

REVISED DRAFT

Policy #

Established:

Revised:

Section: Employment

Subject : Pre-Employment Screening Policy

Reference:

POLICY

Introduction

In order to create a safe and secure workplace and to ensure that University of Arizona employees are qualified to perform the jobs for which the University hires them, the University will conduct pre-employment screening for all regular employees positions.

Standard Pre-employment Screening

The hiring authority or a designee shall check references and verify the educational credentials, employment histories and past performance of a finalist before it extends an final offer of employment.

Professional License Checks

When an occupation or position requires an employee to have a professional license or certification in order to perform the job, the hiring authority or a designee will verify such license or certification.

Driving Records

When an occupation or position requires that an employee regularly operates a motor vehicle, the hiring authority or a designee shall work with Human Resources to verify the appropriate license and review the motor vehicle record.

Criminal History and Identity

When a position is designated as "security sensitive," the hiring authority or a designee shall work with Human Resources to obtain information on a finalist's criminal history and verification of that individual's identity. This information shall be obtained for individuals not currently employed by the University of Arizona, as well as those currently employed by the University of Arizona who are seeking "security sensitive" positions. If an individual moves from one "security sensitive" position to another, the hiring authority or a designee shall work with Human Resources to obtain an updated criminal history. ~~Criminal background checks will include convictions within all the states (and, if necessary, nations) in which the prospective employee has lived and worked and will include a review of the National Crime Information Center, which records outstanding felony warrants.~~

Security Sensitive Position Designation

"Security sensitive" positions shall be designated by the University of Arizona and shall include, but not be limited to, the following:

1. All senior level administrator positions, including interim appointments to such positions (president, provost, vice provosts, deans, vice presidents, department heads and department directors).
2. Positions that have unsupervised contact with children under age 16.

REVISED DRAFT

3. Positions that have direct access to Select Agents, as defined by the USA Patriot Act of 2001 and the Public Health Security and Bioterrorism Preparedness Response Act of 2002 except where excluded by law because the Principal Investigator does not, at any time, exceed the Select Agent regulatory thresholds quantities specified under the applicable regulations.
4. Positions with unrestricted access to residence hall rooms.
5. Other positions designated by a dean or vice president as "security sensitive." A dean or vice president may designate a position "security sensitive" by notifying and justifying to the Assistant Vice President for Human Resources that the position's responsibilities may expose the University to significant liability. The Assistant Vice President may consult with knowledgeable subject experts as appropriate to the circumstances of the proposed hire.
6. Employees of the University of Arizona Police Department (UAPD). Pre-employment screening for these individuals shall be conducted in accordance with UAPD hiring protocols.

Additional Requirements

Additional pre-employment ~~background checks~~ screening required by statute, contract or policy ~~is~~ are not discretionary and shall be coordinated by Human Resources.

Information Collection

A signed authorization from the applicant or finalist is required before criminal background information or pre-employment identity verification may be requested. This information will be collected in coordination with Human Resources. If a prospective employee refuses to provide such authorization, ~~for a position in which a criminal background check or pre-employment identity verification is required, then~~ the individual will be ineligible for consideration for such position.

Information Evaluation

Human Resources shall coordinate all criminal and motor vehicle records screenings ~~background checks~~, and the reports they produce. Should one of these reports ~~a background check~~ produce information that might prompt an adverse employment action for a current employee, Human Resources will work with the hiring department to evaluate the value of the information against the total past employment record and future employment potential. When considering whether to employ an individual with a criminal history, the hiring authority, in partnership with Human Resources, will assess the relevance of a criminal conviction to job duties, the date of the most recent offense, the nature of the offense, and the accuracy of the information the individual provided on the employment application.

Compliance with the Fair Credit Reporting Act

In some cases, an outside vendor may uncover information that may disqualify an applicant from employment consideration. In such a case, the University will notify the applicant of the information and provide a minimum of five days for the applicant to refute, explain or correct the information.

Record Retention

Human Resources will manage and retain criminal pre-employment screening information. Information collected on successful applicants will be stored separately from the official employee files. Documents related to pre-employment screening information collected by hiring departments on unsuccessful applicants will be filed and maintained in the departments and HR and destroyed after three years. ~~When criminal background information, license or motor vehicle checks, or identity~~

REVISED DRAFT

~~verification information disqualifies an applicant from employment consideration, such information will be entered into Human Resources' background check database and maintained for a period of seven years.~~

Information Release

Criminal history record information shall be regarded as confidential and only be released consistent with applicable law.

CONSENT AGENDA
Faculty Senate Meeting
14 February 2005

Student Affairs Policy Committee

CONSENT AGENDA ITEM

Item 1

Approval of proposed Graduate College Grievance Policy dated March 2004. This policy was approved by the Provost as an interim policy May 17, 2004. Projected effective date: Spring 2005.

Description: Approval of the Approval of interim Graduate College Grievance Policy to be a permanent policy.

Justification: The previous policy was vague and time consuming. Substantial changes were made to clarify and simplify the process. The steps and a timeline are clearly stated. The appeal procedure is precisely given. The proposed process allows a timely resolution of grievances. The Graduate College rates the use of the interim policy as successful.

Approvals:

Graduate Council:	2/20/04
Provost Management Group:	3/02/04
SAPC:	1/31/05

February 3, 2005

MEMORANDUM

TO: Senators

FROM: Coalition on Intercollegiate Athletics Committee (Alistair Chapman,
Don Davis, Andy Silverman & Doug Woodard)

RE: Academic Integrity in Intercollegiate Athletics: Principles, Rules and Best
Practices (AID)

As you probably know, our Faculty Senate is a member of the Coalition on Intercollegiate Athletics (COIA). The Coalition is now composed of 44 university senates. COIA has been working on putting together various documents and proposed policies dealing with intercollegiate athletics. Some of them become proposals to the NCAA requesting that they adopt them and others are considered suggestions or best practice guidelines for member universities.

COIA has been working this academic year on drafting the attached proposed document called the Academic Integrity in Intercollegiate Athletics: Principles, Rules and Best Practices. The Academic Integrity Document (AID) deals with such academic matters as admissions, scholarships, curricular integrity, time commitment of athletes, scheduling of competitions and academic advising. The AID has been discussed at length over e-mail and was the focus of a meeting in January at Vanderbilt. At the end of February, COIA will be conducting a vote of the member senates. Each senate gets one vote, up or down, on the document.

Concerning the AID, COIA understands that it would be very difficult to get senates to approve every provision and detail in the document. As a result, COIA has indicated the following:

We [COIA] hope that senates will view the AID much as they viewed the Framework, not as a legislative document, but as a practical step in a process we hope will lead to significant athletic reform. The final web version will feature a cover statement that will include words to the effect that a

member senate's endorsement of the entire document should not necessarily be taken as an endorsement of every feature of it.

The Senate Executive Committee formed a committee to review COIA documents and bring recommendations to the Senate. The committee has reviewed the AID and makes the following motion:

The Faculty Senate of the University of Arizona approves of the COIA goal of improving academic integrity of the intercollegiate athletic program and the welfare of student athletes and, thus, endorses, in general, the proposal titled "Academic Integrity in Intercollegiate Athletics: Principles, Rules, and Best Practices," and recommends that the President ask the Intercollegiate Athletics Committee to use the document for the purpose of conducting a self-study on this campus of the matters set out in the document and that the results of the study be reported to the President and to the Faculty Senate.

Attached is an Executive Summary of the AID and the full document. Please note that only three provisions are proposals to the NCAA for bylaw changes (sections 2.1, 3.1 and 4.3.2) and the rest are best practice guidelines.

Academic Integrity in Intercollegiate Athletics: Principles, Rules, and Best Practices

Executive Summary

There are three primary rationales for intercollegiate athletics: it can contribute to personal development reinforcing academic excellence; it can contribute to community and institutional loyalty; it can broaden positive interest in and public support for higher education. The Coalition on Intercollegiate Athletics strongly supports these goals. However, these values cannot be realized if we abandon the principle that personal development through athletics participation and academic achievement are inextricably linked. The Coalition, as a faculty-governance based alliance devoted to athletics reform, has developed proposals and guidelines to help faculty and others on campus fulfill their responsibilities with regard to the impact of athletics on academic standards and integrity. Some of the basic principles and major proposals are summarized in this brief overview. (All proposed NCAA bylaw changes are noted as such below.)

1. Admissions.

- At many schools, there is a different admissions process for athletes, and faculty may not have adequate information to confirm its academic integrity. The Coalition recommends that campuses examine the processes by which scholarship athletes who do not meet minimal academic criteria are granted admissions.
- Faculty governance bodies should work with their administrations to develop policies concerning these processes, and procedures through which faculty governance bodies can be informed of their implementation.
- Campuses should collect and analyze data on the academic performance of all athletes, to better assess the range of admissions qualifications appropriate to athletes, including athletes who enter as transfer students.

2. Scholarships.

- Under the current one-year renewable structure of athletics scholarships, athletes may be legitimately concerned that their continued access to education depends on sports success. This can create a conflict of incentives that may lead to an emphasis on athletics at cost to academics. The Coalition recommends that NCAA standards require that there be a presumption of scholarship renewal for a period of five years, or until graduation, and that scholarships be revocable only by the chief academic officer. [NCAA bylaw proposal, Section 2.1]
- Because the rationale for merit scholarships based on athletic, rather than academic qualifications is not strong, the Coalition recommends that a reassessment be made of the feasibility of converting athletics scholarships to a need basis.
- The Coalition believes that “pay for play” proposals to compensate athletes beyond scholarship support are inconsistent with the principles of amateur sports on which intercollegiate athletics is based; it is concerned that the conduct of college sports in other respects may be creating a context in which maintaining amateur values will not be possible.

3. Curricular Integrity.

- The campus faculty bears primary responsibility for ensuring that academic programs conform to high standards of integrity in curriculum and student evaluation. Reports of differential academic treatment of athletes by faculty have persisted for years and occasionally been confirmed, but without detailed data on athlete enrollment patterns and grades, faculty governance bodies have no way of routinely assessing the integrity of campus programs in this regard or remediating problems that may exist. The Coalition therefore proposes that campuses collect data on the academic performance of athletes by course section, and convey that information to their campus faculty governance bodies, protecting the anonymity of individual student records. [NCAA bylaw proposal, Section 3.1]
- Academically prejudicial treatment of athletes is of equal concern, and we recommend that policies against this be consistently applied.
- The Coalition recommends heightened scrutiny of courses taught by athletics department staff and controls to manage conflicts of interest when athletes are enrolled in them. The Coalition also recommends that the amount of academic credit awarded for varsity sports participation be determined by the faculty and strictly limited.

4. Time Commitment, Missed Class Time, and Scheduling of Competitions.

- In no way does a school more clearly signal an inappropriate prioritization of athletics over academics than when it sends the message that training or competitions take priority over class attendance and coursework.
- Because coaches have great leverage to guide their athletes to place academics first, the Coalition recommends performance assessments of coaches and close monitoring that creates incentives for coaches to use that leverage constructively.
- The competition scheduling decisions that campuses make directly affect the challenges athletes face in the classroom. The Coalition recommends that Faculty Athletics Representatives and campus athletics boards be meaningfully involved in the design of season schedules to ensure that academic priorities guide planning.
- It is not clear that the current length of competition seasons is designed so as to ensure that the basic goals of amateur college sports are fulfilled with the least possible interference with academic goals. The Coalition recommends that an FAR-led task force be commissioned by the NCAA to assess this issue for each sport.
- Because the growth of non-traditional seasons in many sports have significantly extended overall competition seasons, the Coalition supports an NCAA bylaw change that would eliminate divided competitive seasons. [NCAA bylaw proposal, Section 4.3.2.]
- The Coalition recommends that the NCAA and the conferences reverse the trend towards expanding seasons at the beginning and at the end, in particular post-season tournaments, as well as reversing the increased reliance on athletic events scheduled on weekdays
- Efforts should be made by schools and conferences to ensure that athletes do not have competitions scheduled during final exams.

5. Policies Concerning the Office of Academic Advising for Athletes (OAAA).

- The success of athlete advising is critical for the academic integrity of campus sports programs. Faculty have a responsibility to understand the role of the OAAA, and to be

assured that the office is structured to operate with integrity.

- The single most difficult issue that confronts the OAAA is to maintain a focus on maximizing the academic accomplishments of athletes, given their athletics commitments, rather than on maintaining their athletic eligibility. The OAAA should be structured in such a way as to maximize its ability to manage this tension successfully. The Coalition recommends that the OAAA report to the chief academic officer of the campus; this does not rule out a secondary reporting line to the athletics department, whose engagement with the OAAA can contribute substantially to its strength, but the chief academic officer must bear primary responsibility for ensuring the integrity of the OAAA.
- Qualifications for the director and the advising staff should be set at the high levels towards which the profession of academic advising has evolved.
- Structures should ensure that advisors are not placed in disadvantageous positions with regard to coaches; for example, the Coalition recommends having multiple advisors share team advising duties, rather than have individuals serve as sole advisor assigned to work with a specific team. Advising staff, rather than coaches, should have primary responsibility in the athlete's selection of major and specific courses, and advisors alone should have authority to contact instructors with regard to individual students.
- Coalition guidelines include a checklist of elements that characterize many successful academic advising programs, as well as a list of athlete support functions that can enhance the overall effectiveness of the OAAA.

Academic Integrity in Intercollegiate Athletics: Principles, Rules, and Best Practices

Revised Draft - List of Specific Proposals

<p>Boldface numbers indicate proposals for NCAA bylaw changes (there are three altogether: 2.1, 3.1, 4.3.2). Other proposals are best-practice guidelines for schools to consider and adapt according to local needs and judgments, or general calls for action on the part of Division IA schools.</p>

1. Admissions

1.1 Campus administrations and Faculty Governance Bodies should develop policies setting criteria for admission of scholarship athletes. These criteria should be set with regard to both minimum standards for regular admissions and average qualifications of entering students. They can and generally should be above NCAA minimum limits.

1.2 Campus administrations and faculty governance bodies should develop policies setting a standard policy for special admissions consistent with maintaining academic integrity in special admissions balanced for all groups selected for admission including special admissions for athletes, either for all sports programs taken together, or for individual programs.

1.3 The Campus Athletics Board shall receive information on all scholarship athlete admits, and shall annually certify to the campus Faculty Governance Body compliance with these policies.

1.4 Campuses should develop means to track and share with the faculty governance body the academic performance of scholarship athletes who enroll through special admissions, to permit better understanding of how successfully the campus supports the academic needs of these students and what costs to the campus this may involve. Faculty governance bodies should also be provided with data concerning the academic progress of all athletes, allowing them to assess the range of admissions qualifications appropriate to athletes.

1.5 Analogous policies and procedures should be developed to govern admission of transfer students who are scholarship athletes.

1.6 The NCAA is encouraged to compile data and undertake a systematic study of the success rate of athletes transferring from junior colleges and of problems particular to this transition, with the goal of providing information that can help guide schools in admissions decisions and effective advising. Such a study should include a survey of the impact of recent NCAA academic reforms on junior college transfer students.

2. Scholarships

2.1 Athletics scholarships shall be awarded on a year-by-year basis with the presumption that they will be renewed for five years, or until graduation, whichever comes first; renewal shall be subject to students' maintenance of good academic standing, conformity with campus codes for student behavior, and adherence to team rules. If a student graduates in fewer than five years an institution may renew the scholarship if the student has athletic eligibility remaining. Institutions shall establish criteria and a mechanism for revoking a scholarship. The final authority for revoking a scholarship shall rest with the

chief academic officer. A student awarded an athletics scholarship who is no longer participating in athletics will be counted against the NCAA maximum number of awards for that sport, unless the scholarship is revoked.

3. Curricular Integrity

3.1 Campuses shall collect data on athlete enrollments and grades by course section, including indication of course GPAs, for each individual sport, and shall convey that information to the campus Faculty Governance Body, ensuring that the anonymity of individual students is protected to the degree provided by law. Where no campus Faculty Governance Body exists, the information shall be conveyed to the Campus Athletics Board.

3.2 Campus administrators and Faculty Governance Bodies should develop policies and procedures specifying the format in which such data will be presented, and the degree to which the data shall be made public or restricted, adhering in all cases to the requirements of FERPA protections.

3.3 The Faculty Governance Body should create a committee on academic integrity, specifically assigned to review and interpret data collected concerning athlete enrollment and grade patterns, in order to determine whether data consistent with a failure of academic integrity exist. This committee may be organized as a subcommittee of a standing committee on educational policies or academic affairs, to which it would report.

3.4 Campus administrators and Faculty Governance Bodies should develop policies and procedures allowing for investigation of problematic data concerning athlete enrollment or GPA patterns, and for remediation, if deemed necessary. The goal of these policies should be to ensure that faculty and advisors associated with all campus programs are maintaining standards of academic integrity with regard to students participating in intercollegiate athletics programs. Policies should include guidelines that will help assure that data is interpreted in a manner that is well informed and sensitive to patterns of student enrollment and performance independent of athletics.

3.5 Faculty Governance Bodies should ensure that campus policies concerning accommodations to be granted students in the course of their representation of the institution be clearly codified and conveyed to all faculty. Procedures for reporting violations of these policies should be clearly stipulated and conveyed to all students, and mechanisms developed for mediation and adjudication.

3.6 Campus administrations and faculty governance bodies should develop policies regarding whether athletes can enroll in credit courses taught by a coach or other member of the athletics department staff. If permitted, campus administrations and faculty governance bodies should develop procedures for monitoring enrollment, credit, and grades of athletes and non-athletes to minimize any appearance of or actual conflict of interest.

3.7 When an athlete is permitted to enroll in a course taught by his or her coach, that coach should not participate in any grade assignment for that athlete. Faculty governance bodies should consider whether such policies should be extended to cover assignment of grades by a coach to athletes in other varsity sports.

3.8 Academic credit be awarded for participation in varsity sports only if specifically approved by the campus faculty in its supervisory role over curriculum. Any such credit should not exceed a small number of total hours toward degree, such as 2-3 percent, and should be assigned only on a pass-fail basis. Faculty-approved procedures should be developed to monitor the awarding of such credit, and to

address any cases of abuse that may arise.

4. Time Commitment, Missed Class Time, and Scheduling of Competitions

4.1 Total time commitment

4.1.1 Head coaches must share accountability for the academic achievement of the athletes they select for admissions consideration. Data on continuing eligibility and graduation rates of each recruiting class brought by individual head coaches to their institutions should be maintained, relevant to the period during which the coach was employed at that institution, should be maintained, according to uniform standards, to establish a public record of coaches' academic success, and follow that coach from institution to institution.

4.1.2 The campus administration and athletics department, in consultation with the Campus Athletics Board, establishes clear policies regarding how the academic success of athletes bears on coaches' job descriptions, and how academic performance will be weighed in reviews and personnel decisions regarding coaching staffs. Campus procedures allow the CAB or its personnel subcommittee to review policy implementation, and to report annually to the campus administration and Faculty Governance Body its assessment of the integrity with which these policies are implemented.

4.1.3 Procedures for exit interviews with athletes should include a focus on issues pertaining to compliance with the twenty-hour rule, and these data should be considered by the FAR and CAB in assessments of program integrity.

4.2 Calendar approval procedures

4.2.1 Each campus should develop a set of principles concerning norms and limits of missed class time that should guide annual approval decisions in each sport. These principles should be developed in consultation with the FAR, the Campus Athletics Board, and the Faculty Governance Body.

4.2.2 Each conference should develop a set of principles concerning norms and limits of missed class time that should guide annual approval decisions in each sport. These principles should be developed by conference FARs, in consultation with their Campus Athletics Boards and Faculty Governance Bodies, and should not be less restrictive than campus-based principles of conference members.

4.2.3 Annual conference competition schedules should accord with conference principles on missed class time and be adopted only with approval by conference FARs, who should be consulted on all conference scheduling plans and options at a point early enough that their views will affect the final plan offered for their approval.

4.2.4 Annual non-conference competition schedules should accord with individual campus principles on missed class time and be adopted only with approval by the Campus Athletics Board, which should be consulted on all conference scheduling plans and options at a point early enough that its views will affect the final plan offered for their approval.

4.3 Season length and scheduling

4.3.1 The NCAA should commission FAR-led groups to review the present NCAA limits on regular season length, in order to determine the number of competitions necessary to accomplish the basic goals of each sport. NCAA limits on regular season competitions should be adjusted to match these

recommendations. Adjustments that are warranted on academic grounds must be made regardless of the financial implications; if it is found that the season schedule of a revenue sport, such as basketball, is creating challenges to academic success too demanding for athletes realistically to meet, its length must be reduced.

4.3.2 NCAA bylaws should be amended so that divided competition seasons are not permitted.

4.3.3 In recent years athletics schedules have expanded in at least the following additional two ways, which impinge on the academic schedule: 1) seasons have been expanded at the beginning and at the end, particularly with regard to the proliferation of post-season conference tournaments, 2) athletic events have increasingly been scheduled on weekdays. The Coalition urges the NCAA and the conferences to begin reversing these trends. We recognize that for some universities and in some sports, this goal may remain elusive and that the process may require as long as a decade to accomplish.

4.3.4 Institutions should not permit cancellation of campuswide classes for an athletics event. We urge the NCAA Division IA membership to explore ways in which this can become a uniformly observed principle.

4.3.5 The NCAA should collect data and develop norms governing maximum times before and after competitions that travel schedules may permit. Such policy should include guidelines for exceptional cases and a waiver procedure, but should establish uniformity in the priority given to minimizing missed class days.

4.3.6 An institution shall not schedule athletics competitions during final exam periods on that school's campus; conferences shall develop their schedules to accommodate the final exam calendars of all member institutions.

5. Policies Concerning the Office of Academic Advising for Athletes (OAAA)

5.1. Organization.

5.1.1 The OAAA reports directly to the campus office of academic affairs. Campuses may choose to have a secondary reporting line to the Director of Athletics, but primary control over academic advising must derive from the chief academic officer of the campus.

5.1.2 The OAAA works closely with the FAR.

5.1.3 The OAAA is represented by its Director on a regularly convened committee that monitors the relationship between athletics programs and campus academic and support units, bringing together administrative officers and others responsible for key elements of athlete support and services, such as the Registrar, Bursar, Athletics Director, FAR, Compliance Officer, and a high academic administrator. The OAAA Director and FAR should have the prerogative to introduce agenda items.

5.1.4 The OAAA collaborates closely with other campus advising units.

5.1.5 The OAAA collaborates closely with other campus student support units.

5.1.6 The OAAA has a clearly defined mission statement, consistent with that of the campus, that specifies the centrality of academic integrity to the unit mission.

5.1.7 The OAAA develops regular and frequent internal self-assessment procedures for all its programs, and works with the campus to arrange periodic campus assessments of its academic advising and athlete services components, to ensure successful external NCAA certification reviews.

5.2. Personnel.

A. Director.

5.2.1 The Director should have a Master's or Doctoral degree in student counseling or a related field.

5.2.2 The Director should have prior experience in student counseling, personnel and budget management, and athletics, with a history of rules compliance and commitment to ethical practices.

5.2.3 The Director should have independence in developing and implementing policies related to academic advising, subject to the supervision of the campus office of academic affairs.

5.2.4 The Director should be directly responsible for the development of program budgets, allocation of unit resources, assignment of advisor case loads and other unit duties, and all unit personnel decisions.

5.2.5 The Director should be responsible for designing and supervising advisor training programs.

5.2.6 The Director should have final authority over advising staff, under the supervision of the campus academic officer, subject only to usual institutional rules governing the authority and responsibility of unit heads.

5.2.7 The Director should have appropriate and specified authority over support staff.

5.2.8 The Director should be responsible for designing and supervising tutor and mentor training programs.

5.2.9 The salary of the Director, and of all positions in the OAAA, should be determined by the office of academic affairs, with due regard for the specialized skills and work schedules of OAAA personnel, external market conditions, and issues of campus equity.

B. Academic Advisors.

5.2.10 OAAA Advisors should preferably have a Master's degree in student counseling or a related field, and experience in student counseling.

5.2.11 Advisors should participate in professional development opportunities.

5.2.12 Advisors should participate in on-campus training provided by other campus academic or advising units.

5.2.13 Advisors should be assigned manageable case loads.

5.2.14 No advisor should report directly to a coach.

5.2.15 A single advisor should not serve as the sole advisor assigned to work with a specific team; multiple advisors should share team advising duties. There are many conveniences to assigning all

members of a team to a single advisor; however, there is significant potential for the authority and independence of advisors to be undermined, and the assignment of multiple advisors to teams is a best practice designed to improve conditions for academic integrity.

5.2.16 Advisors communicate closely with advisors in athletes' major department, in order to ensure that athletes receive consistent and accurate counseling.

5.2.17 Advisors review and have the option to endorse petitions for NCAA academic waivers.

5.2.18 Academic advisors, not coaches, should be the contact point between the athletics department and instructors. Coaches should be forbidden from initiating contact with instructors regarding the academic progress or status of individual students.

5.2.19 Academic advisors, not coaches, should have the primary responsibility in the athlete's selection of major and specific courses.

C. Other Appointees.

5.2.20 Learning specialists, life-skill coordinators, and other additional staff should be appointed to manage major OAAA program activities apart from academic advising, as necessary. These positions may be shared with other campus student services units to maximize efficient use of resources.

5.3. Programmatic Functions

A. Academic Advising.

The OAAA should perform the following functions:

5.3.1 Re-assessment of newly enrolled athletes' abilities and skills.

5.3.2 Academic counseling for academic progress.

5.3.3 Monitoring and tracking academic progress during semester and towards degree completion.

5.3.4 Assisting students in identifying career goals and choosing a major.

5.3.5 Offering assistance in course scheduling.

5.3.6 Monitoring issues of academic eligibility.

5.3.7 Monitoring issues of athletic eligibility.

B. Academic Support Services

The OAAA should provide the following academic support services:

5.3.8 Specialized programming and assistance for the freshman transition.

5.3.9 Assistance to students in developing academic planning and time management skills.

5.3.10 Mentoring for at-risk students.

- 5.3.11 Access to tutors and, when appropriate, mentors.
- 5.3.12 Training and supervision for tutors and mentors.
- 5.3.13 Other appropriate learning interventions.
- 5.3.14 Study facilities available and accessible to athletes.
- 5.3.15 Laptop computer loans for athletics travel.
- 5.3.16 Priority registration services.

C. Athlete Support Services

By providing a range of the following support services to athletes the OAAA can reinforce its overall function in promoting academic strength:

- 5.3.17 Programs for or assistance concerning transition out of collegiate sports.
- 5.3.18 Information on campus programs and services relating to: life skills development, career exploration, career skills assessment, job search preparation, graduate school application, internships, and so forth. Where campus services may not exist, the OAAA may advocate for them, or provide independent services for athletes.
- 5.3.19 Support for the Student-Athlete Advisory Committee (SAAC).
- 5.3.20 Organization of appropriate community service activities for athletes.
- 5.3.21 Academic awards ceremonies and other activities to recognize academic accomplishments and create additional incentives.
- 5.3.22 A substance abuse education program that addresses alcohol abuse, performance enhancing drug abuse, recreational drug abuse, and other forms of substance abuse, or participates in campuswide programs.
- 5.3.23 A media education program.
- 5.3.24 Internship or graduate assistantship programs related to athletics.
- 5.3.25 Programs to educate athletes concerning agents and NCAA and campus rules governing contact with them.
- 5.3.26 Programs in diversity awareness, or participates in campuswide programs.
- 5.3.27 A gambling abuse education program.
- 5.3.28 Programs on sexual harassment and sexual misconduct awareness or participates in campuswide programs.

Notes about the Intellectual Property Policy For Faculty Senate meeting February 14, 2005

The current version incorporates suggestions from all interested parties to the extent possible.

Significant Changes have been made in the following sections:

Section D. 6. Employee Excluded Works. Completely rewritten to take into account the concerns of the Research Policy Committee, to assure faculty ownership when appropriate.

Section D. 7. Employee Use of Software and The details and procedures are now clearly spelled out and rights defined (no change in intent).

Section E. 3. Dispute Resolution. The process has been clarified (not changed).

Section E. 3. Net Income. We have removed specific numbers since they change over two, the allocations are now tied to University policy at the time of the event.

THE UNIVERSITY OF ARIZONA
INTERIM INTELLECTUAL PROPERTY POLICY
Effective August 15, 2002
(Revised by Research Policy Committee, February, 2005)

A. PURPOSE

B. GENERAL STATEMENT

C. DEFINITIONS

1. IP Official
2. Employee
3. Fund for Promotion of Research
4. Intellectual Property
5. Intellectual Property Committee
6. Discovery and Invention
7. Net Income
8. Works and Printed Works
9. Software and Electronic/Digital Works
10. Tangible Research Property
11. Trademarks and other Identifiers
12. Commissioned Works

D. OWNERSHIP AND USE OF INTELLECTUAL PROPERTY

1. Board-Owned Intellectual Property
2. Individual-Owned Intellectual Property
3. Sponsor-Supported Projects
4. Student-Owned Intellectual Property
5. Visiting Faculty, Researchers, and Scientists
6. Employee-Excluded Works
7. Employee Use of Software and Electronic/Digital Works
8. Employee Consulting

E. PROCEDURES

1. Disclosure of Intellectual Property and Duties of Disclosers
2. Ownership Determination
3. Dispute Resolution
4. Intellectual Property Net Income Distribution
5. Patent, Trademark, Copyright Application
6. Assignment of Title to Research Sponsor in Sponsor-supported Projects
7. Employee Conflict of Interest and Employee Financial Interest in Private Organization

EXHIBIT A: IP Net Income Distribution Policy

EXHIBIT B: Supplemental Definitions

A. PURPOSE

This Policy supplements the Intellectual Property Policy of the Arizona Board of Regents (Board) as applied to the University of Arizona (University), and guides the management of Intellectual Property at the University. In the event of any inconsistency between this Policy and Board Intellectual Property Policy (Board IP Policy) or applicable State or federal laws, the provisions of the Board Policy and of the laws prevail.

B. GENERAL STATEMENT

The Arizona Board of Regents encourages University faculty and staff members to undertake creative and scholarly works and to develop new and useful materials, devices, processes, and other intellectual property, some of which may have potential commercial value. The University is dedicated to teaching, research, and dissemination of knowledge for the benefit of the public. These activities contribute to the public welfare, provide educational opportunities for students, contribute to the professional development of the individuals involved, and enhance the reputation of the University. Scholarship may be manifest through teaching and publications, and in disclosures of Intellectual Property to the Office of Technology Transfer for formal protection.

Although Intellectual Property developed by Employees in the course and scope of their employment is presumed to belong to the Board, this Policy provides for the close participation by the Employee in protecting and enhancing the value of the intellectual property, and in sharing in its dissemination and rewards. The IP Official and the Office of Technology Transfer will have the necessary discretion in implementing this Policy, consistent with the terms and provisions of the Board Intellectual Property Policy (Board IP Policy), for the greatest benefit of the public, the University and its creative Employees.

C. DEFINITIONS

1. **IP Official:** The IP Official is the Vice President for Research who is appointed by the University President to be in charge of Intellectual Property matters. Certain Intellectual Property management responsibilities may be delegated, including to the Director of the Office of Technology Transfer (OTT) by the IP Official or by this Policy. The Office of Trademark & Licensing handles trademark licensing for the University regarding University identifiers for retail products and services associated with its athletic or other similar programs.
2. **Employee:** For purposes of this Policy, the term Employee includes all University faculty; classified staff; academic, administrative, and service professionals (both part-time and full-time); student employees, graduate assistants and associates. Persons with adjunct, emeritus or "no salary" appointments; visiting faculty, scholars, artists, and engineers (see Section D.5 for exceptions); and other individuals not normally considered employees, academic or otherwise, will be considered Employees for the purposes of this Policy if, as a condition of access to University resources, they are obligated to contractually agree to this Policy and the Board IP Policy.

3. **Fund for Promotion of Research:** The Fund for Promotion of Research is a University account administered by the Vice President for Research to promote research, develop intellectual property, and directly enable its technology transfer (Board IP Policy paragraph D.3.b). It is funded by a portion of the University share of Net Income received from the licensing or sale of Board-owned intellectual properties, except trademarks or identifiers licensed by The Office of Trademark and Licensing. A separate account for the general and administrative support of technology transfer activities, including patenting, (Operations Fund) will be established and will be funded by the 15% University administrative fee specified in Paragraph C.7 below.
4. **Intellectual Property:** Intellectual Property for the purposes of this Policy includes data, technical and other information, identifiers, works of authorship, inventions and discoveries subject to protection by any or all forms of patents, copyrights, trademarks, and trade secrets whether or not they were, are or will be so protected under state or federal statutory and common law, or corresponding international law. For purposes of this Policy, Tangible Research Property (defined below) is included in the definition of Intellectual Property. As defined here, Intellectual Property also includes any new forms of Intellectual Property receiving legal protection that maybe added to the above categories during the time this Policy is in effect.
5. **Intellectual Property Committee (IP Committee):** The IP Committee is a University committee of not fewer than five persons and composed of faculty and staff. The IP Official appoints the members, with at least half of the appointments based on recommendations made by the Chair of the Faculty, and will include one member of the Research Policy Committee. The Committee hears appeals by Employees as outlined in ABOR IP Policy (paragraph D.3.c). The Committee also considers changes in Intellectual Property Policy proposed by the Faculty Senate and makes recommendations to the President through the IP official. The IP Committee may recommend changes in the Intellectual Property Policy to the Faculty Senate through the Research Policy Committee.
6. **Discovery and Invention:** A discovery is the result of conceiving and reducing to practice some innovation that can be described, defined, and reproduced. Not all discoveries are patentable; some may be obvious, some may be unintentional copies of others' inventions or discoveries, and some may be intentionally withheld from the patent system to prevent the required publication of the discovery that constitutes an invention that necessarily accompanies the prosecution or the issuance of a patent. An Invention is a discovery meeting the requirements of the United States Patent and Trademark Office derived from Title 35 U.S. Code or the corresponding requirements of a foreign patent office.
7. **Net Income:** Net Income means the net revenue remaining from gross revenues, including fees and royalties, received from the commercialization of given Intellectual Property less a 15% University administrative fee for the Operations Fund and then less all unreimbursed costs incurred by the University in engaging in the technology transfer leading to commercialization including obtaining, licensing, protecting or maintaining Intellectual Property protection, domestic or foreign.
8. **Works and Printed Works:** Works means all works of authorship as defined by the U.S. Copyright Act of 1978 Title 17 U.S.Code. Printed Works includes all Works, in all media of expression, other than Software and Electronic/ Digital Works and Commissioned Works defined below.

9. **Software and Electronic/Digital Works:** Are Works that include software and other technologies used to support the capture, storage, retrieval, transformation, and presentation of electronic or digital data and information or to interface between electronic or digital forms and other communications and information media. Examples include, but are not limited to, software; course lecture video or audiotapes; electronic publications; electronic textbooks and interactive textbook supplements; Internet-based and on-line courses; web pages; multimedia works; and distance learning materials. As used herein, software means a set of statements or instructions -- lines of code -- used directly or indirectly in a computer to bring about a certain result.
10. **Tangible Research Property:** Tangible Research Property (TRP) means tangible materials including but not limited to research tools, prototypes, and records used or produced in the course of University research projects, examples of which include (1) hybridoma or clonal cell lines that produce monoclonal antibodies or recombinant proteins, (2) plants protected by the Plant Variety Protection Act, (3) non-patented drugs protected by the Orphan Drug Act, (4) prototype instrumentation or devices and (5) research records and documentation, regardless of form or media used to capture or create such records. Certain types of TRP may be licensed by the University in a fashion similar to Intellectual Property or as part of an Intellectual Property licensing transaction. For purposes of this Policy, TRP is included in the definition of Intellectual Property and is subject to the provisions of this Policy. Whether TRP is to be treated under this Policy similar to a Commissioned Work or an Employee-created discovery will be determined by the IP Official, or their designee, taking into account the nature and purpose of the licensing or assignment, and in consultation the unit head and the Dean. The same TRP may be treated differently if the nature and purpose of the licensing or assignment differs in different cases.
11. **Trademarks and other Identifiers:** An Identifier is a word, phrase, logo or other marking used to uniquely identify the origin of any Intellectual Property, artifacts or services, programs or other activities. Trademarks are specific types of Identifiers perfected and/or used in accordance with the requirements of state or federal statutory and common law or corresponding international law.
12. **Commissioned Works:** Commissioned Works are Works made by University Employees or independent contractors within the scope of their employment or work responsibilities and whose creation was specifically directed or authorized by a University administrator and where University funds or University administered funds were provided for their development. Commissioned Works, and any other Intellectual Property associated or arising from their creation, are owned by the Board and managed by the University. For the purpose of this Policy, the creator of the work is the University unit that authorized or directed the Commissioned Works.
13. **Examples:** Examples throughout this Policy are to be read as examples only and not to be construed as limiting or amending the operative content of this policy.

D. OWNERSHIP AND USE OF INTELLECTUAL PROPERTY

1. **Board-Owned Intellectual Property:** In accordance with the Board IP Policy, the University of Arizona manages all Board-owned Intellectual Property developed at the University or by its Employees (as defined herein). Board-owned Intellectual Property includes the following categories:
 - a. Intellectual Property resulting from research carried on by or under direction of any Employee and having all or part of the attendant costs paid from University funds or from funds under the control of or administered by the University or the Board, including Sponsor-Supported Projects (see Board IP Policy, Paragraph C.1); or
 - b. Intellectual Property made by any Employee as a direct result of his or her duties with the University or in the course and scope of employment (see Board IP Policy, Paragraph C.2); or
 - c. Intellectual Property developed in whole or in part by an Employee through an effort that makes significant use of University resources or facilities unless such resources or facilities are available without charge to the public or the applicable use fee (not including tuition) has been paid. The University does not consider the ordinary use of University resources such as the libraries, one's office, or desktop computer, to be significant use of University resources for purposes of vesting the Board with ownership in Intellectual Property (see Board IP Policy, Paragraph C.3). Significant use of university resources includes but is not limited to: use of research funding; use of funding allocated for asynchronous or distance learning programs; use of university-paid time within the employment period; assistance of support staff; use of telecommunication services; use of university central computing resources; use of instructional design or media production services; access to and use of research equipment and facilities, or production facilities.

Discussion: Determining initial ownership of Intellectual Property does not depend on the person's physical location rather it depends upon the scope of one's employment and contractual relations.

Example: an Employee in the School of Music and Dance who develops software to track little league players and document their capability/performance would own the copyrights to those materials. In contrast, if the Employee had been instructed to create software to recruit music students the property belongs to the Board.

Example: if a chemist is working on a new chemical structure and a related idea comes to him/her while showering at home, the Intellectual Property is owned by the Board. But a chemist working in a home workshop, creating a new wooden toy, is the owner of that Intellectual Property, although such Intellectual Property should be disclosed to the IP Official for the purpose of establishing that the Board is not the owner of the rights.

Simply stated, if the Employee's discovery or Work was made outside the scope of employment or contract at the University, without significant use of, or special access to, University resources, then ownership is the Employee's; otherwise, it is owned by the Board.

2. **Individual-Owned Intellectual Property:** The University acknowledges that the Board releases to the Employee ownership of Intellectual Property that is not within the scope of Paragraph D.1 above. Individual-Owned Intellectual Property in general may not be used in activities involving the University and when allowed must conform to the University Policy on Conflict-of-Interest and Commitment, Board Policy and may require prior written agreement with the University

signed by the IP Official or OTT.

3. **Sponsor-Supported Projects:** Intellectual property produced by Employees as a result of work supported partially or fully by an external agency and for which a contract is on file with the Vice President for Research is owned by the Board in accordance to Paragraph D.1a. and the further disposition of those rights in Intellectual Property will be determined by the terms of the specific contract. If no contract is on file, rights to Intellectual Property created as a result of sponsored research will reside in the Board.
4. **Student-Owned Intellectual Property:** Students own the Intellectual Property they develop as a result of class work provided such work is not otherwise within the scope of Paragraph D.1 above. Students own the copyrights for their theses and dissertations, but ownership of other Intellectual Property described in these publications, including software and patentable Discoveries, will be determined according to this Policy and the Board IP Policy. Students may be requested to grant rights in Student-Owned Intellectual Property to the Board or others, as a condition of access to certain class projects, independent research projects or other programs in the University in accordance to Paragraph D.1.
5. **Visiting Faculty, Researchers and Scientists:** As a condition of access to the resources of the University and on-going projects within it, the Board owns Intellectual Property created by visiting faculty, researchers, and scientists, including scholars, artists and engineers, and requires written agreement with them or their employers to abide by this Policy and the Board IP Policy prior to access to the University. The IP Official may, however, make exceptions on a case-by-case basis consistent with this Policy (see Paragraph E.2 below) and the Board IP Policy (Board IP Policy, Paragraph C.7). The IP Official shall act expeditiously in deciding these cases.
6. **Employee excluded works:** Under Policy, the Board is considered the owner of Works and Inventions created by Employees within the course of their employment, in Sponsor-Supported Projects, or with significant use of university resources (see Board IP Policy 6-908C.6). However, it is not necessarily in the interests of the University's academic mission for the Board to own the intellectual property in all such Works. For that reason the Board IP Policy releases to the individual creator certain intellectual property rights in the following categories of "Employee excluded works" (defined in Board IP Policy 6-908C. 4), subject in all cases to Sponsors' contractual rights and the Board's retention of a non-exclusive, paid-up license to use the intellectual property in the University's educational, research and public service mission.

It is the intention of this policy to clarify employees' rights with respect to the following categories of Employee-Excluded Works, and to establish procedures for confirming the employees' rights therein.

- a. **Printed Works:** The Board shall release to the individual creator(s) print publication rights for scholarly works in academia, including without limitation, course notes, textbooks and other scholarly works authored by the Employee. Upon request by the individual creator(s) of Printed Works, the IP Official shall confirm in writing expeditiously (not later than thirty [30] days after such request), the Employee(s)'s scholarly, print publication rights in her/his Printed Works. In the absence of written confirmation, the scholarly, print publication rights shall be deemed to have vested in the Employee upon creation of his/her scholarly Work.

b. Artistic Works. The Board shall release to the individual creator(s) copyright ownership of Artistic Works other than Commissioned Works (as used herein, “**Artistic Works**” means Works of visual arts and performing arts as defined in the U.S. Copyright Act 17 U.S.C. § 102(a), including musical works, dramatic works, pantomimes and choreographic works, motion picture and other audiovisual works, pictorial, graphic, sculptural and architectural works, in any medium of expression other than Software and Electronic/Digital Works (which will be handled as set forth in section D.6.c below). Upon request by the individual creator(s) of Artistic Works, the IP Official shall confirm in writing expeditiously (not later than thirty [30] days after such request), the Employee(s)’s copyright interest in his/her Artistic Works, *provided that* in the absence of written confirmation, the copyright in an Artistic Work shall be deemed to have vested in the individual creator(s) immediately upon the Work’s expression in a tangible medium.

c. Software and Electronic/Digital Works.

i. Electronic Publication of Scholarly Works: Where an Employee’s Work would qualify for release under section D.6.a. of this Policy but for the Work’s electronic or digital format, the Board shall release to the individual creator(s) the right to publish his/her scholarly Work in electronic or digital format, *provided that* such publication shall be restricted to non-profit, scholarly publications in academia, and the released rights shall not include the rights to use or license the Software or Electronic/Digital Works for Commercial Applications (as defined in section 6.c.(2) below). The Employee may seek written confirmation of the reversion of the non-profit, scholarly electronic publication rights from the IP Official. After receipt of such request accompanied by the information required under section D.6.e below, the IP Official shall issue such confirmation expeditiously (not later than thirty [30] days after such request).

ii. Commercial Applications of Software and Electronic/Digital Works. Commercial Applications of the Intellectual Property rights in Software and Electronic/Digital Works are managed by the University in accordance with this Policy and Board IP Policy. As used in this Policy, a “**Commercial Application**” means that the Employee intends to obtain, or is likely to receive, personal economic gain from the use or disposition of the Software or Electronic/Digital Work (other than through traditional fees, royalties or other compensation typically received by an author in connection with the publication of a non-profit, scholarly work in academia), *or* to use her/his unique knowledge of, or other preferential position with respect to the availability of, the Software or Electronic/Digital Work for personal economic gain.

The IP Official shall be the official responsible for the determination of whether or not proposed uses or disposition of Software and Electronic / Digital Works is likely to involve “Commercial Applications.”

If an Employee takes steps toward Commercial Applications of Software or Electronic/Digital Works without the prior written approval of the University’s IP Official, the Board shall be entitled to obtain injunctive relief and to take any other actions reasonably required to confirm the Board’s ownership of intellectual property rights in the Software and Digital/Electronic Works (including but not limited to notification of third parties, and other legal and equitable remedies).

- d. Limitations on Reversion of Rights. Any reversion of rights to the individual creators of Employee Excluded Works shall in all cases be subject to the contractual rights of research sponsors, and to the Board's retention of a paid-up, non-exclusive license to use the intellectual property rights that are the subject of such reversion for the University's education, research and public service mission. Commissioned Works are not eligible for reversion of rights to the individual creator(s) pursuant to this section D.6.
- e. Procedures for Confirming Reversion of Rights. The rest of this clause describes the procedure for confirming the reversion of certain intellectual property rights in Employee Excluded Works from the Board to Employee creators as contemplated by this Section D.6.:
- (i). An Employee may, at any time, apply to the IP Official for a written confirmation of the Employee's print publication rights or other copyright interests in Employee Excluded Works as contemplated by this Section D.6. Such an application may be made before beginning to create a Work. In the application, the Employee shall fully describe the Employee Excluded Work and the nature of the intended use, and shall provide information about the following:
 - (a) any university facilities or resources significantly involved in the creation of the Employee Excluded Work;
 - (b) the interest, if any, of any other party in the Employee Excluded Work, such as co-authors, research sponsors and commissioning parties;
 - (c) how the creation of the Employee Excluded Work was, or will be, funded;
 - (d) the nature of the Employee Excluded Work and the contemplated use by the individual creator; and
 - (e) any other information reasonably relevant to the University's interest in the ownership or the Employee's intended use or disposition of the Employee Excluded Works, including additional information that may be requested by the IP Official after receipt of the application.
 - (ii) Within 30 days of receiving an application accompanied by all additional information reasonably required for such determination, the IP Official shall either:
 - (a) confirm that the Board transfers the rights in Employee Excluded Works to the Employee as contemplated by this Section D.6, and expeditiously execute or arrange to have executed all instruments required to effect the transfer of the applicable rights to the employee (subject to sponsors' and Board rights); or
 - (b) decline to transfer to the Employee the requested rights and provide the Employee with written reasons, specific to the Work that is the subject of the application.
 - (iii) If the IP Official does not act in accordance with this clause or if an Employee objects to the IP Official's determination, an Employee may within 90 days of making an application described in clause D.6 e. apply to the IP Committee for review of the IP Official's actions.

7. Employee Use of Software and Electronic/Digital Works Excluding Commissioned Works: Employees may make limited use of Software and Electronic/Digital Works excluding Commissioned Works, independent of copyright ownership determination, as follows:

- a. Use at the University - An Employee may use Software and Electronic/Digital Works he or she develops or creates in the normal course of employment at the University, including the right to make changes to the Software and Electronic/Digital Works and to distribute the Software and Electronic/Digital Works to students, faculty, and other personnel at the University for teaching, research and other noncommercial University purposes.
- b. Academic use outside the University - Subject to receiving any necessary approval, an Employee may use Software and Electronic/Digital Works at other academic or not-for-profit research institutions for noncommercial purposes as part of ordinary scholarly exchanges, including visiting professorships and guest lectures, as long as the activities comply with University and Board policies on conflict of interest and conflict of commitment (including provisions requiring approval by the appropriate dean or department head), and as long as the activities do not include or allow commercializing the Software and Electronic/Digital Work.

The appropriate department head or dean must approve in advance the use of any Board-owned Software and Electronic/Digital Works by an Employee teaching or creating any course or courseware outside the University. For Software and Electronic/Digital Works released to the Employee by the University, the University's name may not be used in connection with such Software and Electronic/Digital Works other than to identify the Employee as an Employee at the University.

- c. Commercial use outside the University - For Board-owned Software and Electronic/Digital Works not released to the Employee, the Employee must obtain prior approval from the appropriate department head or dean before teaching or creating any course or courseware using the Software and Electronic/Digital Works for any commercial enterprise, and must obtain prior approval from OTT or the IP Official before commercializing Software and Electronic/Digital Works created or used at the University. Any such use must be consistent with University and Board policies on conflict of interest, conflict of commitment, and use of the University's name. For Software and Electronic/Digital Works released to an Employee, that Employee may commercialize the works outside the University without permission of the University as long as the University's name is not used in connection with the works other than to identify the Employee as an Employee at the University and the release included permission from the University for such commercial use. The University will not commercialize Software and Electronic/Digital Works without the knowledge and input of the Employee(s) who created the Software and Electronic/Digital Works in question so long as they remain at the University.
- d. Use after departing the University - An Employee who leaves the University may use any Software and Electronic/Digital Works that he or she created while at the University as long as the use is at another academic or not-for-profit research institution, and limited to teaching, research, and other noncommercial purposes. With respect to Software and Electronic/Digital Works released to a former Employee, that Employee may make commercial use of and create new works based the Software and Electronic/Digital Works as long as the Employee does not use the University's name in connection with the works other than to identify himself or herself as a former Employee.

7. Employee Use of Software and Electronic/Digital Works Excluding Commissioned Works: Employees may make limited use of Software and Electronic/Digital Works excluding Commissioned Works, independent of copyright ownership determination, as

follows:

- a. Use at the University. An Employee may use Software and Electronic/Digital Works he or she develops or creates in the normal course of employment at the University, including the right to make changes to the Software and Electronic/Digital Works and to distribute the Software and Electronic/Digital Works to students, faculty, and other personnel at the University for teaching, research and other noncommercial University purposes.
- b. Academic use outside the University. Subject to receiving any necessary approvals, an Employee may use Software and Electronic/Digital Works at other academic or not-for-profit research institutions for noncommercial purposes as part of ordinary scholarly exchanges, including visiting professorships and guest lectures, as long as the activities comply with University and Board policies on conflict of interest and conflict of commitment (including provisions requiring approval by the appropriate dean or department head), and as long as the activities do not include or allow Commercial Applications (as defined in D.6.c.(2) above) of the Software and Electronic/Digital Work.

The appropriate department head or dean must approve in advance the use of any Board-owned Software and Electronic/Digital Works by an Employee teaching or creating any course or courseware outside the University. For Software and Electronic/Digital Works released to the Employee by the University, the University's name may not be used in connection with such Software and Electronic/Digital Works other than to identify the Employee as an Employee at the University.

- c. Commercial use outside the University. For Board-owned Software and Electronic/Digital Works not released to the Employee, the Employee must obtain prior approval from the appropriate department head or dean before teaching or creating any course or courseware using the Software and Electronic/Digital Works for any commercial enterprise, and must obtain prior approval from OTT or the IP Official before undertaking any Commercial Applications of Software and Electronic/Digital Works created or used at the University. Any such use must be consistent with University and Board policies on conflict of interest, conflict of commitment, and use of the University's name. For Software and Electronic/Digital Works released to an Employee for Commercial Applications pursuant to section D.6.e. of this Policy, that Employee may commercialize the works outside the University without permission of the University as long as the University's name is not used in connection with the works other than to identify the Employee as an Employee at the University and the release included permission from the University for such Commercial Application. The University will not commercialize Software and Electronic/Digital Works without the knowledge and input of the Employee(s) who created the Software and Electronic/Digital Works in question so long as they remain at the University.
- d. Use after departing the University. An Employee who leaves the University may use any Software and Electronic/Digital Works that he or she created while at the University as long as the use is at another academic or not-for-profit research institution, and is limited to teaching, research, and other noncommercial purposes. With respect to Software and Electronic/Digital Works released to a former Employee, that Employee may make commercial use of and create new works based on the Software and Electronic/Digital

Works consistent with the University's release, as long as the Employee does not use the University's name in connection with the works other than to identify himself or herself as a former Employee

8. Employee Consulting: The Board will not claim ownership to Intellectual Property that is the product of Employee consulting where the consulting was performed:

- a. In accordance with college and University consulting policies that have been pre-approved by the IP Official and in accordance with this Policy and the Conflict of Interest and Commitment Policy;
- b. Within the scope of the consulting activity documented to the University for which the Employee sought, and was granted, permission by the University to engage in; and
- c. Does not overlap or conflict with other contractual obligations of the University including but not limited to Sponsor-supported Projects in which the Employee is involved or has access to.

If the Employee's obligations with respect to Intellectual Property under this Policy or the Board IP Policy conflict with an Employee's obligations to the consulting entity, the obligations under University and Board Policies shall take Precedence. (See Board IP Policy, Paragraph C.5, University of Arizona Conflict of Interest and Commitment Policy 6.D and University Handbook for Appointed Personnel 2.06.06.)

E. PROCEDURES

1. Disclosure of Intellectual Property and Duties of Disclosers:

- a. Employees who create Intellectual Property falling within Section D above, shall promptly disclose any Invention or Copyrightable Work in which the Board or a Sponsor may have an interest. Employee Excluded Works (see D.6 above) in which the Board or a Sponsor does not hold an interest need not be disclosed. Disclosure must occur:
 - i. Upon request by the IP Official or their designee;
 - ii. Prior to any discussions or actions involving commercialization activity; or
 - iii. Prior to any non confidential presentation or other public release of Intellectual Property resulting from sponsor-supported projects; or
 - iv. As required by any sponsored research contract applicable to such Intellectual Property.

The creator(s) will file an Invention or Copyrightable Work Disclosure form (available from OTT) with the head of his or her department. The department head will transmit the disclosure to OTT within 10 days and send an information copy to the dean of the college or other appropriate unit head. The department head will append to the disclosure a statement setting forth his or her opinion concerning the scientific, technical and economic merit of such intellectual property; the desirability of obtaining patent, copyright or trade secret protection; an estimate of the commercial potential; and a general description of the University facilities or resources used in the development of the Intellectual Property.

b. The principal investigator is responsible for notifying all persons who may be involved in creating and developing Intellectual Property in advance of their participation in a project when the terms of a contract grants a sponsor the rights to technology resulting from the sponsored-supported effort. When an individual is not a paid employee of the University, such as a Visiting Faculty member, a written agreement between the IP official (in behalf of the University) and the individual is required prior to participation in the Sponsor-Supported Project.

- c. The Employee who submits a disclosure is responsible for including all persons involved in creating and developing the Intellectual Property in a disclosure and of notifying them of the disclosure and ensuing events, especially those events related to further development (i.e., the protection and subsequent licensing or sale of the property).
 - d. Each Employee involved in creating and developing Intellectual Property subject to disclosure under this Policy, Board IP Policy or law will cooperate with the University and execute any and all documents necessary to assign ownership and/or secure protection of Intellectual Property owned by the Board, in all countries designated by the IP Official or their designee.
2. Ownership Determination: The IP Official, in consultation with OTT, will determine the ownership of Intellectual Property within 10 days of OTT receiving a complete disclosure. If the Board is deemed to own the property, OTT, or its designated agent, will have 120 days to decide whether to attempt to commercialize the disclosed Intellectual Property and an additional 10 days thereafter to inform the creator of the property of this decision.
 - a. At the request of the Employee, if the Board is not deemed to own the Intellectual Property, OTT will acknowledge in writing that the Board holds no interest in Intellectual Property determined to be Individual-Owned Intellectual Property. On mutually agreed upon terms, the Employee may assign Individual-Owned Intellectual Property to the University for commercialization.
 - b. At the request of the Employee and the concurrence of the unit head and dean, OTT may release to the Employee Intellectual Property determined not to merit or warrant exploitation by the University at that time, with certain rights retained by the University and certain restrictions on further development imposed on the Employee (see e.g., Board IP Policy, Paragraph D.2.a and f).
 - c. Intellectual property obligated to a sponsor pursuant to the terms of the research contract will be made available to the sponsor in accordance with that contract.
 - d. Intellectual Property owned by the Board may be patented, copyrighted or otherwise legally protected by the University in all countries designated by the IP Official or their designee. The University may commercialize Intellectual Property rights using its own resources or it may make an agreement with one or more outside entities or Intellectual Property management organizations to undertake such activities. If the University has not taken steps to commercialize the Intellectual Property within two years of the determination of ownership, an Employee who created the intellectual property, with the concurrence of the unit head and dean, as well as other Employees involved in the disclosure, may thereafter request a release or license agreement for such Intellectual Property from OTT with certain rights retained by the University and certain restrictions on further development imposed on the Employee (Board IP Policy, Paragraph 2.D.a).
 - e. OTT will inform the creators on a regular basis of the progress of protection efforts and commercialization of Intellectual Property disclosed by them.
3. Dispute Resolution. When disputes arise under this IP Policy and its implementation involving University Employees or individuals accepting and receiving benefit under the IP Policy, the IP Committee shall be the authority delegated to arbitrate such disputes and make recommendations to the IP Official or the President as appropriate to the nature of the dispute. Any employee involved in the dispute, the Director of OTT or the IP Official, or the President may bring a disputed matter before the IP Committee under this IP Policy. If requested, the IP Committee will review the interpretation or decision of the IP Official as required by the Board Policy (Board IP Policy, Paragraph I.) or review the matter brought before it in accordance with Board

Policy Technology Transfer Policy 6-909.10 H.

4. Intellectual Property Net Income Distribution:

Net Income earned from the licensing of Commissioned Works and associated Intellectual Property, or University Trademarks or Identifiers that are not licensed by OTT, are not subject to Net Income Distribution under this Policy.

Employees who create Intellectual Property that is disclosed pursuant to this Policy and that is determined to be owned by the Board are entitled to share in the Net Income earned from the commercialization of that Intellectual Property according to the Income Distribution Policy, attached hereto as Exhibit A, unless provided otherwise by contract with that Employee.

If multiple Employees are entitled to share in the distribution, the IP Official will not release any Employee distribution income until all entitled Employees have provided the IP Official with a written agreement signed by all such Employees, indicating the distribution shares for each Employee. Such agreements may include Employees contributing to the research or the technology transfer surrounding the Intellectual Property, but must contain the signature of all Employees who would be rights holders in the licensed or assigned Intellectual Property but for their employment status or their duty to assign to the Board.

Where the University assigns its Intellectual Property to a research sponsor or outside organization (see Paragraph E6), the assignee will pay the University the fully burdened overhead expenses related to the assigned intellectual property. The Office of Vice President for Research receives that portion of the overhead rate normally associated with agreements that do not assign Intellectual Property for distribution according to the handling of indirect costs received from sponsored projects while the remainder distributed pursuant to the Invention Income Distribution Policy attached hereto as Exhibit A. If the University assigns its Intellectual Property to an Arizona state agency, the assignee will pay the University 50% of their Net Income after direct expenses related to the assigned intellectual property, with the payment to the University to be distributed pursuant Exhibit A.

5. Patent, Trademark, Copyright Application: The Employee who creates Intellectual Property owned by the Board is required to cooperate fully with the University in the application for legal protection of Intellectual Property when requested to do so by OTT or the IP Official. All direct costs involved in obtaining and maintaining legal protection, domestic and foreign, will be borne by the University, a sponsor or licensee, or a contracted management agent.
6. Assignment of Title to Research Sponsor in Sponsor-Supported Projects: The University may accept a grant or contract from an organization with title to resulting Intellectual Property assigned to the sponsor or that gives the sponsor an exclusive option for a limited period of time in to negotiate a license. The terms and conditions of such a license must be consistent with the Board IP Policy. OTT will negotiate the license on behalf of the University and must approve any such agreement in advance. The IP Official will use his or her best efforts to consult with the creator and principal investigator in the negotiation process, including, among other things, providing a copy of the negotiated agreement before its final execution. The principal investigators are responsible for notifying everyone involved in work supported by the grant or contract of the terms of any such agreement prior to their involvement.
7. Employee Conflict of Interest and Employee Financial Interest in Private Organization: Employees are subject to and will abide by the University Conflict of Interest and Commitment

Policy. Notwithstanding any other provisions of this section, a grant, contract or any other form of agreement between the University and any organization containing a provision assigning title is subject to final approvals as required by the University's Conflict of Interest Policy if the Employee has any substantial proprietary or financial interest in the contracting organization or any entity engaged in a business relationship with the contracting organization as set forth in the University's Conflict of Interest and Commitment Policy . In addition to complying with the Conflict of Interest and Commitment Policy, any time an Employee establishes or maintains a proprietary or financial interest in a private entity that contracts with the University for research or that desires to obtain a license from the University for University technology, that Employee must prior to that entity entering into a contract or license with the University (i) submit a Conflict of Interest and Commitment disclosure form to the Institutional Review Committee for approval and (ii) submit an Enabling Disclosure form (<http://www.ott.arizona.edu/enabling.htm>) to OTT for review, approval, and submission to the Board for Board approval. Approval by the Board for the creation of any organization or any substantial interest in an organization under applicable Arizona law does not exempt any agreement between the University and that organization from the provisions of this paragraph, nor from other applicable conflict of interest or commitment rules or policies. In the event of any inconsistency with the provisions of this Policy, the University's Conflict of Interest and Commitment Policy and the Board's Conflict of Interest Policy shall control with respect to rules and procedures applicable to conflicts of interest and commitment.

In those cases where the Employee holds a financial interest in a company that licenses from the University technology developed by that Employee, that Employee will not receive a creator's share of the licensing income received by the University from that company for that technology, but that Employee's share will instead be distributed among the other University accounts designated in the Income Distribution Policy.

Policies Cited:

Arizona Board of Regents' Policy Manual, Chapter VI, 6-908 Intellectual Property Policy and 6-909.10 Technology Transfer Policy, revised 9/99

University of Arizona Conflict of Interest and Commitment Policy, 1998.

University Handbook for Appointed Personnel, 2000

**EXHIBIT A TO THE UNIVERSITY OF ARIZONA INTELLECTUAL PROPERTY POLICY
IP NET INCOME DISTRIBUTION POLICY**

Under the Arizona Board of Regents (Board) Intellectual Property Policy, Employees and students or others who conceive and/or develop Intellectual Property subject to the Board IP Policy must disclose that intellectual property. If the Board retains title to the Intellectual Property and income is created by license or assignment of the Intellectual Property, the Board IP Policy provides that the creator(s) entitled to receive income under Paragraph E.4. of this Policy will receive a minimum of 50 percent (50%) of the first \$10,000 of Net Income to the University and a minimum of 25 percent (25%) of Net Income to the University beyond the first \$10,000.

The University of Arizona Intellectual Property income distribution schedule outlined below exceeds the Board's minimums. Income listed below is "Net Income" as defined in this Policy.

For the purposes of this Policy, an Investigator is a current paid or emeritus employee of the University who is normally authorized by the University to conduct independent research and expend University funds and who is entitled to receive an income distribution under the Intellectual Property Policy Paragraph E.4. Investigator Discretionary Accounts are an apportionment of the University's income. When an Investigator leaves University employment, income that would normally go to their Investigator Discretionary Account will be divided among the remaining Investigator Discretionary Accounts. In the event no discretionary accounts remain, the income will be divided among the remaining University accounts.

Distribution of Net Income

Step	Income \$	Distributed to	Percent
1	First 10,000	Creator	100
2	Next 40,000	Creator	50
	Total 50,000	Investigator Discretionary Account	30
		Fund for Promotion of Research	20
3	Next 450,000	Creator	40
	Total 500,000	Investigator Discretionary Account	25
		Fund for Promotion of Research	25
		Department Account	5
		Dean's Account	5
4	Next 500,000	Creator	35
	Total 1,000,000	Investigator Discretionary Account	20
		Fund for Promotion of Research	30
		Department Account	10
		Dean's Account	5
5	1,000,000 and Beyond	Creator	25
		Investigator Discretionary Account	20
		Fund for Promotion of Research	40
		Department Account	10
		Dean's Account	5

EXHIBIT B TO THE UNIVERSITY OF ARIZONA INTELLECTUAL PROPERTY POLICY SUPPLEMENTAL DEFINITIONS

This supplement provides additional definitions to aid in the understanding and use of the University's Intellectual Property Policy. The information below is a generalized summary for information purposes only and does not create new legal rights or responsibilities nor does it supercede any provisions of this Policy or that of the Board of Regents.

1. **Copyright:** See 17 USC § 101, et seq. For general information on US and international copyright laws and treaties, see the Copyright Office Information Page, <www.loc.gov/copyright> Consistent with 17 U.S. Code, copyright protects an original work of authorship fixed in any tangible medium of expression from reproduction, distribution, display, performance or the creation of derivative works without the permission of the owner. Copyrighted material may include, but is not limited to, website content and format, lecture and class notes, exams, computer software, mask works, artwork, music, technical articles, books and other literary works. Copyright protects the expression of an idea, but not the idea itself. For example, a copyrighted set of plans for building a solar device provides exclusionary rights regarding the reproduction and sale of the plans, but the purchaser of the plans may build and sell the solar device, assuming that the device is not protected by a patent and is not subject to contract restrictions. In addition, copyright does not protect raw data or facts, though it may protect the creative presentation of data and facts.
2. **Data:** Data includes, but is not limited to, lab notes, results of analyses, research notes, research data reports, and research notebooks.
3. **Mask Work:** A type of Intellectual Property protected under federal law that consists of a series of related images representing the three-dimensional pattern of metallic, insulating, and semiconductor materials in a semiconductor chip product. Mask works are protected under the Semi-Conductor Chip Protection Act of 1984, which is incorporated into the U.S. copyright law, 17 U.S.C. § 901 *et seq.*
4. **Patent:** Consistent with 35 U.S. Code, a U.S. patent is an instructional document obtained through application to the U.S. Patent and Trademark Office, and provides negative exclusionary rights in the United States. The owner of a patent can prevent others, for a period of years, from making, using or selling the Invention. An issued patent must teach one who is familiar with the field the best means for producing, constructing or using the patented product or process. Requirements for obtaining patents in other countries vary with each country, see www.uspto.gov for further information.
5. **Trade Secret:** Consistent with the Uniform Trade Secrets Act, codified in Arizona at A.R.S. §. 44-401, certain technology, information, formulas, patterns, methods, techniques, etc., may be protected as trade secrets, provided that reasonable efforts are undertaken to maintain secrecy. The University's records are considered to be public records, and open to inspection by any person at all times: A.R.S. § 39-121. The University is authorized to maintain trade secret protection only to the extent permitted under Arizona law (A.R.S. § 15-1640) for example, if the trade secret belongs to and is disclosed by an outside sponsor (see Board IP Policy, Paragraph B.4). When public disclosure would inhibit a company's willingness to invest the necessary funds for product development and commercialization, OTT, in consultation with the Employee and the IP Official, may license Intellectual Property as a trade secret, to the extent permitted under State law. Knowledge formalized as a trade secret cannot be disclosed in any open forum as long as it is intended to be maintained as a trade secret. For purposes of this Policy, trade secrets will be treated as patented and copyrighted technologies with respect to licensing and royalty distribution.
6. **Trademark:** Consistent with federal and state statutory and common law, trademarks and service marks identify an organization as the source of a product or service. The University name, symbols and logos of the University are trademarks and service marks belonging to the Board, for example, and may not be used by third parties without a proper license and specific approval of the IP Official or the University's Office of Trademarks & Licensing, and in a manner consistent with applicable University and Board of Regents policies.

Presentation to AFC urging support for Amending University Retirement Plans, (1/28/05), doug.johnson@asu.edu

General Background: A Bad News and Good News Story

- **Bad News:** Retirement issues demand our attention
 - Demographics demand our attention; Baby boom generation is nearing retirement
 - Social Security battle is looming in Congress
 - Corporate world can't afford their defined benefit plans
 - Most Americans haven't saved enough for retirement
 - Life expectancy has increased significantly
 - Interest rates are low, producing low fixed investment incomes
 - Stock market experienced losses 2000-2002

- **Good News:** University retirement plans are working
 - University professors will be millionaires
 - Regular payroll deductions with matching contributions have accumulated and grown to large amounts
 - In Arizona we have choice of two excellent retirement plans
 - ASRS is one of the best state retirement plans
 - ORP provides choice of well managed plans with multiple investment options

Recent Developments:

- ASRS reports liabilities now exceed assets; will raise contribution rates despite improved investment performance in 2004
- ASRS recognizes that purchases of service credits may have been subsidized
- New legislation requires prior service purchases to be actuarially neutral- net present value of future benefits.
- New ORP investment options

Talking Points:

So why change our retirement plans?

The grass is always greener!!!

- University employees must make an irrevocable selection of a retirement plan within 30 days of hire.
- Faculty, administrators, and professionals may select either ASRS or ORP.
- Tenure is increasingly uncertain; up or out model
- ASRS is not attractive if you leave before retirement
- New hires don't have sufficient information to choose
- Most select ORP to have a portable plan and flexibility
- ORP plans require attention, knowledge, and risk taking
- ASRS may have advantages if you retire in AZ
 - long term disability insurance
 - health insurance supplements
 - legislature has granted plan enhancements when plan over-funded
 - option to purchase prior service credits
- ORPs may delay retirement, reducing university flexibility
 - How much do I need to retire?
 - Danger of out living money
 - Health insurance is very expensive
 - Uncomfortable managing own portfolio
- ASRS members are not happy either
 - Can't leave without significant financial penalty
 - Contribution rates going to 7.75% for 2005-7
 - 3% Under funded
 - Potential for Legislative maneuvering
 - May miss out on market opportunities

Proposed Change:

- 1. Defer the decision to select a retirement plan until tenure decision information is available.**
- 2. Employee retirement contributions would accumulate in a managed account similar to those now used for pre vesting employer contributions until the retirement plan selection.**
- 3. Eligible employees would be allowed a one time election to switch plans with the possibility of a non-taxable rollover retirement funds.**

Rationale:

- a. ORP participants could become ASRS members.
 - i. buy prior service credits
 - ii. start earning service credits
 - iii. Enjoy insurance benefits.
 - iv. let ASRS professionals manage funds
- b. ASRS members could become ORP participants
 - i. Control their investments
 - ii. Take advantage of surging markets
 - iii. Enjoy greater portability

Next Steps:

- 1. Seek support from Academic Senates of all three universities and their campuses**
- 2. Seek ABOR approval and amendment of ORP (1997)**
- 3. Seek Legislative acceptance and bill to enable change in ASRS (A.R.S. Title 38,Chapter 5,Article 2,sec. 38.711)**

Proposed Amendments from the AFC meeting 1/28/05

- 1. Amend ORP to provide a health insurance subsidy for pre Medicare eligible retirees, comparable to ASRS. Universities through ABOR could contract for ORP participation in the health insurance benefit program of ASRS, or contract with a private vendor. Currently ASRS provides a health insurance subsidy of \$150/month for individuals, and \$250/month for families.**

Rationale: A health insurance subsidy could remove a major obstacle to retirement by ORP participants. A health insurance subsidy would enhance the universities' ability to attract and retain high quality employees.

- 2. Amend (see attached) proposal to allow employees the option of deferring retirement plan selection until tenure decision information is known (or a period of up to five years for administrative and professional employees).**

Rationale:

Employees would have the option of selecting a retirement plan when they are employed or to defer the decision until tenure decision is available. This option would reduce regret and opportunity cost experienced by participants which could occur if retirement funds were invested in a lower yielding managed custodial account instead of a more aggressive ORP fund which could potentially earn a higher return. Currently both ASRS and ORP hold employer retirement contributions in a separate managed account until vesting occurs. Both ASRS and ORP have five year vesting periods for employer contributions.

Resolution passed (12/05) by unanimous vote of the ASU (Tempe) Academic Senate

Allow tenure-track faculty members to choose a retirement option (ASRS , ORP (TIAA-CREF, VALIC, etc)) after tenure is granted; eligible university personnel to select an retirement plan (administrators and other professionals) after 5 consecutive years of service; allow tenured faculty members and other eligible employees a one-time opportunity to change their retirement plan selection.

Prior to the selection of a retirement option, treat retirement contributions from individual and the employer in the same manner as employer contributions are currently are treated until vesting occurs

ARGUMENTS FOR THE PROPOSAL

An irrevocable election at the time of hire requires new employees to make a bet on whether they will spend their entire career here, or go to other employment. The penalty for an optimistic prediction that proves wrong is that they leave the university with very little retirement benefit for their years of service. This leads many new employees to feel compelled to choose an option other than the state system. A very few new optional plan eligible employees (tenure-track faculty or professional track employees) choose the state system.

This proposal is not a gift to current employees that elected not to join the state system. Allowing those currently in an optional retirement plan to buy their way into the state system at the actuarial net value of future benefits does not disadvantage the state system.

The state retirement system will be strengthened if more employees elect that option. Increasing the number of participants decreases the uncertainty associated with managing that fund.

The university will benefit from this proposal. Allowing new hires to defer their choice until stability of employment can be assessed more accurately will make the university more attractive to new faculty members/professionals. Moreover, increasing the number of faculty members/professionals that choose the state system will reduce turnover. Once someone elects the state system, there is a strong economic incentive to remain at the university until retirement.

Faculty members who choose the state system will have the option of purchasing years of service for time spent in the military, on leaves of absence, or with selected other governmental entities.

Several structural changes have occurred recently. University employees now are able to participate in both 403b and 457c plans. This allows them to participate in optional defined contribution plans if they elect to participate in the state defined benefit plan.

Uncertainty with respect to whether tenure will be granted also seems to be increasing. This increases the pressure for new employees to select one of the more portable optional plans if they must make the retirement choice prior to finding out about the tenure decision.

unseenamerica

national exhibit opens in Tucson with images from local day laborers

February 10th 5pm Reception

U of A Student Union, 3rd Floor Art Gallery



Victor, a Mexican day laborer lays a foundation at a construction site on Long Island, NY.



Photo taken by Marco Antonio Ponce, Tucson day laborer and project participant.

“You don’t need to know Spanish or English to understand a photograph.”

Hector Emilio Zeloya, photojournalist and Tucson day laborer

The University of Arizona Faculty Senate Task Force for Monitoring Human Rights and Labor Issues announces the opening reception of *unseenamerica* on February 10th at the U of A Student Union Art Gallery. The Student Union is located at Mountain and 2nd Street.

unseenamerica is a national documentary photography exhibit of images taken by garment workers, day laborers, domestic violence survivors, formerly homeless senior men, and other people whose lives go unseen and ignored in commercial media, public policy decisions, board rooms, and daily interactions.

Twenty photographs by Tucson day laborers and artists, who participated in a 5 week bilingual photography class, will be exhibited as well as 50 photographs from the national exhibit. The exhibit will run from February 10th to March 10th and is supported by the Southwest Center for Economic Integrity and the University of Arizona Office of the President.

unseenamerica is a project of the Bread and Roses Cultural Project Inc. 1199/SEIU and was highlighted in *The New York Times*, *ABC News*, *CBS News*, *Newsweek Magazine*, and *The Washington Post*, which commented, “The images, stunning in their simplicity, tell stories.”

unseenamerica

Public event on February 10th before the reception...

3:30pm The Working Class Majority: America’s Best Kept Secret, a public talk by Michael Zweig. Dr. Zweig is an economics professor at SUNY Stonybrook and Director of the Center for the Study of Working Class Life. He worked with the Bread and Roses Cultural Project on the first *unseenamerica* photography class with day laborers on Long Island. (in the Kiva on the 2nd Fl. of the Student Union)