MEMORANDUM
May 29, 2015

TO: Academic Council*

COPY TO: David Daniel Denis Dean
Hobson Wildenthal George Fair
Andrew Blanchard Dennis Kratz
Calvin Jamison Bert Moore
Abby Kratz Bruce Novak
John Wiorkowski Hasan Pirkul
Austin Cunningham Mark Spong

FROM: Office of Academic Governance
Christina McGowan, Academic Governance Secretary

SUBJECT: Academic Council Meeting

The Academic Council will meet on WEDNESDAY, June 3, 2015 immediately following the special caucus of the Faculty Senate in the TI Auditorium, ECS South 2.102. Please bring the agenda packet with you to the meeting. If you cannot attend, please notify me at cgm130130@utdallas.edu or x4791.

Attachments

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<tr>
<th>2015-2016 ACADEMIC COUNCIL</th>
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<td>Gail Breen</td>
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<td>Matt Brown</td>
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<td>David Cordell**</td>
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<td>Eric Farrar</td>
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<td>Murray Leaf***</td>
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<td>Ravi Prakash</td>
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<td>Viswanath Ramakrishna</td>
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<td>Tim Redman *</td>
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<td>Liz Salter</td>
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<td>Richard Scotch ***</td>
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<td>Tres Thompson</td>
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<td>Caitlynn Fortner, Student Government President</td>
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*Speaker
**Secretary
*** Vice-Speaker

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION UNIVERSITY
AGENDA

ACADEMIC COUNCIL MEETING
June 3, 2015
TI Auditorium ECS South 2.102

1. CALL TO ORDER, ANNOUNCEMENTS & QUESTIONS  Dr. Daniel
2. APPROVAL OF THE AGENDA  Dr. Scotch
3. APPROVAL OF MINUTES  Dr. Scotch
   May 6, 2015  Meeting
4. SPEAKER’S REPORT  Dr. Scotch
5. FAC REPORT  Dr. Leaf
6. Revisions to Regents Rule 90101: Rules of Intellectual Property –Purpose, Scope, Authority  Dr. Leaf
7. Revisions to Regents Rule 90102: Intellectual Property Rights and Obligations  Dr. Leaf
8. Annual Reports  Dr. Redman
9.  
10. ADJOURNMENT  Dr. Daniel
UNAPPROVED AND UNCORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Council. They have not been approved by the body in question, and, therefore, they are not the official minutes.

ACADEMIC COUNCIL MEETING
MAY 6, 2015

PRESENT:  David Daniel, Hobson Wildenthal, Gail Breen, David Cordell, Murray Leaf, Ravi Prakash, Viswanath Ramakrishna, Tim Redman, Liz Salter, Richard Scotch, Tres Thompson

ABSENT:  Andrew Blanchard

VISITORS:  Abby Kratz, Inga Musselman, Calvin Jamison, Serenity King, Caitlynn Fortner, Matt Brown, Greg Dess, Eric Farrar, Suresh Radhakrishnan

1. Call to Order, Announcements & Questions
President Daniel called the meeting to order at 2:01 PM. President Daniel will be moving to UT System effective July 1 as Deputy Chancellor and chief operating officer of the UT System. Dr. Wildenthal was appointed Interim President of the University. Inga Musselman was appointed Acting Provost both starting July 1, 2015. UT System is launching a national search to select the university’s next president. President Daniel noted that he will be returning to campus for informal and formal visits. He opened the floor to questions.

Murray Leaf formally invited President Daniel in his new capacity to attend the faculty advisory council. President Daniel noted he hopes to meet with the other faculty senates, especially with health campuses.

Matt Brown requested an update on the strategic planning committee for Arts and Humanities. President Daniel had hoped to have it set up earlier in the semester but due to distractions that was not possible. He noted he had a working final list and action should happen soon. The committee will have the resources it needs.

2. Approval of the Agenda
Richard Scotch moved to approve the amended agenda with the added agenda items of the policy on academic regalia, and a recognition of Dr. Daniel’s work. David Cordell seconded. The motion carried.

3. Approval of Minutes
Murray Leaf moved to approve the minutes. Richard Scotch seconded. The minutes were approved.

4. Speaker’s Report
1. Speaker Redman noted he would be in Italy starting on May 9, 2015. Richard Scotch will take over duties while he is gone.
2. He recommended the Council to meet in June and July, but no Senate in June and July. The schedule will return to normal in August.

3. Murray Leaf was appointed to a task force on intellectual property as well as Viswanath Ramakrishna and Matthew Brown. The task force will involve the University Committee on Intellectual Property.

4. All other items were on the agenda.

5. **FAC/TCFS Report- Murray Leaf**

The meeting began Thursday, April 16. Murray Leaf and David Cordell attended for UTD. The following report is from Dr. Leaf:

The meeting was convened at 10 AM by Elizabeth Heise, as Chair. Dr. Heise reviewed the last Regents’ meeting. Members introduced themselves. The group broke up into committees.

11:00 am. Steve Collins, Associate Vice Chancellor and Special Counsel for Governmental Relations reviewed the legislative session so far. It has gone better than most expected. The FAC was concerned about legislation requiring campuses to allow concealed weapons. The bill has more sponsors than it needs to pass. All university figures have spoken against it but the legislature is not paying attention to them. He also noted, however, that the legislative process usually operates according to number of well-known laws of nature, beginning with Murphy's Law and Epstein's Corollary. Murphy's Law is that whatever can go wrong will. Epstein's Corollary is that if you think the problem is bad, just wait until you see the solution.

12:00 Pedro Reyes, Executive Vice Chancellor for Academic Affairs and Dan Sharphorn, Vice Chancellor and General Counsel. Members of the Faculty Advisory Council recently learned Dr. Reyes will be leaving his position. We expressed appreciation for the way he has promoted shared governance. Dr. Reyes noted that the Board of Regents has agreed to the FAC’s request that we have a member from a health campus and from an academic campus present at all meetings of the Academic Affairs Committee, with privilege of the floor. We think this will be lead to a substantial improvement in communication with the Board.

1 pm. Stephanie Huie, Executive Vice Chancellor for Strategic Initiatives, discussed the UT implementation of SciVal in Influuent, an online, searchable database. This grows out of Chancellor Cigarroa’s effort to create a “dashboard” reflecting UT faculty activities. The idea is to make available information to assist faculty finding each other and cooperating more effectively. It should also help outside agencies or interested parties find faculty whose expertise they needed. Working with the offices of institutional research on each campus, Dr. Huie has created common website format. This also uses a common form for the URL. For UT Dallas the URL is http://utdallas.influuent.utsystem.edu. She demonstrated how the site works. It is very nicely done, pulling out keywords to group faculty research and allowing searches across all the faculty of each institution. The limitations are the limitations of SciVal itself, which are serious. Among other things, it only takes data from STEM journals and the data only goes back to about 1990. The only way it recognizes a book is if it was reviewed in one of the journals. Humanities journals and works of art like sculpture or paintings are not captured. Faculty can access the database and add information on their own. Young faculty might find this worthwhile. In my own case, for example, the database showed six publications. I would guess that this is about 2% of what I have actually published, in pages.
We discussed such possibilities as uploading curricula vitae or the annual report information on our campuses. It may be possible in the future. But of course the main concern is that either the Regents on their own or administrators on our respective campuses will use this to make their own assessments of faculty value, bypassing and thereby undermining peer review. From what many of the members of the FAC said, this is a serious problem for many campuses already. The FAC concluded that governance leaders should advise everyone on their campuses to look themselves up on this website and provide feedback.

2:00 – 3:00 pm Laura Chambers, Director of Employee Benefits discussed employee benefits and international travel policy. Several members of the FAC have been told by administrators on their campus that it was System policy that they could not expend their own funds for travel without university permission and without going through University travel arrangements. The FAC was assured that there was no such system policy, but it was a good idea to buy trip insurance through the university and register your itinerary.

Friday:

9:00 The FAC met with Paul L. Foster, Chairman, Board of Regents. Foster noted the new arrangement for having the FAC represented at meetings of the Academic Affairs Committee of the Board, and assured the FAC of the Board’s interest and being responsive to the needs of faculty. We had some discussion of the FAC’s interest in rewriting the Regents rules on intellectual property. Evidently the Board is not aware of the faculty point of view or of the way that courts have applied the principle that the creation belongs to the creator in the relation to faculty employment. He asked for my preference, which I stated. He noted that he considered it fair that the university should own what is created with university resources, but agreed to look into it further with the Board. He noted that the Regents now had a task force working on revising the rules and said faculty should be involved. He evidently was not aware that we had been told we would be, but had so far not been asked to send anyone. We reiterated our interest in being in the discussions. Meanwhile, there appears to be no objection to the FAC going ahead and trying to articulate its own position more clearly.

10:00 The FAC met with Chancellor William McRaven. Many of the members had met with Chancellor McRraven in his campus tours, but this was his first meeting with the Faculty Advisory Council as such. Chancellor McRraven laid out his sense of priorities for the future. There was nothing notable that the FAC disagreed with, such as enhanced graduation rates and doing more and better research. From the FAC’s point of view the main point was not the priorities themselves but the Chancellor’s recognition that improvements are likely to require organizational changes or additional resources, and that he considered himself obligated to try to get them. The Chancellor made a point of speaking of all the UT campuses, not just UT Austin.

12:30 – 1:00 pm Marni Baker, Chief Innovation Officer, discussed Competency Based Learning. This means the online degree programs that the system has been designing. The main one at this point appears to be biostatistics, and faculty who have been involved are pleased with the results. It is an innovative cross-disciplinary program that meets genuine needs and that is apparently intellectually rigorous. A few other similar programs in less
advanced stages were also described. There is no sense that this will become anything like an online college or that it will offer ordinary liberal arts type degrees. "Competency based" is evidently not being understood as an idea that applies to all education but rather as education tightly focused on conveying certain technical skills. The FAC generally accepted the value of such programs. There was no discussion of cost except implicitly. Evidently, it is expensive but the hope is that the cost will be recovered on something like a per student basis with increasing scale, and as the modules that are being developed can would be reapplied to additional degrees.

Elections: Antoinette Sol (UTSA) was elected Secretary. Catherine Ross (UT Arlington) was elected President-Elect.

Resolutions:

The governance committee offered a revised version of Regents Rules 90101 and 90102 dealing with intellectual property. The revisions were consistent with the principle that the creation belongs to the creator and with the purpose of facilitating commercialization of inventions by clarifying rights of possession. The revision was not offered for resolution at this time because the FAC wanted to wait for a seat on the intellectual property task force. Meanwhile, the members were asked to read and discuss the revision and respond. Dr. Leaf asked if there were any objections to the draft. There were no objections.

The Academic Affairs and Quality Committee, with concurrence of the Governance Committee, presented a resolution describing the PeopleSoft implementation as “seriously hindering our ability to advise, retain, and graduate students.”

The Academic Affairs and Quality Committee also presented a long resolution title “Best Practices: Policies and Procedures for Assessment of Service.” The reason was that the chair of the Coordinating Board has expressed an interest in recognizing the importance of service, and in providing metrics for assessing it. The FAC wanted to state a position for them and others to consider that avoided destructive oversimplification. Campus governance organizations and administrations will receive the wording.

The third resolution reflected the persistent problem that administrations on some campuses ignore Regents Rules and System policies that the FAC supports:

In the University of Texas System a trend has developed of failure to adhere to operating procedures – particularly those pertaining to curriculum and academic programs - as laid out in institutional HOPs/HOOPs as well as in Regents Rules (See Regents Rules 40101 and 40307 inter alia). The Faculty Advisory Council maintains that the operating procedures of the system provide the governing structure for UT System Campuses rather than representing mere best practice suggestions. Anything less lends itself to capricious and unpredictable governance. On academic, curricular, clinical, and faculty affairs faculty shall always play a central role in developing and maintaining policy. HOP/HOOP policy must be in line with current practices, and where policy and practice do not align policies must be adjusted with full faculty
oversight and input, especially in academic/curricular/health care provision/faculty
affairs matters.

Addendum:
See: Regents Rule 40101 “Faculty Role in Educational Policy Formulation” and 40307 “Academic
Program Approval Standards”

The health affairs committee offered a resolution asking the regions to provide additional
funding but the rationale for the funding was not sufficiently clear for the FAC to support the
resolution. The FAC recognizes that the Regents cannot simply fill the gap being left by the
reduction of federal funding.

Murray Leaf moved to place on the agenda. Viswanath Ramakrishna seconded. The motion
carried.

6. CEP Recommendations- Suresh Radhakrishnan
   A. Supplemental Undergraduate Courses
      The Undergraduate catalog had only one new course, Contemporary Issues in Marine
      Science. It was non-repeatable and had no subtitles.

   B. Graduate Catalog Materials
      Five courses were submitted to CEP. Out of the five courses, two are repeatable, ECON 5397
      and OPRE 7051. Serious concerns were raised for BMEN 7387 during the CEP meeting. The
      committee felt the phrase, “Successfully defend the design” should be removed. The course was
      sent back to the school for rewording, and clarification. Once amended it would again be
      reviewed by the committee. It would be approved by the committee pending an email vote. EESC
      6389 had one wording change. “This class and lab...” was changed to “Lecture and lab.” A copy of
      the amended courses would be available for the Senate meeting.

   C. Informational Posting Syllabus
      The compliance rate of posting syllabi was found to be very low. There were specific
      components missing on many course syllabi. There are templates available via the
      Academic Senate website and via Coursebook. It was found that many faculty are not
      using the templates. Going forward someone on Serenity King’s staff will be reviewing
      the syllabi, and if something is missing it will be kicked back to the faculty member for
      correction. This will insure that syllabi are being posted correctly. Serenity King
      offered to give guidance on how to improve syllabi if requested. She will also speak
      with the Provost’s Technology Group to create an e-form to allow for ease in making
      sure all requirements are completed.

   D. Informational: Draft of the Next Higher Education Strategic Plan for Texas- Serenity
      King
      Serenity King encouraged the council members to read the document and give
      comment. The document is currently in the public comment phase. The main
      concern of the committee was ‘what is a marketable skill in each program.’
definition of a marketable skill in the presented document did not match the concept of a marketable skill many on the CEP committee understood. Serenity King encouraged the committee members to share the document with their fellow faculty and to send comments to her to pass along to UT System. Murray Leaf suggested that a resolution be created to facilitate discussion. Richard Scotch recommended that the resolution come out of CEP.

Liz Salter moved to place all recommendations on the Senate agenda. Viswanath Ramakrishna seconded. The motion carried.

7. **Changes to existing Department Names- Serenity King**

Serenity King distributed an outline of the different types of Administrative Changes that come through the Provost Office and are sent for external review. There are twelve types, eleven of which come to the Senate; however some come to the Senate only after external approval i.e. the catalog process. The only one that does not come before Council or Senate is a classification of instructional program (CIP) code.

Previously six items did not come to Senate until after they had already had external approval. The Council recommended the following procedure for these items. Following the Dean's endorsement, the document will come to Council for review. From there the Council will decide if it needs full Senate review. This will allow for greater transparency in the procedure.

1. **I.C- ‘Change existing department name: no impact on degree programs’** – The department is slightly changing its name to reflect a broader discipline area but none of the existing programs within that department are changing.

2. **I.D- ‘Change existing department name: consolidation/ degree program move’** - This is a departmental name change but it does have an impact on programs moving either not being under a department, or being under a different department, and moving to the newly renamed department.

3. **II.A- ‘Change Degree Program Name’** - The Council recommended that CEP review before coming to Council.

4. **II.B- ‘Change Classicization of Instruction Program Code’** - Reasons this change is made are because of funding reasons and STEM designations. The council agreed that no additional requirement is necessary other than standard procedure.

5. **II.C- ‘Close/consolidate degree program: School Request’** - This is a request to close a program that did not come from the administration or from an external source. This can occur when a specialty degree plans is no longer feasible for the job market, and enrollment is continuing to dwindle. The faculty on their own will have decided to close a program. The council agreed that no additional requirement was necessary other than standard procedure.
6. II.D. ‘Close/consolidate degree program: Low Producing Program.’ The council agreed that no additional requirement was necessary other than standard procedure.

8. UT System- Sexual Harassment and Sexual Misconduct Model Policy
Senate had been asked to give comment on the policy. Abby Kratz suggested that they coordinate with HR. Richard Scotch moved to refer the document to the Committee on Standing and Conduct to give comment to HR. Murray Leaf seconded. The motion carried.

9. Appointment to Committee on Committee.
The Council recommended the appointed of Matt Brown, Balaji Raghavachari, David Cordell, and Monica Evan to fill open positions on the committee.

10. Notice of Course Evaluations
The Committee on Effective Teaching was delighted about how the evaluations went out per the Senate request. The Council made the recommendation to have one week notification on when the evaluation will be going out be given. This will allow instructors time to remind students to bring electronic devises to class.

11. Personal Items in UTD mail
A concern came from faculty in A&H regarding the current mail policy. An email from Troy McFarlan triggered this concern. The email stated that UTD mail services would not handle alcohol, flowers, household bills, intimate apparel, and movies. The A&H faculty requested clarification on what “movies” they would not handle. There needs to be further explanation. Many of the faculty use films/movies for their classes. A consensus was made that the policy must be updated to include other incidental use. A new updated policy and recommendation should come from Calvin Jamison’s office. A follow up discussion will occur in August.

12. One Card System Presentation
Pete Bond will present since his April presentation was canceled.

13. 3+3+3 Committee on Non-Tenure Faculty Contracts
The committee has been working on a draft policy. Abby Kratz, David Cordell, Richard Scotch, and Tim Shaw have been working out details. The Committee had reached an agreement, and when it was reviewed by Tim Shaw, he brought to the committee’s attention potential conflicts with Regents Rules and state statutes. They are currently trying to resolve those conflicts, and have yet to have language worked out. The committee hopes to have a draft by the August Senate meeting. Richard Scotch moved to provide an update to the Senate and fully brought forward as soon as discrepancies are resolved. Murray Leaf seconded. The motion carried.

It was discussed between the President and Council that the new policy would require that re-appointment letters for non-tenure system faculty would be sent out by May 15. This would allow non-tenure track instructors to know if they will have a position come August.

14. Academic Regalia Discussion
Starting with the spring 2015 commencement, faculty are now being charged to rent regalia. The students have stated they want the faculty there, but with the additional charge some can no longer attend. In the past, faculty could submit a prior request and regalia would be provided. That is no longer the case. The President stated that he was not aware of this change. The possible rationale for this change was that faculty might request regalia, which would be rented, and they would not show; or faculty would show up but had not requested regalia. It was recommended that Inga Musselman and the Commencement Committee address this concern, and find possible solutions.

15. New Business
The new Student Government President, was introduced. Calvin Jamison announced that the mall north of the University Theater will be opening in two weeks, weather permitting. Facilities will be paving Lots A and B, and part of C. While lots A and B are closed it is recommended to park in lot C. The loop road will soon be completed, and it will be extended through to Waterview.

16. Senate Agenda for May 20, 2015:
1. FAC/ TXCFS Report
2. CEP Recommendations
3. Appointment of Committee on Committees
4. OneCard System Presentation
5. 3+3+3 Committee reports

There being no further business President Daniel adjourned the meeting at 3:42 PM.

APPROVED: ______________________________ DATE: ______________________________

Tim Redman
Speaker of the Faculty
1. Title

Rules for Intellectual Property: Purpose, Scope, Authority

2. Rule and Regulation

Sec. 1 Purpose. To balance the interests of the many contributors to the substantial creation of intellectual property at and by the U. T. System, the Board of Regents promulgates these Rules on intellectual property with the purpose to (a) provide certainty in research pursuits and technology-based relationships with third parties; (b) create an optimal environment for research, development, and commercialization opportunities with private industry; and (c) encourage the timely and efficient protection and management of intellectual property.

Sec. 2 Individuals Subject to this Rule. This intellectual property Rule applies (a) to all persons employed by the U. T. System or any U. T. System institution, including, but not limited to, full and part-time faculty and staff and visiting faculty members and researchers, and (b) to anyone using the facilities or resources of the U. T. System or any U. T. System institution, including, but not limited to, students enrolled at a U. T. System institution such as in an undergraduate or graduate degree program or certificate program, and postdoctoral and predoctoral fellows.

The Board of Regents automatically owns the intellectual property created by individuals subject to this Rule that is described in Sections 3, 5, and 6 below and in Rule 90102, Sections 2 and 3. Accordingly, all individuals subject to this Rule must assign and do hereby assign their rights in such intellectual property to the Board of Regents. Moreover, individuals subject to this Rule who create such intellectual property (creators) shall promptly execute and deliver all documents and other instruments as are reasonably necessary to reflect the Board of Regents’ ownership of such intellectual property. A creator of intellectual property owned by the Board of Regents has no independent right or authority to convey, assign, encumber, or license such intellectual property to any entity other than the Board of Regents.

Sec. 3 Intellectual Property Included. Except as set forth in Sections 4 and 5 below and Rule 90102 of the Regents’ Rules and Regulations, this Rule applies to all types of intellectual property, including, but not limited to, any invention, discovery, creation, know-how, trade secret, technology, scientific or
The University of Texas System
Rules and Regulations of the Board of Regents

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Section 4 The University of Texas affirms the principle that the creator of intellectual property is the owner of intellectual property and any transfer of rights in intellectual property must be executed by means of a written contract.

Section 5 Interest in Certain Copyrights. Notwithstanding Section 3 above, the Board of Regents does not assert an ownership interest in the copyright of scholarly or educational materials, artworks, musical compositions, and literary works related to the author's academic or professional field, regardless of the medium of expression. This exemption applies to works authored by students, professionals, faculty, and nonfaculty researchers. The Board of Regents encourages these creators to manage their copyrights in accordance with the guidelines concerning management and marketing of copyrighted works consistent with applicable institutional policies.

Section 6 Copyright Interest in Certain Software. The Board of Regents asserts ownership in software; however, copyright in original software that is content covered by Section 4-5 above or that is integral to the presentation of such content shall be owned by the creator in accordance with Section 54 above.

Section 7 Works for Hire and Institutional Projects. Notwithstanding the provisions of Sections 4 and 5 above, the Board of Regents shall have sole ownership of all intellectual property created by (a) an employee, student, or other individual or entity commissioned, required, or hired specifically to produce such intellectual property by the U.T. System or any U.T. System institution, and (b) an employee, student, or other individual as part of an institutional project. Except as may be provided otherwise in a written agreement approved by the institution or the U.T. System, the provisions of the Regents' Rules and Regulations, Rule 90102, Section 2.5, relating to division of royalties, shall not apply to intellectual property owned solely by the Board of Regents pursuant to this Section. Works for hire shall be executed only in accordance with a written contract specifying that they are works for hire. The written contracts must be executed before the works are undertaken.
Sec. 8 Role of Creator. Any person subject to this Rule who creates intellectual property (other than a work for hire under Section 6 above or on government or other sponsored research projects where the grant agreements provide otherwise) may give reasonable input on commercialization of inventions seek commercial development of that property. The creator may agree contractually to involve their university in the development. The President of the university will, provided however, that the president(s) of the applicable institution(s), or his or her designee(s), in his or her sole discretion, will make final decisions on behalf of the university concerning whether and how to develop and commercialize an invention this participation.

Sec. 9 Use of Facilities and Resources. Neither the facilities nor the resources of the U. T. System or any U. T. System institution may be used (a) to create, develop, or commercialize intellectual property outside the course and scope of employment of an individual (see Regents’ Rules and Regulations, Rule 90102, Section 1) or (b) to further develop or commercialize intellectual properties that have been released to an inventor (see Regents’ Rules and Regulations, Rule 90102, Sections 2.2 and 2.3) except as the institution's president may approve where the U. T. System retains an interest under the terms of the release.

Sec. 10 Use of Research Data. Research data or results created by an employee are owned by the creator Board of Regents and, except to the extent that such research was funded by the university. If the research material were purchased with university funds, ownership shall remain with the university. The research will have a permanent non-exclusive right to the use of such materials. Rights to such research data are contractually assigned or licensed to another by the Board of Regents, the creator shall have a nonexclusive license to use such data for nonprofit educational, research, and scholarly purposes within the scope of the employee's employment, subject to adherence to other provisions of this Rule.

Sec. 11 Limited License to Institution. Notwithstanding Section 4-5 above and as reasonably required for the limited purpose of continuing an institution’s scheduled course offerings, the Board of Regents retains for one year following the loss of a course instructor’s services, a fully paid-up, royalty-free, nonexclusive
worldwide license to use, copy, distribute, display, perform, and create derivative works of materials prepared by the instructor for use in teaching a course (including lectures, lecture notes, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, examinations, web-ready content, and educational software).

3. **Definitions**

None

4. **Relevant Federal and State Statutes**

*Texas Education Code*, Chapter 153 – [Centers for Technology Development and Transfer](#)

5. **Relevant System Policies, Procedures, and Forms**


Regents’ *Rules and Regulations*, Rule 90103 – Equity Interests

Regents’ *Rules and Regulations*, Rule 90104 – Business Participation and Reporting


Regents’ *Rules and Regulations*, Rule 90106 – Income from Intellectual Property

6. **Who Should Know**

Administrators
Faculty
Staff
Students

7. **System Administration Office(s) Responsible for Rule**

Office of General Counsel

8. **Dates Approved or Amended**
9. Contact Information

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu
1. Title

Intellectual Property Rights and Obligations

2. Rule and Regulation

Sec. 1 Intellectual Property Owned by the Creator. Intellectual property developed or created by a U. T. System employee outside the course and scope of employment of the individual which is developed or created on his/her own time and without the support of the U. T. System or any U. T. System institution or use of their facilities or resources, is the exclusive property of the creator.

Sec. 2 Intellectual Property Owned by U. T. System. Intellectual property either developed within the ordinary course and scope of employment is not owned by the U.T. System of the individual or resulting from activities performed on U. T. System time, or with support of State funds, or from using facilities or resources owned by the U. T. System or any U. T. System institution (other than incidental use) is owned by the Board of Regents. If the faculty member or student accepts additional support from the U.T. System of a value of more than $20,000 the U.T. System may require the recipient to agree contractually to share intellectual property resulting from that support. To effectively implement this Rule and provide certainty to individuals subject to this Rule, a U. T. System institution may promulgate institutional rules, regulations, or policies defining the course and scope of employment for persons or classes of persons and specifying that authorized (pursuant to existing rules and procedures) outside employment is or is not within an employee’s course and scope of employment.

2.1 Determination of U. T. System’s Interest. Before intellectual property subject to ownership by the Board of Regents is disclosed to any party outside the U. T. System, to the public generally, or for commercial purposes, and before publishing same, the creator shall submit a reasonably complete and detailed disclosure of such intellectual property to the president of the creator's institution for determination of the U. T. System's interest. The institution will regularly and promptly communicate with the creator during this decision-making process.
2.2 Election Not to Assert Ownership Interest. If the institution's president elects not to assert U. T. System's interest, the U. T. System Office of General Counsel and the primary creator shall be notified in writing within 20 business days after a decision is made not to assert ownership rights that the institution will offer the released intellectual property to the creator (see Rule 90101, Section 8), except where prohibited by law or contractual obligations or requirements. Thereafter, the creator will be free to obtain and exploit a patent or other intellectual property protection in his or her own right and the U. T. System and U. T. System institutions shall not have any further rights, obligations, or duties with respect thereto except that, in appropriate circumstances, the institution's president may elect to impose certain limitations or obligations, including, but not limited to, a nonexclusive license for the creator, U. T. System, and any U. T. System institution to use the released invention for patient care, teaching, scholarly and other academically related purposes, and nonprofit research. Limitations must not infringe on standard academic freedoms....

2.3 Later Release of Invention. Except where prohibited by law or contractual obligations or requirements, the institution's president may elect to release an invention to its creator at any time after asserting U. T. System's interest, with notice to the U. T. System Office of General Counsel (see Rule 90101, Section 8); however, such a release must include provisions for the recovery by U. T. System of patent and licensing expenses, if any, as well as the retention of income rights by U. T. System, and may include certain limitations or obligations, including those set forth in Section 2.2 above.

2.4 Protection and Commercialization of Intellectual Property. With respect to intellectual property in which the U. T. System or any U. T. System institution asserts an interest, the institution's president, or his or her designee, shall decide how, when, and where the intellectual property is to be protected and commercialized. Outside counsel services may be contracted with the prior consent of the U. T. System Vice Chancellor and General Counsel and, if required by law, the approval of the Attorney General. U. T. System shall establish an intellectual property data collection system.
2.5 Reimbursement of Licensing Costs and Allocation of Income. In those instances where the U. T. System or any U. T. System institution licenses its rights in intellectual property to third parties, and other than with regard to elections under Section 2.2 above, the costs of licensing, including, but not limited to, the costs to file and support the patent, operate and support a technology transfer office, and the costs of obtaining a patent or other protection for the property on behalf of the Board of Regents must first be recaptured from any royalties or other license payments received by the U. T. System or any U. T. System institution. These reimbursement costs must be reasonable and detailed in writing to the creator(s). The remainder of any such income (including but not limited to license fees, prepaid royalties, minimum royalties, running royalties, milestone payments, and sublicense payments) shall be divided as follows:

50% to creator(s)
50% to U. T. System,

provided, however, that a creator may disclaim his/her interest in such income, in which case the creator(s) the institution shall receive the creator’s share and shall decide, in its sole discretion, if, how, and when to disburse such income.

With the prior approval of the Board and after review by the U. T. System Vice Chancellor and General Counsel and the appropriate Executive Vice Chancellor, an institution may adjust the allocation of royalties set forth herein for all creators.

Sec. 3 Intellectual Property Involving Sponsored Research. Intellectual property resulting from research supported by a grant or contract with the government (federal and/or state), or an agency thereof, with a nonprofit or for-profit nongovernmental entity, or by a private gift or grant to the U. T. System or any U. T. System institution is owned by the Board of Regents.

3.1 Nonconformance with Intellectual Property Guidelines. Administrative approval of such grants and contracts containing provisions inconsistent with this Rule or other policies and guidelines adopted by the Board imply a
decision that the value to the U. T. System or any U. T. System institution of receiving the grant or performing the contract outweighs the impact of any nonconforming provisions on the intellectual property policies and guidelines of the U. T. System or any U. T. System institution (Reference Regents’ Rules and Regulations, Rule 90105, Section 2).

3.2 Conflicting Provisions. Subject to approval as described in Subsection 3.1 above, the intellectual property policies and guidelines of the U. T. System or any U. T. System institution are subject to, and thus amended and superseded by, the specific terms pertaining to intellectual property rights included in state and/or federal grants and contracts, or grants and contracts with nonprofit and for-profit nongovernmental entities or private donors, to the extent of any such conflict.

3.3 Cooperation with Necessary Assignments. Those persons subject to this Rule whose intellectual property creations result from a grant or contract with the government (federal and/or state), or any agency thereof, or with a nonprofit or for-profit nongovernmental entity, or by private gift to the U. T. System or any U. T. System institution shall promptly execute and deliver such documents and other instruments as are reasonably necessary for the U. T. System or any U. T. System institution to discharge its obligations, expressed or implied, under the particular agreement.

3.4 Sharing of Royalty Income. In the event that two or more persons who are entitled to share royalty income pursuant to Section 2.5 of this Rule (or equity pursuant to Regents’ Rules and Regulations, Rule 90103 concerning equity interests) cannot agree in writing on an appropriate sharing arrangement, the institution’s president shall determine that portion of the royalty income to which the creators are entitled under the circumstances and such amount will be distributed to them accordingly. In the event that the creators are located at two or more U. T. System institutions and cannot agree, such royalty (or equity) distribution decision shall be made by the involved institutions’ presidents (or their respective designees). In the further event that the involved presidents cannot agree, then the
3.5 Geographical Scope of Protection. A decision by the U. T. System or any U. T. System institution to seek patent or other available protection for intellectual property covered by Section 2 of this Rule shall not obligate the U. T. System or any U. T. System institution to pursue such protection in all national jurisdictions. The U. T. System's decision relating to the geographical scope and duration of such protection shall be final.

3. Definitions

None

4. Relevant Federal and State Statutes

*Texas Education Code*, Chapter 153 – *Centers for Technology Development and Transfer*

5. Relevant System Policies, Procedures, and Forms


Regents' *Rules and Regulations*, Rule 90103 – Equity Interests

Regents' *Rules and Regulations*, Rule 90104 – Business Participation and Reporting


Regents' *Rules and Regulations*, Rule 90106 – Income from Intellectual Property

6. Who Should Know

Administrators
Faculty
Staff
Students

7. System Administration Office(s) Responsible for Rule
Office of General Counsel

8. Dates Approved or Amended

Editorial amendment to Number 4 made December 8, 2014
Editorial amendment to Sec. 2.5 made May 23, 2013
November 10, 2011
Editorial amendments made October 6, 2011
Editorial amendment to Sec. 2.5 made September 1, 2010
February 8, 2007
December 10, 2004

9. Contact Information

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu