Minutes, March 17, 2015

Roll: (Absentees Underlined) President Daniel DiBiasio, VP David Crago, VP William Ballard, VP Ken Block, VP Larry Lesick, VP Adriane Thompson-Bradshaw, Dean Catherine Albrecht, Dean Eric Baumgartner, Dean Steve Martin, Dean James Fenton, Dean Richard Bales, Rev. David MacDonald, Dr. Alisa Agozzino, Dr. Khalid Al-Olimat, Dr. Jeffery Allison, Dr. Joanne Brant, Dr. Tevye Celius, Dr. Natalie DiPietro Mager, Prof. Jennifer Donley, Prof. Melissa Eddings, Dr. Kami Fox, Ms. Gina Grandillo, Dr. Firas Hassan, Dr. Dong Hyun Kim, Prof. Kelly Kobiela, Dr. Kelly Reilly Kroustos, Dr. Heath LeBlanc, Dr. Lou Lobenhofer, Dr. Michelle Musser, Dr. Ronald Peterson, Dr. Ed Potkanowicz, Dr. Susan Schertzer, Dr. Jenny Walton

Jeff Allison, Chair of Council, called the meeting to order at 5:31 p.m. in Dicke Room 230.

I. Minutes of February 17, 2015 meeting approved as distributed.

II. Reports from Constitutional Committees
   b. Academic Affairs: Items in New and Unfinished Business. In addition, IT is trying to standardize online courses and would like for all professors who are interested in offering them to take a workshop that will cover online instruction at ONU. Any online courses will need to be reviewed and approved before the course is offered. Section 3.46e of the Faculty Handbook indicates that Academic Affairs will provide oversight to learning and virtual environment courses. Julie Hurtig will send an email in regards to this matter.
   c. Student Activities: Met on February 25th and approved several new organizations, including: The Society of Collegiate Journalists, Brother to Brother, Business Law Society, and Sigma Alpha Iota.

III. Reports from Operational Committees
   a. Athletics: Winter sports have now ended and spring sports have begun. The outdoor track is being heavily used again.
   b. Information Technology: As was indicated by Firas Hassan in the report for the Academic Affairs Committee, workshops for Moodle and online courses are being offered by the IT department. A requirement of online instruction is the need to verify student identity and who is submitting the work, so a secure access point has been created through Moodle. Joseph Blankson in IT has created lots of tools that he will introduce during the workshops that can be incorporated into online offerings.
   c. Cultural & Special Events: CASE met last Wednesday to confirm the programming for the remainder of the semester, and to work on budgetary housekeeping for the subcommittees.
   d. International Affairs: The committee is in the process of scheduling a meeting for the near future.
   e. Religious Affairs: 120 people went on Habitat spring break trips this year. In the next few weeks communication will be sent out from the vocational study team (sponsored by the NetVUE grant) about conversations concerning vocations and feeling called to do something. Committee will have one final meeting this semester.
   f. General Education: Met with the HLC committee when they were here for the on-campus review. Seventeen EXDS course offerings are set for the fall. Fifteen of them have already been loaded, which should help advisors and students with course planning.

IV. Other Reports
   a. Vice-Presidents
      i. Academic Affairs: In light of the new hurdles with College Credit Plus, ONU is working to retain our existing relationships but so far there are just four schools interested in having their teachers approved by ONU to teach in their own classrooms. There were almost 500 students
enrolled in the program this year, and there will probably only be about 35% of that number next year. The West Ohio Conference of the United Methodist Church and OhioHealth have both encouraged ONU to expand clinical site offerings for students by exploring agencies besides the traditional hospital sites, such as nursing homes.


iii. University Advancement: Ongoing alumni events in several areas. May 29-31 will be alumni weekend and it will include the presentation of six new Distinguished Alumni Awards. The position for Arts and Sciences Director of Development has been posted and applicants will be coming to campus soon. Information to come soon about a combined Giving Day and Founders Day that will hopefully attract new donors through social media, a birthday party for ONU in McIntosh, and a free lunch from Sodexo. ONU will be 144 this year, so hoping to attract 144 new donors, and that number will increase each year until the 2021 celebration. Communications and Marketing has received website templates from 160over90 and they will be looking to launch the new website before the fall semester. The deans have received a package of materials from C&M and the VPs will receive their packages next week. Several new brochures are in the process of being finalized or have already been completed. 160over90 will be on campus in the spring to take new photos for the view books.

iv. Admissions and Financial Aid: Report submitted by Larry Lesick:
   1. There are three on-campus programs this week: Experience ONU Day (34 have registered), Explore Pharmacy (88) and Explore Engineering (63). Over 100 deposited students have signed up for a summer orientation date.
   2. Deposits of freshmen are up by 30: A&S is flat, business is up by 22, engineering is up by 10 and pharmacy is down by 2. Deb Miller is working with deans, assistant deans and academic departments to have faculty and current students phone accepted students.
   3. In financial aid, 1,257 packages have been mailed to freshmen, a 33% increase over last year at this time. We are monitoring packages from other schools.
   4. Admissions has begun interviewing candidates to fill the admission counselor/assistant director openings. The campus visit coordinator position has been posted, as well as a financial aid position that has been vacant since last May.
   5. Raymond Orinoco leaves for Tokyo next Tuesday to visit Japan. There, he will interview 25 students for admission arranged by SAKAE, an independent guidance counseling firm. He will also make half a dozen high school visits and interview two possible international agents. Applications from international students are up by ~30%.

v. Student Affairs: This past weekend there was major vandalism in Founders and Park Hall. Ada Police is involved in the ongoing investigation. Still getting cost estimates for the repairs to the damage, but right now that number is up to $8000. If the students who are responsible for the damage can be identified, they will be billed for the repairs. If they cannot be identified, then the Community Billing process will be used to split the cost of the repairs among the residents of the halls where the damage occurred. Community Billing is an enforceable process listed in the Code of Conduct of the Student Handbook. The summer job and internshiop fair was this past Monday in McIntosh. Recruiters reported that they were very pleased with the students and that the participation level was better than they had experienced at other schools. Polar Careers has begun collecting placement information for 2015 graduates, so please encourage your graduating students to share that information so that it can be recorded.

b. Deans

i. Arts and Sciences: Phil Zoladz in Psychology received the largest research grant in the history of Arts and Sciences and possibly for the University for his research on stress. The grant, which totals over $423,000, focuses on funding student research. District Science Day was this past Saturday. The Ohio Academy of Science will be here March 27-28. The Midwest American Academy of Religion will be here April 11-12. Math Awareness Day, which involves high school students, will be held April 14th. The Department of Music will be hosting a recital of, “I know why the Caged Bird Sings:” A Celebration of Paul Laurence Dunbar, on March 20th. The Symphonic Band will perform on March 23rd. The Student
Research Colloquium, which will be held April 24th, will accept proposals through this Friday, March 20th.

ii. Engineering: This is competition season. A group went down in Florida for the SAE Aero Design East competition and finished 7th out of 37th. The steel bridge and concrete canoe competitions will be coming up in early April.

iii. Pharmacy: Competition season for Pharmacy as well. Tiffany Kneuss had a winning submission in the 2015 Ohio Pharmacists’ Association Drug Information Challenge and will be published in an upcoming issue of the Ohio Pharmacist. Three finalists were announced for the OPA’s Innovative Pharmacy Business Plan Competition and one of them was a team from ONU. Metta Lou Henderson, Professor Emeritus, will be installed as an honorary president of the American Pharmacy Association at the annual meeting held in San Diego next weekend.

iv. Business Administration: Over 25 students are or will be competing in New Orleans and Chicago in the near future.

v. Law: No report.

c. Student Senate: A couple of cabinet members went to the State House last Wednesday to lobby on behalf of private education. While at the State House they talked to several ONU grads. Student Senate was recently made aware that Senate is in charge of a Fees Appeals Committee, which has been inactive for a while and they are going to start it up again. Information about the Student Organization of the Year Award has been sent out and nominations are due at the end of this month. Categories for winning, in addition to the main winner, have been added this year and they will all be presented at the President’s Leadership Dessert.

d. Health Services Advisory Committee: Committee has not met.

V. Chair/Faculty Comments: None.

VI. President Comments/Questions: An editorial about the College Credit Plus program in the Toledo Blade this week repeatedly mentioned that it is now free for students, which shows how the program is aimed towards the public sector. The potential for high impact learning is huge with the cooperation with OhioHealth for clinical sites that Provost Crago mentioned in his report. Bill Ballard is currently at the New American Colleges and Universities meeting right now. The budget for this fiscal year is in good shape, but make sure to spend only what is necessary for your departments so that it continues along that trend. Currently working on next year’s budget and especially on revenue size. There will be a difference between aid for graduating seniors (less aid) and the incoming class (more aid) which puts pressure on revenue. A budget will be proposed to the Board at the April meeting. The HLC process will not be complete until late summer. The National Association of Schools & Colleges of the United Methodist Church, which is responsible for reviewing Methodist-related colleges and universities after they have completed their regional accreditations processes, will review ONU after the HLC process is complete. That will probably occur in November. The President thanked Larry Lesick for this service to ONU and welcomed everyone to Larry’s retirement reception on March 19th. The Department of Education is working on a new ratings system for colleges and universities.

VII. Unfinished Business

a. Academic Affairs: Section 2.15 Intellectual Property Policy (Attachment A): Eric Baumgartner asked about the plans to support the expected body of work that could arise from the policy, and Provost Crago explained that they do not expect a large number of items since ONU already had a similar policy. If situations do arise, contacting Vorys LLP will probably be the first step, in order to ask for recommendations of firms that have dealt with these intellectual property situations. Motion passed. (See Attachment B for voting record.)

VIII. New Business

a. Academic Affairs: Section 3 of the Faculty Handbook (Agenda Attachment B): The first purpose of the revision: Two terms, College of Registration and College of Enrollment, were used in the previous version of Section 3. The terms were confusing so College of Registration was removed. To add a class, the student must speak to the college offering the class. If students want to drop a class, they need to speak to the College of Enrollment, which is the college of the student’s primary major. The second purpose of the revision: To define what a student is and when an individual is to be treated as a student, which is important for FERPA. A
student is now defined as a student as soon as they register for classes at ONU. In addition, a few terms related to technology were changed in Section 3. No further discussion.

b. Personnel: Section 2.3 Expectations of Faculty (Agenda Attachment C): The revision still has seven paragraphs, but they have been reorganized and include slightly different expectations for the last three sections. No further discussion.

IX. Announcements: None.

X. Adjournment at 6:17 p.m.

Respectfully submitted,

Jennifer Donley, Secretary
2.15 Intellectual Property Policy (proposed 1/2015)

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.

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. 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. 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.

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.

B. The University waives its Intellectual Property ownership interest in 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, sermons, online material, online courses, massive open online courses, and educational software regardless of whether such exempt materials were produced in connection with the use of University facilities, staff or equipment, provided, however, that the University retains a non-exclusive, irrevocable, royalty-free license to use, display, reproduce, create derivative works from and distribute such materials (with appropriate attribution) for university educational and research purposes.

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.

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.B.

3. Disposition of University Rights:
   Unless excluded by 2.B, Intellectual Property created by employees within the normal scope of their employment shall be owned by the University by virtue of the employment relationship. 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. The creator(s) may assign their share to others as they may determine in their sole discretion.

   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.

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. 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 engaged in research funded by the University or External Funding
ii. While the student is engaged in a research project that was initiated by the faculty
iii. While enrolled in a class or participating in an academic project, 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.

The student may choose to disclose the Intellectual property to the ONU Entrepreneurship Office and request their services in commercializing.

The student may choose to release the ownership of the Intellectual property to the ONU Entrepreneurship Office.

Regardless of the option that the student chooses, the student is still under the regulations of Section 5.
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