

University Research Council

January 21, 2020

417 Beacon Heights

4:00 pm – 5:00 pm

Meeting Minutes

Approved

Present: Maryam Ahmed, Rebecca Battista, Elaine Berry, Erin Bouldin, Andrew Caldwell, Sara Evans, Beth Fiske, Karen Fletcher, Charna Howson, Ece Karatan, Gary McCullough, Pam Mitchem, Julia Pedigo, Abhi Ramalingam, Robin Tyndall, Twila Wingrove

Excused: Tracy Goodson-Espy, Marie Hoepfl, Alecia Jackson, Andrew Monroe, Rebecca Witter

Staff: Kate Hoffman

- Call to order – Ece Karatan
- Approval of the November 19, 2019 minutes (Pedigo, Fletcher). VOTE: 12 – Approved, 0 - Opposed, 3 – Abstained. Motion passes.

Old Business

Compilation of feedback from October meeting - Ece Karatan

A handout provided contained a list of topics of interest that were compiled from URC's October 22, 2019 meeting. Bolded items were items mentioned at a minimum of three times. The need for money by increasing the number of awards or the awarded total per grant, support for conference travel, and to fund publication costs were bolded topics. Graduate student support (recruitment, stipends, and scholarship) was discussed. The feedback disclosed a need to show that ASU offered beyond that of an undergraduate institution.

The group requested additional information about intellectual property (see New Business), the grant submission process (AGrants), and statistics on internal URC grant awards. Statistics on what applicants do after their URC award are captured on URC final reports, but there is currently no way of reporting this back to the URC. It was mentioned that research development officer positions had been in colleges, but no longer exist.

Faculty members were encouraged to self-select into one of three working groups to address ideas and possible solutions to time and funding of scholarship and the promotion of a culture of

increased research, scholarship, and research activity.

A chair of each group will be selected and the groups will meet 2-3 times and have conversations regarding the barriers and solutions to the topics. At the March meeting each group will present their findings and recommendations with a short powerpoint presentation.

New Business

Intellectual Property policy and copyright discussion - Robin Tyndall

A handout that covers three pages of the Intellectual Property Transfer Policy 207 was provided (complete policy location: https://policy.appstate.edu/Intellectual_Property_Transfer).

The URC award letter is read aloud at each new URC award meeting. The URC award letter language reads: *“URC funds are considered to be an exceptional use of institutional resources because these resources are not routinely made available to faculty or other EHRA employees. This means the University Intellectual Property Transfer policy is applicable and the University has ownership rights of scholarly, literary, or aesthetic (artistic) work that is funded with URC grants. According to this policy, the Vice Provost for Research (VPR) may agree to "release or transfer the University's rights to the work's creator, with the University retaining: (a) a Shop Right; (b) the right to require reimbursement from the creator equal to the value of institutional resources used if the work produces income for the creator; and/or (c) the right to receive royalties in the same proportions as are provided for patent income under these policies if the work produces income for the creator. The parties may also negotiate for joint ownership of such works, with the approval of the VPR. To request joint or full ownership, the work's creator must complete and send a Disclosure request to the IP Council for review and recommendation to the VPR. Applications and instructions for Disclosures can be found at <http://researchprotections.appstate.edu/intellectual-property/ip-forms>.”*

Section 4.3.4 - URC awards fall under exceptional use. It is the receipt of resources that are not routinely available to all faculty within a discipline. “Exceptional use of institutional resources” means the University can claim at least some ownership of the generated IP, even if that IP is a copyright. The IP Council reviews disclosures. The IP Council membership represents all colleges and has a Faculty Senate representative. Once the IP Council reviews the disclosure, the Council makes a recommendation regarding ownership of the intellectual property to the Vice Provost for Research. The VPR makes the ultimate decision.

There are options all determined by the IP Council: the IP Council may release ownership solely to PI, typically with retention of a “shop right” by the university, or there could be joint ownership of the work. The PI may be liable to pay back the funding from the URC that directly contributed to the work (if the work was revenue generating), The University may be entitled to

royalties from the work. The IP Council makes these recommendations to the Vice Provost for Research. If there is a collaboration with another institution(s), the University works with the institution(s).

A shop right is “*the right of an employer to use an employee’s invention or other work without compensating the employee for the use, in cases where the invention or other work was made at the place of or during the hours of employment.*” Shop right may have an end date or a perpetual license. Shop right may be used for research or teaching: “Instructional and research purposes, without obligation to make payment.” ASU cannot make a profit from the work.

Robin discussed the intellectual property policies at other UNC System Universities including UNC Greensboro. Greensboro’s policy indicates that most of the time the ownership for the copyright is returned back to the creator. “*However, the University finds that in most cases it is to the benefit of the University to waive its claim to ownership of such works subject only to retention of a Shop Right, and, therefore a request for waiver by the author will normally be granted.*”

UNC, UNC Charlotte, Western Carolina, UNCW, NC State, and Chapel Hill all have the option to return the ownership to the creator or return funds provided by the institution.

If a URC applicant has already signed a contract, this invalidates eligibility for a URC award. Creators and inventors need to disclose and go through the disclosure process.

OR is planning to change the language in the award letter to “Please note that Appalachian State University has a policy on Intellectual Property which assigns ownership and outlines your responsibility as an inventor/creator. For example, if your project results in a patentable invention, you are required to disclose the invention to the University prior to any public dissemination or announcement of the invention. Likewise, if your project will result in a copyrightable item (e.g., a book, music recording or artwork), per section 4.3.4 of the Intellectual Property Transfer Policy the ownership of the copyright is not automatically yours. Once you have created the master work, you are required to disclose it to the University prior to signing any contract to publish, produce or distribute the work. URC funds cannot be used to promote or commercialize your work, or to create any work for which you are already under contract. If you have any questions please email ip@appstate.edu.”

A suggestion is to add manuscript or journal article examples to the disclosure form. “Do you expect to produce any of the following...(similar to IRB and IACUC forms)?” Manuscripts in many cases do not generate money. It is common that the ownership is given to the creator unless there is a business plan proposal to generate income outside of the university. A member asks about when a faculty leaves the University. There is not an example on copyright ownership decisions when an employee has left. The only examples are of patents where there is a shared

ownership and each institution negotiates.

Member may help OR to communicate to faculty:

1. We are NOT trying to take your copyright away.
2. We want to use URC funds to support creative endeavors.
3. We must follow the UNC System policy and our institutional policy.
4. We are consistent with other UNC System schools.
5. There is a process to determine ownership but faculty must be aware of the requirement to disclose.
6. Faculty need to be up front in the grant application process about whether they have already signed an agreement with a third party to publish, distribute or promote the work.

Please contact Robin Tyndall. She is happy to meet to discuss this process.

Adjourned at 4:52 pm