. James Costello, Chairman of the Senate ad hoc Committee, reported substantial discussion with faculty members concerning the question of "I" grades. (See page 3 of the Faculty Senate Journal for September 18, 1972.) Student opinion is now being solicited. Dr. Costello felt that the final report of the Committee would be ready for the March 12, 1973, meeting of the Senate.

FACULTY APPEALS BOARD

Background Information: At its January 16, 1973, meeting, the Faculty Senate empowered its Committee on Committees to submit faculty nominations for the Faculty Appeals Board to consider cases concerning tenure abrogation and dismissal before contract expiration.

Senate Action: Dr. Martin Jischke, Chairman of the Senate Committee on Committees, presented the following Committee nominations:

Martha Primeaux	Nursing, H.S.C.	1973-74
Jerry Purswell	Industrial Engineering	1973-74
Besse Clement	Modern Languages	1973-74
Ralph Bienfang	Pharmacy	1973-74
Mildred Andrews	Music	1973-74
John Keyes	Allied Health, H.S.C.	1973-75
Hugh MacNiven	Political Science	1973-75
Alfred Weinheimer	Chemistry	1973-75
Cecil Lee	Art	1973-75
Dwight Norgan	Law	1973-75
Bertram Sears	Medicine, H.S.C.	1973-76
David French	English	1973-76
Raymond Kaser	Aero., Mech., Nucl. Engineering	1973-76
Herbert Hengst	Education	1973-76
William Keown	Management	1973-76
Albert Staples	Surgery, H.S.C.	1973-77
James Clark	Botany-Microbiology	1973-77
Mary Clare Petty	Education	1973-77
John Wickham	Geology	1973-77
Leo Whinery	Law	1973-77

The Senate approved the above nominations without dissent. Subsequently, the Senate also approved a motion that specified an effective date of July 1, 1973, for the terms of the members of the Board and also empowered the Board to consider any cases before that date.

DELAYED SENATE COMMITTEE REPORTS

The question of delayed submission of Senate committee reports was raised from the floor. At one point, Professor Wilson Prickett moved,

"that the Senate Chairman place reasonable time limits for future Senate Committee reports at the time that such Committees are assigned specific task. If the Committees do not make recommendations at the appropriate time, they should be dissolved and a new committee appointed or the matters under consideration should be resolved on the floor of the Senate. If the Senate Chairman feels that an extension of time is warranted, he may grant it."

The motion failed to carry. In this connection, a suggestion was offered from the floor that the Senate agenda list separately the items that will be reported upon from those that will be carried over to a later Senate meeting.

ADJOURNMENT

The meeting was adjourned at 4:55 p.m. The Faculty Senate will meet again in regular session at 3:30 p.m., on Monday, March 12, 1973, in Room 218, Dale Hall.

Anthony S. Lis

Secretary

UNIVERSITY OF OKLAHOMA PATENT POLICY

(Approved by the Faculty Senate on February 12, 1973)

ARTICLE I: Policy

All rights to and interests in discoveries or inventions, including patents thereon, which result from research or investigation conducted in any experimental station, bureau, laboratory, or research facility of the University or the University of Oklahoma Research Institute or from research or investigation of any member of the faculty staff or student body, either in the course of employment by the University, or substantially through the use of facilities or funds provided by or through the University, shall be the property of the University; and all rights therein shall be assigned as the President directs. The income from an invention or discovery may be shared with the inventor at the discretion of the President. He shall determine what interest, if any, an inventor shall be allowed in income from an invention or discovery and shall direct the manner in which the University will proceed with the development of the invention and direct the use to which any income of the University shall be applied. The President may seek the advice in these matters of the University Patent Advisory Committee.

ARTICLE II: Patent Advisory Committee

The Patent Advisory Committee shall have as its members of the Executive Director of the University of Oklahoma Foundation, Inc. or his designee, the Executive Director of the University of Oklahoma Research Institute or his designee, one member appointed by and serving at the pleasure of the President, two appointments made by the President from at least four nominations made by the Employee's Executive Council, and four members appointed by the President from at least eight nominations made to him by the Faculty Senate. The four appointed from the Faculty Senate nominations shall serve four-year terms, one member's term expiring each year and their initial terms to be determined by the President. The two appointed from Employee's Executive Council nominations shall serve two-year terms with one member's term expiring each year. As members retire, the appropriate group shall send at least three nominations for each vacancy for the President's consideration. Each member of the Committee shall have one vote. In the event a student's interest is being considered, the President, at his discretion, may appoint a student to the Committee to participate in the deliberation and voting of the Committee in that case only.

If any member of the Committee fails to attend as many as four consecutive meetings of the Committee and, if in the opinion of a majority of the members of the Committee, his absences have not been justified, the Committee should advise the President and request that his appointment to the Committee be terminated and an appropriate member be appointed for the balance of that member's term.

The Committee shall keep its own records, determine its own procedures, and elect its chairman who shall report to the President,

The Committee may also review this Policy from time to time and may recommend changes to the President.

ARTICLE III: Procedure

When a discovery or invention which might be patentable is made by a University employee or by a University student using University facilities, the discoverer or inventor shall submit a disclosure of the discovery or invention (hereinafter called simply "invention") to the President. The disclosure should be written and should include a statement describing the circumstances under which the invention was made and who participated in the research and a statement about its commercial possibilities and may include a statement by the inventor regarding his desire to either patent or dedicate the invention to the public.

The President will ordinarily refer the matter to the Patent Advisory Committee for its recommendation as to disposition.

The Committee shall commence study and deliberation as soon as possible after written disclosure is received. The Committee shall include in its recommendation:

- A. A statement as to whether or not to :
 1. Make application for patent,
 2. Dedicate the invention to the public, or
 3. Relinquish all rights herein to the inventor,
- B. A statement regarding the manner in which the University should proceed with the application for patent and its development and licensing if appropriate,
- C. A statement setting forth an equitable division of income between the University and the inventor, and may include
- D. A statement setting forth any particularly appropriate use for the income retained by the University,

If the Committee decides that an application should be made for patent, it can recommend to the President that the application be made by the University, the University Research Institute, or the University of Oklahoma Foundation, Inc. The Committee may also recommend to the President whether or not the services of a patent administration agency, such as Research Corporation, should be utilized. Once the matter has been referred to either the Institute or the Foundation, they may or may not seek the services of a patent administration agency. If such an agency is consulted by the Institute or Foundation and declines the opportunity to apply for a patent and develop the invention, the Institute or Foundation may return the matter to the President or seek out another agency or proceed with an application without the assistance of such an agency. If the matter is returned to the President directly by a patent administration agency or by the Institute or Foundation, he may dispose of it by dedicating the invention to the public or by relinquishing the University's interest to the inventor; or he may return the matter to the Committee for further study and a new recommendation. The Committee shall recommend what interest, if any, the University shall give the inventor in the income derived from the invention. Prior to making this recommendation, the Committee may inquire of the interested parties as to what they feel their respective interests should be.

Income is that amount actually realized from the invention by the University and the inventor after all fees and payments to parties outside the University, Institute, or Foundation have been paid.

If there is more than one inventor and the co-inventors are agreed upon their relative interests, the Committee shall relate that fact to the President and recommend the division of the inventor's share of income between the co-inventors as they have agreed. If there is a dispute between co-inventors, they shall each appoint a person to represent them on a special panel; and the Committee shall appoint one member who shall not be a member of the Committee. This panel shall then determine the relative interests of the co-inventors and report their conclusion to the Committee and the inventors simultaneously. If either of the inventors gives the Committee written notice that he is aggrieved by the panel's decision within 30 days, the Committee shall review the entire matter to reach a decision which shall be relayed to the President as a part of its recommendation. If the President directs that the invention be dedicated to the public, the inventors have no interest; and, if he relinquished all interest in the invention to the inventors, the determination of their respective interests is a matter to be determined by the inventors in any manner they see fit.

The Committee may also recommend a purpose to which the University's share of the proceeds may be put. For example, the Committee might recommend that the University's share be used to fund a chair in an appropriate department, that it be used to create a Dean's discretionary fund in a given college, that it be used by the Institute to promote more research in the same or another area, or that a fund be established for certain types of scholarships in a particular college. These examples are designed to be illustrative only and should not limit the Committee in its thinking. It is in the mutual interest of the University and the inventor that the Committee proceed as expeditiously as possible with its work. Since the Patent Advisory Committee exists for the purpose of advising the President, the President may at any time request that the Committee meet more often or move more quickly with its deliberations. If the inventor feels that the Committee is not being diligent in its deliberations, he may so advise the Executive Committee of the Faculty Senate. The Executive Committee of the Faculty Senate may, at that time, look into the matter to see if the efforts of the Committee have been reasonable. If the Executive Committee determines that there have been unnecessary delays in the progress of the Committee, it should advise the President and request the President to intervene in the affairs of the Committee if the Committee has not acted within an additional thirty days.

ARTICLE IV: Relative Equities

The following guidelines are presented here to give the would-be inventor a very rough idea of the type of interest he might be allowed in the income derived from his invention. It is not meant to be exhaustive or to limit the Committee in any given case since it is anticipated that unusual cases will arise which will require recommendations inconsistent with these guidelines.

- A. When the discovery is made wholly at the expense of the individual without the use of University facilities and in activities not related to the work for which the University compensates the inventor, the results of such research should become the private property of the inventor.
- B. A 50:50 (University/inventor) sharing of net 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.
- C. A 75:25 (University/inventor) sharing is recommended for inventions based upon ideas and discoveries made in course of work funded primarily by the University.
- D. 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 not related to the work for which the University compensates the inventor, but using the University facilities (e.g., machine shops, laboratories, supplies) to a minor extent. This would vary in a case involving more than minor use of University facilities which could be accommodated by a change in the 20:80 sharing toward 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.

- E. A 20:80 (University/inventor) sharing is recommended for inventions made by students using the University facilities. This division would be closer to 50:50 depending upon the extent of University support of the project, whether in funds, equipment, facilities, or personnel. Graduate assistants shall be treated as any other student if the invented work is unrelated to his University employment. However, if the discovery or invention is related to his employment, the division of interest between University and student would be closer to 75:25.

It is anticipated that there will, from time to time, be inventions made in the course of work done in consultation with outside entities. In anticipation of this possibility, University employees should notify the proper University officer of this possibility at the time they request his permission to do consultative work. The Consultation Agreement should make provisions for the disposition of any patent rights arising out of the consultative work.

The inventor's share in the above examples is to be shared by co-inventors when two or more are involved. The Committee may recommend that students making discoveries or inventions, while working on a research project under the supervision of a faculty member, may share with the faculty member the inventor's share.

The Institute and the University are the recipients of many research grants which stipulate the rights which the public, the granting agency, the University, and/or the principal investigator shall have in any invention or discovery arising out of work done pursuant to such a grant. In such cases, the terms of the grant will govern, but this policy shall govern any interest not retained by the granting agency nor required to be dedicated to the public nor otherwise expressly disposed by the provisions of the grant. The University will actively seek a relinquishment of the granting agency's right to the University, which rights will then be governed by this policy.

ARTICLE 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 released time or additional assistance for the inventor.

ARTICLE VI: Records of Research

It shall be the responsibility of the researcher to keep systematic notes properly dated, signed, and witnessed, including the dates of the conception of all ideas, notes on experiments, diagrams, suggestions made by him to others or by others to him, and detail the work of the various participants in the research project.

ARTICLE VII: Condition of Employment

The terms of this patent policy are a part of any contractual relationship of the University with any member of the faculty, staff, or student body. This policy, as amended from time to time, shall be deemed to be a part of the conditions of employment of every employee of the University and a part of the conditions of enrollment and attendance at the University by all students engaged in research using University facilities.