

Faculty Council on Tri-Campus Policy
May 30, 2013, 9:00-10:30 a.m.
26 Gerberding Hall

Meeting Synopsis:

1. Call to Order
 2. Review of the Minutes from April 25th
 3. Concerns Regarding Tri-campus Review Process
 4. Intellectual Property and Commercialization
 5. FCTCP Notice of Intent Review Process Update
 6. FCTCP/Tri-Campus Leadership Summit
 7. Annual Report and Planning for Next Academic Year
 8. Adjourn
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1. Call to Order

The meeting was called to order by Chair Erdly at 9:05 a.m.

2. Review of the Minutes from April 25th

Minutes from the April 25th meeting were approved as written. Erdly mentioned that it was a good day for UW since the diversity graduation requirement was approved by the Senate later that day.

3. Concerns Regarding Tri-campus Review Process

Proposals coming through tri-campus review have become more challenging and difficult to manage. Many of proposals that are reviewed have incomplete data and even have missing parts filled out. This is a worrisome trend which has been highlighted by the development of the Early Childhood and Family Studies (ECFS) online degree program. Expediency of approving the online degree program is important but a number of issues are still not being addressed. However, tri-campus review will forward the proposal to the Provost for final decision. It is important that the university does not see this as setting precedence for similar programs down the road because this is a special case in which standard procedures have not been followed.

It was noted that the approval process through FCAS did not go through the standard process as well. This is an unprecedented program which covers a lot of complex issues related to online degree programs, access and availability. There are still unresolved questions as to what will happen but UW is already advertising the ECFS program before it has even been approved. The Provost has authority to approve the program since it is her responsibility to negotiate the final approval.

There are several other issues that make this problematic. One is the substantive concern with online programs and its impact on traditional programs. The other is the process of approving these programs. There has been lots of talk about trust, but there have been little attention to potential impact of the programs which have not been investigated.

4. Intellectual Property and Commercialization

Susan Astley, Chair of the Special Committee on Intellectual Property and Commercialization (SCIPC) provided a background of the committee and its responsibilities. In October 2012, Duane Storti brought to the senate's attention a proposed release form that would require faculty members to sign when

they perform any outside work. Inserted into the form was new language on intellectual property (IP) which included “present assignment”. The term “present assignment” refers to faculty members assigning their future IP to the UW before their products are even invented when working with outside parties. Essentially, all new and current faculty members would be required to sign away everything they ever invent.

Faculty had discussions with the administration to understand why IP policy was included in the form. The language was initially brought before the research council which admitted that the issues falls outside their area of expertise. After further research it was realized that it was supposed to have been reviewed by the Intellectual Property Management Advisory Committee (IPMAC) which had disappeared over the years. IPMAC was reinstated, but since the group is meant to serve at the pleasure of the President, faculty decided to create a special committee on IP which led to the creation of SCIPC. SCIPC first met in November along with IPMAC to address language and decided to remove the IP language entirely since it was such a complex issue. IPMAC agreed to the removal but still required a separate standalone IP agreement form to be signed by faculty members which includes “present assignment”. At this moment SCIPC is working to figure out what IP policies to incorporate into the agreement form that removes “present assignment”. SCIPC will be meeting over the summer with peer institutions, IPMAC and the administration to determine the next steps.

When SCIPC was created by the Senate Executive Committee (SEC) members of branch campuses wanted to join SCIPC. The initial goal was to get a small, representative group of faculty members with the relevant background on IP issues which did not include UWT and UWB. SCIPC is now expanding its membership and Astley stated that representation from UWT and UWB is essential. SCIPC is in a position in which members really need to sit down and discuss the implications of IP and its impact on the university and faculty.

Astley mentioned that from studying IP policies from peer institutions they are very different from one another. Some have vague, boilerplate language while some policies are very detailed and educational. A formal report will be created over the summer and will hopefully be distributed at the beginning of the next academic year.

Much of the work being done at the UW is collaborative research with outside partners and a large variety of outcomes could be construed as IP transfer. The goal is to avoid creating a process that would be an inhibitor to creativity and productivity. Additionally, the public at large should benefit from faculty research. Currently, at the time of invention a faculty member discloses their research with the Center for Commercialization (C4C), figure out the next steps, make the decisions, and then sign the paperwork. “Present assignment” prevents this process from happening. With “present assignment” the faculty member will assign over all their current and future IP, and then when they create an invention it will be delivered to C4C. However, C4C might not have an interest in the invention but it will be too late, they already own it and it will require frustrating bureaucratic steps to move backwards. Additionally, this could also result in liability issues for the UW if they take ownership of an invention. The university needs to have this conversation about IP before any changes are made. SCIPC is now working to slow down the process because so many issues are moving very fast and the goal is to prevent the implementation of bad policies.

A statement was made that outside parties become concerned when UW comes in and wants to participate with the company because the issue of IP ownership is not clear. There is a fine line when it comes to IP policy. IP needs to be protected, distribution should be maximized, and the UW should be

protected from legal lawsuits. However, IP policy should also attract innovative faculty members and demonstrate that UW is a hotbed of innovation.

SCIPC currently has six members and will need representatives from each branch campus for a total of eight members. SCIPC plans on adding a GPSS ex-officio and possibly representatives from PSO and ALUW.

Discussion ensued about the legal definitions of invention and scholarship. There have been arguments that since faculty members are employees of the state, they do not own IP. This argument is similar to the structure in Microsoft, but since faculty members are not work-for-hire it is not the same. Additionally, issues regarding academic freedom change the entire concept of IP. There are many complex issues to address and they are hard to answer with a limited understanding of the legal ramifications. For example, software could be classified as IP but it is considered scholarship in the eyes of faculty.

The general understanding is that since the *Stanford v. Roach* decision, patentable inventions belong to the inventor and copyrightable material belongs to the university. However, the university wants ownership and management of patentable inventions while faculty members own the copyrightable material. A large problem with “present assignment” is the management of IP once the university owns it. Once the faculty member signs over IP to the university they are no longer the lead person on the invention and do not have a say in the direction with which it will be used.

From a tri-campus perspective there appears to be limited resources for C4C to handle all the IP generated from UW. There are really no committed resources to facilitate this process and UW branches do not have their own C4C. Discussion ensued about the selection process for SCIPC and who would be good nominees for the committee. It is also likely that SCIPC will become a faculty council since IP issues will be around for a long time.

5. FCTCP Notice of Intent Review Process Update [Exhibit A]

Robert Corbett handed out a flowchart detailing the proposed changes to the FCTCP Notice of Intent (NOI) review process. The proposed review process is broken up into three stages: NOI, proposal, and tri-campus review. The faculty unit developing the program drafts an NOI which is posted on the website for a 10 day period. Once comments are collected and reviewed the faculty unit will send a proposal to the Faculty Council on Academic Standards (FCAS). FCAS can either approve the proposal or continue working with the department until the proposal can be approved. If questions arise from FCAS' review they will be brought back to the unit for clarification. Once FCAS approves the program it goes to tri-campus review which posts the proposal on the webpage for a 15-day comment period. The 15 days are “working days” and there is no review during the breaks, holidays or weekends. The campus faculty academic council would then review the responses and approve the final proposal.

Stage 1 (NOI) of the proposed process incorporates the important concepts of faculty governance being involved with academic planning by providing a forum for external comments and suggestions. It provides a mechanism to generate awareness of changes coming down the pipeline, create a conversation about program changes, and develop a collegial environment among faculty. Discussion ensued about specifics in the flowchart. The proposed process does not appear to be too cumbersome and there is a much greater benefit even if extra steps are included.

In looking at the faculty code any action that comes out of FCTCP requires senate approval since the proposed changes are procedures which affect individuals outside the council. However, this does not change the academic code so it is not Class A legislation, and it does not make changes to scholastic regulations which would make it Class B legislation. The changes are more procedural in nature which might be considered a Class C resolution to be introduced to the senate. FCTCP will speak with the secretary of the faculty to determine how to approach the changes.

Research will be done over the summer to ensure the issue is addressed early next academic year. Corbett, Deardorff and Lee volunteered to help with the proposed changes. It was also suggested to include the chair of FCAS since academic standards falls within its jurisdiction. Discussion ensued regarding the responsibilities of FCTCP.

6. FCTCP/Tri-Campus Leadership Summit

Erdly will plan a retreat next academic year and will develop the agenda over the summer break.

7. Annual Report and Planning for Next Academic Year

Erdly will distribute an annual report summarizing the items discussed this year.

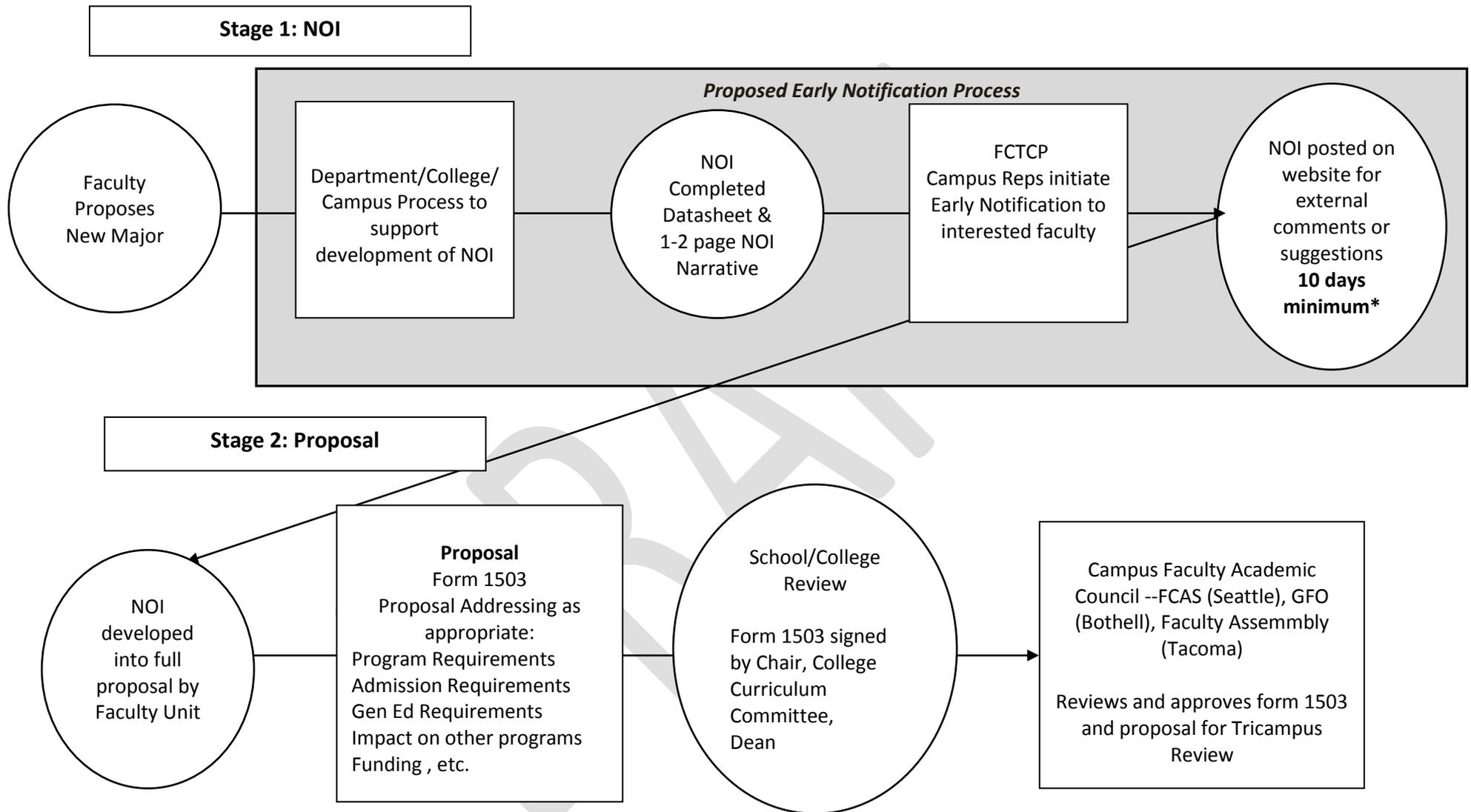
8. Adjourn

The meeting was adjourned by Chair Erdly at 10:30 a.m.

Minutes by Grayson Court, Faculty Council Support Analyst, gcourt@uw.edu

Present: **Faculty:** Erdly, Kucher, Crowder
President's Designee: Harrington, Jeffords
Ex Officio: Deardorff, Leadley, Lee, Lerum
Invested Guests: Robert Corbett, Susan Astley

Absent: **Faculty:** Reusch, Dolsak, Endicott
Ex Officio: Black, Sugarman, Randall, Fridley, Purdy



*Note: Unit may elect to continue to solicit comments and suggestions for longer than ten day minimum.

