OHIO NORTHERN UNIVERSITY
UNIVERSITY COUNCIL AGENDA

Council will meet on Tuesday, November 18, 2014 at 5:30 p.m. in the Dicke Forum.

I. Minutes of October 21, 2014 meeting

II. Reports from Constitutional Committees
   a. Budget & Appropriations  Liaison: Ballard  Chair: Christoff
   b. Academic Affairs  Liaison: Hassan  Chair: Hassan
   c. Student Activities  Liaison: Walton  Chair: Walton
   d. Personnel  Liaison: Brant  Chair: M. Govekar

III. Reports from Operational Committees
   a. Athletics  Liaison: Crago  Chair: Simmons
   b. Information Technology  Liaison: Hurtig  Chair: Rieman
   c. Cultural & Special Events  Liaison: Eddings  Chair: Bell
   d. International Affairs  Liaison: Thompson-Bradshaw  Chair: Keas
   e. Religious Affairs  Liaison: MacDonald  Chair: MacDonald
   f. General Education  Liaison: Hurtig  Chair: Hurtig

VI. Other Reports
   a. Vice-Presidents
      i. Academic Affairs  Liaison: Crago
      ii. Financial Affairs  Liaison: Ballard
      iii. University Advancement  Liaison: Block
      iv. Admissions and Financial Aid  Liaison: Lesick
      v. Student Affairs  Liaison: Thompson-Bradshaw
   b. Deans
      i. Arts and Sciences  Liaison: Albrecht
      ii. Engineering  Liaison: Baumgartner
      iii. Pharmacy  Liaison: Martin
      iv. Business Administration  Liaison: Fenton
      v. Law  Liaison: Bales
   c. Student Senate  Liaison: Railey
   d. Health Services Advisory Committee  Liaison: Ballard

VII. Chair/Faculty Comments

VIII. President Comments/Questions

IX. Unfinished Business

X. New Business
   a. Academic Affairs: Intellectual Property Policy Proposal (Attachment A)

XI. Announcements

XII. Adjournment
CONSTITUTIONAL AND OPERATIONAL COMMITTEES

Budget and Appropriations – Jeff Christoff
The Committee met to review the FY2014 Audit and the September 2015 Statement of Financial Activities. The next meeting is scheduled for the 1st week of December.

Academic Affairs – Firas Hassan
Academic Affairs has finished working on the first draft of the intellectual policy for students and employees and it has been reviewed by the Academic Affairs office. It is now ready for the first reading by University Council. (See Attachment A.)

Student Activities – Jenny Walton
No report.

Personnel – Michele Govekar
Personnel met Thursday November 13 and completed review and ranking of sabbatical applications according to Appendix 10 of the Faculty Handbook.

Committee on Athletics – Tom Simmons
No report.

Information Technology – Jeffrey Rieman
No report.

Cultural and Special Events – Laurie Bell
No report.

International Affairs – Brian Keas
No report.

Religious Affairs – David MacDonald
No report.

General Education – Julie Hurtig
Graduating seniors are required to petition to have their "2 additional tag" requirement in the ONU Gen Ed checksheet marked off as complete within DegreeWorks. The petition is filed within the software, and requires just a minute to complete. Instructions are provided by clicking on the paragraph to the right of the "2 additional tag" line within DegreeWorks. Any student can petition to have this line marked as complete as long as they have all the Gen Ed tags marked as in progress or complete, with the exception of capstone. Taskstream records will be checked prior to approving the petition to confirm all of the artifacts are submitted to the Gen Ed portfolio. If Gen Ed waivers are needed to complete the requirements, the waivers will be applied in DegreeWorks as part of the petition approval process.

OTHER COMMITTEES

Student Senate – Joseph Railey
No report.

Health Services Advisory Committee – William Ballard
No report.
2.15 Intellectual Property Policy (proposed 11/2014)

Definitions

Employee:
A person who receives a salary from the University for performance of services, part-time or full time. A University employee with less than a full year (e.g., 9-month) appointment shall be considered an “Employee” for acts during a period of appointment. A student that is compensated (e.g., financially through a stipend, tuition, etc., including graduate student research assistants and graduate student instructors) is considered an Employee under this Policy.

Scope of Employment:
Activities which have been assigned to an employee by his or her supervisor or which are performed during normal working hours or which fall within the employee’s job description.

Student:
A “student” is a person enrolled in University courses for credit except when that person is an Employee.

Creator:
An individual subject to this policy, who invents, discovers, authors, or otherwise develops intellectual property as defined below.

Intellectual property:
Results having potential commercial value produced by University employees and students in connection with activities funded by the University and/or by External Funding or using University employees, facilities, or equipment, including but not limited to any patentable inventions, computer programs or other software, databases, any information or material subject to copyright under the laws of the United States or any other government, trade secrets (as defined in the Ohio Uniform Trade Secrets Act) and know-how related to inventions.

Net Income:
The income which remains after deducting from gross income the expenses for external marketing, legal, Intellectual Property protection, travel, litigation, consulting payments and/or fees due to third parties as a result of their support of research or commercialization of the Intellectual Property, and other services and expenses directly related to the Intellectual Property in question or commercialization thereof. The deductions shall be reasonable and fair, and shall be properly disclosed on a periodic basis to the creator(s) and the relevant department chair and dean. In no event shall payments for research activities be deemed to be part of “Net Income” for purposes of distribution to creator(s).

ONU Administrator: Provost.

1. General Provisions:
The University owns title to its Intellectual Property except as otherwise contractually provided, whether such contractual provisions are associated with External Funding or otherwise.

A creator contemplating public disclosure must first file an intellectual property disclosure and should contact the ONU administrator prior to engaging in such activities.
The ONU Administrator or his or her designee shall make a decision whether or not the University elects to pursue the commercialization of its Intellectual Property and shall inform the creator or creators of the disposition of said Intellectual property within 60 days of receiving all information necessary for a complete disclosure. In cases where the University elects to pursue commercialization of the Intellectual Property, ONU shall incur the costs of protecting (through patenting, trademark or copyright as necessary) and marketing the Intellectual Property to interested potential licensees. ONU is obligated to pursue commercialization expeditiously and in consultation with the creator(s). In cases where the University elects not to pursue commercialization of the Intellectual Property, subject to funding and governmental restrictions, said Intellectual Property shall be released to the creators at their request.

2. Distribution of Rights:
   A. The University shall not claim as its own Intellectual Property books (including textbooks), articles, novels, poems, psychological and educational tests and measures, musical works, dramatic works including any accompanying music, pantomimes and choreographic works, pictorial, graphic and sculptural works, motion pictures, audiovisual works, and sound recordings, and educational software regardless of whether such exempt materials were produced in connection with the use of University facilities, staff or equipment.

   B. Intellectual Property may result from research falling generally into one or more of the following categories:
      i. Supported wholly or in part by University funding or use of University facilities, staff or equipment.
      ii. Financed wholly or in part by a government grant or contract.
      iii. Financed wholly or in part by an industrial corporation or other private source under contract or written agreement.
      iv. Conducted wholly on the creator’s own time, at the creator’s expense and without use of University facilities, staff or equipment. Intellectual Property arising from research conducted wholly on the creator’s time and at the creator’s expense is not a product of university funding.

   In all categories other than (2.B.iv), the creators shall be obligated to execute any documents necessary to reflect such assignment of rights to Intellectual Property to which the University is entitled and to participate as necessary and appropriate in the acquisition and protection of proprietary rights to the Intellectual Property.

   C. The University is obligated to report to the appropriate government agency all Intellectual Property that has been derived from government funding in whole or in part for definition of the government’s rights and interests. This definition can result in: (i) a release of the Intellectual Property to the University, with the government retaining a non-exclusive, non-transferable, royalty-free license; or (ii) the government acquiring and reserving to itself specific rights.

   D. Rights with respect to Intellectual Property that is financed by industrial corporations or other private sources or that result from joint work with persons or agencies outside the University are governed by the terms of contracts or agreements with those outside parties. The responsible investigator is responsible for informing all persons working on the project of their rights and obligations under such contracts or agreements before initiation of the research.

   E. The University assumes no right or responsibility with respect to Intellectual Property coming within clause 2.A or 2.B.iv. If the creator and the University mutually agree, the
creator may assign Intellectual Property to the University and thus avail himself or herself of the commercialization services of the University.

3. Disposition of University Rights:
In all cases where rights to Intellectual Property reside with the University, the ONU Administrator or his or her designee shall decide, in consultation with the creator(s), whether the Intellectual Property shall be commercialized by or through the University (or through an external source acting as agent for the University) or offered for release to the creator(s).

When the Intellectual Property is offered for release to the creator(s), they must inform the ONU Administrator or his or her designee, in writing if they wish to pursue commercialization of the Intellectual Property on their own. The University shall release the Intellectual Property to the creator(s), except in cases where one or more of the following conditions prohibits such release:

1. Federal regulations governing the Intellectual Property prohibit such release.
2. Release of the Intellectual Property in question would create an undue liability or risk for the University, due to the potentially dangerous or inappropriate way(s) in which the Intellectual Property could be used.
3. The Intellectual Property in question is not yet developed to a point where its commercialization potential can be determined or maximized.

Irrespective of which alternative may be selected, wherever Federal funding is involved in the development of the Intellectual Property, the U.S. government shall generally retain as a minimum the right to a royalty-free, non-exclusive, irrevocable license throughout the world under any patent which may eventually be issued, as well as the right to take back the Intellectual Property absent adequate commercial development.

4. Division of Income
Intellectual Property that is the subject of a specific agreement between the University and the creator(s) thereof shall be owned as provided in said agreement. Such agreements by the University and the creators are encouraged. Except where limited by external sponsorship agreements, creators and the University may negotiate individual agreements to govern ownership of Intellectual property and any other matters, regardless of the applicability of any other provision hereof. The faculty and the University are encouraged to participate in unique agreements that promote reinvestment of royalties and receivables to further the research and educational activities of the University. In such cases, the University may match such commitments of the faculty from their portion of the benefits.

Unless contractually agreed otherwise in advance, twenty-five percent (25%) of the Net Income received by the University in the form of royalty payments, or other earnings on the Intellectual Property, shall be given to the creators.

When Net Income exceeds $100,000, a fifteen percent (15%) administrative charge to defray the expenses of general operation and services of technology transfer operations shall be deducted and the remainder shall be distributed according to the said agreement. If there should be a plurality of creators, that part of the income accruing to the creators shall be distributed among the creators eligible to receive a share of the proceeds under this policy as specified in the original intellectual property disclosure forms used by the creators in their disclosure to the ONU Administrator or as specifically requested in writing by all the creators involved in that disclosure. In case of dispute among the creators, the allocation shall be determined by the ONU Administrator, who shall make the final decision.

Where Intellectual Property has been developed with federal grant support, the University and its researchers are bound by the terms of the grant agreement. Those terms supersede this
Policy to the extent this Policy is inconsistent with them. If a grant agreement reduces the amount of earnings that can be shared with a creator, the percentage of gross proceeds contributed to the operation of the technology transfer operations shall also be adjusted on a pro rata basis.

The principle of sharing financial rewards of commercialization with the creators of Intellectual Property also applies when those rewards are in the form of equity participation in a company. However, it should be noted, because of the complexity of business start-up arrangements, the precise division of benefits will have to be negotiated on a case-by-case basis, particularly when the employee may have a continuing role in the company.

Intellectual Property created by employees within the normal scope of their employment shall be owned by the University by virtue of the employment relationship and therefore shall not be subject to the division of income provisions of this Policy.

5. Release to Creator of University Owned Intellectual Property

In the event that the University releases Intellectual Property owned by the University to the creator(s), the University shall retain a perpetual, non-exclusive, non-transferable, world-wide, royalty free license to use said Intellectual Property for educational and research purposes of the University and to sublicense it for current or future non-commercial research in conjunction with the results of such research. The University may set requirements concerning such release as are appropriate, in the judgment of the ONU Administrator to (i) provide for protection of the University’s interests should creator seek to utilize University facilities thereafter in relation to the released Intellectual Property, (ii) preserve any rights of the sponsor, and (iii) protect the University from claims or costs arising from the use of the Intellectual Property after its release. In the case of software, this policy requires access by specified University personnel to the source code, and the University shall require each person to whom a disclosure is made to execute in advance a binding confidentiality agreement in favor of and enforceable by the creator.

6. Student Material

Regardless of use of University facilities, student coursework or other Intellectual Property shall belong to the student unless created:

   i. While the student is acting as an employee of the University
   ii. While the student is engaged in research funded by the University or External Funding
   iii. While the student is engaged in a research project that was initiated by the faculty
   iv. While enrolled in a class or participating in an academic project involving a community entity, provided that it is announced at the commencement of the project that students will not have ownership of Intellectual Property created in conjunction with that project.

The student may choose to share the ownership of the Intellectual property with ONU employees assisting in the creation of this project provided that it is not within the scope of their employment at the university.

The student may choose to disclose the Intellectual property to the ONU Administrator or his or her designee, and request their services in commercializing.

The student may choose to release the ownership of the Intellectual property to the ONU Administrator or his or her designee.