

11-18-2004

## Minutes, Arts & Sciences Faculty Meeting, Thursday, Nov. 18, 2004

Arts & Sciences Faculty

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**Minutes of the Meeting  
Arts and Sciences Faculty  
November 18, 2004**

**Members Present:** A. Armenia; G. Barreneche; E. Blossey; A. Blumenthal; A. Boguslawski; W. Boles; R. Bommelje; W. Brandon; J. Burris; A. Carpan; B. Carson; R. Carson; R. Casey; G. Child; J. Child; E. Cohen; G. Cook; R. Cowan; D. Crozier; D. Cummings; D. Davison; J. Davison; N. Decker; R. Diaz-Zambrana; L. Duncan; S. Easton; J. Eck; H. Edge; L. Eng-Wilmot; R. Foglesong; L. Glennon; J. Gorman; Y Greenberg; D. Griffin; M. Gunter; D. Hargrove; P. Harris; J. Henton; J. Hewit; J. Houston; G. Howell; C. Hudspeth; M. Hunt; P. Jarnigan; J. Jones; D. Y. Jones; S. Klemann; S. Lackman; P. Lancaster; C. Lauer; L. Laws; S. Libby; L. Lines; D. Mays; E. McClellan; M. McLaren; H. Miranda; A. Moe; T. Moore; R. Musgrave; S. Neilson; R. Newcomb; M. Newman; A. Nordstrom; K. Norsworthy; M. O'Sullivan; T. Ouellette; T. Papay; S. Phelan; J. Provost; J. Queen; M. Shafe; J. Sinclair; C. Skelley; J. Small; R. Smither; P. Stephenson; W. Svitavsky, L. Tavernier-Almada; K. Taylor; M. Throumoulos; L. Tillman-Healy; D. Wellman; G. Williams; W. Zhang.

**Guests:** S. Carrier; S. Fischer; S. Agee

**I. Call to Order:** Yehudit Greenberg called the meeting to order at 12:40 p.m.

**II. Approval of the Minutes:** The minutes from the October 21, 2004, meeting were approved as amended.

**III. Announcements:**

**A. Report on Campus Incident** (Steve Neilson): Neilson discussed the report of an alleged sexual assault in Cornell Hall at 9:30 p.m. last night. The faculty has asked for faculty to quell rumors. Winter Park Police is doing an active investigation on the incident, and the College is not involved in the investigation. Neilson responded to questions and suggestions from the assembly. In response to a request for cameras to be installed in public spaces, President Duncan said he would entertain faculty discussion about this possibility and the possible "slippery slope" in connection with civil liberties on the campus. There were concerns by faculty about safety on campus after dark, particularly among those faculty who work late, after the students have left the classrooms. The administrators promised to survey the campus promptly and make sure all lighting is in working order.

**B. Colloquia:**

1. **Faculty Salary Task Force**, 3 p.m., November 19, Doug Child, Faculty Club.
2. **Honor Code**, 3:30, December 3, Pedro Bernal, Faculty Club.

**C. Good News from Dean Casey:**

1. The College has received a \$95,000 grant from the DuPont Foundation to enhance community engagement at the college. The dean thanked Development for

their help in working on the grant. Connie Hudspeth has been named as one of the national government advisors for community engagement.

2. The ACS has received a \$500,000 grant through the Woodruff Foundation for various initiatives, and the deans are working together to set ideas.

3. Along with the Dean of Admissions, the Dean's Office is working on a new plan to attract high-quality students to the campus through a scholarship competition that will include ten full-ride scholarships. President Duncan was thanked for his support.

**IV. Presentation on Evolving Intellectual Property Policy** (Marvin Newman). The faculty was presented with a draft Intellectual Property Policy which, if the schedule continues, the faculty will vote to affirm at the December faculty meeting. He stated his purpose to let faculty know there is IP task force, its mission, members, and the role of the faculty in developing this policy. The creation of this Policy is a result of **SACS 3.2.14:**

**The institution's policies are clear concerning ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property. This applied to students, faculty, and staff.**

Today he is presenting a concept, not a final document. Faculty is asked to consider this document and make comments directly to Marvin Newman so that these comments can be reported to the task force for inclusion in the document. President Duncan has reviewed the document. The task force is grateful to Stanford University for the use of its document as a model. This document is designed to *encourage* faculty, staff, and student research, not solely to protect the rights of the College.

All rights and copyrights remain with the creator unless the work is a "work for hire," is commissioned by the College, or is otherwise subject to contractual obligations. The issue of PATENT is also covered (p. 4). The timetable for having the document at the latest is March 24, 2005. At the December 8 faculty meeting there is hoped to be an endorsement of the policy by the faculty. The trustees will receive the document on January 30, but no later than February 24. Faculty discussion included: who owns the copyright on reproduction of art works by the college; will the college speak out about freedom in use of materials. Newman requested the faculty examine p. 2, Ownership of Course Materials (including class technology and videotapes of classroom activities). President Duncan congratulated the faculty on their work on this document.

**V. Committee Chairs** do not have reports at this time.

**VI. Meeting adjourned** at 1:26.

Respectfully submitted,

Susan Cohn Lackman, Ph.D., M.B.A.  
Vice-President/Secretary

**ADDENDUM: Intellectual Property Policy Draft 11-12-04**

**ROLLINS COLLEGE**

**Intellectual Property Policy**

*Draft 11-12-04*

This policy is meant to encourage and support faculty, staff, and student research; to protect the rights and interests of College constituents as well as the College itself; and to provide College constituents with information that will guide understanding of intellectual property and its application at Rollins College. All faculty (full time and adjunct), staff, student employees, and students, as well as non-employees who participate or intend to participate in teaching and/or research or scholarship projects at Rollins College are bound by this policy.

Rollins College is committed to complying with all applicable laws regarding copyright and other forms of intellectual property. Furthermore, this policy shall not be interpreted to limit the College's ability to meet its obligations for deliverables under any contract, grant, or other arrangement with third parties, including sponsored research agreements, license agreements, and the like.

Questions of ownership or other matters pertaining to materials covered by this policy shall be resolved by the Provost (or his or her designee) in consultation with others, as appropriate.

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**COPYRIGHT, PATENTS, and TRADEMARKS**

**A. COPYRIGHT**

**General Copyright Policy**

Rollins College's policy is that all rights in copyright remain with the creator unless the work is a "work for hire," is commissioned by the College, or is otherwise subject to contractual obligations.

**Definition and Scope of Copyright Protection**

Under the federal copyright law, copyright subsists in "original works of authorship" that have been fixed in any tangible medium of expression from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. These works include:

- literary works such as books, journal articles, poems, manuals, memoranda, tests, computer programs, instructional material, databases, bibliographies;
- musical works including any accompanying words;
- dramatic works, including any accompanying music;
- pantomimes and choreographic works (if fixed, as in notation or videotape);
- pictorial, graphic and sculptural works, including photographs, diagrams, and sketches;
- motion pictures and other audiovisual works such as videotapes;
- sound recordings; and
- architectural works.

### **Scope of Copyright Protection**

Copyright protection does not extend to any idea, process, concept, discovery or the like, but only to the work in which it may be embodied, illustrated, or explained. For example, a written description of a manufacturing process is copyrightable, but the copyright only prevents unauthorized copying of the description; the process described could be freely copied unless it enjoys some other protection, such as patent.

Subject to various exceptions and limitations provided for in the copyright law, the copyright owner has the exclusive right to reproduce the work, prepare derivative works, distribute copies by sale or otherwise, and display or perform the work publicly. Ownership of copyright is distinct from the ownership of any material object in which the work may be embodied.

### **Books, Articles, and Similar Works, Including Unpatentable Software**

In accord with academic tradition, except to the extent required by the terms of funding agreements, Rollins College does not claim ownership to pedagogical, scholarly, or artistic works, regardless of their form of expression. Such works include those of students created in the course of their education, such as papers, theses, and articles. The College claims no ownership of popular nonfiction, novels, poems, musical compositions, unpatentable software, or other works of artistic imagination that are not institutional works (see "Institutional Works as Work for Hire"). Copyright in pedagogical, scholarly, or artistic works to which the College disclaims ownership under this policy shall be held by the creators regardless of whether the work constitutes a "work for hire" under copyright law.

### **Ownership and Use of Course Materials (including class technology and videotapes of classroom activities)**

All course materials including, but not limited to Blackboard (and other course management tools) materials, syllabi, videotapes of classroom activities, websites, etc. developed by a Rollins faculty member belong to the faculty member unless grant or other outside funding sources dictate otherwise. Faculty ownership of such course materials does not, however, entitle the faculty member to any additional compensation from the College as a result of appropriately enrolled students' use of such materials. Faculty ownership of such course materials also does not preclude the College from using such materials for internal instructional, educational, and administrative purposes, including satisfying requests of accreditation agencies for faculty-authored syllabi and course descriptions. Materials brought to Rollins from other institutions are bound by any ownership constraints from the institution at which they were developed; barring none, they belong to the faculty member.

The use of images or materials of students for use outside of a currently enrolled class is not permitted without a signed release from students. This includes videotaping, website images, and class materials where the expectation of a student is that their purpose is for that particular course. If the purpose of the class is to create a website, video or other materials for future courses, this permission is not needed.

### **Institutional Works as "Work for Hire"**

The College shall retain ownership of works created as institutional rather than personal efforts--that is, works created by administrators and staff for College purposes in the course of the creators' employment, College-commissioned faculty work, or works resulting from simultaneous or sequential contributions over time by numerous faculty, staff, and/or students. The employer (i.e., the College) by law is the "author," and hence the owner, of works for hire for copyright purposes; therefore, Rollins owns all rights, intellectual and financial, in such works.

"Work for hire" is a legal term defined in the Copyright Act as "a work prepared by an employee within the scope of his or her employment." For instance, work assigned to programmers is "work for hire" as defined by law as is software developed for College purposes by students and staff working collaboratively. This definition includes works prepared by employees in satisfaction of sponsored

agreements between the College and outside agencies. Certain commissioned works also are works for hire if the parties so agree in writing. The mere fact that multiple individuals have contributed to the creation of a work shall not cause the work to constitute an institutional work. Where a work is jointly developed by College faculty or staff or student employees and a non-College third-party, the copyright in the resulting work typically will be owned jointly by the College and the third party. In such instances, both the College and the other party would have nonexclusive rights to the work, subject to the duty to account to each other.

### **Works of Non-employees**

Under the Copyright Act, works of non-employees such as consultants, independent contractors, etc. generally are owned by the creator and not by the College, unless there is a written agreement to the contrary. As it is Rollins' policy that the College shall retain ownership of such works (created as institutional rather than personal efforts, as described in "Institutional Works as Work for Hire"), Rollins will generally require a written agreement from non-employees that ownership of such works will be assigned to the College.

Examples of works that the College may retain from non-employees are as follows: reports by consultants or subcontractors, computer software, architectural or engineering drawings, illustrations or designs, and artistic works.

### **Use of Copyrighted Material**

Rollins College is committed to complying with all applicable copyright laws. This includes the full exercise of the rights accorded to users of copyrighted works under the "fair use" provision of federal copyright law.

To that end, the College shall inform and educate its faculty, staff, and students about their fair use rights and the application of the four factors for determining those rights as set forth in 17 U.S.C. Section 107. The fair use clause provides generous, but not unlimited, provisions for the use of copyrighted material in classroom settings. An outline of the fair use doctrine is available at [\(insert Web address here\)](#).

Students, faculty and staff members are expected to comply with copyright laws. Distribution of materials protected by copyright without permission of the copyright owner may be a violation of federal or state law. It is the responsibility of those reproducing materials to make sure the reproduction is consistent with U.S. Copyright Law (<http://www.copyright.gov/>).

Rollins College does not permit the unlawful reproduction or distribution of commercially copyrighted music, movies, and software. The College is committed to taking reasonable steps to avoid misuse of its computer network. If violations are discovered or suspected, College personnel may report infringement to appropriate authorities or take other action, including, but not limited to: warning the user, removing the material, or terminating access to the material.

### **Use of the College Name in Copyright Notices**

The following notice should be placed on College-owned materials:

Copyright © [year] Rollins College. All Rights Reserved.

No other institutional or departmental name is to be used in the copyright notice, although the name and address of the department to which readers can direct inquiries may be listed. The date in the notice should be the year in which the work is first published, i.e. distributed to the public or any sizable audience.

Additionally, works may be registered with the United States Copyright Office using its official forms (<http://www.copyright.gov/forms/>).

### **Reconveyance of Copyright to Creator**

When copyright is assigned to Rollins because of the provisions of this policy, the creator of the copyrighted material may make a request to the Provost that ownership be reconveyed back to the creator. Such a request can, at the discretion of the Provost, be granted if it does not: (1) violate any legal obligations of or to the College, (2) limit appropriate College uses of the materials, (3) create a real or potential conflict of interest for the creator, or (4) otherwise conflict with College goals or principles.

## **B. PATENTS**

Rollins College is an educational institution whose fundamental mission is to provide an outstanding liberal arts education. Rollins recognizes that research, particularly that involving collaborative investigations with students and faculty, is one of the highest forms of education.

All potentially patentable ideas and inventions developed in whole or in part by College personnel in the course of their employment, or with more than incidental use of Rollins College resources, shall be disclosed in writing to the Office of the Provost. Written disclosure should include the (1) name of the inventor, (2) what was invented, (3) circumstances that led to the invention, and (4) the information as to what might be subsequent activities surrounding the invention.

The next step is that an Intellectual Property Committee will review the invention disclosure information submitted. The Provost (or his/her designee) will convene an Intellectual Property Committee to consist of two faculty members of the Provost's choosing, two faculty members of the inventor's choosing, and a fifth faculty member agreed upon by the four other faculty members. This Committee will make a recommendation to the Provost either to seek a patent using the College funds or to decline further action.

If the College refuses to pursue application of the idea/invention, the inventor may then seek other aid outside the College to assess the patentability of the invention. If no action is taken, all patent rights revert to the inventor.

If there is positive action on an application, the College may wish to pursue evaluation of the invention from technical development consultants to ascertain whether there is sufficient interest and financial return that would make the acquisition of a patent feasible.

The remaining steps in the process are:

1. A patent is obtained or institutional steps are put into place to protect the invention as a trade secret. These steps may ensure that, in the event of not immediately applying for a patent, proper protection is maintained and limited disclosure and publication are delayed to a later date.
2. A patent, if any, is licensed and royalties are earned.
3. Legal enforcement of patent rights begin.

### **Sharing of Royalties**

Royalty distribution will be as follows:

1. 100 % will accrue to the College for recovery of costs associated with the patent/license development. This would include all fees for preparing and prosecuting patents. All marketing and licensing fees would also be included.
2. Remaining income would be distributed according to the following:
  - a. Inventor(s) or their heirs 40% of gross royalties.

- |                           |                         |
|---------------------------|-------------------------|
| b. Inventor(s) Department | 20% of gross royalties. |
| c. College                | 40% of gross royalties. |

Under certain conditions, the College may agree to accept a negotiated percentage of equity in place of all or some portion of the license or royalty fee(s).

### **C. TRADEMARKS**

Trade and service marks are distinctive words or graphic symbols identifying the sources, product, producer, or distributor of goods or services. Trade or service marks relating to goods or services distributed by the College shall be owned by the College. Examples include names and symbols used in conjunction with the College wordmark and logo and those names or symbols associated with College athletics, events, programs, software, or activities.

*Rollins College's Intellectual Property Policy is based on policies adapted, with permission, from Stanford University.*