

# University Policy and Procedure Change Form

Please complete this form to submit new policies and procedures or revisions to existing ones for official publication in the *NSU Policy and Procedure Manual*. Forward the completed form to Renee Hicks, Executive Director of Planning and Institutional Effectiveness and SACSCOC Liaison via email: renee.hicks@nicholls.edu

<input type="checkbox"/> New or <b>X Revised</b>	<b>Section Number/Title:</b>
<b>Effective date:</b>	April 9, 2014
<b>Office of origin:</b>	Academic Affairs
<b>Key contact person:</b>	Debi Benoit
<b>Approved by:</b>	Faculty Senate and President's Cabinet
<b>Name and location of related documents (forms, guidelines, samples, etc.):</b> <i>Provide electronic attachments when possible</i>	<b>Policy and Procedure Manual 5.4.5 (5.4.5.1; 5.4.5.1.1; 5.4.5.1.2;5.4.5.1.3; 5.4.5.1.4; 5.4.5.1.5; 5.4.5.1.6; 5.4.5.2; 5.4.5.2.1; 5.4.5.2.2; 5.4.5.2.3; 5.4.5.2.4; 5.4.5.2.5; 5.5.5.3; 5.4.5.4; and 5.4.5.5)</b>
<b>Policy/procedure applies to (check all that apply):</b>	<input type="checkbox"/> Faculty members <input type="checkbox"/> Civil service employees <input type="checkbox"/> Professional/administrative staff <input type="checkbox"/> Students <input checked="" type="checkbox"/> All of the above
<b>Addition/Revision to P&amp;P Manual (date, Section, made by)</b>	Date: 8/5/2015 Section: 5.4.5 Made by: Renee Hicks

## REASON FOR CHANGE

**University Policy: 5.4.5 Rights and Patents for Intellectual Property**

**Procedure(s): Changes are addressing an update of the University of Louisiana System's PPM on Intellectual Property and Shared Royalties**

## PROPOSED CHANGE:

FROM: 5.4.5 in its entirety

TO: (See Attached)

## 5.4.5 Rights and Patents for Intellectual Property

### Change to: Intellectual Property and Shared Royalties

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#### 5.4.5.1 Policies Regarding Copyrights and Patents **Change to: Purpose**

Scholarly and creative activity often results in copyrights and patents for the production of works, products, or materials of commercial value. The Board of Supervisors has adopted the following policies regarding copyright and patents:

**Change to:** Scholarship should be encouraged without regard to potential gain from licensing fees, royalties, or other income; however, Intellectual Properties and discoveries may arise from the activities of faculty, staff, and students in the course of their institutional activities and duties or through the use, by any person, of institutional resources such as facilities, equipment, or funds.

The policies governing the administration of such Intellectual Properties should provide adequate recognition and incentive to Creators and, at the same time, ensure that the institution will share in the rights pertaining to Intellectual Properties in which they have equity. The University of

Louisiana System has adopted the following policies regarding copyright and patents:

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#### **5.4.5.1.1 General Policy Change to: Objectives**

The Board of Supervisors for the University of Louisiana System, hereinafter referred to as the Board expects and encourages creative productivity on the part of the employees of the Board. The Board recognizes its responsibility to assist and protect the developer to assist the universities under its jurisdiction in matters pertaining to patents to protect the interest of the public and to protect the interests of financial sponsors of the project other than the University of Louisiana System.

**Change to:** The University will adhere to the following Intellectual Property objectives as expressed in the University of Louisiana System's PPM policy number: FS.III.VI.-1a:

- A. Encourage research and scholarship as creative academic endeavors while recognizing that commercially valuable Intellectual Properties may result from such endeavors;
- B. Delineate procedures to encourage Creators to report discoveries with broad commercial potential and public benefit

and to assist them, while at the same time safeguarding the interests of all concerned parties;

- C. Make Intellectual Property developed in the course of academic research available to the public under conditions that will promote its effective and timely use and development;
- D. Optimize the environment and incentives for research and scholarly activity and for the creation of new knowledge in UL System institutions;
- E. Ensure that the educational mission of the UL System and its institutions is reinforced.

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#### **5.4.5.1.2 Patents Change to: General Provisions**

Inventions resulting from research and other work carried on by or under the direction of the System personnel and students of the institutions and supported in whole or in part by funds under control of the System or involving System facilities, should be used and controlled to produce the greatest benefit to the System and

the public. Except as otherwise provided herein, the institutions shall acquire and retain legal title to any and all such inventions, including any patents which may be procured, resulting from such research and other work and shall take such steps as may be necessary to secure such title in themselves. The evaluation of any and all such inventions and applications for patents shall be made by the institutions. If the institutions decline to pursue a patent application, they may release their rights to the inventor or inventors.

The Board and the institutions respect and recognize the right of sponsors of research and development to the title of such inventions as may arise from projects sponsored by them in conformance with explicitly stated contractual agreements covering such sponsorship and applicable laws.

## **Change to:**

### **A. Applicability**

This policy shall apply to all persons employed by System institutions, to anyone using institutional facilities and or resources under the supervision of institutional personnel, to undergraduates, and to graduate students.

### **B. Scope of Application**

This policy shall be a part of the conditions of institution employment. Personnel must notify the institution of any copyright or patent interests for any Intellectual Property which are currently registered or patented or which are in the process of being registered or patented with the U.S. Copyright Office or U.S. Patent and Trademark Office. For materials which may be in development, notice shall be given at the time the application for registration is submitted. The institution shall review such interests and determine whether they are owned solely by the employee, co-owned or restricted in use by others.

c. Acquisition

The institution may acquire ownership or use of Intellectual Property by assignment, license, gift, bequest or other legal means.

d. Disclosure

- 1) All Intellectual Property in which the institution has an ownership interest under the provisions of this policy and that has the potential to be brought into practical use for public benefit or for which disclosure is required by law or

agreements shall be reported promptly in writing by the Creator to the designated institution officer or representative. The disclosure shall constitute a full and complete disclosure of the subject matter of the discovery or development and identify all persons participating therein.

- 2) The Creator shall furnish such additional information and execute such documents from time to time as may be reasonably requested. Furthermore, the Creator shall report annually to the institution any and all proceeds and/or units distributed for all copyrightable works and other Intellectual Property, regardless of the institution's ownership interests.
- 3) In the event there is a question as to whether the institution has a valid ownership claim in Intellectual Property, such Intellectual Property should be disclosed in writing to the institution by the Creator. Such disclosure is without prejudice to the Creator's ownership claim. The institution will provide the Creator with a written statement as to the institution's ownership interest. (See also **VII.B.(1)**)

## E. Institutional Interests

Personnel and students may not sign agreements or take action on behalf of the institution unless they have been designated, in writing, as authorized agents of the institution. Further they shall not make unauthorized use of the institution's name.



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### **5.4.5.1.3 Shared Royalties** **Change to: Rights to Ownership**

In the event royalties are generated by any patent assigned or licensed to the institutions, an appropriate share of such royalties shall be paid to the inventor. The inventor's share shall be determined by the following:

- In cases where the institution assigns such patent rights to the Research Corporation the share of royalties to be paid to the inventor shall be governed by the terms of the contract between the Board and the Research Corporation.
- In cases where the invention is covered by a contractual agreement with a sponsoring agency the financial arrangements shall be in accordance with that contractual agreement. In cases of sponsorship by federal agencies compliance with the appropriate federal regulations shall be effected in the ultimate agreement.
- In cases where the institution obtains ownership of a patent directly and expends funds to develop and market the invention any royalties generated will be

first used to cover the expenses of obtaining and marketing the patent. One-third of the net royalties will be paid to the inventor and two-thirds will be retained by the institution from which the patent originated.

Net royalties on patents available to the institution shall be used for research, development and other scholarly activities and allocated 100 percent to the institution where the patent originated.

#### A. Institutional Ownership

- 4) Institutions may assert ownership in Intellectual Property of all types (including, but not limited to, any invention, discovery, trade secret, technology, scientific or technological development, computer software, and Course Materials) regardless of whether the property is subject to protection under patent, trademark, copyright, or other laws, except as stipulated in Section V. B.

- 5) Institutions may assert their ownership in Intellectual Property related to the Creator's academic or professional field, regardless of the medium of expression.
- 6) Institutions shall have ownership of all Intellectual Property created by persons under the conditions stated below:
  - a) if Intellectual Property is created with the significant use of institution resources; or
  - b) if Intellectual Property is commissioned by the institution pursuant to a signed contract; or
  - c) if Intellectual Property is created by a person who was hired specifically, or is required as part of his or her job responsibilities, to produce it; or
  - d) if Intellectual Property fits within one of the categories of works considered "works for hire" under copyright law<sup>1</sup>; or
  - e) if Intellectual Property is created under the terms of a sponsored project where the terms of the sponsored project require that the Intellectual Property be in the name of the institution.

## B. Individual Ownership

- 1) Traditional Academic Copyrightable Works shall be owned by their creators, not the institution, subject to the rights and limitations of use pursuant to Section VI and to the right of the institution to recover the value of any significant institutional resource contributions to such works.
- 2) In addition to Traditional Academic Copyrightable Work created by professional, faculty, researcher, or student creators in their field of expertise, a Creator shall own Intellectual Property under the following conditions:
  - a) if it is unrelated to the Creator's job responsibilities and the Creator made no more than incidental use of institution resources; or
  - b) if it is Intellectual Property that has been released to the Creator in accordance with institution policy.
- 3) Institution facilities or resources shall NOT be used:

- a) to create, develop, or commercialize Intellectual Properties unrelated to an individual's employment responsibilities; or
- b) to develop or commercialize Intellectual Properties further that have been released to a Creator except when approved by the institution and when the institution retains an interest under the terms of the release.

### C. Joint Ownership

- 1) Joint ownership may occur under certain circumstances such as when the creation of Intellectual Property involves the services of other institutional employees (e.g. development of multi-media courseware).
- 2) The institution and faculty member may be joint owners of the final product if a faculty member works independently but incorporates work done as work for hire by institution employees and/or contractors.
- 3) In the case of Traditional Academic Copyrightable Work that involves

significant institutional resource contributions, the institution shall reserve the right to secure rights (including but not limited to joint ownership), for example, to use the work and to recover its investment, in a written contract with the Creator. If a project involves the use of significant institutional resources, the Creator and the institution shall agree before the project begins on the use of facilities, allocation of rights to use the work, and recovery of expenses and/or sharing of benefits from Commercialization of the work.

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#### **5.4.5.1.4 Administration Change to: Rights and Limitations on Use**

The Board authorizes each university to establish a university patent committee appointed by the president and assigned tasks relating to patent matters as determined by the university administration.

I. Change to:

A. Fair Use

In accordance with §107 of the U.S. Copyright Law, the fair use of a copyright work for the purposes of teaching, scholarship or research is not an infringement of copyright. As such, the institution and its faculty shall have limited rights to use copyrighted works. Fair use shall be determined by factors including the purpose of the usage, whether commercial or educational; the nature of the copyrighted work; the amount and substantiality of the portion used relative to the work as a whole; and the effect of the usage on the potential market value of the work.

B. Additional Rights

If the institution wishes to secure additional rights it shall so specify in writing at the time it provides resources beyond those customarily provided or other consideration.

c. Continuity of Institution Rights

1) With respect to Intellectual Property arising in connection with all courses created within the institution, regardless of delivery format, the institution shall retain a permanent non-exclusive, royalty-free license to make all

traditional, customary or reasonable educational uses of the content of such courses.

- 2) This license shall be presumed to come into existence automatically by virtue of the approval of a course to be taught at any institution within the System.
- 3) This license shall include the right of the institution to offer the course, or to develop and offer derivative courses of instruction in both conventional and non-conventional settings (including courses intended for use in internet distance education projects), whether at the institution or elsewhere.
- 4) This license shall continue to be available to the institution even if the faculty member should leave the institution.

#### D. Recognition of Creator's Interests

In recognition of the Creator's desire to ensure the intellectual integrity of his or her work, the institution will give consideration to



the views of the Creator as to the use and disposition of Intellectual Property rights when it takes title to the Creator's Intellectual Property under this policy. When the institution owns a copyright under this policy, the Creator will be permitted to use the work for his or her own non-commercial purpose.

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#### **5.4.5.1.5 Assignment Change to: Organization/Management/Administration**

As an alternative to patent assignment, a license of patent from the inventor(s) in return for a specified consideration, lump sum or deferred, may be considered.

#### **Change to:**

##### A. Institutional Administration

- 1)The President of each institution has ultimate authority for the stewardship of Intellectual Property developed at the institution.
- 2)The University's Copyrights and Patents Committee is responsible for establishing

operational guidelines and procedures for the administration of Intellectual Property consistent with this policy and including, but not limited to, determination of ownership, assignment, protection, licensing, marketing, maintenance of records, oversight of revenue or equity collection and distribution, and resolution of disputes among Creators and/or unit executive officers.

3)The University's Copyrights and Patents Committee has responsibility for administering institution policies regarding Intellectual Property as defined herein. This office, committee, or individual will serve as the institution's Intellectual Property Advocate (IPA).

i.

4)The IPA shall encourage research and scholarly activity, review and recommend to the President or a designated entity changes in procedures, resolve questions of Intellectual Property ownership, and make such recommendations as are deemed appropriate to ensure timely disclosures and prompt and effective handling, evaluation, and prosecution of Intellectual Property

opportunities and to protect the interests of the institution, the System, and the public.

## B. Institutional Management

### 1) Disclosure

All Intellectual Property in which the institution may have an actual or potential ownership interest under the provisions of this policy shall be disclosed promptly in writing by the Creator to the designated institution officer in accordance with applicable institutional procedures.

If a Creator is uncertain whether the institution would claim ownership to any intellectual property, the Creator shall disclose the Intellectual Property to the institution. The institution will provide the Creator with a determination as to the institution's ownership interest, if any. (See also **IV.D**)

### 2) Decision-Making Timeline

Within 120 days of receipt of a written disclosure or other such reasonable period of time as may be agreed upon by the parties, the institution will inform the principal Creator of its substantive decisions regarding

protection, commercialization, and/or disposition of Intellectual Property that he or she has disclosed. The institution shall be bound by any confidentiality agreement made with any external parties.

### 3) Evaluation and Utilization Decisions

- a) After evaluation of the Intellectual Property and review of applicable contractual commitments, the institution may develop the property through licensing, may release it to the sponsor of the research under which it was made (if contractually obligated to do so), may release it to the Creator if permitted by law, or may take such other actions as are determined to be in the public interest.
  
- b) Utilization by the institution may or may not involve statutory protection of the Intellectual Property rights, such as filing for patent protection, registering the copyright, or securing plant variety certification.
  
- c) In instances where the institution chooses not to retain ownership of the Intellectual Property, the Creator shall obtain

permission from the institution's President, or his or her designee, before associating the institution's name, logo, etc., with the Intellectual Property.

#### 4) Abandonment of Intellectual Property

- a) Should the institution decide to abandon development or protection of institution-owned Intellectual Property, ownership may be assigned to the Creator as allowed by law subject to the rights of sponsors and to the retention of a license for institution purposes as set forth in Section VI above the minimum terms of such license shall grant the institution the right to use the Intellectual Property in its internally administered programs of teaching, research, other educational purposes and public service on a perpetual, royalty-free, non-exclusive basis.
- 5) The institution may retain more than the minimum license rights, and the assignment or license may be subject to additional terms and conditions, such as revenue sharing with the institution or reimbursement of the costs of statutory protection, when justified by the

circumstances of development.

## 5) Commercialization by Creator

The institution may, at its discretion and consistent with the public interest, license Intellectual Property to the Creator on an exclusive or nonexclusive basis. The Creator must demonstrate technical and business capability to commercialize the Intellectual Property. Agreements with Creators will be subject to review and approval of conflict-of-interest issues in accordance with applicable institution policy.

## 6) Disputes Policy

Each System institution shall identify and include in its Intellectual Property policy a dispute resolution procedure. (For Dispute Policy see Policy and Procedures 3.9 Grievance Procedures.)

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**5.4.5.1.6 The Copyrights and Patents Committees** **Change to: Proceeds Distribution**

The Faculty Copyrights and Patents Committee at Nicholls State University shall be called on an ad hoc basis by the Vice President for Academic Affairs. This Committee shall be appointed by the President from a list provided by the University Committee on Committees. The Copyrights and Patents Committee shall consist of one (1) member from each academic College, one (1) member from the University Library, two (2) at-large members appointed by the President, and the University attorney (non-voting).

An Administrative Staff Copyrights and Patents Committee at Nicholls State University shall be called on an ad hoc basis by the University President. This Committee shall consist of one (1) member from each of the four administrative units, three (3) at-large members appointed by the President, and the University attorney (non-voting). This committee shall be distinct and separate from the Copyrights and Patents Committee described above.

**Change to:**

In the event that revenues are generated by Intellectual Property rights assigned or licensed to the institution, an appropriate share of such revenues shall be paid to the Creator.

A. The institution may recover its costs before the following conditions apply.

Net revenues on Intellectual Property available to institutions shall be used for research, development, and other scholarly activities and allocated one hundred percent to the institution where the Intellectual Property originated.

B. The Creator's share shall be determined by the following:

1) In cases where the institution or Creator, as the case may be, assign such Intellectual Property rights to a research corporation under contract to an institution or to the System, the share of revenue to be paid to the Creator shall be governed by the terms of the contract between the institution or System and the research corporation.

2) In cases where the Intellectual Property is covered by a contractual agreement with a sponsoring agency, the financial arrangements shall be in accordance with that contractual agreement as negotiated between the institution and the contracting agency.



3) In cases of sponsorship by federal agencies, compliance with the appropriate federal regulations shall be effected in the ultimate agreement.

4) In cases where the institution retains ownership of an Intellectual Property from a Creator or Creators, and/or expends funds to develop and market the Intellectual Property, any revenues generated will be used first to cover the expenses of protection (filing, procuring, and maintaining) and marketing the Intellectual Property. Normally, fifty percent (50%) of the net revenues will be paid to the Creator, and fifty percent (50%) will be retained by the institution from which the Intellectual Property originated.

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**5.4.5.2 Copyrights** **Delete this section**

Following the mandates of the Board of Supervisors, Nicholls State University recognizes and defines copyrights and arrangements as follows:

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### **5.4.5.2.1 Definitions**

Copyrighted products include, but are not limited to, books, pamphlets, brochures, or other publications; films, video or audio tapes; computer programs or software covered by the copyright laws of the United States or any foreign government, as amended.

#### **Change to:**

- A. Creator/Author: the individual or group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of Intellectual Property. This includes, but is not limited to, faculty, professional staff, administrative and support staff, and students. It shall also include the definition of “inventor” as used in U.S. patent law and the definition of “author” as used in the U.S. Copyright law.
- B. Commercialization: assignment, licensing, manufacturing or production of Intellectual Property as well as the protection of

Intellectual Property including but not limited to, obtaining protection and copyright registration, with the goal of financial return.

- c. Computer Software: one or more computer programs existing in any form or any associated operational procedures, manuals, or other documentation, whether protectable or protected by patent or copyright.
- D. Course Materials: any educational material or course content used in the *bona fide* teaching or instruction of a regularly scheduled course for credit offered by the institution, including portions, subsets, drafts, revisions, updates, versions, and instructional components of such materials; whether printed, digital, Internet based, CD/DVD-based, audio or video based; or otherwise.
- E. Institution Resources Usually and Customarily Provided: include, but are not limited to, resources such as office space, library facilities, ordinary access to computers and networks, and salaries.
- F. Intellectual Property: the result of intellectual or artistic activity created by an individual in a scholarly, professional or student capacity;

including but not limited to inventions, discoveries, know-how, show-how, processes, unique materials, original works, computer software, scientific or technological

developments and other creative or artistic works that have value; regardless of whether subject to protection under patents, copyrights, trademarks, service marks, trade secrets, mask works, and plant variety protection certificates. It also includes the physical embodiments of intellectual effort, for example, models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research.

c. Scope of Employment: activities related to the faculty member's appointment, including teaching and research; or related to the activities which are assigned to non-faculty personnel by his or her supervisor for which compensation is received.

d. Significant Institution Resources: "include resources **(beyond** those usually and customarily provided **to and used by faculty**

**in carrying out their scholarly functions),** which **significant resources** include, but are not limited to, the use of students or employees as support staff to develop the work, substantial use of specialized or unique facilities and equipment or other special subventions provided by the institution unless approved as an exception.”

E. Technical Works: include, but are not limited, to Intellectual Properties that are of a scientific, engineering, or technical nature.

F. Traditional Academic Copyrightable Works: “a subset of copyrightable works created independently and at the Creator’s initiative for traditional academic purposes. Examples include syllabi, class notes, **and other course materials** (in whatever form, e.g., handouts **and** internet postings); books, theses and dissertations; articles; non-fiction, fiction, and poems; musical works; dramatic works including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; or other works of artistic imagination that are **created**

for academic purposes (e.g., those of an artist-in-residence or writer-in-residence in the performance their scholarly duties), rather than as an institutional initiative (e.g., a logo, an alma mater, or a publicity piece for and at the request of the University)” .

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#### **5.4.5.2.2 Royalty Arrangements Change to: Ownership of Works Created by Non-Employees**

In addition to the Board of Supervisors policies, the following guidelines also apply to Nicholls State University faculty and staff:

Academic and administrative faculty and staff may procure copyrights and receive all resulting royalties provided that

- the ideas for the copyrighted products came from the faculty or staff producing them;
- the products were the result of faculty or staff members' independent labors and their own initiative;
- the University was not held responsible for any opinions expressed in the products.

- If copyrightable products were supported by any use of University funds, personnel, equipment, materials, or supplies, faculty or staff members shall disclose in writing to the administrative Vice President the University's interest in having such products copyrighted.
- Within thirty (30) calendar days of receiving the disclosure statement, the administrative Vice President, after consultation with the Copyrights and Patents Committee, the President of the University, and the Board of Supervisors, shall inform faculty or staff members whether the University seeks an interest in the copyright.
- If the University seeks an interest in the copyright, faculty or staff members and the University shall negotiate a written contract to reflect the equities of participating parties. Such contracts shall satisfy any pre-existing commitments to outside sponsoring agencies.

**Change to:** The institution claims ownership of Intellectual Property prepared for it by non-employees and requires that all non-employees retained to do work for it enter into a written agreement providing for ownership by

the institution of any Intellectual Property created for it by such non-employees.

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### **5.4.5.2.3 Patents**

Following the mandates of the Board of Supervisors, Nicholls State University recognizes and defines patents and arrangements as follows:

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### **5.4.5.2.4 Definitions**

Patentable products include, but are not limited to, inventions, discoveries, or creations of any kind covered by the patent laws of the United States or any foreign government, as amended.

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### **5.4.5.2.5 Proceeds Arrangements**

The following stipulations apply to proceed arrangements for patents:

- Academic and administrative faculty or staff may procure patents and receive resulting income provided that



o the ideas for the patented products came from the faculty or staff members producing them;

o the products produced are inside or outside the field or discipline in which the faculty or staff members are employed and for which the University has provided no support; (Faculty or staff members and the University may agree that the University shall pursue the patents and share the proceeds in accordance with the terms of a written contract.)

o the University is not held responsible for the use of patented products.

- If patentable products are in the field or discipline in which faculty or staff members are employed and if the University has provided support through funds, personnel, equipment, materials, or supplies, faculty or staff members shall disclose to the administrative Vice President the intent to patent such products. All patentable products so produced shall become the property of the University. The administrative Vice President, in consultation with the Copyrights and Patents Committee and with the President's Cabinet, shall assess the respective equities of the University and faculty or staff members. The

division of proceeds generated by patents shall be negotiated and specified in a written contract between faculty or staff members and the University.

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### **5.4.5.3 Terms and Conditions of University Rights**

When the University has obtained rights of whatsoever kind and nature in copyrightable, patentable, or commercially valuable materials which have been written, created, produced, or otherwise generated by faculty or staff members, then the terms and conditions of this policy shall be binding upon all parties in regard to the copyrightable, patentable, or commercially valuable materials until one or more of the following conditions have been met:

- for a minimum of thirty–five (35) calendar years from the date of assignment;
- until such time as the University has recovered all the expenses and costs attributable to the writing, creation, production, generation, and/or exploitation of the materials;

- for so long as the faculty or staff member is employed by the University plus an additional period of time from the calendar date of cessation of employment for whatever reason until the conditions of the above are met;
- until the University's copyright, patent, or contract rights expire.

All assignments or release of patent rights by the University to faculty or staff members shall contain the provision that such products, if patented by faculty or staff members, shall be available royalty-free for approved governmental uses of the State of Louisiana.

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#### **5.4.5.4 Sale of Created Materials to University Students**

Faculty members often create materials in which they hold commercial interests and which might be used in courses or programs that they teach. Faculty members who require their students to purchase materials in which they have a commercial interest shall disclose such requirement as a potential conflict of interest as provided in Section 0. If a conflict of interest is deemed to exist by the

jurisdictional Department Head or Dean or Vice President for Academic Affairs, the faculty member shall donate an amount equal to royalties received for the sale of such materials to one's own students to a special fund set up by the author's department to promote research, publication, or other scholarly and creative activities. After all necessary approvals have been made, faculty members shall make such materials available through the University Bookstore as well as other sales outlets that may have been chosen.

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#### **5.4.5.5 Student Intellectual Property**

Intellectual property may be defined as research papers, data, painting, sculpture or other materials created by an individual. Ownership of such materials developed by a student in fulfillment of a course requirement remains with the student creator. Neither the University nor an individual faculty or staff member can publish, copyright, sell, or otherwise infringe on the legal ownership of a student's intellectual property without the expressed, written permission of the student creator.

Delete the following highlighted sections as these items are covered in the sections above.