

Policy Number: 6-908	Policy Name: Intellectual Property Policy
Policy Revision Dates: 1/2016, 8/2010, 3/01, 6/99, 5/96, 2/88, 9/87, 9/85	Page 1

6-908 Intellectual Property Policy

The Arizona Board of Regents and the three universities that the Board governs, are all dedicated to teaching, research, and the extension of knowledge to the public. The university community recognizes its responsibility to produce and disseminate knowledge. Inherent in this responsibility is the need to encourage the production of Scholarly Works and the development of Intellectual Property (IP), some of which may have potential commercial value. These activities contribute to the professional development of the individuals involved, enhance the reputation of the university in which they work, provide additional educational opportunities for participating Students, and promote the public welfare.

Board-Owned IP should be appropriately managed in the best interest of the state and the university system. This policy addresses ownership rights and revenue sharing for Board-Owned IP.

Compliance with this policy is required for all Employees as part of the terms of their employment. This policy also applies to non-Employee Students of the university and to anyone else who creates Intellectual Property with Significant Use of Board or University Resources.

University-wide trademarks, logos, and other Board or university indicia or identifiers are not subject to or covered by this policy.

Definitions of capitalized terms are included in the final section of this policy.

A. Ownership of Intellectual Property.

1. Board-Owned IP:

a. The Board owns all Intellectual Property in each of the following categories:

- (1) Any Intellectual Property created by an Employee in the Course and Scope of Employment; and
- (2) Any Intellectual Property created with the Significant Use of Board or University Resources.

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- b. The Board's claim to ownership may be altered by:
 - (1) Exceptions described in this policy;
 - (2) Applicable law; or
 - (3) Written agreement signed by the IP Official or an authorized university or Board representative.
- c. For all Board-Owned IP, all Employees (including Student Employees), and others creating Board-Owned IP are required to assign (and hereby do assign) to the Board all right, title, and interest in and to the Board-Owned IP.

2. Scholarly Works.

- a. As an exception to ownership by the Board of all Board-Owned IP as set forth in Section 1.A above, the Board does not claim copyright ownership of Scholarly Works.
- b. Scholarly Works include all Works created by faculty members (as defined in ABOR Policy 6-201) at their own direction and without Significant Use of Board or University Resources. For example, the following are considered Scholarly Works: scholarly publications, research publications, textbooks, journal articles, lecture and instructional notes, books, play scripts, theatrical productions, poems, and works of music and art.
- c. Scholarly Works do not include the following:
 - (1) The designs, developments, discoveries, improvements, inventions, methods, processes, or other ideas that are potentially patentable subject matter, even if incorporated into a Scholarly Work;

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- (2) Works of Authorship and Creative Works created as deliverables under a sponsorship or funding agreement;
 - (3) Computer software created by Employees in connection with administrative, research, or other educational activities supported by funds administered by the Board or university;
 - (4) Works of Authorship and Creative Works commissioned by the Board or university or created as part of an administrative assignment to, for, or on behalf of university; and
 - (5) Course and instructional materials, in any form, such as video lectures, power point presentations, and course materials provided to Students, unless otherwise set forth in a university policy or separate written agreement.
- d. To the extent applicable law results in Board ownership of a Scholarly Work, the Board or its designee may assign those rights to the Creator(s) of the Scholarly Work, subject to the terms of this policy and a separate written assignment. To obtain this assignment, the Creator(s) must make a written request for assignment to the university.
 - e. For all Scholarly Works assigned to the Creator(s), the Board and university retains a paid-up royalty-free, non-exclusive license, for the full term of the Intellectual Property rights, to use, reproduce, publish, modify, distribute, publicly perform, and publicly display the work for education, research, in furtherance of the public service mission of the university, and any other non-commercial purpose, including the right to sublicense to the third parties consistent with this purpose.
 - f. If requested by the Board or university, or as required by applicable law, policy, or written grant or agreement, the

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Creator(s) of the Scholarly Work will provide a copy of the Scholarly Work to the Board or university, at no cost to the Board or university, so that the Board or university may exercise its rights as set forth in this policy and so that it may comply with its obligations to sponsors or other third parties. This expressly includes the right for the Board or university to deposit the Scholarly Work in any Board, university, or third party repositories.

3. Student-Created Works.

The Board does not claim ownership of Intellectual Property created by Students, except the following, which are considered Board-Owned IP:

- a. Works created by a Student within the Course and Scope of Employment as an Employee;
 - b. Works created by a Student with Significant Use of Board or University Resources, however, the Board will not claim copyright ownership in Student dissertations or capstone projects intended to fulfill degree requirements at the university; and
 - c. Works created by a Student as part of a project sponsored or funded by a third party, where the sponsorship or funding agreement provides for university or sponsor ownership, rights, or options in the Intellectual Property.
4. Transfer of Board-Owned IP through licensing or assignment.
- a. Subject to applicable law (including the federal Bayh-Dole Act and implementing regulations), the Board may transfer rights in or title to Board-Owned IP through written agreements. Transfer of Board-Owned IP to Board or university officers or Employees is also subject to the requirements of Board Policy 3-901B.
 - b. Any agreement to authorize a third party to manage all or substantially all Board-Owned IP is subject to prior approval by the Board and is subject to this policy, including any

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Board-approved changes to this policy during the term of the agreement. Universities may, without prior review or approval by the Board, engage outside service providers and third parties with respect to: (i) docketing and monitoring of Intellectual Property activities; (ii) payment of maintenance and other fees required by intellectual property offices; (iii) patenting and other protection of Intellectual Property; and (iv) any other service incident to the protection and commercialization of Board-Owned IP.

- c. Any agreement to assign, license, or otherwise transfer any rights in Board-Owned IP will include the following:
 - (1) In an exclusive license, an obligation to make good faith attempts to commercialize the Board-Owned IP;
 - (2) The right of the university to use the Board-Owned IP for research, education, and in furtherance of the public service mission of the university; and
 - (3) The right of the university to make public through publication or presentation the Board-Owned IP (subject to reasonable limitations to protect trade secrets and other proprietary information of a sponsor, and to preserve patentability and other similar protection).
 - (4) The IP Official may make modifications or exceptions to these requirements for the transfer of Board-Owned IP if justified by the best interests of the Board or the university.

- 5. Any disputes regarding whether Intellectual Property should be classified as Board-Owned IP, Scholarly Work, Student-Created Intellectual Property, or otherwise will be brought to the IP Official, following the process and time limits established by this policy and any additional university policies and procedures.

B. Revenue Sharing

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1. The IP Official will manage Board-Owned IP in the best interests of the state, the Board, and the universities. This may include the generation of revenue, but nothing in this policy is to be interpreted as a requirement that revenue be maximized for individual Creators.
2. If revenue is generated through licensing, assignment, or transfer of Board-Owned IP, the Net Income derived by the university from Intellectual Property will be shared with the Creator(s) of the Intellectual Property in accordance with this policy, and the remainder will be used in support of research, investigation, research fellowships, or other activities relevant to research or the generation of Intellectual Property at the institution.
3. The IP Official will determine the percentage to be paid to the Creator(s), ensuring that it is in accordance with the university's revenue sharing policy, subject, however, to the following minimum:
 - a. An Employee or Student who creates Board-Owned IP will receive a minimum of 25% of the Net Income received by the university for the Board-Owned IP, unless otherwise agreed in writing. If there is more than one university Creator of Intellectual Property, the percentage will be divided equally among the university Creators unless they agree in writing to a different sharing arrangement.
 - b. This royalty-revenue sharing is not to be construed as wages or salary compensation to the Employee from the university, but rather as separate income derived from commercialization activities involving Board-Owned IP. In addition, a Creator's rights that have accrued will continue beyond their employment at or enrollment in the university.
 - c. If a company in which an Employee holds a Substantial Interest is given more favorable royalty or other financial terms than is usually granted in comparable cases in its license with the university, then the university will determine

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whether that Employee, who holds a Substantial Interest in the company licensing university technology developed by that Employee, should receive a personal share of the licensing income or other consideration received by the university from that company in addition to that Employee's equity or other financial interest in that company. Universities also may adopt policies prohibiting distribution of all or part of the personal share or may review on a case-by-case basis. If the university determines that the affected Employee should not receive his/her personal share of university licensing income, then the share of licensing income that would otherwise be disbursed to the Employee will be distributed among the other university accounts designated in the university's income distribution policy. For purposes of this section, the interest owned by or otherwise committed to the Employee at the time of the disclosure of the Employee's relationship with the company will be the interest used in determining whether the Employee has a Substantial Interest.

C. Outside Consulting

1. Consulting for outside organizations may be performed by Employees pursuant to applicable Board and university policies, including conflict of interest and conflict of commitment policies.
2. Employees may not consult for outside organizations if doing so would require assignment or transfer of any rights or ownership of any Board-Owned IP to any third party.
3. An Employee may not transfer or use, by assignment, license or otherwise, Board-Owned IP through a consulting or other agreement with a third party unless authorized in writing by the IP Official or university president. Any purported transfer in violation of this paragraph will be void and unenforceable.

D. Administrative Responsibilities

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1. Responsibilities of the Creators of Intellectual Property:

- a. Each Employee must promptly and fully disclose in writing to the university any Intellectual Property made by that person, or resulting from work carried on under his/her direction, in which the Board may have an interest. Each university will adopt a disclosure form and make the forms readily available to Employees and others who may use university resources.
- b. Intellectual property created as a result of outside consulting must be disclosed to the university if there is any potential that the Intellectual Property may fall within Article A of this policy.
- c. The Creator must cooperate fully with the university with respect to technology transfer and commercialization activities relating to Board-Owned IP. In addition, the Creator shall execute all documentation necessary for the Board to establish, confirm, or perfect its ownership interest in Board-Owned IP, including documentation necessary to assign ownership to the Board for recordation or other purposes, and, if necessary, to secure protection of Board-Owned IP in those countries designated by the IP Official.
- d. The Creator must comply with all applicable laws and university and Board policies relating to conflicts of interest, including Board Policy 3-901.
- e. The Creator may not use the Board's or the university's name, logos, trademarks, or other university identifiers in any commercial context involving Board-Owned IP without prior written permission.

2. Responsibilities of the IP Official.

- a. The IP Official will administer all Board-Owned IP in accordance with the requirements of this policy and applicable law.

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- b. The university's IP Official must either review agreements to assign, license, or otherwise transfer rights in Board-Owned IP before such agreements are signed, or may approve the procedure pursuant to which the agreement is reviewed and signed. All agreements to assign, license, or otherwise transfer any rights in Board-Owned IP must be signed by an authorized representative of the university.
- c. For copyrighted Board-Owned IP, requests for reproduction or other use of materials may be approved by the president or other person designated by the president (which may be, but is not required to be, separate from the IP Official).
- d. The IP Official will use reasonable efforts under the circumstances to consult with the Creators who are then employed by the university during the negotiation process. The IP Official will provide Creators of the Board-Owned IP who are then employed by the university with a copy of the negotiated agreement prior to its final execution. If any Creator then employed by the university does not agree with the negotiated terms, he or she may challenge the IP Official's position before the agreement is executed, in accordance with this policy, following the process and time limits established by this policy and any other additional university policies and procedures.
- e. The IP Official may exercise discretion in deciding among the following options with respect to Board-Owned IP:
 - (1) Board-Owned IP may be licensed, assigned, or sold to the Creators subject to the following: (i) the Board retains a paid-up, non-exclusive license to use this Board-Owned IP for education, research, in furtherance of the public service mission of the university, and for other non-commercial purposes; (ii) provision for a minimal royalty or other consideration to university in the event of commercialization of the Intellectual Property; and

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(iii) the Creator may not use university facilities to improve upon the Intellectual Property without a separate written agreement. If the Creator wishes to continue work on the Intellectual Property using university managed funds and/or facilities, he/she will need to do so pursuant to a written agreement that provides adequate consideration for that use.

- (2) Intellectual Property may be licensed or assigned to one or more Intellectual Property management organizations for commercial development;
- (3) Intellectual Property may be licensed, assigned, sold or optioned to a third party;
- (4) Intellectual Property may be patented, or otherwise protected, by the university, appropriately marketed, and either licensed or assigned to another organization for commercialization;
- (5) Intellectual Property may be archived by the university; or
- (6) Intellectual Property may be released or dedicated by the university to the public domain.

3. Responsibilities of the university. The senior university administrator with primary responsibility for research will require that:

- a. The IP Official make responsible business decisions regarding protection of Board-Owned IP and payment of associated costs;
- b. The university establish and administer a fund or funds for the promotion of research and development of Intellectual Property. The fund will include monies received by the university from Board-Owned IP. These funds will be

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administered according to policies established by the university;

- c. Each university appoint an Intellectual Property Committee of faculty and staff. This committee will review proposed changes to this policy and make its recommendations to the president through the IP Official. Unless otherwise specified in university policy, the Intellectual Property Committee will also operate as a review committee in accordance with this policy; and
 - d. Each university establish procedures to inform non-Employee Students working on research projects sponsored or funded by third parties of any university or sponsor requirements relating to Intellectual Property, including ownership, licensing, options, and other rights.
4. Publication rights/responsibilities for the protection of Intellectual Property
- a. Peer-reviewed publication of results is a major objective of academic research. The Board does not intend for this policy to impede a university Employee's ability to publish.
 - b. Public disclosure of a patentable invention prior to filing for a patent application may preclude the availability of patent protection. "Public disclosure" includes any non-confidential written or oral disclosure that describes the invention (e.g., at a scientific meeting, in a journal, or even in an informal discussion with outside colleagues). Creators shall appropriately delay publication as required by the terms of contracts and grants sponsoring or funding their work and consider delaying public disclosure to prevent losing the ability to obtain patent protection. In either case, such delay is intended to provide the university IP Official with sufficient time to complete the internal evaluation process and the opportunity to protect any Board-Owned IP prior to the disclosure. In reporting the Board-Owned IP, Creators

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should provide the university IP Official with sufficient detail, time, and notice to evaluate and determine whether to seek patent protection prior to public disclosure of the Board-Owned IP. The universities will make every effort to expedite the evaluation process when necessary.

5. Interpretation, decisions, challenge (disputes)

- a. If an Employee does not agree with an interpretation or decision made by the IP Official, the Employee may ask the university's Intellectual Property Committee (or other committee designated in university policy) to review that decision. The request for review shall be sent in writing or electronically to the IP Official or to any member of the Intellectual Property Committee (with notice to the IP Official), and made no later than 10 days following the disputed interpretation or decision made by the IP Official. IP Official decisions regarding the following are not subject to review or challenge: (1) who is considered the "Creator" of Intellectual Property, and (2) whether and to what extent to patent or otherwise protect Board-Owned IP and payment of associated costs with university or Board resources; provided that these decisions are made by the IP Official consistent with normal evaluative processes or financial considerations.
- b. The Intellectual Property Committee (or other designated committee) will review all relevant information submitted to it and will make its recommendation concerning the disputed decision to the president of the university, or his/her designee, who will make the final decision.
- c. The final decision of the president or his/her designee is subject to judicial review only pursuant to Arizona Revised Statutes §§ 12-901 et seq. Failure to complete the above review procedures will constitute a failure to exhaust administrative remedies.

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E. University Technology Transfer Report

1. The president of each university shall report annually to the Board concerning its technology transfer activities for the preceding year.
2. The report shall include an analysis of income and expenditures detailed by source, such as licensing, royalty or fees, as well as the university's prevailing standards for measuring performance of patent management arrangements and the performance evaluation results.
3. The report shall be in a format approved by the president of the Board.

F. Definitions

1. "Board-Owned IP" means all Intellectual Property for which the Board claims ownership under Section A.1 of this policy.
2. "Course and Scope of Employment" shall include any activity that is listed or described in the Employee's job description or is within the Employee's field of employment, including research, instruction, or any activities assigned to the Employee that involve the creation of Intellectual Property. Except as set forth in Article A, Section 2, copyrightable Works created by an Employee in the Course and Scope of Employment are considered to be works made for hire under U.S. Copyright Law, with ownership vested in the Board. The Employee must cooperate fully with the university and will execute all documentation necessary to assign ownership and, if necessary, to secure protection of Board-Owned IP.
3. "Creator" means an inventor as defined under the United States patent laws, an author as defined under the United States copyright laws, or other creator in accordance with United States intellectual Property laws.

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4. "Employee" means faculty, staff, administrators, Student employees, visiting faculty and researchers paid by the Board or by a university governed by the Board.
5. "Intellectual Property" includes all Works, work product, designs, developments, discoveries, improvements, inventions, composition of matter, machines, manufacture, materials, methods, processes, diagrams, documentation, reports, evaluations, creations, expressions, algorithms, computer programs, applications, specifications, upgrades, revisions, modifications, and related written or otherwise reproducible materials, whether patentable, copyrightable or not, and all forms of legally recognized intellectual property rights, including copyrights, patents, trade secrets, trademarks, service marks, logos, other identifiers, mask works, plant variety protection, and Tangible Research Property, together with any associated goodwill, supporting technology, or know-how.
6. "IP Official" is the individual or individuals designated by the university to manage Board-Owned IP. If an outside entity is contracted for Intellectual Property management, a university Employee will be designated as a primary liaison to the IP Official.
7. "Net Income" means gross revenues resulting from any given Board-Owned IP, less: (i) a university administrative fee of not to exceed 15%, unless agreed otherwise by the Creator(s) of the Board-Owned IP; and (ii) less all unreimbursed costs incurred by the university or its nominee in protecting, licensing, maintaining, and litigating rights in the Board-Owned IP.
8. "Scholarly Works" are Works for which the Board does not claim ownership under Section A.2 of this policy.
9. "Significant Use of Board or University Resources" includes but is not limited to: use of research funding; use of funding allocated for asynchronous or distance learning programs; use of telecommunication and data services beyond ordinary use; use of university computing resources; use of instructional design or media production services; access to and use of research

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equipment and facilities or production facilities. The Board does not construe the use of office space, library resources, personal workstations, or personal computers as constituting Significant Use of Board or University Resources. Except as provided above, the Board does not construe the use of instructional materials, instructional labs, and instructional facilities by non-Employee Students as a condition of enrollment and fulfillment of degree requirements at the university as a Significant Use of Board or University Resources.

10. "Student" means a person who is currently registered or enrolled in one or more classes at a university under the jurisdiction of the Board.
11. "Student-Created Intellectual Property" is Works created by a Student in the individual's capacity as a Student and not in the individual's capacity as an Employee, as described under Section A.3 of this policy.
12. "Substantial Interest" shall have the meaning ascribed to it in Arizona Revised Statutes § 38-502.
13. "Tangible Research Property" means all tangible research property such as research tools, prototypes, and records used or produced in the course of university research projects, and all Intellectual Property rights therein. Examples 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.
14. "Works," "Works of Authorship" and "Creative Works" shall have the meanings ascribed in U.S. Copyright Law.

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The Arizona Board of Regents, and the three universities ~~which~~that the Board governs, are all dedicated to teaching, research, and the extension of knowledge to the public. The university community recognizes its responsibility to produce and disseminate knowledge. Inherent in this responsibility is the need to encourage the production of ~~creative and scholarly works~~Scholarly Works and the development of ~~new and useful materials, devices, processes, and other intellectual property~~Intellectual Property (IP), some of which may have potential commercial value. These activities contribute to the professional development of the individuals involved, enhance the reputation of the university in which they work, provide additional educational opportunities for participating ~~students~~Students, and promote the public welfare.

~~Intellectual property created by university employees or with the use of university resources~~Board-Owned IP should be appropriately managed in the best interest of the state and the university system. This policy addresses ownership rights and revenue sharing for ~~intellectual property created by Board or university employees or created with the significant use of Board or university resources~~Board-Owned IP.

Compliance with this policy is required for all ~~Board and university employees~~Employees as part of the terms of their employment. This policy also applies to non-~~employee students~~Employee Students of the university and to anyone else who creates ~~intellectual property with significant use~~Intellectual Property with Significant Use of Board or ~~university resources~~University Resources.

University-wide trademarks, logos, and other Board or university indicia or identifiers are not subject to or covered by this policy.

Definitions of capitalized terms are included in the final section of this policy.

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A. Ownership of Intellectual Property.

1. ~~Ownership by the Board-Owned IP:~~

a. The Board ~~claims ownership of intellectual property~~owns all Intellectual Property in each of the following categories:

- (1) Any ~~intellectual property~~Intellectual Property created by ~~a university or Board employee~~an Employee in the ~~course~~Course and ~~scope~~Scope of ~~employment~~Employment; and

~~(1) —~~

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- (2) Any ~~intellectual property created with the significant use of Board or university resources, unless otherwise provided in an authorized agreement for the use of those resources~~Intellectual Property created with the Significant Use of Board or University Resources.

b. The Board's claim to ownership may be altered by:

- (1) Exceptions described in this policy;
- (2) Applicable law; or
- (3) Written agreement signed by the IP Official or an authorized ~~Board or~~ university or Board representative.

c. ~~All employees~~For all Board-Owned IP, all Employees (including Student Employees), and others creating ~~intellectual property in the course and scope of~~

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~~employment~~ Board-Owned IP are required to assign (and hereby do assign) to the Board all ~~rights in intellectual property in which the Board claims an ownership interest under this policy. In addition, all employees and others creating intellectual property (including students) with a significant use of Board or university resources are required to assign (and do assign) to the Board all rights in intellectual property in which the Board claims an ownership interest under this policy~~ right, title, and interest in and to the Board-Owned IP.

2. Scholarly Works.

- a. ~~2. The~~ As an exception to ownership by the Board of all Board-Owned IP as set forth in Section 1.A above, the Board does not make any claim of copyright ownership of the following works of authorship: Scholarly Works.
- b. ~~a. Scholarly works;~~ Works include all Works created by faculty members (as defined in ABOR Policy 6-201) at their own direction and without Significant Use of Board or University Resources. For example, the following are considered Scholarly Works: scholarly publications, research publications, textbooks, journal articles, lecture and instructional notes, books, play scripts, theatrical productions, poems, and works of music and art.
- b. ~~Works of fine art (e.g., music, art, dance, film), unless specifically commissioned by the Board or university; and~~
- c. ~~Student-created works.~~ Scholarly Works do not include the following:
 - (1) The designs, developments, discoveries, improvements, inventions, methods, processes, or other ideas that are potentially patentable subject matter, even if incorporated into a Scholarly Work;

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- (2) Works of Authorship and Creative Works created as deliverables under a sponsorship or funding agreement;
- (3) Computer software created by Employees in connection with administrative, research, or other educational activities supported by funds administered by the Board or university;
- (4) Works of Authorship and Creative Works commissioned by the Board or university or created as part of an administrative assignment to, for, or on behalf of university; and
- (5) Course and instructional materials, in any form, such as video lectures, power point presentations, and course materials provided to Students, unless otherwise set forth in a university policy or separate written agreement.

d. To the extent applicable law ~~would result in Board ownership of these works, upon written request by the creator(s)~~ results in Board ownership of a Scholarly Work, the Board or its designee may assign those rights to the Creator(s) of the Scholarly Work, subject to the terms of this policy and a separate written assignment. To obtain this assignment, the Creator(s) must make a written request for assignment to the

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~~university's IP official, the Board will assign the applicable rights to the creator(s) of such works, subject to the following:~~

e. ~~(1) Retention by~~ For all Scholarly Works assigned to the Creator(s), the Board ~~of~~ and university retains a paid-up royalty-free, non-exclusive license, for the full term of the ~~intellectual property rights, to use for non-commercial~~

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~~purposes these works of authorship~~ Intellectual Property rights, to use, reproduce, publish, modify, distribute, publicly perform, and publicly display the work for education, research, ~~and the~~ in furtherance of the public service mission of the university. ~~In very limited circumstances in which the IP official determines that retention of these rights is unnecessary to the university's goals in supporting education, research, and the furtherance of the public service of the university, the IP office may waive this requirement; and, and any other non-commercial purpose, including the right to sublicense to the third parties consistent with this purpose.~~

- f. If requested by the Board or university, or as required by applicable law, policy, or written grant or agreement, the Creator(s) of the Scholarly Work will provide a copy of the Scholarly Work to the Board or university, at no cost to the Board or university, so that the Board or university may exercise its rights as set forth in this policy and so that it may comply with its obligations to sponsors or other third parties. This expressly includes the right for the Board or university to deposit the Scholarly Work in any Board, university, or third party repositories.

3. Student-Created Works.

- ~~(2) — Agreement by the creator not to use the Board's or the university's name in any commercial context involving the works other than to identify the university employee's position with the Board or university.~~

The Board does not claim ownership of Intellectual Property created by Students, except the following, which are considered Board-Owned IP:

- a. Works created by a Student within the Course and Scope of Employment as an Employee;
- b. Works created by a Student with Significant Use of Board or University Resources, however, the Board will not claim

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copyright ownership in Student dissertations or capstone projects intended to fulfill degree requirements at the university; and

c. Works created by a Student as part of a project sponsored or funded by a third party, where the sponsorship or funding agreement provides for university or sponsor ownership, rights, or options in the Intellectual Property.

4. ~~3-~~ Transfer of Board-~~owned intellectual property~~Owned IP through licensing or assignment.

a. Subject to applicable law (including the federal Bayh-Dole Act and implementing regulations), the Board may transfer rights in or title to ~~its intellectual property~~Board-Owned IP through written ~~agreements signed by authorized university or Board representatives or signed on behalf of the Board by a contracted third party (including but not limited to an intellectual property management organization).~~ Transfer of ~~intellectual property~~Board-Owned IP to Board or university officers or ~~employees~~Employees is also subject to the ~~disclosure~~ requirements of Board ~~policy~~Policy 3-901B.

b. Any agreement to authorize a third party to manage all or substantially all Board-~~owned intellectual property~~Owned IP is subject to prior ~~review and~~ approval by the Board and is subject to this policy, including any Board-approved changes to this policy during the term of the agreement. Universities may, without prior review or

a. —

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approval by the Board, engage outside service providers and third parties with respect to: (i) docketing and monitoring of ~~patent~~Intellectual Property activities ~~and~~; (ii) payment of maintenance and other fees required by ~~patent offices~~intellectual property offices; (iii) patenting and other protection of Intellectual Property; and (iv) any other service incident to the protection and commercialization of Board-Owned IP.

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- c. Any agreement to assign, license, or otherwise transfer any ~~Board-owned intellectual property rights is subject to~~ rights in Board-Owned IP will include the following conditions:

- (1) ~~The university's IP official must either review the agreement before it is signed or may approve the procedure pursuant to which the agreement is reviewed and signed.~~
- (2) ~~The IP official will use reasonable efforts under the circumstances to consult with the creator(s) who are then employed by the university during the negotiation process. The IP official will provide creator(s) of the intellectual property who are then employed by the university with a copy of the negotiated agreement prior to its final execution. If any creator then employed by the university does not agree with the negotiated terms, he or she may appeal the IP official's position before the agreement is executed, in accordance with this policy, following the process and time limits established by each university.~~

- d. ~~All commercialization agreements, whether through assignment, license or otherwise, involving Board-owned intellectual property, should include the following:~~

- (1) ~~Reasonable compensation to the Board or university in the form of license fees, royalties, patent cost reimbursement, or other appropriate consideration. Non-monetary consideration may be considered by the IP official as reasonable compensation in exchange for the intellectual property rights transferred and the contribution of any public~~
- (1) —

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~~resources in the development of the intellectual property;~~

~~(2) The right of the university to direct, manage, and control patenting and litigation activities relating to intellectual property unless the research sponsorship grant, agreement or contract specifically provides otherwise, in which case the terms of that grant, agreement or contract will control;~~

~~(1) (3) The right of the university to terminate the license or convert the license to a nonexclusive license or rescind the assignment if the exclusive licensee or assignee does not make a good faith attempt to meet negotiated due diligence milestones;~~
In an exclusive license, an obligation to make good faith attempts to commercialize the Board-Owned IP;

~~(2) (4) The right of the university to retain a paid-up, royalty-free, nonexclusive license in the intellectual property~~
use the Board-Owned IP for research, education, and ~~the~~in furtherance of the public service mission of the university; ~~and a provision that the university has the right to use the intellectual property in sponsored research at the university;~~ and

~~(3) (5) The right of the university to make public through publication or presentation any intellectual property developed under the agreement. A research sponsor may be given a reasonable time to review the manuscript for purposes of ensuring appropriate intellectual property protection (or identifying and seeking to remove any sponsor trade secrets or sponsor~~
the Board-Owned IP (subject to reasonable limitations to protect trade secrets and other
proprietary information ~~from the manuscripts) prior to~~

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~~publication or presentation of a sponsor, and to preserve patentability and other similar protection).~~

- e. ~~Subject to applicable law (including the federal Bayh-Dole Act and implementing regulations), research sponsorship agreements that provide for the assignment of title or the license of exclusive rights without any provision for~~

a.

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~~reasonable and customary royalties or comparable consideration will include the following additional provisions:~~

- (1) ~~For exclusive intellectual property licenses or assignments made in connection with sponsored research agreements, a provision requiring the licensee or assignee to pay all costs of research, including salaries, materials, other direct costs, and the university's fully burdened overhead. If the agreement is with an Arizona state agency that sponsored the research that resulted in the intellectual property, the agency will be required to pay all direct costs of research, including salaries and materials, and indirect costs or overhead to the extent permitted by agency rules, regulations or applicable law.~~
- (2) ~~A windfall provision in which an appropriate payment or payment schedule is specified based on some mutually agreed upon threshold or event. The parameters of this provision, such as the windfall threshold and the amount of any~~

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~~payments, will be determined on a case-by-case basis.~~

- (4) ~~f.~~ The IP ~~official~~ Official may make modifications or exceptions to these requirements for the transfer of Board-~~owned intellectual property~~ Owned IP if justified by the best interests of the Board or the university.

5. Any ~~modification or exception is subject to prior written approval of an authorized Board or university representative other than the IP official.~~ disputes regarding whether Intellectual Property should be classified as Board-Owned IP, Scholarly Work, Student-Created Intellectual Property, or otherwise will be brought to the IP Official, following the process and time limits established by this policy and any additional university policies and procedures.

4. ~~Options. A university may agree to give a third party an exclusive option for a limited period of time for the right of first negotiation for a license to Board-owned intellectual property. Options will be time limited and are not intended to be used to prevent the appropriate development of board-owned intellectual property for public use. Subject to applicable laws relating to federally-sponsored research, the option period in sponsored research agreements will not exceed~~

1. ~~_____~~

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~~one year following the availability of the intellectual property for licensing, subject to exceptions made by the IP official in the best interests of the Board or the university.~~

B. Revenue Sharing

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1. The IP ~~official~~Official will manage ~~intellectual property~~Board-Owned IP in the best interests of the state, the Board, and the universities. This may include the generation of revenue, but nothing in this policy is to be interpreted as a requirement that revenue be maximized for individual ~~creators~~Creators.
2. If revenue is generated through ~~intellectual property~~licensing, assignment, or transfer of Board-Owned IP, the ~~net income~~Net Income derived by the university from ~~intellectual property~~Intellectual Property will be shared with the ~~creator~~Creator(s) of the ~~intellectual property~~Intellectual Property in accordance with this policy, and the remainder will be used in support of research, investigation, research fellowships, or other activities relevant to ~~research or~~ the generation of ~~intellectual property~~Intellectual Property at the institution.
3. The IP ~~official~~Official will determine the percentage to be paid to the ~~creator~~Creator(s), ensuring that it is in accordance with the university's revenue sharing policy, subject, however, to the following minimum:
 - a. An ~~employee or student who creates intellectual property as the result of work for which he/she is paid by the university or which resulted from or uses university facilities and resources~~Employee or Student who creates Board-Owned IP will receive a minimum of 25% of the ~~net income~~Net Income received by the university ~~for the Board-Owned IP, unless otherwise agreed in writing~~. If there is more than one university ~~creator of intellectual property~~Creator of Intellectual Property, the percentage will be divided equally among the university ~~creators~~Creators unless they agree in writing to a different sharing arrangement. ~~The employee(s) or student(s) may agree in a writing sent to the IP official to receive or share in less than the minimum 25% of the net income received by the university or to participate in an alternative revenue sharing arrangement with the university. Whether an employee or student is a creator within the~~

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~~meaning of this policy shall be determined under United States Intellectual Property Law.~~

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- b. This royalty-revenue sharing is not to be construed as wages or salary compensation to the ~~employee~~Employee from the university, but rather as separate income derived from commercialization activities involving ~~intellectual property~~Board-Owned IP. In addition, ~~an employee's~~a Creator's rights that have accrued ~~shall~~will continue beyond ~~the employee's~~their employment ~~with~~at or enrollment in the university.
- c. If a company in which an ~~employee~~Employee holds a ~~substantial interest~~Substantial Interest is given more favorable royalty or other financial terms than is usually granted in comparable cases in its license with the university, then the ~~IP-official~~university will determine whether that ~~employee~~Employee, who holds a ~~substantial interest~~Substantial Interest in the company licensing university technology developed by that ~~employee~~Employee, should receive a personal share of the licensing income or other consideration received by the university from that company in addition to that ~~employee's~~Employee's equity or other financial interest in that company. Universities also may adopt policies prohibiting distribution of all or part of the personal share or may review on a case-by- case basis. If the ~~IP-official~~university determines that the affected ~~employee~~Employee should not receive his/her personal share of university licensing income, then the share of licensing income that would otherwise be disbursed to the ~~employee~~Employee will be distributed among the other university accounts designated in the university's income

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distribution policy. For purposes of this section, the interest owned by or otherwise committed to the ~~university~~Employee at the time of ~~board approval~~the disclosure of the ~~employee~~Employee's relationship with the company will be the interest used in determining whether the ~~employee~~Employee has a ~~substantial interest~~Substantial Interest.

C. Outside Consulting

1. Consulting for outside organizations ~~is encouraged and~~ may be performed by ~~university employees~~Employees pursuant to applicable Board and university policies ~~including conflict of interest and conflict of commitment policies.~~

~~1. —~~

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2. ~~If the employee's obligations under this policy conflict with the employee's obligations to the consulting entity, the obligations under this policy will take precedence.~~Employees may not consult for outside organizations if doing so would require assignment or transfer of any rights or ownership of any Board-Owned IP to any third party.
3. An ~~employee~~Employee may not transfer or use, by assignment, license or otherwise, ~~intellectual property owned by the board~~Board-Owned IP through a consulting or other agreement with a third party unless authorized in writing by the IP ~~official~~Official or university president. Any purported transfer in violation of this paragraph ~~shall~~will be void and unenforceable.

D. Administrative Responsibilities

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1. Responsibilities of the ~~creator(s) of intellectual property:~~Creators of Intellectual Property:
 - a. Each ~~employee (including visiting faculty, researchers, and scientists)~~Employee must promptly and fully disclose in writing to the ~~IP official any intellectual property~~university any Intellectual Property made by that person, or resulting from work carried on under his/her direction, in which the ~~board~~Board may have an interest. Each university will adopt a disclosure form and make the forms readily available to ~~employees~~Employees and others who may use university resources.
 - b. Intellectual property created as a result of outside consulting must be disclosed to the university if ~~the intellectual property would~~there is any potential that the Intellectual Property may fall within Article ~~IA~~1A of this policy, ~~or as required by other university or Board policies or applicable laws.~~
 - c. The ~~creator~~Creator must cooperate fully with the university with respect to technology transfer and commercialization activities relating to ~~intellectual property~~Board-Owned IP. In addition, the ~~creator~~Creator shall execute all documentation necessary for the Board to establish, confirm, or perfect its ownership interest in ~~intellectual property~~Board-Owned IP, including documentation necessary to assign ownership to the Board for recordation or other purposes, and, if necessary, to secure protection of ~~intellectual property owned by the~~ Board-Owned IP in those countries designated by the ~~university IP official~~Official.

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d. The ~~creator~~Creator must comply with all applicable laws and university and Board policies relating to conflicts of interest, including Board ~~policy~~Policy 3-901.

e. The Creator may not use the Board's or the university's name, logos, trademarks, or other university identifiers in any commercial context involving Board-Owned IP without prior written permission.

2. Responsibilities of the IP ~~official. The IP official will administer all intellectual property owned by the board in accordance with the requirements of this policy and applicable law, and may exercise discretion in deciding among the following options:~~Official.

a. The IP Official will administer all Board-Owned IP in accordance with the requirements of this policy and applicable law.

b. The university's IP Official must either review agreements to assign, license, or otherwise transfer rights in Board-Owned IP before such agreements are signed, or may approve the procedure pursuant to which the agreement is reviewed and signed. All agreements to assign, license, or otherwise transfer any rights in Board-Owned IP must be signed by an authorized representative of the university.

c. For copyrighted Board-Owned IP, requests for reproduction or other use of materials may be approved by the president or other person designated by the president (which may be, but is not required to be, separate from the IP Official).

d. The IP Official will use reasonable efforts under the circumstances to consult with the Creators who are then employed by the university during the negotiation process. The IP Official will provide Creators of the Board-Owned IP who are then employed by the university with a copy of the negotiated agreement prior to its final execution. If any Creator then employed by the university does not agree with

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the negotiated terms, he or she may challenge the IP Official's position before the agreement is executed, in accordance with this policy, following the process and time limits established by this policy and any other additional university policies and procedures.

e. The IP Official may exercise discretion in deciding among the following options with respect to Board-Owned IP:

- (1) ~~a. Intellectual property~~Board-Owned IP may be licensed, assigned, or sold to the ~~creator if the IP official determines within a reasonable time that after reviewing the circumstance of an individual case the interests of the Board are better served by releasing ownership to the creator under conditions to be specified by the university to include, but not be limited to the following:~~(1) ~~The~~Creators subject to the following: (i) the Board retains a paid-up, non-exclusive license to use this ~~intellectual property~~Board-Owned IP for education, research, ~~and~~ in furtherance of the public service mission of the university;~~(2) Provision, and for other non-commercial purposes;~~ (ii) ~~provision~~ for a minimal royalty or other consideration to university in the event of commercialization of the ~~intellectual property~~; and~~(3) The creator~~Intellectual Property; and (iii) the Creator may not use university facilities to improve upon the ~~intellectual property~~. If the ~~creator~~Intellectual Property without a separate written agreement. If the Creator wishes to continue work on the ~~intellectual property~~Intellectual Property using university managed funds and/or facilities, he/she will need to do so ~~under an arm's-length relationship or may reassign his/her rights to the university~~pursuant to a written agreement that provides adequate consideration for that use.

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- (2) ~~b.~~ Intellectual ~~property~~Property may be licensed or assigned to one or more ~~intellectual-property~~Intellectual Property management organizations for commercial development;

a. —

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- (3) ~~c.~~ Intellectual ~~property~~Property may be licensed, assigned, sold or optioned to a third party;
- (4) ~~d.~~ Intellectual ~~property~~Property may be patented, or otherwise protected, by the university, appropriately marketed, and either licensed or assigned to another organization for commercialization;
- (5) ~~e.~~ Intellectual ~~property~~Property may be archived by the university; or
- (6) ~~f.~~ Intellectual ~~property~~Property may be released or dedicated by the university to the public domain.

3. Responsibilities of the university. The senior university administrator with primary responsibility for research will require that:

- a. The IP ~~official~~Official make responsible business decisions regarding protection of ~~intellectual-property~~Board-Owned IP and payment of associated costs;
- b. The university establish and administer a fund or funds for the promotion of research and development of ~~intellectual-property~~Intellectual Property. The fund will include monies received by the university from ~~intellectual-~~

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~~property~~Board-Owned IP. These funds will be administered according to policies established by the university;

- c. Each university ~~will~~ appoint an Intellectual Property Committee of faculty and staff. This committee will review proposed changes to this policy and make its recommendations to the president through the IP ~~official~~Official. Unless otherwise specified in university policy, the ~~intellectual-property-committee~~Intellectual Property Committee will also operate as a review committee in accordance with this policy; and

a. —

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- d. Each university ~~will~~ establish procedures to inform non-~~employee-students~~Employee Students working on research projects sponsored or funded by third parties of any university or sponsor requirements relating to ~~intellectual-property~~Intellectual Property, including ownership, licensing, options, and other rights.
4. Publication rights/responsibilities for the protection of ~~intellectual-property~~Intellectual Property
 - a. Peer-reviewed publication of results is a major objective of academic research. The ~~board~~Board does not intend for this policy to impede a university ~~employee~~Employee's ability to publish.
 - b. Public disclosure of a patentable invention prior to filing for a patent application may preclude the availability of patent protection. "~~public~~Public disclosure" includes any non-confidential written or oral disclosure that describes the invention (e.g., at a scientific meeting, in a journal, or even in

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an informal discussion with outside colleagues). Creators shall appropriately delay publication as required by the terms of contracts and grants sponsoring or funding their work and consider delaying public disclosure ~~of intellectual property to comply with their obligations to the Board under Section IV.A.1. above in other circumstances to prevent losing the ability to obtain patent protection.~~ In either case, such delay is intended to provide the university IP ~~official~~Official with sufficient time to complete the internal evaluation process and the opportunity to protect ~~the intellectual property~~any Board-Owned IP prior to the disclosure. In reporting ~~intellectual property, creators~~the Board-Owned IP, Creators should provide the university IP ~~official~~Official with sufficient detail, time, and notice to evaluate ~~the intellectual property~~ and determine whether to seek patent protection prior to public disclosure of the ~~intellectual property~~Board-Owned IP. The universities will make every effort to expedite the evaluation process when necessary.

5. Interpretation, decisions, ~~appeals~~challenge (disputes)

1. —

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- a. If an ~~employee~~Employee does not agree with an interpretation or decision made by the IP ~~official~~Official, the ~~employee~~Employee may ask the university's Intellectual Property Committee (or other committee designated in university policy) to review that decision ~~as it relates to issues regarding processing of intellectual property. Such~~. The request for review shall be sent in writing or electronically to the IP ~~official~~Official or to any member of the Intellectual Property Committee (with notice to the IP ~~official~~Official), and made no later than ~~30~~10 days following

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the disputed interpretation or decision made by the IP ~~official~~Official. IP ~~official decisions regarding patent or other protection of intellectual property~~Official decisions regarding the following ~~are not subject to review or challenge~~: (1) who is considered the "Creator" of Intellectual Property, and (2) whether and to what extent to patent or otherwise protect Board-Owned IP and payment of associated costs with university or Board resources ~~are not subject to review~~; provided that ~~such~~these decisions are made by the IP ~~official~~Official consistent with normal evaluative processes or financial considerations.

- b. The Intellectual Property Committee (or other designated committee) will review all relevant information submitted to it and will make its recommendation concerning the disputed decision to the president of the university, or his/her designee, who will make the final decision.
- c. The final decision of the president or his/her designee is subject to judicial review only pursuant to Arizona Revised Statutes ~~Title 12, Chapter 7, Article 6~~ §§ 12-901 et seq. Failure to complete the above review procedures will constitute a failure to exhaust administrative remedies.

E. University Technology Transfer Report

1. The president of each university shall report annually to the Board concerning its technology transfer activities for the preceding year.
2. The report shall include an analysis of income and expenditures detailed by source, such as licensing, royalty or fees, as well as the university's prevailing standards for measuring performance of

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patent management arrangements and the performance evaluation results.

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3. The report shall be in a format approved by the president of the Board.

F. Definitions

1. "Board-Owned IP" means all Intellectual Property for which the Board claims ownership under Section A.1 of this policy.
2. ~~1.~~ "Course and Scope of Employment" shall include any activity that is listed or described in the ~~employee~~Employee's job description or is within the ~~employee~~Employee's field of employment, including research, instruction, or any activities assigned to the ~~employee~~Employee that involve the creation of ~~intellectual property~~Intellectual Property. Except as set forth in Article ~~I~~A, Section ~~B~~2, copyrightable ~~works~~Works created by an ~~employee~~Employee in the ~~course~~Course and ~~scope~~Scope of ~~employment~~Employment are considered to be works made for hire under U.S. Copyright Law, with ownership vested in the Board. The ~~employee~~Employee must cooperate fully with the university and will execute all documentation necessary to assign ownership and, if necessary, to secure protection of ~~intellectual property owned by the~~ Board Owned IP.
3. ~~2.~~ "Due diligence Milestones" shall mean contractually specified goals that a contracting party will in good faith pursue to bring to the public the benefits of the intellectual property. Due diligence milestones may include, by way of example and without limitation, commercialization of the intellectual property, use of the intellectual property to produce products, and authorized licensing or disclosure of the intellectual property to third parties. "Creator" means an inventor as defined under the United States patent laws, an author as defined under the United States copyright laws, or other creator in accordance with United States intellectual Property laws.

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4. ~~3.~~ “Employee” means faculty, staff, administrators, ~~student~~ Student employees, visiting faculty and researchers paid by the Board or by a university governed by the Board.
5. ~~4.~~ “Intellectual Property” includes all Works, work product, designs, developments, discoveries, improvements, inventions, composition of matter, machines, manufacture, materials, methods, processes, diagrams, documentation, reports, evaluations, creations, expressions, algorithms, computer programs, applications, specifications, upgrades, revisions, modifications, and related written or otherwise reproducible materials, whether patentable, copyrightable or not, and all forms of legally recognized intellectual property rights, including copyrights, patents, trade secrets, trademarks, ~~and~~ service marks, logos, other identifiers, mask works, plant variety protection, and Tangible Research Property, together with any associated ~~or~~ goodwill, supporting technology, or know-how. ~~For the purpose of this policy, “intellectual property” also includes tangible research property such as research tools, prototypes, and records used or~~

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~~produced in the course of university research projects. Examples 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.~~

6. ~~5.~~ “IP Official” is the individual or ~~the intellectual property management entity~~ individuals designated by the university to manage ~~university intellectual property~~ Board-Owned IP. If an

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outside entity is contracted for ~~intellectual property~~ Intellectual Property management, a university ~~employee~~ Employee will be designated as a primary liaison to the IP ~~official~~ Official.

7. ~~6.~~ "Net Income" means gross revenues resulting from any given ~~intellectual property~~ Board-Owned IP, less: (i) a university administrative fee of not to exceed 15%, unless agreed otherwise by the Creator(s) of the Board-Owned IP; and (ii) less all unreimbursed costs incurred by the university or its nominee in protecting, licensing, maintaining, and litigating rights in the ~~intellectual property~~ Board-Owned IP.

- ~~7. "On-line Instructional Materials" are works, including on-line course content and courseware that are created and distributed in connection with on-line instruction.~~

8. "Scholarly Works" are ~~works of authorship and creative works regardless of their form that are created by employees or students. Except as set forth below, scholarly works include on-line instructional materials, scholarly publications, textbooks, journal articles, course notes, research bulletins, monographs, books, play scripts, theatrical productions, poems, works of music and art, instructional materials, and non-patentable software. Notwithstanding the foregoing, scholarly works exclude each of the following:~~ Works for which the Board does not claim ownership under Section A.2 of this policy.

~~a. Patentable intellectual property;~~

~~b. Works of authorship or creative works created with significant use of Board or university resources;~~

~~a.~~

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Rev. 08/2010

- ~~c. Works of authorship or created works created under external contracts or grants but only to the extent that such contracts or grants (i) require (or are intended to require) copyright ownership by the university, (ii) grant to the sponsor or other third party any rights in such works through option, license, assignment, sale, or other transfer, or (iii) otherwise include provisions inconsistent with an ownership interest in such works by the creator;~~
- ~~d. Works of authorship or creative works commissioned by the Board or university; and~~
- ~~e. Works of authorship or creative works created in the course and scope of employment.~~

9. “Significant Use of Board or University Resources” includes but is not limited to ~~any of the following~~: use of research funding; use of funding allocated for asynchronous or distance learning programs; use of ~~university-paid time within the employment period other than during sabbaticals or consulting as permitted under Board and university policies or except in the creation of scholarly works;~~ assistance of support staff; use of telecommunication and data services beyond ordinary ~~telephone services~~use; 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. The Board does not construe the use of office space, library resources, personal workstations, or personal computers as constituting ~~significant use of university resources.~~Significant Use of Board or University Resources. Except as provided above, the Board does not construe the use of instructional materials, instructional labs, and instructional facilities by non-~~employee students~~Employee Students as a condition of enrollment and fulfillment of degree requirements at the university as a ~~significant use of university resources.~~ ~~In addition, use of an electronic blackboard provided by the university does not change the disclaimer by the board of copyright ownership under Article I, Section B.I. in the underlying content of any scholarly work as~~

Policy Number: 6-908	Policy Name: Intellectual Property Policy
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~~distinct from its online or electronic format developed through blackboard.~~Significant Use of Board or University Resources.

4. _____

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10. “Student” means a person who is currently registered or enrolled in one or more classes at a university under the jurisdiction of the Board.

11. ~~“Student-created Works” are works created by students. This definition excludes the following:~~Created Intellectual Property” is Works created by a Student in the individual’s capacity as a Student and not in the individual’s capacity as an Employee, as described under Section A.3 of this policy.

~~a. Works created by a student within the course and scope of employment as an employee;~~

~~b. Works created by a student with significant use of board or university resources subject to Article I, Section B.III.; however, the Board will not claim copyright ownership in student dissertations intended to fulfill degree requirements at the university and~~

~~c. Works created by a student as part of a project sponsored or funded by a third party and the sponsorship or funding agreement provides for university or sponsor ownership, rights, or options in the intellectual property.~~

12. “Substantial Interest” shall have the meaning ascribed to it in Arizona Revised Statutes § 38-502.

13. “Tangible Research Property” means all tangible research property such as research tools, prototypes, and records used or produced

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in the course of university research projects, and all Intellectual Property rights therein. Examples 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.

14. “Works”-of- “Works of Authorship” and “Creative Works” shall have the ~~meaning~~meanings ascribed in U.S. Copyright Law.

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Rev.-08/2010

Document comparison by Workshare Professional on Thursday, February 02, 2017 7:17:16 PM

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Document 1 ID	file:///C:/Users/kliepman/AppData/Local/Temp/Workshare/wmtempf90/ABOR 6-908 as pulled from ABOR site on 2.1.17.doc
Description	ABOR 6-908 as pulled from ABOR site on 2.1.17
Document 2 ID	C:\Users\kliepman\Desktop\ABOR IP Policy 6-908 (ASU 2.2.2017).docx
Description	C:\Users\kliepman\Desktop\ABOR IP Policy 6-908 (ASU 2.2.2017).docx
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Statistics:	
	Count
Insertions	276
Deletions	357
Moved from	19
Moved to	19
Style change	0
Format changed	0
Total changes	671

Key Changes to ABOR IP Policy:

1. Simplification and Re-Organization: The majority of the changes are not substantive, but rather to simplify the policy, use defined terms consistently, and make it easier to read and understand.
2. Scholarly Works: The most significant substantive change is to the definition of Scholarly Works. The existing ABOR IP Policy has caused some confusion over the years, so the working group made an effort to revise the Scholarly Works concept to hopefully avoid some of this confusion. Changes include:
 - Applies only to faculty: This was the practice under the existing policy; the purpose and spirit of the Scholarly Works exception does not apply to non-faculty.
 - Exceptions: The exceptions to the Scholarly Works exception, which again largely existed in practice under the current policy, are more explicit.
 - Course Materials Exception: Course materials were previously included within the definition of Scholarly Works under the policy, but a federal court case interpreted the policy as excluding them. The new ABOR IP Policy specifically excludes course materials as Scholarly Works, but allows universities to change that via their own policies. NOTE: UA is in parallel revising its own IP Policy to make clear that UA *does consider course materials as Scholarly Works that are owned by the faculty-creators*.
 - University Rights in Scholarly Works: Again, this existed in the previous policy, but is made more clear and explicit in this version. The University has a non-exclusive license to use all Scholarly Works owned by faculty for its research and educational purposes, and has the right to obtain a copy of the Scholarly Works upon request. This is intended to cover open access repositories of UA or other third parties.
3. License Agreement proscriptions: The revised ABOR IP Policy removes some of the specific requirements of provisions that must be contained in license agreements. This is a recognition that the tech transfer offices at all three ABOR universities have become sophisticated enough not to require this policy-level detail, and also to recognize the growing need for flexibility in structuring technology transactions. Note that important faculty considerations (right to publish, reserved rights to use invention) are maintained.



Published on Policies and Procedures (<http://policy.arizona.edu>)

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Policy Contents

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- [Scope](#)
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- [Related Information*](#)
- [Revision History*](#)

Policy Information

Effective Date:

October 14, 2014

Policy Number:

TLA-100

Responsible Unit:

Tech Launch Arizona

Phone:

(520) 621-5000

Purpose and Summary

This University of Arizona Intellectual Property Policy (the "Policy") explains, supplements, and implements the Arizona Board of Regents (ABOR) Intellectual Property Policy (6-908) for the University of Arizona (University). In the event of any inconsistency between this Policy and ABOR Intellectual Property Policy (ABOR IP Policy) or applicable state or federal laws, the provisions of both ABOR IP Policy and applicable law prevail.

The ABOR IP Policy establishes the basic rights and obligations relating to Intellectual Property created by employees, students, and others connected to the University. This Policy provides an explanation of some of the key aspects of the ABOR IP Policy, and also provides additional detail and implementation regarding Intellectual Property creation, ownership, disposition, and transfer at the University.

Scope

This Policy applies to "Covered Individuals," defined below, which is purposefully a broad term that covers many individuals connected with the University in various ways. ***However, ABOR does not claim ownership of all Intellectual Property created by all Covered Individuals, as further explained in this Policy. One purpose for defining Covered Individuals broadly is to***

encourage and allow any such individual to contact Tech Launch Arizona with questions regarding their Intellectual Property rights and responsibilities, even in cases where ABOR does not own the Intellectual Property.

Definitions

“Course and Scope of Employment”: The ABOR IP Policy specifically defines when Intellectual Property is created “in the course and scope of employment.” Basically, it includes activities described in the employees’ job descriptions and activities within their field of employment. It specifically includes research and instructional activities.

“Covered Individuals”: The following types of employees are Covered Individuals:

- Instructors; lecturers; senior lecturers; principal lecturers; assistant professors; associate professors; professors; professors of practice; research professors; clinical professors; Regents' Professors; persons with visiting, adjunct, joint, emeritus, research, clinical, or other such title; and other employees who are designated in their Notice of Appointment as holding a faculty position
- Service and academic professional employees, administrators, and student employees
- Classified staff
- Graduate and undergraduate students
- Affiliates, associates, and volunteers
- Other individuals who agree to be subject to this IP Policy or University policies generally

“Digital Work”: All works of authorship or other forms of creativity produced or converted into digital or electronic form or used to capture, store, retrieve, transform, or present any information in digital or electronic form including, without limitation, software (including source and object code), course lecture video or audiotapes, mobile applications, electronic textbooks, interactive textbook supplements, Internet-based and online courses, web pages, multimedia works, and distance learning materials.

“Intellectual Property”: The ABOR IP Policy defines Intellectual Property as all forms of legally recognized intellectual property, including copyrights, patents, trade secrets, trademarks, and plant variety protection, together with any associated or supporting technology or know-how. For the purpose of this Policy, “Intellectual Property” also includes tangible research property such as research tools, prototypes, and records used or produced in the course of University research projects. Examples include (a) hybridoma or clonal cell lines that produce monoclonal antibodies or recombinant proteins, (b) plants protected by the Plant Variety Protection Act, (c) non-patented drugs protected by the Orphan Drug Act, (d) prototype instrumentation or devices, and (e) research records and documentation.

“Intellectual Property Committee (IP Committee)”: 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 Senate, and with inclusion of one member of the Research Policy Committee. The IP Committee hears appeals by Covered Individuals as outlined in Section D and the ABOR IP Policy. The IP Committee may also consider changes in IP Policy proposed by the Faculty Senate and make recommendations to the President through the IP Official. The IP Committee may recommend changes in the IP Policy to the Faculty Senate through the Research Policy Committee.

“IP Official”: The Vice President of Tech Launch Arizona, as appointed by the University President.

The IP Official manages ABOR-owned IP through Tech Launch Arizona.

Public Disclosure includes any nonconfidential written or oral disclosure that describes an invention, information, or research activities. Examples are a publication, industry meeting, conference, or even an informal discussion with non-University colleagues.

“Significant Use of University Resources”: The ABOR IP Policy specifically defines what constitutes “significant use of University resources.” Although the definition is detailed, it is logical—it does not cover simple use of a University-provided laptop or office space, for example, but generally does cover what is done on University time or in furtherance of University-related activities, such as research.

The remaining capitalized terms used throughout this Policy are defined in context.

Policy

A. General Statement

The University is dedicated to teaching, research, and dissemination of knowledge for the benefit of the public. The University highly 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. 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.

Intellectual Property that is developed by Covered Individuals in the course and scope of their employment, or that makes significant use of ABOR or University resources, is presumed to belong to ABOR, and Tech Launch Arizona’s primary purpose is to provide services and support to Covered Individuals related to such Intellectual Property. Consistent with that purpose, this Policy provides for the close participation by Covered Individuals in protecting and enhancing the value of the Intellectual Property, and in sharing in its dissemination and rewards. The Intellectual Property Official and Tech Launch Arizona will have the necessary discretion in implementing this Policy, consistent with the terms and provisions of the ABOR IP Policy, for the greatest benefit of the public, the University, and Covered Individuals.

B. Ownership Rule and Exceptions

The ABOR IP Policy establishes ownership rights of Intellectual Property created by Covered Individuals at the University. This section is intended to explain, confirm, and supplement the ABOR IP Policy, but is not intended to (and does not) change it.

1. **General Ownership Rule:** The ABOR IP Policy distinguishes between different types of Intellectual Property. To understand which Intellectual Property is ABOR-Owned IP and which is Excluded IP, it is important to understand the distinction between an *idea* (e.g., an invention, discovery, procedure, process, system, concept, or method) and the *expression of an idea* (in a paper, publication, or other documentation). On a very basic level, this is the difference between a *patent*, which protects ideas, inventions, and discoveries that meet specific legal criteria, and a *copyright*, which protects particular tangible expressions, such as a publication or a photograph, but does not provide any protection for the ideas embodied in such expression.
 - a. *Excluded IP:* ABOR does not claim ownership of the copyright (i.e., the tangible

expression) in "Scholarly Works," "Fine Art," or "Student Works" created by Covered Individuals. All of these terms (Scholarly Works, Fine Art, and Student Works) are specifically defined in the ABOR IP Policy. Excluded IP includes, without limitation, scholarly publications, textbooks, journal articles, syllabi, course materials and notes, research bulletins, monographs, books, play scripts, theatrical productions, poems, music, movies, art, and instructional materials that are created by a Covered Individual, usually a faculty member or a student, at his or her own direction and with only incidental use of University resources. This means that Covered Individuals who are authors of Scholarly Works, Fine Art, or Student Works may publish, reproduce, distribute, perform, and display their works without prior authorization of or interference by the University. But note that the *ideas* embodied are presumed to be ABOR-Owned IP, as set forth in the following paragraph.

- b. **ABOR-Owned IP:** ABOR *does* claim ownership of, and Covered Individuals assign to ABOR, all right, title, and interest to all other Intellectual Property not specifically excluded under paragraph B.1.a that is created in the *course and scope of employment* at the University or with *significant use of ABOR or University resources*. This is true regardless of whether the Intellectual Property is in the form of a patent, copyright, or any other type of Intellectual Property, except for the specific circumstances outlined above for Excluded IP. If a particular Intellectual Property does not clearly fall into one of these categories, or if a Covered Individual does not know whether a particular Intellectual Property is ABOR-Owned IP or Excluded IP, a Covered Individual may consult the IP Official or Tech Launch Arizona as set forth in this Policy.

The rest of this Section outlines some common examples and explanations of ABOR-Owned IP and Excluded IP, but is not meant to—and does not—cover every situation. The determination of ownership of Intellectual Property in any particular case will depend on the facts and circumstances of that particular situation. It does not depend solely on the person's physical location or job description, and sometimes requires careful analysis and consideration.

2. **Research Projects and Results:** All Intellectual Property that is created by Covered Individuals in the course of performing research projects that are supported partially or fully by the University or any external agency (usually either a private company or a federal agency, in either case referred to as a "sponsor") is ABOR-Owned IP, regardless of the form or type of Intellectual Property. Sometimes ABOR agrees to grant the sponsor certain ownership and/or license rights in such ABOR-Owned IP. If that is the case, that agreement governs Intellectual Property ownership. The University works with the principal investigator of such a research project when negotiating these agreements with sponsors. The principal investigator or manager of a research project is responsible for notifying all persons who may create Intellectual Property regarding the ownership and other terms and conditions relating to such Intellectual Property, as set forth in the applicable agreement.
3. **Clinical or Instructional or Research Work:** Intellectual Property that is created by Covered Individuals and that relates to their clinical, instructional, or research work is considered ABOR-Owned IP, except if it constitutes Excluded IP as set forth in Section B.1 above. This includes tangible research property, such as lab notebooks, data, research tools, prototypes, records, or written results.
4. **Visiting Faculty:** Visiting faculty who have a formalized relationship with the University are considered Covered Individuals, as set forth in the definition above. If a Covered Individual engages with an informal visitor or other guest in a way that involves discussion or collaboration regarding Intellectual Property or significant use of University resources, Covered Individuals are highly encouraged to work with Tech Launch Arizona to define and clarify the parties' respective Intellectual Property rights and responsibilities. These

individuals should work on research projects only with a specific written agreement in place that includes terms governing Intellectual Property rights.

5. **Student Works:** Students are Covered Individuals under this Policy, even though in most situations ABOR does not claim ownership of their Intellectual Property. The ABOR IP Policy specifically defines what constitutes “Student Works,” and excludes these from ABOR IP Ownership. Basically, if a Student is acting in his or her capacity as a student (rather than as an employee) and does not make significant use of University Resources, ABOR does not claim ownership of that Intellectual Property. Note that many students are employed or paid by the University in some capacity—often as graduate students under a sponsored research project or department- or faculty-controlled funding. Any such students will be treated the same way as faculty and other University employees for the purposes of this Policy and the ABOR IP Policy with respect to the paid work they perform. Students may be requested to grant rights in Student Works to ABOR or others as a condition of having access to certain class projects, research projects, collaborations, or other programs of the University.

Additionally, per the ABOR IP Policy, ABOR does not claim copyright ownership in Students’ dissertations intended to fulfill degree requirements. This means that students are free to publish, distribute, copy, modify, publicly perform, and publicly display their dissertations at their own discretion. But any inventions, ideas, software, or other ideas described in a dissertation *is* considered ABOR-Owned IP if the student was an employee or made significant use of University resources during creation, and therefore any use or transfer of such Intellectual Property must be through Tech Launch Arizona.

6. **Digital Works:** Because of the added potential for commercial application or potential patentability, and the added likelihood that Digital Works require significant use of University resources, such as production equipment and services, Covered Individuals who create Digital Works should engage in a discussion with Tech Launch Arizona to determine whether the Digital Work is ABOR-Owned IP or Excluded IP as described in Section B.1.
7. **Departmental Works:** Any Intellectual Property where the creation was directed or authorized by a University administrator or where University-administered funds were provided for development is considered ABOR-Owned IP.
8. **Trademarks:** Trademarks and logos related specifically to particular ABOR-Owned IP are handled by and through Tech Launch Arizona just like other Intellectual Property that is ABOR-Owned IP. However, the Office of Trademarks & Licensing handles trademark ownership and licensing for the University’s core marks and logos, and other University marks and logos. However, the Office of Trademarks and Licensing handles trademark ownership and licensing for the University’s core marks and logos, and for other University marks and logos, including the conditions for use on retail products and services. Anyone desiring to use the University’s name, trademarks, or logos must obtain prior written approval.
9. **Consulting:** The University encourages Covered Individuals to engage in consulting relationships, provided that these consulting relationships do not create a conflict of interest or conflict of commitment or violate any other policies of the University or ABOR. With respect to Intellectual Property, ABOR will not claim ownership of Intellectual Property that is created in the course and scope of performing consulting activities so long as the following conditions have been met:
 - a. The Covered Individual-consultant has complied with all applicable conflict of interest and other policies with respect to the consulting activities;
 - b. No ABOR-Owned IP is used in the consulting activities unless specifically licensed by Tech Launch Arizona, even if the Covered Individual-consultant is the creator of such ABOR-Owned IP;
 - c. The Covered Individual-consultant uses his or her best efforts to define in writing the scope of the consulting activity and to keep the consulting activity completely separate

from his or her University duties and activities. This means, among other things, that the Covered Individual engaging in the consulting activity will not share information, documentation, materials, facilities, or equipment (University's or consultant's) unless such sharing is expressly authorized in writing by all parties;

- d. The Covered Individual-consultant acknowledges that, if a conflict arises, the obligations under University and ABOR Policies will control; and
 - e. The Covered Individual-consultant will make it clear to all relevant parties that his or her primary commitment is to the University, and that the University is not responsible in any way for the activities of the Covered Individual while engaged in consulting activities.
10. **Start-up Companies:** Tech Launch Arizona will work with Covered Individuals to help make a determination as to whether commercialization of certain ABOR-Owned IP should be done through license by ABOR to a start-up company. In appropriate situations, Tech Launch Arizona works with Covered Individuals in the creation of start-up companies in the following ways:
- a. Negotiating in good faith to grant a license of certain ABOR-Owned IP to a start-up company;
 - b. Assisting the start-up company in creating a summary business plan that sufficiently identifies the resources and steps necessary to commercialize ABOR-Owned IP;
 - c. Helping to identify ways to obtain the capital necessary to commercialize ABOR-Owned IP; and
 - d. Assisting in finding a sufficiently experienced and available management team capable of raising capital and executing the business plan.

Note that, similar to consulting relationships, there are conflict of commitment, conflict of interest, and other policies that Covered Individuals must comply with before engaging in activities related to start-up companies.

C. Disclosure, Publication, Use, Other Terms and Conditions

1. **Disclosure:** All Covered Individuals who create or direct the creation of any Intellectual Property that may be considered ABOR-Owned IP will disclose such Intellectual Property to Tech Launch Arizona promptly after creating such Intellectual Property, on the form available on Tech Launch Arizona's website. It is the responsibility of each Covered Individual who creates or directs the creation of ABOR-Owned IP to report to Tech Launch Arizona as soon as possible after creation (but in any event *before* publication), but there are also substantial benefits to reporting early and comprehensively, as set forth below. After disclosure, Tech Launch Arizona will work with the Covered Individuals to determine whether and to what extent the Intellectual Property is ABOR-Owned IP, and will also assist the Covered Individual in determining appropriate next steps with respect to such Intellectual Property, particularly in terms of publication, registration or other protection, and potential commercialization.
2. **Publication:** Publication is highly encouraged by the University, especially as it relates to Scholarly Works and other information that will benefit the public. The University demonstrates its dedication to publication by agreeing not to assert copyright ownership rights to Scholarly Works, Fine Art, and Student Works (as described in detail in the ABOR IP Policy and Section B.1 above). However, there is one important caveat—Covered Individuals are encouraged to consult with Tech Launch Arizona *before* publicly disclosing anything that describes or discusses an idea, method, process, formula, invention, research activities, or any other potentially patentable information, since Public Disclosure of a patentable invention prior to filing for a patent application may preclude the availability of patent protection. Patents are the primary mechanism to protect ideas, so it is a good practice to disclose any

potentially patentable information (as described above) to Tech Launch Arizona prior to Public Disclosure.

3. **Registration:** With respect to all ABOR-Owned IP, the University (or, in some cases, a sponsor or licensee of the University) is responsible for obtaining and maintaining legal protection for such Intellectual Property. This includes directing all activities associated with filing for and receiving a patent or copyright registration, and paying all costs and attorney fees associated with such filings. Tech Launch Arizona will work with the Covered Individual(s) who created the Intellectual Property (“Contributors”) to decide whether and how to protect the Intellectual Property (i.e., whether to apply for a patent, to register a copyright, or use other protection measures). If there is more than one Contributor, all Contributors will have the right to be involved in the process equally or Contributors can delegate this responsibility to one individual or come up with a different allocation. Any such delegation or allocation must be expressly conveyed to Tech Launch Arizona; otherwise equal control and equal allocation among all Contributors will be assumed.
4. **Commercialization and Revenue Distribution:** The University will work with the Contributors of Intellectual Property to determine whether and how to commercialize the Intellectual Property. The IP Official will ensure that all commercialization and licensing activities will comply with the requirements set forth in the ABOR IP Policy applicable to such activities. If and when the Intellectual Property generates revenue, such revenue will be distributed in accordance with the revenue distribution schedule set forth in [Exhibit A](#). [1]
5. **Use of ABOR-Owned IP:** A Covered Individual who created ABOR-Owned IP may use such ABOR-Owned IP in the normal course of employment at the University, or at other universities, including the right to distribute to students, faculty, and other personnel, solely for noncommercial teaching and research purposes. Use of ABOR-Owned IP for any other reason requires prior written authorization or license from the IP Official or Tech Launch Arizona.
6. **Use of Excluded IP at the University:** Covered Individuals grant the University a right to use any Excluded IP created by Covered Individuals for teaching, research, and other noncommercial University purposes. Covered Individuals will not use Excluded IP in activities involving ABOR-Owned IP without an agreement approved by the IP Official that explicitly defines the arrangement for such use. In such a case, other ABOR or University policies and conditions may apply, including conflict of commitment and conflict of interest policies.
7. **University Name:** Covered Individuals may not use the University’s name or logo in any commercial context without prior authorization, other than to identify his or her employment relationship with the University.
8. **Cooperation:** Covered Individuals will fully cooperate with the University with respect to the ownership and transfer of such ABOR-Owned IP including, without limitation, cooperating with Tech Launch Arizona throughout the process of determining ownership rights; patenting and commercializing the Intellectual Property, if applicable; and executing all documentation necessary to establish, maintain, perfect, license, or assign such Intellectual Property. This assistance includes, without limitation, giving timely feedback and responses to the University or its counsel, executing necessary documentation, working with counsel, and other similar assistance.

D. Ownership Determination; Disputes

1. **Ownership Determination Procedures:** Upon disclosure, or at any other time at the request of a Covered Individual, Tech Launch Arizona will assess whether the Intellectual Property at issue is ABOR-Owned IP or Excluded IP. If the Intellectual Property is ABOR-Owned IP, then Tech Launch Arizona will work with the creators of such Intellectual Property regarding when publication is appropriate as well as registration, commercialization, and other issues related to the ABOR-Owned IP. If the Intellectual Property is Excluded IP, then ABOR does not claim

ownership rights in such Intellectual Property, but it is still subject to Section C above.

2. **Written Request.** A Covered Individual may request, via an application in writing, a written determination of whether a particular Intellectual Property is considered ABOR-Owned IP or Excluded IP by submitting such a request to the IP Official. In the application, the Employee will include the following information:
 - a. A description of the Intellectual Property, including a characterization of whether and why it should be considered ABOR-Owned IP versus Excluded IP;
 - b. A description regarding the use of University facilities or resources involved in the creation of the Intellectual Property;
 - c. The interest of any other party in the Intellectual Property, such as co-authors, research sponsors, and commissioning parties;
 - d. The circumstances surrounding creation of the Intellectual Property, including funding sources and direction/management;
 - e. The potential use and application of the Intellectual Property; and
 - f. Any other information relevant to the University's determination, as reasonably requested by the IP Official after receipt of the application.

The IP Official will respond reasonably promptly to applications for written determination of ownership of Intellectual Property.

3. **Decisions Regarding ABOR-Owned IP.** If Tech Launch Arizona determines it is not in the best interest of ABOR and the University to pursue protection of ABOR-Owned IP, it will notify the creators and will work with the creators in good faith to determine appropriate next steps—usually either to wait for additional research/work to be performed on the Intellectual Property; to release the Intellectual Property to the creators as their Excluded IP; or in extreme cases, to abandon the Intellectual Property. If the invention is released to the Contributor(s) as their Excluded IP, the release will be in writing, setting forth the parameters of the release, and will be subject to all the requirements of Excluded IP as set forth above (e.g., grant back license to the University for its educational and research purposes, rights of sponsors, etc.).
4. **Interpretation of Policy:** The IP Official will have primary responsibility for interpreting this Policy. If a Covered Individual disputes any decision or interpretation of this Policy, the Covered Individual or the IP Official or President may request the IP Committee to review the IP Official's decision or interpretation. All requests for determinations and decisions must be in writing and submitted within 30 days of when the issue arises. The following types of decisions of the IP Official are not subject to review: decisions regarding patenting or other protection of Intellectual Property, and decisions regarding payment of patent or other expenses related to Intellectual Property. The IP Committee will review all relevant information submitted to it and will make its recommendation concerning the disputed decision to the President of the University or his/her designee, who will make the final decision.

Related Information*

[ABOR Intellectual Property Policy 6-908](#) [2]

[Exhibit A](#) [1]

Revision History*

Replaces previous Intellectual Property Policy, effective May 3, 2005

Source URL: <http://policy.arizona.edu/research/intellectual-property-policy>

Links

[1] <http://policy.arizona.edu/exhibit-abor-owned-ip-revenue-distribution>

[2] <https://public.azregents.edu/Policy%20Manual/6-908-Intellectual%20Property%20Policy.pdf>

REPORT TO FACULTY SENATE

FROM: The Faculty Officers <http://facultygovernance.arizona.edu/>

DATE: March 6, 2017

ACCOMPLISHMENTS:

- Chair Nadel, as a member of the UA Presidential Search Committee, has participated in interviews with prospects.
- Co-Chair Brewer, in consultation with Faculty Center and UITs staff, ensured that the Spring 2017 Primary election included changes to voting rolls that were approved by the Senate last year. The first day of the election saw some technical issues with the new codes, the issues are now resolved.
- Co-Chair Brewer, along with SPBAC Co-chair Galilee-Belfer, traveled to Utah for the annual PAC-12 Leadership Conference.
- The Senate Ad Hoc NTE Committee has begun meeting with stakeholder groups on two topics. 1) working with Faculty Affairs to develop and offer a workshop on the promotion process for NTE faculty and 2) beginning to look at possible alternatives to using the term “non-tenure eligible/track” in our policies (and conversations) about this category of faculty. Thus far, they have met with the Deans’ Council, CAC, and Provost’s Council.

GOALS:

- Co-chair Brewer has developed a “census” of the General Faculty in UAccess, so that units can easily see who meets the criteria for membership in the General Faculty within their college. It will soon be made available to departments in UAccess Analytics. Individuals can check their own status by having their departments check their “Faculty Vote Descriptor” code in the Analytics report.
- Brewer is also working with UITs to use UAccess data to create dynamic listservs to facilitate communication within the various voting populations and also to communicate with NTE faculty who do not meet the criteria for membership in the General Faculty, but who are represented in governance by the Faculty Senate.
- The Senate Ad Hoc NTE Committee will continue meeting with stakeholder groups on terminology issues.
- A working group on reimagining the syllabus is continuing to meet and develop under the leadership of Bobbi McKean
- We are continuing discussions re: ABOR IP policy
- Brewer is participating in the Advisory group for the University Career & Architecture Project.
- In an effort to continue our focus on issues of diversity and inclusion, Secretary Fountain will be working to invite faculty, students and/or other stake-holders to participate in ‘open sessions’ in order to share activities and insights related to these topics with the Senate. Anyone interested in sharing a brief (less than 2 minute) information item of this sort is encouraged to contact Fountain (avf@email.arizona.edu).

REPORT TO FACULTY SENATE

FROM: Jude Udeozor, GPSC President <http://www.gpsc.arizona.edu/>

DATE: March 6, 2017

ACCOMPLISHMENTS:

- GPSC recently published an [Open Letter to the next UA President](#), highlighting some keys issues that we will like to see the next President focus on.
- We held our annual Student Research Showcase on February 22nd, with about 130 exhibitions.

GOALS:

- Conduct the annual GPSC general elections.
- GPSC is eager to work with the incoming President to address issues that affect students and to find common ground with regards to our university's progress and future.

REPORT TO FACULTY SENATE

FROM: Provost Andrew Comrie <http://provost.arizona.edu/>

DATE: March 6, 2017

ACCOMPLISHMENTS:

- The annual tuition and fee discussion process with student leaders from ASUA and GPSC was completed last week. The full suite of tuition and fee requests is in process for submission to ABOR. They will be released publicly by ABOR on March 17, 2017 and the public tuition hearings will take place on March 28, 2017.
- CAPLA dean search interviews continue -- two additional candidate interviews are taking place over the next two weeks. Likewise, Education dean search interviews are also continuing. The Honors dean search process is underway.
- A successful opening conference for a new UA-wide Center for University Education Scholarship (CUES), based in the Provost's Office, was held in February. The keynote speaker was Mark McDaniel, author of *Make it Stick*.

GOALS:

- The annual college multi-year budget review and hiring plan process is starting this week. The Provost's office and respective Dean's office staff meet to review projected enrollment, retention, research activity, etc. and projected costs for FY2018 and beyond.

REPORT TO FACULTY SENATE

FROM: President Ann Weaver Hart <http://president.arizona.edu/>

DATE: March 6, 2017

- Presidential Search Update
 - ABOR has announced two candidates for president of the University of Arizona: Dr. Sethuraman Panchanathan (Arizona State University, Executive Vice President and Chief Research and Innovation Officer of Knowledge Enterprise Development) and Dr. Robert C. Robbins (Texas Medical Center, President and Chief Executive Officer).
 - Candidates will be interviewed Monday and Tuesday by board members and the governor.
 - ABOR announced it will narrow the candidates to a single final candidate to visit the UA campuses on Tuesday and Wednesday.
- David Heeke has been named the new University of Arizona Athletic Director, and his contract was approved at ABOR last Monday on an 8-0 vote. He begins at the UA on April 1.
 - Heeke is a 8-year veteran in college athletics and has extensive experience in all aspects of the field, having served for the last 11 years as Athletics Director at Central Michigan University and the previous 18 years in the Oregon athletics department, finishing his tenure there as senior associate athletics director/chief of staff.
 - While Athletics Director at CMU, Heeke instilled his vision of a “Championship Culture,” which included athletic success, academic excellence, national media exposure, record fundraising, and a commitment to facilities. The department was twice honored with the Cartwright Award, which recognizes the Mid-American Conference’s top overall institution based on excellence in academics, athletics and citizenship.
- College of Medicine – Phoenix completed its accreditation site visit.
 - The Liaison Committee of Medical Education (LCME) has completed a three-day site visit as part of the process toward full accreditation at the University of Arizona College of Medicine – Phoenix (COM-P). Feedback from the survey team gave the medical school reason to believe the final decision of the LCME will be progress toward full accreditation, according to UA COM-P Interim Dean Kenneth S. Ramos, MD, PhD.
 - A detailed preliminary report from the committee is expected in April 2017 with a final report released in the summer of 2017.
 - The five-member team, designated by the LCME, met with 120 faculty, students and staff during their comprehensive review of the medical education, research, clinical and community programs.
 - The team highlighted the institutional commitment and resilience of the faculty, staff and students. The college was commended for maintaining and leading the downtown Phoenix medical school’s innovative curriculum and its path of success and achievement.
- Maj. Gen. Charles Frank Bolden Jr. will be the University of Arizona’s Commencement speaker.
 - General Bolden recently retired as the 12th administrator of NASA, after a distinguished career as an astronaut, naval aviator, and 34 years with the Marine Corps.
 - General Bolden has been a wonderful partner of the University of Arizona, particularly during the planning for the launch of the OSIRIS-REx mission in September, and he has been a visionary leader as NASA has transitioned to a new era in space exploration.
 - During his tenure as Administrator, NASA made the hard, but necessary, decisions to retire the Space Shuttle, enhance public-private partnerships in launches, and develop the tools to put humans on Mars.



NEW ACADEMIC UNIT – IMPLEMENTATION REQUEST

See Guidelines for Requesting Academic Unit Changes for Renaming, Mergers, Transferring or Disestablishment of an Existing Academic Unit

I. Description of the Proposed Academic Unit

We propose a *Department of Public and Applied Humanities (PAH)* in the College of Humanities. The purpose of the department will be to educate students and train a new generation of scholars in the work of the humanities writ large, undertaking research-informed and publicly-facing projects that involve applications focused on improving the human condition. The department will advance in a strategic and mission-driven way the College's longstanding history of humanities-oriented language, literature, and cultural studies research into public and digital spheres. Examples of such work include health humanities; digital humanities-driven research and pedagogy focused around the languages, literatures, and cultures that are focal areas in COH; multilingualism, translation, and interpretation studies; education in less commonly taught languages for UA students, government agencies, and community partners; and other areas where the intersection of disparate cultures and languages creates opportunities for scholars, teachers, and students to reflect and act on the question of what it means to be human.

Drawing on the College's established record in cutting-edge humanities inquiry (e.g., Learning Games Initiative; Virtual Harlem, Virtual Cibola, iSpace) and community outreach (e.g., UA Humanities Seminars; Poetry Center; National Center for Interpretation; Center for Educational Resources in Culture, Language, and Literacy), the Department of Public and Applied Humanities will develop destination undergraduate and graduate programs to provide students with a set of skills that have been identified by numerous internal and international external analysts as key for the success of 21st Century citizens of the world. Within PAH, each of the following skills will be specifically framed in multilingual, multicultural, and collaborative action contexts:

- Synchronous and asynchronous collaboration, including physical, virtual, and hybrid modes of presence;
- Finding multilingual, multicultural, and multidisciplinary solutions to world-wide challenges;
- Creative leadership for a multicultural and multilingual world;
- Discovery, creation, expansion, and dissemination of knowledge and humanities approaches for present and future applications.

PAH will build on these skills in all aspects of the unit, from its mission and vision statements, to its undergraduate and graduate curriculum, to its promotion and tenure guidelines.

II. Purpose and Activities of the Unit

A. Identify the basic goals and objectives of the new unit.

The Department of Public and Applied Humanities will enable COH to extend its strategic focus such that the impact of humanities research, education, and community engagement will be made more visible locally, nationally, and internationally. Achieving this expanded goal will advance the College's and the University's mission to promote the public good by supporting research and preparing students for careers in such areas such as nonprofit advocacy, community-based organizational communication in intercultural or multilingual contexts, public-private institutional collaboration, international business and cultural practices, transnational continuing education, interdisciplinary translation, and multilingual innovation studies.

The unit will bring together scholars who specialize in extending the varieties of disciplinary expertise represented in COH's faculty—literary studies, linguistics, area studies, and religious studies, to name a few. The unit will thus be a home for research and teaching endeavors that both intersect with existing COH departments and forge connections with other units across campus. At the center of all of the unit's programs will be an emphasis on the interplay among language, culture, community, and technology, particularly as these fundamental human activities shape how we make meaning with one another.

The Department will also serve as a research and teaching unit that complements the work of COH's non-academic units, such as:

- Center for English as Second Language
- Poetry Center
- Writing Skills Improvement Program
- National Center for Interpretation
- Center for Educational Resources in Culture, Language and Literacy

In short, the Department of Public and Applied Humanities will promote a program of inquiry centered on the collaborative negotiation of human meaning-making in multilingual, multicultural, and technologically mediated contexts.

B. Describe the activities, projects, and programs that will be conducted by the new unit.

The following initiatives are either already present or are under development in the College of Humanities and have been internally approved for (re)location in the Department of Public and Applied Humanities:

- MA in Second Language Learning and Educational Technology (currently housed in COH at the college level);
- Graduate Certificate in Language Program Administration (currently housed at the college level);

- Undergraduate BA in World Literatures (currently housed at the college level);
- Undergraduate Certificate in Second/Foreign Language Teaching (currently pending approval).

Future Initiatives:

Undergraduate and graduate certificates in intercultural competence; Learning Games Initiative (LGI) and its associated LGI research archive; health humanities initiatives (courses and certificate in early stages of development); degree programs in multilingualism, translation and interpretation (under development).

C. Describe demonstrable partnerships and partnership support that arise from the creation of the unit.

The Department of Public and Applied Humanities will provide a home for activities and programs developed in partnership with:

- Interdisciplinary Graduate Program in Second Language Acquisition and Teaching (SLAT);
- Title VI Center for Educational Resources in Culture, Language, and Literacy (CERCLL);
- Critical Languages Program (including partnerships with Davis-Monthan Air Force Base and Fort Huachuca Army Base);
- Learning Games Initiative (LGI) and the LGI Research Archive;
- Health Humanities collaborations with the Colleges of Nursing, Medicine (Medical Humanities), and Public Health;
- Faculty/Professional Learning Community on Contemplative Pedagogy in collaboration with the UA Confluentcenter for Creative Inquiry and the UA Office of Instruction and Assessment;
- UA iSpace (including its partnership with the UA Libraries and Innovate UA);
- The multitude of scholarly projects with significant applied and community engagement components already underway in other units within COH, all of which expand the potential for internships, experiential and service learning, and mentor-driven research for the unit's undergraduate and graduate students.

As new programs are developed, we will work with other units across campus that do related work to avoid duplicating or competing with existing programs, but rather, add to existing strengths and take advantage of existing courses.

D. How does formal creation of this unit directly promote the fostering of collaborative and synergistic research and outreach beyond what is already happening on campus with existing entities?

There are a number of recently organized units on campus that are intentionally designed in part to integrate research, teaching, technology, and outreach under a

relatively broad, yet disciplinarily distinctive umbrella. For example, the College of Social and Behavioral Science's new School of Information integrates SBS' expertise in archival and library science, information science, and social media studies. Similarly, the College of Education's new Department of Teaching, Learning, and Sociocultural Studies blends areas such as literacy acquisition, heritage-language revitalization, energizing both within their respective colleges, and across campus.

The Department of Public and Applied Humanities will function similarly. Internally, it will provide COH with a hub of expertise and activity around humanities-based community engagement and digitally mediated applications combining theory and solutions to real-world challenges. Externally, it will provide the University of Arizona with an institutional fund of knowledge that spans and connects topics as diverse as language teacher training, courtroom and hospital translation, digital game-based learning, educational virtual reality modeling, place-based storytelling, intercultural retelling of myths or legends, new media preservation, and contemplative pedagogy. Such areas of expertise are increasingly common in the humanities; all are present in COH, but at present they lack an institutional home. The Department of Public and Applied Humanities provides that home, and by extension will make these areas of expertise more accessible to the campus, the community, and the world.

Notably, all of these areas will both strengthen and be strengthened by at least two—and probably more—of the hiring clusters currently being pursued: the Technology Enhanced Language Learning (TELL) Cluster and the Computational Media Cluster. Multiple faculty from both of these clusters will find energetic colleagues, synergistic research agendas, and motivated students in the Department of Public and Applied Humanities, as will a number of other independently hired faculty in units ranging from Government and Public Policy and the School of Art to Psychology, English, and Pharmacy. Thus, faculty throughout COH and the UA will find many direct possibilities for collaborative and synergistic humanities research and outreach when the new unit is able to promote and foster these focal areas directly as a core aspect of its mission.

E. Alignment of the proposed unit's purpose to the reporting unit and the University's strategic goals.

In both the UA *Never Settle* Strategic Plan and the College of Humanities Strategic Priorities, the following pertain directly to the new unit's purpose in relation to the College of Humanities:

Engaging

Public and Applied Humanities will support the outreach efforts of the various College of Humanities Centers and will also increase service learning and internship options, resulting in enhanced connections between faculty, students, and partner organizations and individuals in the community.

- Multilingualism Studies and Translations Studies grow in the form of certificates and degree programs, some already established and others currently under development.

- We continue to advance global cultural literacy and a sense of the multiplicities of languages (multilingualism), all critical to successful participation in a diverse and international workforce, for all students of Humanities. Accomplishments include participation of two of our faculty members (Dupuy and Warner) as co-directors of the Title VI multiyear grant in the Center for Education and Research in Culture, Language, and Literacy (CERCLL and participation in a multi-million €/\$ grant on multilingualism by Gramling and Warner).

Innovating and Partnering

- Fuelling new aspects of humanities research advances multilingual approaches and interfaces with our increase of funding development with grants and foundation support. Successful funding endeavors include the aforementioned grant on multilingualism and the Joint/Dual Ph.D. program in Transcultural German Studies with the University of Leipzig. This Arts and Humanities Research Council large-grant project is ***Researching Multilingually at the Borders of Language, the Body, Law and the State***, led by Prof. Alison Phipps at Glasgow University.
- Concomitant initiatives in Multilingualism and Translation Studies interface with this grant in essential ways.
- The same grant has support for segments of our Humanities, Health, and Wellness initiatives.
- We continue to assure success in one of the University's and College's most important priorities by a multi-layered approach to Border Studies including:
 - o CESL and CONAHEC in Mexico, in collaboration with UA Global Initiatives, drives an initiative now underway for a total of 10,000 Mexican high school and college students and teachers to study English for 4-6 weeks in the US starting in July 2014-present, with more engagement each quarter.
 - o An additional set of major initiatives under the leadership of the Director of CESL, Dr. Suzanne Panferov, to facilitate education of ca. 200 Mexican educators in post-secondary education institutions there.
- We continue to assure that the premier multicultural and multilingual M.A. and doctoral programs at the University of Arizona attract and graduate top quality candidates by enhancing funding for graduate students whenever possible, including for SLAT students, by investing in graduate student funding.
- We assure that the inter- and transdisciplinary interests of all recent hires and candidates for new positions include teaching and research, both theoretical and applied, that contribute to College initiatives in one or more of these areas:
 - o Border Studies in many contexts;
 - o Language Mediation, Multilingualism, Translation and Interpretation: We are continuing to develop courses and certificates that expand enrollments in these areas, including an online degree in related topics under development, an online certificate under development, and a new graduate certificate in Language Program Leadership.
 - o A developing track of several courses for Health Humanities for undergraduates pursuing careers in the health professions; transdisciplinary projects with a focus on Health Humanities, and Wellness, in conjunction with the Confluentcenter and the OIA initiatives connected to Contemplative Pedagogies and Contemplative Traditions.

These are initiatives already established with events, funding, and projects, as well as work on a proposed edited volume on these topics;

- o Expanding applied humanities projects in visual culture, world literatures, immigration issues, and other transdisciplinary projects;
- o Advancing funded research opportunities by opening participation in transdisciplinary global research initiatives, such as the *AHRC Translating Cultures* project, directly involving faculty in COH and in partnership with others.
- Continued growth of the self-supporting Humanities Seminars Program and its important endowment.

Synergies

- Discussions and events for the *Humanities, Health, and Wellness* initiative have sparked great interest and collaborations, and potential further collaborations are under discussion with the College of Public Health, College of Nursing, and College of Medicine.
- Key hires in all of the COH academic units are very promising and have been accomplished by engaging intellectual synergies with many different units across campus.
- Relationships with existing global research initiatives and funded grants, and with our Title VI Center (CERCLL), in whose funding the College has played an integral part to assure that they are funded in next Title VI competition.
- Collaboration and leadership for the new initiatives and myriad contributions to a wide set of projects include Digital Humanities; Humanities, Health, and Wellness; Language Mediation, Multilingualism, and Interpretation; various initiatives and events related to Public and Applied Humanities.

F. Documented support from affiliated faculty, department heads, and deans. At the college level, alignment of the proposed unit's goals and objectives to the college's recruitment plan and programmatic priorities.

Please see attached statements of support.

Recent key hires in all of the COH academic units connect with the goals of Public and Applied Humanities, and also connect with scholars from many different units across campus. College of Humanities faculty who are part of the Technology Education and Language Learning (TELL) and Computational Media Cluster Hire initiatives in particular will find fertile collaborations in connection with Public and Applied Humanities. Collaborative and synergistic research and outreach between the many faculty members in COH with research and educational expertise in Public and Applied Humanities will be enhanced when the Public and Applied Humanities promotes and fosters them directly as a core aspect of its mission.

G. Clear statement of the evaluative criteria to be used in the comprehensive review. How will the proposed unit demonstrate success?

The evaluative criteria to be used in a comprehensive review are the same as those used in any Academic Program Review of an academic unit at the UA. In more detail for this new unit, the following principles and criteria will pertain:

1. Meet or exceed ABOR metrics concerning enrollments and graduates from degree programs as those programs are developed within the department. Similar metrics for completion of certificates will be used. The start-up time frame to reach these ABOR metrics will be taken into consideration as new degrees or certificates are approved.
2. Address *Never Settle* and College strategic priorities under the constraints of available funds.
3. Develop an appropriate number of new courses, certificates, and/or degree majors or minors (graduate and undergraduate) to address student interests and workplace skills related to the overall mission of the unit concerning Public and Applied Humanities.
4. Document the post-graduation placement of students who have completed programs in the new department to insure that we are preparing students for the workplace in many different applied and public contexts. Students educated in ways of knowing and applied skills garnered through their studies of the humanities will gravitate to diverse careers, including some that we cannot yet even imagine.
5. Enhance and expand the efficacy and vitality of instructional programs and advising in collaboration with the COH structures already in place. As programs grow, an increased student-to-instructor ratio will be one measure of success.

III. Resources

A. Faculty and Staff

1. List the name, rank, highest degree, primary department and estimate of the level of involvement of all current faculty and professional staff who will participate in the new unit. Also, indicate the position each person will hold in the new unit.
 - Dupuy, Beatrice; Professor; Ph.D.; French & Italian; will be .49 FTE in PAH
 - Ferdinandt, Nicholas; Associate Professor; Ed.D.; Center for English as a Second Language; will be .25 FTE in PAH
 - Granger, Sumayya; Assistant Professor; Ph.D.; Center for English as a Second Language; will be .25 FTE in PAH
 - Panferov, Suzanne; Professor; Ph.D.; Center for English as a Second Language; will be .25 FTE in PAH
 - Ruggill, Judd; Associate Professor; Ph.D.; will be 1.0 FTE in PAH
 - White, Edmund; Associate Professor; Ph.D.; Center for English as a Second Language; will be .25 FTE in PAH

- Wildner-Bassett, Mary; Professor; Ph.D.; German Studies; will be .49 FTE in PAH.
2. List the clerical and support staff positions that will be included in the new unit.
The unit will be supported by one administrative associate, aided by a graduate student assistant. Additionally, as with all COH units, business and personnel functions, IT, and external relations will be supported by the college.
 3. Project the number and type of new faculty and staff positions that will be needed by the unit during each of the next three years.
Currently, there are no plans to hire more faculty for Public and Applied Humanities. As the unit's programs grow, it may become necessary to add additional faculty and staff. Any additional positions needed would be funded via RCM proceeds and also by funds earned from the MA in Second Language Learning and Educational Technology, a program offered through UA Online.

B. Physical Facilities and Equipment

1. Identify the physical facilities that will be required for the new unit and indicate whether those facilities are currently available.
Space already available to COH will be used or re-purposed for the needs of the faculty members with partial (or perhaps later, full) appointments or affiliations with PAH.
2. List all additional equipment that will be needed during the next five years and the estimated cost.
Existing policies and funding for computer and other technology acquisition or refresh for faculty will continue to support the needs of the faculty members with appointments or affiliations with the PAH. Existing policies and funding for computer and other technology acquisition or refresh for business staff will also be maintained.

C. Library Resources, Materials, and Supplies

1. Identify any additional library acquisitions that will be needed during the next three years and the estimated cost.
Current holdings and subscriptions are adequate for the unit's initiatives.
2. List any special materials or supplies, other than normal office supplies, that will be required by the new unit.
No special materials or supplies are needed.

D. Other Information

1. Identify any implications of the proposed change for regional or programmatic accreditation.
NA
2. Provide any relevant information, not requested above, that will assist reviewers in evaluating this proposed addition.

The following HUMS courses will be converted to PAH courses if this proposal is approved:

350	Health Humanities: Intercultural Perspectives
371	Intercultural Competence - Culture and Identity*
372	Intercultural Competence - Culture, Identity, Adaptation, and Intercultural Relations"
378	Playing Doctor: Images of Medicine and Health
410	Writing the Community: Teaching Poetry in the Schools
456	Humanities and the Global Creative Economy
479	Second/Foreign Language Teaching and Learning
482	Advanced Methods in Teaching a Second/Foreign Language
485	Grammar for Second/Foreign Language Teachers
487	Assessment in Second/Foreign Language Learning
488	Intensive Medical Interpreter Training*
489	Intensive Court Interpreter Training*
510	Writing the Community: Teaching Poetry in the Schools
516	Introduction to Digital Humanities
570	Leadership for Program Administration: Institutional Contexts
571	Language Program Administration
572	Language Program Evaluation: Policies, Standards and Practice
574	Conceptualizing, Designing, and Directing Foreign Language Programs
579	Second/Foreign Language Teaching and Learning
582	Advanced Methods in Teaching a Second/Foreign Language
584	Online Environments for Foreign Language Teaching*
585	Grammar for Second/Foreign Language Teachers
587	Assessment in Second/Foreign Language Learning

* Pending approval

E. Financing

1. Explain the university's plan for providing adequate financing for the unit.

The unit will be valued and supported by COH as the RCU, with funds accruing to the unit to enable further growth. While some taxation of RCM-based unit revenues for COH reserves is necessary, the new unit will also need start-up support of various kinds until it can be self-supporting with RCM model distributions. The new department and COH will collaborate to develop a mechanism to begin building a reserve that meets RCM requirements to flourish. When metrics are used for decision making regarding allocation of funds within the College, multi-year rolling averages will be employed, and this new unit may require start-up subvention until its programs are well-established. COH will hire a new administrative associate for the department. Additionally, as with all COH units, the department will be supported by the COH Business Team in dealing with grants, accounting, business transactions, and human resource management. The new department and COH will collaborate to develop a mechanism to begin building a reserve that meets RCM requirements to flourish. COH decision-making process regarding the allocation of new faculty lines to COH departments and programs should include the new department as appropriate, and be conveyed explicitly to the other department Heads and Directors on an ongoing basis through meetings where criteria and rationale for decisions are articulated.

2. Identify potential sources for external funding for the unit.

Grant funding sources include the National Endowment for the Humanities Digital Humanities Initiatives such as the following:

- Digital Humanities Implementation Grants; Digital Humanities Start-up Grants; Digital Projects for the Public.
 - Health Humanities initiatives: The National Endowment for the Humanities (NEH) and the Arts and Humanities Research Council of the United Kingdom (AHRC) are cooperating to advance research in the humanities that focuses on the humanities and health and well-being. Applications are invited for support of collaborative research projects that use humanities disciplines to better understand health, well-being, disability, medical science and technology, or other aspects of the health sciences.
3. If state funds will be used, indicate whether new appropriations will be requested or existing appropriations will be reallocated. If reallocating existing appropriations, indicate where these will be drawn from.
RCM is the model that will fund the new unit, as explained in section E above.
 4. Complete the Budget Projection Form, projecting the operating budget for the proposed unit for the next three years.
See Attached.
 5. Estimate the amount of external funds that may be received by the unit during each of the first three years.

There are many sources of funding for the many projects involved and under development for PAH. As just one example, NEH supports projects with outright funds, matching funds, or a combination of the two. It is within reason that a grant for total expenditures of approximately \$100,000 can be secured in years two and/or three of the existence of the unit. Several projects are already in development which include a combination of public and private funding sources or private sources, as well as fee-for-service possibilities.

Addendum Academic Strategic Plan AY 2016-2017

NEW ACADEMIC UNITS – Planning Request

(All academic unit changes will be effective July 1, 2017)

Proposed New Academic Units:

Name of Proposed Unit	Level (College, School, Department, Division, etc.)	The name of the existing College/School under which the proposed unit will be established (if applicable)	Brief Description (max 50 words)	Justification (max 50 words)	New Resources, if any, and Source <i>Savings/ Efficiencies Gained</i>
Department of Public and Applied Humanities	Department	College of Humanities	The unit will be a home for research and teaching endeavors that both intersect with existing College departments and forge connections with other campus units. The degree programs will emphasize the interplay among language, culture, community, and technology, as these activities shape how we make meaning with one another.	<p>The Department of Public and Applied Humanities will enable the College to extend its strategic focus such that the impact of humanities research, education, and community engagement will be made more visible locally, nationally, and internationally. Achieving this expanded goal will advance the College's and the University's mission to promote the public good by supporting research and preparing students for careers in such areas such as nonprofit advocacy, community-based organizational communication in intercultural or multilingual contexts, public-private institutional collaboration, international business and cultural practices, transnational continuing education, interdisciplinary translation, and multilingual innovation studies.</p> <p>The Department will provide a home for activities and programs developed in partnership with:</p> <ul style="list-style-type: none"> • Interdisciplinary Graduate Program in Second Language Acquisition and Teaching; • Title VI Center for Educational Resources in Culture, Language, and Literacy; • Critical Languages Program (partnerships with the military); 	<p>Potential grant funding sources include National Endowment for the Humanities Digital Humanities Initiatives such as the following:</p> <ul style="list-style-type: none"> • Digital Humanities Implementation Grants; Digital Humanities Start-up Grants; Digital Projects for the Public. • Health Humanities initiatives: The National Endowment for the Humanities (NEH) and the Arts and Humanities Research Council of the United Kingdom (AHRC) are cooperating to advance research in the humanities that focuses on the humanities and health and well-being. Applications are invited for support of collaborative research projects that use humanities disciplines to better understand health, well-being, disability, medical science and technology, or other aspects of the health sciences.

				<ul style="list-style-type: none">• Health Humanities collaborations with the Colleges of Nursing, Medicine, and Public Health;• Faculty/Professional Learning Community on Contemplative Pedagogy in collaboration with the Confluentcenter for Creative Inquiry and the Office of Instruction and Assessment;• Scholarly projects with significant applied and community engagement components that expand the potential for internships, experiential and service learning, and research for students.	
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EXECUTIVE SUMMARY

REQUEST TO ESTABLISH NEW ACADEMIC UNIT OR REORGANIZE AN EXISTING UNIT

Academic Unit Name – Department of Public and Applied Humanities (PAH)

Requested by – College of Humanities (COH)

Description of Proposed New Unit – The department will educate students and train a new generation of scholars in the work of the humanities writ large, undertaking research-informed and publicly-facing projects that involve applications focused on improving the human condition. The department will advance in a strategic and mission-driven way the College's longstanding history of humanities-oriented language, literature, and cultural studies research into public and digital spheres. Examples of such work include health humanities; digital humanities-driven research and pedagogy focused around the languages, literatures, and cultures that are focal areas in COH; multilingualism, translation, and interpretation studies; education in less commonly taught languages for UA students, government agencies, and community partners; and other areas where the intersection of disparate cultures and languages creates opportunities for scholars, teachers, and students to reflect and act on the question of what it means to be human.

Drawing on the College's established record in cutting-edge humanities inquiry and community outreach, the Department of Public and Applied Humanities will develop destination undergraduate and graduate programs to provide students with a set of skills that have been identified by numerous internal and international external analysts as key for the success of 21st Century citizens of the world.

Purpose and Activities of Unit – The Department of Public and Applied Humanities will enable the College to extend its strategic focus such that the impact of humanities research, education, and community engagement will be made more visible locally, nationally, and internationally. Achieving this expanded goal will advance the College's and the University's mission to promote the public good by supporting research and preparing students for careers in such areas such as nonprofit advocacy, community-based organizational communication in intercultural or multilingual contexts, public-private institutional collaboration, international business and cultural practices, transnational continuing education, interdisciplinary translation, and multilingual innovation studies.

The unit will bring together scholars who specialize in extending the varieties of disciplinary expertise represented in COH's faculty—literary studies, linguistics, area studies, and religious studies, to name a few. The unit will thus be a home for research and teaching endeavors that both intersect with existing COH departments and forge connections with other units across campus. At the center of all of the unit's programs will be an emphasis on the interplay among language, culture, community, and technology, particularly as these fundamental human activities shape how we make meaning with one another.

The Department will provide an academic home for the following degrees:

MA in Second Language Learning and Educational Technology (currently housed in COH);
Graduate Certificate in Language Program Administration (currently housed in COH);
Undergraduate BA in World Literatures (will open in Spring 2017).

Future initiatives might include: Undergraduate and graduate certificates in intercultural competence; health humanities initiatives (courses and certificate in early stages of development); degree programs in multilingualism, translation and interpretation (under development).

Resources Available for the Unit

Faculty and Staff -1 faculty @1.0 FTE, 2 faculty at .49 FTE, 4 faculty at .25 FTE = 2.98 FTE faculty. One 1.0FTE administrative associated aided by a graduate student assistant. As with all COH units, business and personnel functions, IT, and external relations will be supported by the college.

Physical Facilities and Equipment – No additional requirements.

Library Resources, materials, Supplies – No additional requirements.

Other Information – Memorandum of Understanding signed by the College of Humanities and the College of Social and Behavioral Sciences regarding non-credit and for-credit teaching of English.

Sources of Funding

RCM

Approvals:

CAAC	October 25, 2016
Provost Council	November 7, 2016
Arizona Board of Regents	November 17, 2016

14 February 2017

MEMORANDUM OF UNDERSTANDING

The College of Humanities and the College of Social and Behavioral Sciences have discussed the proposed creation of a new Department of Public and Applied Humanities in COH. SBS supports the proposal, with the understanding of the following:

As English, History, Philosophy, and several other units in SBS are nationally understood to be humanistic disciplines or have humanistic subfields, and since all disciplines have a public or applied face, the creation of this department will not prohibit the development of public, applied, digital or medical, environmental, or other humanities initiatives (courses or curriculum) that are within the disciplinary focus of SBS units, as long as any proposed programs undergo the usual review to ensure they do not duplicate existing programs.

The Department of Public and Applied Humanities will not develop new courses or degree programs that have content in the English Language, Anglophone Literatures and Cultures, Rhetoric, Composition, the Teaching of English, Creative Writing, or Teaching English as a Second/Foreign Language.

The prior Memorandum of Understanding concerning the World Literature Major will remain in force after the major's transfer to the Department of Public and Applied Humanities. The World Literature executive committee will retain control over administrative and curricular aspects of the BA (including its implementation and development).

As was agreed in Spring 2016, COH will not develop or offer any for-credit undergraduate or graduate programs in the areas of Teaching English as a Second/Foreign Language or ESL/EFL. For-credit TESL/TEFL and ESL/EFL programs are the domain of the Department of English. Similarly, the Department of English will not develop non-credit TESL/TEFL and ESL/EFL courses and certificate programs, which are the domain of CESL in COH. CESL will continue to offer non-credit programs in ESL and TESL, programs that are accredited by the Commission on English Language Program Accreditation. This agreement does not preclude faculty in English from engaging in outreach or service projects and partnerships that concern ESL/EFL and TESL/TEFL. This agreement applies to any location worldwide.

At both undergraduate and graduate levels, COH will not offer any courses in language teaching methods or pedagogical grammar that focus on the teaching/learning of Arabic, English, Hebrew, Native Languages, Persian, Turkish (or any other languages taught in SBS), without prior permission from the associated department. SBS will not offer any language teaching methods or

pedagogical grammar courses that focus on the teaching of Chinese, French, German, Greek, Italian, Japanese, Korean, Latin, Portuguese, Russian, Spanish (or any other languages taught in COH).

In order to demarcate the above, the descriptions of HUMS 479, 482, 485, 579, 582, and 585 (and any new relevant courses) will be changed to include the sentence: "This course will not include focus on the teaching/learning of English". Similarly, the descriptions of ENGL 455, 456, 406, 555, 556, and 506 (and any new relevant courses) will be changed to include the sentence: "This course will not include focus on the teaching of languages other than English".

COH continues to welcome the participation of TELL faculty in SBS and other colleges in the MA in Second Language Learning and Educational Technology. This program will be redesigned in collaboration with a task force of faculty coming from COH, SBS, and the College of Education who have expertise in this area and would like to participate. The task force will have oversight from the Provost Office as it works to redesign the online curriculum in Second Language Learning and Educational Technology that may include languages from the colleges who participate. CESL faculty may participate in this program, but will not teach English as a Second Language for credit in this or any other programs.



Alain-Philippe Durand
Dean, College of Humanities



John Paul Jones III
Dean, College of Social and Behavioral Sciences

Appendix: Support for Public & Digital Humanities

Proposal for a *Department of Public and Digital Humanities (PDH)* in the College of Humanities--**responses of support by Department Heads and Program Directors in the College of Humanities**

- **Compitello, Malcolm Tuesday February 9, 2016 4:31 pm**

I support the establishment of the new COH department of public and digital humanities.

- **Panferov, Suzanne Tuesday, February 9, 2016 3:59 pm**

I fully support this proposal!!! The content is great. Congrats!!! Bravo on this!

Suzanne

- **Ferdinandt, Nicholas Wednesday, February 10, 2016 9:58 am**

Dear Dr. Wildner-Bassett,

I am writing to give my full support to the proposal for establishment of the Department of Public and Digital Humanities (PDH) in the College of Humanities. In my role as the Director of the Critical Languages Program in COH and as an Associate Professor teaching courses to be housed in PDH, I heartily support the initiatives described in the proposal to establish this department.

The proposal and the mission of the department clearly support the mission of COH and extend the excellent work that COH does in promoting human understanding at the University of Arizona and beyond. It is our duty in the Humanities to interpret what we do to make it meaningful for all who learn from us and it is interdisciplinary initiatives, such as PDH, that keep us on the cutting edge of the Humanities research and teaching in the US.

Please let me know what else I can do to support the establishment of this department and contribute to its mission going forward.

Best,

Nicholas Ferdinandt, Ed.D.

Associate Director, Center for English as a Second Language

Director, Critical Languages Program

Director, ESL Academic Bridge Programs

- **Durand, Alain-Phillipe. Wednesday, February 10, 2016 10:02 am**

Dear Mary,

I am fine with the creation of this new department of Public and Digital Humanities in the College of Humanities.

Best,

Alain-Philippe Durand
Director, School of International Languages,
Literatures, and Cultures (SILLC)
Director, Africana Studies
Interim Head, Dept. of French and Italian
Distinguished Fellow, Honors College

- **Leafgren, John. Wednesday, February 10, 2016 12:43 pm**

Dear Dean Wildner-Bassett,

I am writing this to formally express my approval of the Proposal for the New Academic Unit, Department of Public and Digital Humanities.

Sincerely
Dr. John Leafgren, Head
Department of Russian and Slavic Studies

- **Welter, Albert Wednesday, February 10, 2016 12:34 pm**

I've had a chance to peruse the document and am impressed by its scope and comprehensiveness. I absolutely [support the new unit].

Albert

Albert Welter, PhD
Professor and Head, Department of East Asian Studies
Associate Director, School of International Languages, Literatures, and Cultures (SILLC)

- **Seat, Karen Wednesday, February 10, 2016 1:08 pm**

Dear Mary,

I am writing in support of the creation of the Department of Public and Digital Humanities (PDH) in the College of Humanities. The Department of Religious Studies and Classics looks forward to collaborating with PDH in providing students and scholars with opportunities to bring humanities-oriented language, literature, and cultural studies research into public and digital spheres.

Sincerely,
Karen

Karen K. Seat, Ph.D.
Head
Department of Religious Studies and Classics

From: Barbara Kosta
Date: Wednesday, February 10, 2016 at 1:44 PM
To: Mary Wildner-Bassett
Subject: Re: URGENT RESPONSE NEEDED PLEASE BY FEB 10 2 PM

Dear Mary,

I support the proposal for the establishment of the Department of Public and Digital Humanities.

With best wishes,
Barbara

Barbara Kosta, Professor and Head
Department of German Studies | Affiliated Faculty of Women's Studies
University of Arizona | 1512 E. First St.
Tucson, Arizona 85721
Phone: 520 621-7385 | Fax: 520 626 8268 ||
<http://www.berghahnbooks.com/>



University of Arizona Career Architecture Project (UCAP)

Faculty Senate Meeting

March 6, 2017



Project Goal

The University Career Architecture Project will:

Create a career and compensation infrastructure for classified staff and appointed professionals

Provide the University and managers with relevant market data to make quicker and more informed employment decisions

Classified and Appointed Professionals in Scope

9867

Why Are We Doing This?

Number of unique job
titles currently

2716

Number of single
incumbent titles currently

2003

How Did We Get Here?



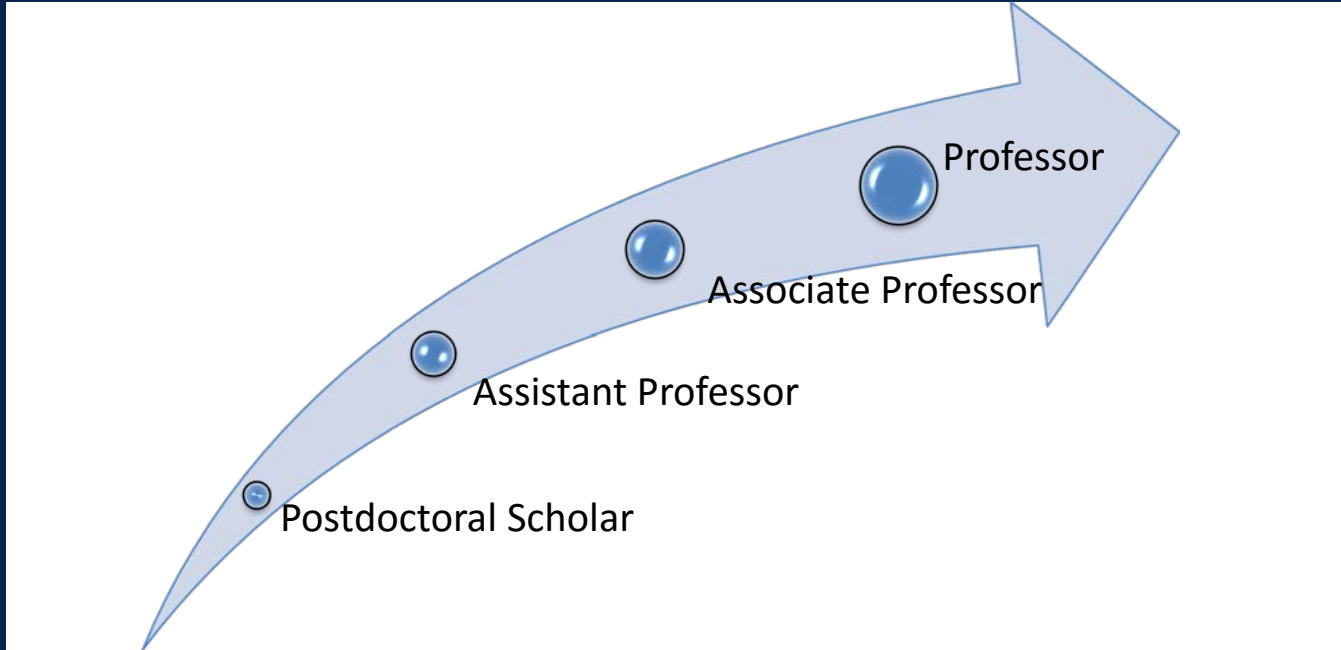
Where Do We Want to Go?

- Functions are broad categories of job families that can be logically grouped together based on having similar characteristics or prerequisite skills
- Families are unique occupations that can be performed at various levels: support, professional/individual contributor and managerial

EXAMPLE

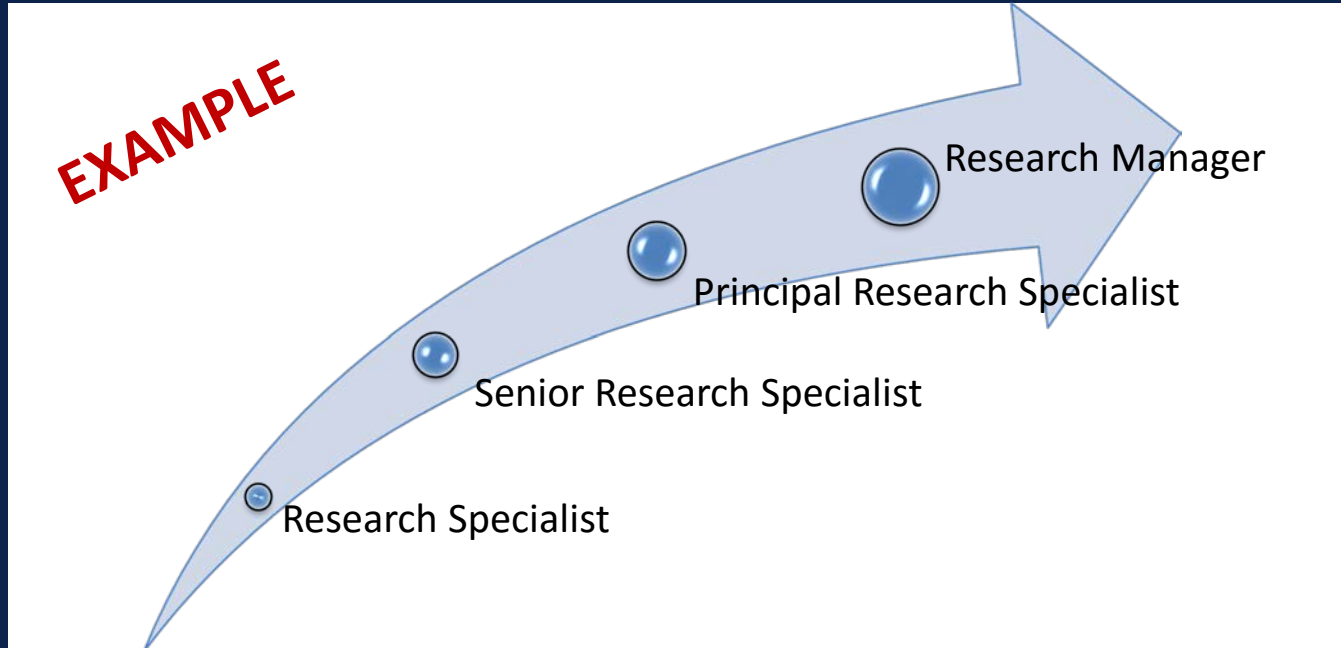
Job Function	Job Families
Information Technology	Applications Development Desktop Support Network Engineering Systems Administration Telecommunications Web Development

You Have a Career Ladder



Career Ladders

Each level within a job family career ladder reflects a growing level of complexity, requirements and responsibility.



Excitement vs. Concern

Our community WANTS:

- Reliable and readily available data to make decisions
- Clear compensation guidelines
- Library of job description resources
- Transparency

Our community FEARS:

- Loss of flexibility in determining pay
- Loss of ability to assign unique titles
- Central “control”

Project Governance

UCAP Advisory Council

Michael Brewer - Department Head, Research and Learning

Gail Burd - Senior Vice Provost, Academic Affairs

Hank Childers - Executive Director, Analytics & Institutional Research

Fabian Cordova - SVP and CFO, Deputy Director, Alumni Association

Tony DeFrancesco - Assistant VP, Operations, UA Health Sciences

Mary Driessen - Manager, Dept. of Business Affairs, COM PHX

Caroline Garcia - Associate VP, Research, Discovery & Innovation

Janet Gurton - Senior Business Analyst, Financial Services Office

Greg Hodgins - Director, Accelerator Mass Spectrometer Laboratory

Sara Knepper - Academic Advising Coordinator and APAC Chair

Garth Perry - Assistant Director, Budget Office

Jen Myers Pickard - Assistant VP, Divisional Initiatives / Planning

Tony Proudfoot - Associate VP, Marketing and Communications

Helena Rodrigues - Assistant VP, Human Resources

Kylie Rogers - Assistant Dean, Finance and Administration

Lisa Rulney - Assistant Dean, Finance and Administration

Pam Scott - Associate VP, External Communications

Marilyn Taylor - Senior Assistant VP, Finance & Administration

David Wagner - Associate General Counsel

Shared Governance Input



What advice do you have for us?



Non-Consent Agenda Item:

Approval to amend the Grades and the Grading System Policy with information on C Grades as Course Prerequisites

Effective Term:

For undergraduate courses offered in Fall 2017

Proposed amendment to Grades and the Grading System (in red font):***Regular Grades:***

A, B, C, D, and E constitute the regular grades used at the University of Arizona. Regular grades are included in the calculation of the grade-point-average (GPA).

A minimum grade of C may be required to register for some courses when a higher level of mastery than a D is necessary for the student's success in the subsequent course. Students should check the requisites (recommended course work) and enrollment requirements (required course work) when planning their class schedules and registering for the next term. Recommended and required course work is noted in the UAccess Class Search and in the Course Catalog.

Justification for the amendment:

- A faculty member requested that department curriculum committees have the authority to set a prerequisite grade of C in a required course for academic purposes. The proposer explained that a C (satisfactory) grade prerequisite in foundational course material would only be justified when a higher level of mastery than a D (poor) is necessary for the student's success in the subsequent course.
- When grade prerequisites are added to the Course Catalog, students will see the expected level of achievement for academic progress in more than one source (currently only visible in UAccess Class Search during the registration period). Grade requirements in the Course Catalog will be transparent to students, faculty, and staff.

Management of the amendment:

- a) This policy amendment replaces the current procedure (not recorded in public documents) of submitting C-grade prerequisite requests to the Undergraduate Council's Academic Programs Subcommittee for review. It places the decision on setting a C-level of course mastery with the faculty in the academic unit.
- b) Requests for B or higher grade prerequisites will continue to be reviewed by the Undergraduate Council's Academic Programs Subcommittee, per the current procedure.
- c) When a department curriculum committee approves a C-grade prerequisite for a required course, a modification request with academic justification will be submitted through the Course Management System (CMS). As with any request submitted through the CMS, a modification of a grade prerequisite will be routed through and approved by the Unit Curriculum Committee, the College Curriculum Committee, the departments cross-listing that course, the University-wide General Education Committee (if appropriate), and UA Curricular Affairs.
- d) For transparency in course sequences offered by a department, any C-grade prerequisites will be added to the second course in a sequence as an enrollment

requirement in the Course Catalog. Those grade prerequisites currently appear with enrollment information only in the UAccess Class Search.

- e) Departments offering courses with previously approved C-grade prerequisites, as listed in the UAccess Class Search, need take no further action. When system modifications are completed, those grade prerequisites will appear in the Course Catalog as well.
- f) Course grade prerequisites should also be noted on the 2017-18 Academic Advisement Reports. Asterisks should designate courses with grade prerequisites, along with a footnote of explanation.
- g) “Related Guidelines” at the bottom of the Grades and Grading System Policy site will include a link to the memo announcing this policy change; the memo will list these Management procedures.

Approvals:

Undergraduate Council:	12/6/16
Graduate Council:	N/A
Academic Deans:	12/20/16
Administrative Review:	1/30/17
FS:	

Academic Policy Proposal Template

Proposal to CAAC

Requested by Graduate Council

Approved by GC, Date 1-20-17

Approved by CAAC, 2-28-17

Scheduled for Provost Council 3-6-2017

Scheduled for Faculty Senate (pending approval of PC) 3-6-17

Proposal:

To eliminate the use of K grades in 900-level courses and other continuing project graduate level courses, replacing them with S, P, F grading.

The current policy reads:

K Grade, Course in Progress:

K grade for 900 through 925 HYPERLINK "<http://catalog.arizona.edu/policy/university-wide-house-numbered-course-definitions>" **house numbered courses** and graduate level English writing project courses (e.g. ENGL 501, 604, & 609): the grade of K is awarded by the instructor for each term when the course continues for longer than one term. Once the course is completed the K grades are replaced with permanent non-K grades appropriate to the grading scheme for the course. For example, a course that continues for 3 terms would receive temporary K grades for the first 2 terms. When the course is completed successfully in the 3rd term all 3 terms then receive the same permanent non-K grade appropriate to the grading scheme for the course. Students must register for these courses each term, as needed. Time-limit for completion of such work for full credit for the master's degree is 6 years; for the doctoral degree, 10 years.

We propose eliminating this entire paragraph and replacing with:

Grades for 900 through 925 house numbered courses and other graduate level project courses that continue for longer than one term will be awarded using the S,P,F evaluation, awarded on the basis of the work completed during the semester of enrollment. As with all courses, the option of awarding an I remains available when warranted. If the course is passed, the units of credit may be applied toward the degree at the discretion of the student's major advisor. Pass/Fail grades are NOT included in the GPA.

Justification for the change:

The use of the K grade does not adequately document student progress during any given semester. When a student is not making satisfactory progress towards completion of the continuing project, there is no option to record this, nor is there a way to indicate solid or excellent progress made in that semester.

Having to assign an honest assessment of work accomplished each semester will require establishing measurable criteria, benchmarks, and quality measures for work in progress, thus improving the mentoring process and will help students assess their own progress as well.

The bursar's office reports that K grades have been posing problems with releasing financial aid in some circumstances because courses evaluated with K grades do not have unit value and do not confirm satisfactory academic progress necessary for some awards.

Finally, all K grades on a student's record must be retroactively changed to a final grade before graduation. This task must be done manually and is often made cumbersome with the departure of advisors and change of staff. Eliminating the use of K grades will speed the process of awarding degrees earned.

Implementation or Management of the change:

Once all reviewing bodies have approved the language on K grades will be removed from the General Catalog, and instructions for grading 900 level classes will be posted on the Graduate College website.

Effective Term:

Fall 2017

Public Access Working Group

Chris Kollen, University Libraries

Dan Lee, University Libraries

Scott Pryor, Research, Discovery & Innovation

Ahlam Saleh, University Libraries

Lori Schultz, Research, Discovery & Innovation

Federal Public Access Policies

- NIH Public Access Policy (2008)
- Office of Science Technology Policy Memo (2013) – applies to 19 agencies
 - Calls for public access to publications and data from funded research
 - Various Agency Policies (2014-2017)
- UA Faculty Senate Open Access Policy

Resources Developed

We're developing Quick Guides for the top agencies of research at the University of Arizona

- Public Access Policies for Publications
 - <http://tinyurl.com/Pub-Policies-UA>
- Public Access Policies for Data
 - <http://tinyurl.com/Data-Policies-UA>

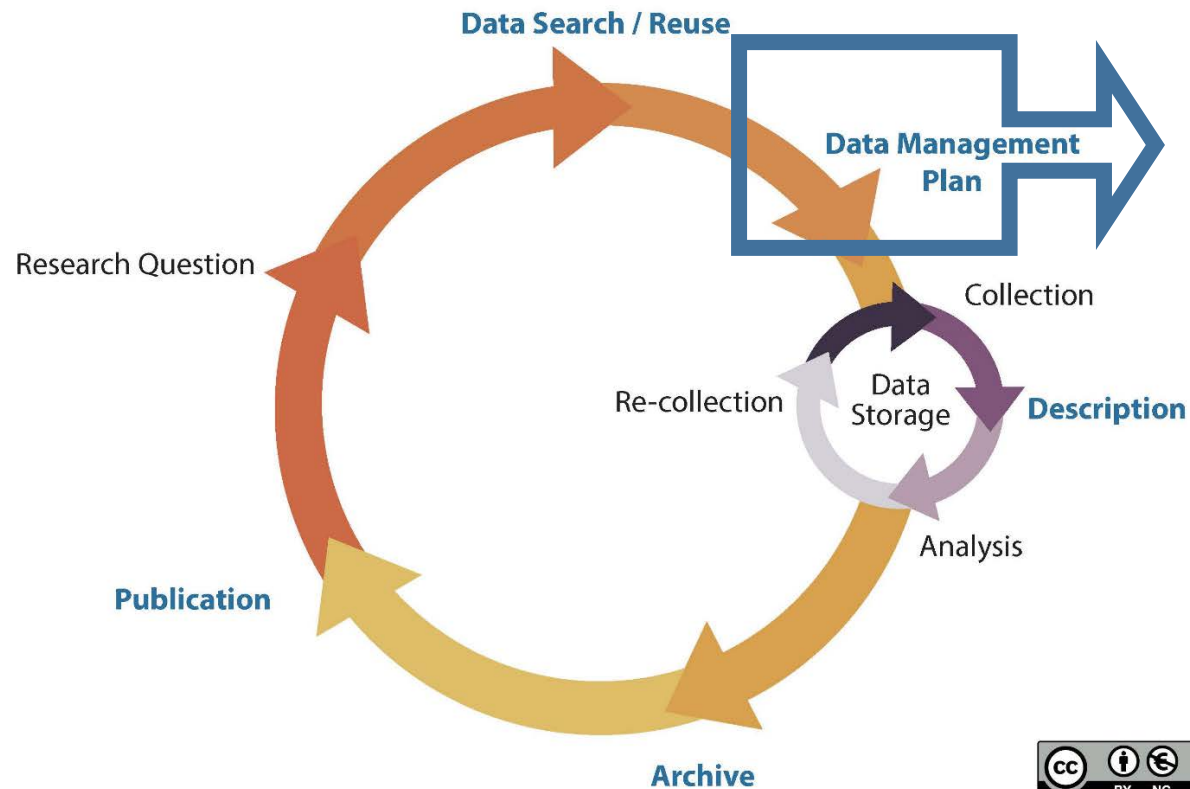
Landscape for data requirements

Agencies responses to data sharing – what are their requirements for data management plans and for sharing data?

- NIH – Implemented Data Sharing Policy in 2003
- NASA – has a long-standing culture of promoting full and open sharing of data
- DOE – Piloted Data Management Plans w/Office of Science in 2014
- NSF – Implemented Data Management Plans in 2011
- [OSTP Memo - 2013](#)
- [Open Data Policy - 2013](#)

It Starts with Managing Data

The Research Data Management Lifecycle



Documents the lifecycle of your data and provides details on data collection for storage, access, sharing, and reproducibility of your results.

This can ensure the availability and accessibility of your research results after your project is complete.



Generalized Data Sharing Requirements

In general, the majority of the federal agencies now require the following:

- Data Management Plan as part of the grant proposal (what's required varies)
 - [DMP Tool](#) has templates for federal agencies
- Share data in agency data repository (if one exists) or a publicly accessible data repository – could be the UA campus repository or a disciplinary repository

Resources

- Public Access Policies for Data
<http://tinyurl.com/Data-Policies-UA>
- UA Data Management Resources website
<http://data.library.arizona.edu/>
- DMP Tool – <https://dmptool.org>

Questions?

Contact us:

- [Public Access Working Group](#)