

**INSTITUTIONAL POLICY AND PLANNING COMMITTEE**






## ATTACHMENT A

### CHARGE FOR THE INTELLECTUAL PROPERTY POLICY WORKING GROUP (Approved by IPPC February 17, 2012)

#### STATEMENT OF PURPOSE

The purpose of this policy is to:

- Promote the creativity of the entire College community and to reflect the actual contributions of inventor(s) and the institution in the determination of the rights of ownership, use and the distribution of equity interest.
- Insure that discoveries, inventions, and other creations generated by the Skidmore College community, are utilized in ways most likely to benefit the public.
- Assist the Skidmore community in properly disclosing their scholarly work, in complying with applicable laws and formal agreements, and in gaining the protection available under US laws governing patents.
-  scholarship, funded by federal, state and private sponsors who require that policies and procedures exist for the management of intellectual property interests.

#### BACKGROUND

A working group was convened by the Dean of the Faculty in October 2007 and charged with developing an Intellectual Property Policy to address both federal grant requirements and the institutional need for a policy to manage a faculty/student research discovery. The Committee, comprised of the DOF, 6 faculty members, and 1 professional staff member, with administrative support provided by the Office of Sponsored Research, reviewed 28 institutional policies: 23 from a cohort of aspirant and peer institutions, and 5 from larger research institutions. Issues that were examined included: policy type, inclusion of students, inclusion of copyrightable works, inventor assignment, revenue distributions, reporting lines and whether an IP Committee was established to administer the policy. The policy that was drafted was a hybrid, derived from different institutional policy elements, with the Colgate University policy serving as the structural core. That policy was submitted for legal review (Cantor Colburn, LLP) and for institutional UHYLHZE\$UHVVLGHQVY&DELQWFDGHPLF6WDII63)\*(&&(33)&DQ IPPC. Subsequent to its endorsement by IPPC, it was presented at both an Open Forum (11/01/11) and at the Faculty Meeting, Committee of the Whole (12/2/11). Issues were raised during those discussions that indicated the need to constitute a new committee, for that committee to address certain elements of the policy and issues of clarity in the language, and to present a revised policy for consideration and approval. Issues to be reviewed include, but are not limited to: disposition of IP (e.g., licensing, sale of patents, etc.); clarification of the threshold for needing to file an LQHQLRQLVFORVXHFODULILFDWLRQIVLJQLFDQXHRI&ROOHJHVIQVRUUHVRFHVFPRSRVLWLI of the Committee on Intellectual Property; and the process for revising the policy to address future needs and/or requirements. The language related to the non-exclusive, royalty free use of course content and courseware was deleted prior to the faculty meeting.

#### COMPLIANCE CONTEXT

U.S. Federal Law (37 CFR Section 401) mandates that all recipients of federal grants or contracts must: (1) have intellectual property policies in place regarding the ownership of derivative

intellectual property and that such policies require employees to disclose all such inventions; (2) report the details of inventions and patents that have been made through federal grants or contracts; (3) notify the federal sponsor that it will retain ownership of the invention and take steps to commercialize the invention or request permission to transfer title to a third party; and (4) provide a nonexclusive, nontransferable, irrevocable, paid-up license for the government to practice or have the invention practiced on its behalf throughout the world. The above requirements are also stipulated in Notices of Grant Award, contract terms and in the award policies of each agency.

## **CHARGE**

- Review the draft policy presented at the faculty meeting on December 2, 2011.
- Review the comments presented at the Open Forum and Faculty Meeting (November-December 2011), and any subsequent comments transmitted to the Sponsored Research Officer.
- Review the documentation already developed regarding IP Policies and determine what additional research is required to support the development of a revised policy.
- Review the federal granting agency and other legal requirements.
- Clarify institutional interests and requirements.
- Prepare a revised draft Intellectual Property Policy to be presented for approval by the Skidmore community.
- Secure legal review of the policy.
- Develop recommendations for the presentation of the policy to the Skidmore community (who should review and in what sequence). Recommendations shall also be developed to guide the approval process.
- Subsequent to review (e.g., Cabinet, VPAA and DOF Staffs, Academic Staff, IPPC, CEPP, FDC, SGA), make final revisions to the policy (if substantive revisions are made a 2nd legal review may be indicated) and present the policy to the Skidmore community for approval.

## **WORKING GROUP COMPOSITION**

- DOF (chair)
- 3 members of the Faculty (process to be determined in consultation with FEC)
- 2 members of the Administration (one from IT and one from the Library)
- 2 members from the Student Body (to be appointed by SGA)
- Sponsored Research Officer

## **TIME LINE (all dates occur in 2012)**

1. March: Committee constituted
2. May: Review by Cabinet, DOF/VPAA staff, Academic Staff, IPPC, FEC, CEPP, FDC, SGA
3. June-July: Final revision
4. October: Proposal to faculty for November vote