

**Faculty Senate Minutes
Special Called Meeting
December 5, 2006**

Call to Order:

Call to order: 4:20 pm; Breckinridge 302.

Senators Absent: Ned Breschel, Pamela Colyer, Marcia Cooper, Lynda Donathan, Michael Harford, Wayne Isham, Thomas Kiffmeyer, Barbara Lyons, Granuaile O'Flanagan, Dean Owen, Paul Taylor, Michelle Walters, Brenda Wilburn, Greg Wing

Visitors: Dr. Bruce Mattingly

Senate Actions:

The Senate met in a special meeting for the second reading of the Intellectual Property Policy.

The following motions for revisions were made:

- Senator Buck moved to change the first paragraph of Section III. C. to read "Intellectual Property developed by persons to whom this policy applies, shall be the sole and exclusive property of the creator of said Intellectual Property unless the subject Intellectual Property is:" Senator Wymer seconded the motion. Senator Wallace moved to end discussion and vote. Motion passed by a show of hands.
- Senator Jerde moved to add the word "lectures" to Line 5 of Section III. D. 1. Senator Chatham seconded the motion. Senator Buck moved to end discussion and vote. Motion passed.
- Senator Buck moved to add the words "but not limited to" after "including" in Line 3 of Section III. D. 1. Senator Jerde seconded the motion. Senator Wallace moved to end discussion and vote. Motion passed.
- Regent Irons moved to add the following sentence to the end of Section III. C.: In cases in which any of conditions 1 through 4 apply, Intellectual Property shall be the sole and exclusive property of the University. Senator Buck seconded the motion. Senator Buck moved to end discussion and vote. Motion passed.
- Senator Holcomb moved to change the fourth paragraph of Section IV. C. to read: If the deadline is not formally extended and a decision has not been rendered within the one-hundred and twenty (120) day period, then the time shall have lapsed and primary ownership rights to the disclosed intellectual property shall be returned to the creator, except a perpetual, non-exclusive, non-transferable, royalty-free license/right shall be retained by the University for non-commercial use of the disclosed Intellectual Property. Senator Wymer seconded the motion. Motion passed.
- Senator Buck moved to add "except as exempted hereafter (III.D.)" after the word "apply" in the new sentence added at the end of Section III. C. Senator Wallace seconded the motion. Motion passed.
- Senator Holcomb moved to change the first sentence of Section VIII. D. Scope of Employment to read: "refers to activities which have been assigned to an employee by his or her supervisor and which are performed during the normal working hours and which fall within the employee's job description." Senator Buck seconded the motion.

A Senator issued a quorum call. The Chair determined that a quorum still existed.

Regent Irons asked for direction from the Senate regarding action he should take at the Board of Regents meeting if the proposed revisions, approved by the Senate, are not brought to the Board of Regents by the Cabinet.

Senator Buck suggested that the discussion of the Intellectual Property Policy by the Board of Regents be postponed until a later meeting. Senator Buck moved that if the changes approved by the Senate are not forwarded to the Board of Regents, that Regent Irons initiate the revisions during the Board meeting. Motion failed for lack of a second.

A Senator suggested that since there is still a quorum that review of the Intellectual Property Policy continue.

Senator Holcomb moved to change the first sentence of Section VIII. D. Scope of Employment to read: "refers to activities which have been assigned to an employee by his or her supervisor and which are performed during the normal working hours and which fall within the employee's job description." Senator Buck seconded the motion. There was discussion of the "normal working hours" for faculty as related to developing Intellectual Property. Regent Irons stated that Section III. D. 5. Consulting and Other Activity addresses this concern. Senator Holcomb moved to end discussion and vote. Motion failed.

Senator Neeper, representing a member of his department, recommended the following be added as the last bullet under Section II. Objectives: "to ensure that the University receives its fair share of any profits from ideas or creations that it supported in their inception, development, and/or dissemination." The faculty member's rationale being that "it would be disingenuous not to include the above added acknowledgment; it will make it hard for anyone to respect this policy and believe in its truth as articulated unless this obvious motivation is noted." Dr. Mattingly stated that bullet number four addresses that issue. Dr. Neeper stated that he was satisfied with Dr. Mattingly's statement. Dr. Neeper noted that the numbering was incorrect on page 3.

Senator Buck asked if the six faculty on the Intellectual Property Committee are non-administrative faculty. Chair Lindell stated that if the word "faculty" is used in reference to membership on a committee, traditionally that has been someone who is assigned the duty of teaching as opposed to the duty of administration.

Senator Wallace moved to accept the Intellectual Property Policy with the changes made thus far. Senator Penner seconded the motion. Senator Neeper moved to end discussion and vote. Motion passed.

Dr. Mattingly stressed the importance of the revisions being forwarded to the Provost and the President for review as soon as possible, prior to the Board of Regents meeting on Thursday, December 7, 2006.

Adjournment: 5:30 pm.