

Longwood University Faculty Senate
**PROPOSAL/POLICY COVER
SHEET**

This cover sheet is intended to provide information to members of the Faculty Senate about a new proposal/policy or about revisions to an existing proposal/policy. **If you are proposing a new policy, then attach the text of the policy to this form. If you are proposing a change to an existing policy, then attach the text of the current policy with any deleted language marked by a strikethrough and with new language marked by an underline. If you are deleting a policy, then attach the text of the policy to be deleted.**

COMMITTEE(S) that authored or sponsored this proposal: **Intellectual Property Committee**

TOPIC: Updated Intellectual Property Policy

BACKGROUND (Provide a brief statement describing the origins of this proposal, the nature of the problem it addresses, and the work completed to devise the proposal):

The current IP policy has not been updated in several years. In recent years, artificial intelligence has seen widespread use and the SEED Innovation Hub has opened.

SUMMARY OF NEW POLICY OR PROPOSED CHANGES OR DELETIONS TO AN EXISTING POLICY (Provide a brief list or statement describing the content of the policy or the proposed changes or deletions):

- **Clarifies that IP developed at SEED Hub and within scope of employment and with significant use of University resources, is subject to the policy**
- **Stipulates that use of AI must be disclosed**
- **Updates access instructions for the IP Report form.**

The revised policy changes: (Attached)

RATIONALE FOR THE POLICY OR PROPOSED CHANGES (Provide a brief statement as to why the new policy, the changes, or the deletion is needed):

Routing information and signature lines:

Date submitted to Senate Executive Committee for Consideration:

Action(s) Taken:

Date first read at Faculty Senate:

Action(s) Taken:

Date final action taken by Faculty Senate:

Action(s) Taken:

Senate Chair: _____

Date submitted to the PVPAA (within 5 working days of Senate approval):

Action(s) Taken:

PVPAA: _____

Date: _____

Date submitted to other administration:

Action(s) Taken:

Administrator: _____

Date (within 15 working days of PVPAA's signature): _____

Date submitted to the Board of Visitors:

P. POLICY ON INTELLECTUAL PROPERTY COPYRIGHTS AND PATENTS

Definitions:

A. *Intellectual Property* means:

1. A potentially patentable machine, article of manufacture, composition of matter, process, or improvement in any of those;
2. An issued patent;
3. A legal right that inheres in a patent; or
4. Anything that is copyrightable.

B. *Copyrightable work*: An original work of authorship (i.e., writing, work of art, work of music, computer program), which qualifies for protection under federal copyright law.

C. *Work Made for Hire*: A copyrightable work prepared by an employee within the scope of employment.

D. *Additional Assignment*: A task or undertaking resulting from a specific request, direction, or employment obligation to produce a particular thing or result. A general obligation for faculty to engage in research, scholarship, and teaching is not a specific additional assignment even if it results in a specific end product such as a vaccine, a published article, or a computer program. If an employee's written job description specifies duties that result in the creation of intellectual property, the intellectual property is considered University property.

E. *Significant Use of University Resources*: The substantial use of University equipment, facilities, or personnel. What constitutes significant use of University resources is a question that must be answered based on circumstances of each situation. A general statement defining a dollar amount is not appropriate because of differing needs among disciplines. Customary and usual use of University resources such as telecommunications and information technology, library resources, secretarial assistance, and other support services do not constitute significant use. The use of a computer in a faculty office, incidental supplies, and occasional use of University personnel or shared facilities would typically not be considered significant use. In contrast, utilization of University laboratories or special instrumentation, dedicated assistance by University employees, special financial assistance, or extensive use of shared facilities would constitute significant use.

Policy Owner: Responsibility for oversight of this policy resides with the Provost. As Contract Officer for the University, the Vice President for Administration and Finance is responsible for enforcement and compliance of all contracts and licenses.

Purpose:

Longwood University encourages the production of intellectual property, including creative and scholarly works, discoveries, and inventions. The purposes of this policy are to support and reward research and scholarship; to balance the interests of researchers and the University; to define the rights and responsibilities of all involved; and to help faculty, students and staff identify, protect and administer intellectual property.

Responsibilities

- *Researcher*: Submit Intellectual Property Report (IPR) before developing or publicly disclosing ideas. Public disclosure of details of inventions prior to initiation of protection procedures may result in loss of legal protection and commercial value. The IPR is reviewed by Department Chair, Dean, and Provost.
- *Provost/Vice President for Academic Affairs*: Based on IPR and discussion with the Researcher, determine whether the University has a proprietary interest in the work. In case of dispute, refers case to Intellectual Property Committee for review and recommendation. The Provost may also engage outside firms to evaluate patentability.
- *Intellectual Property Committee (IPC)*: As a committee of the Faculty Senate, the IPC convenes as needed to review cases involving intellectual property disputes and make recommendations to the Provost.
- *Vice President for Administration & Finance*: Enter into all necessary contracts to secure patents, copyrights, and licensing for intellectual property developed by University personnel.

Policy

Ownership of Intellectual Property

- A. Except as outlined below, the University shall obtain the entire right, title, and interest in all intellectual property created, developed, invented or discovered by university employees. University employees must disclose and assign the title to inventions developed within the scope of their employment or with significant use of university resources.
1. Additional Assignment. When a copyrightable or patentable work is created as a specific additional assignment, often involving additional compensation or release time, the University shall own the entire right, title, and interest in all materials subject to copyright or patent. Examples: Authoring catalog or promotional materials.
 2. Significant Use of University Resources. When a Researcher makes significant use of University resources, the University shall own rights to the intellectual property. The use of a computer in a faculty office, incidental supplies and occasional use of University personnel or shared facilities would typically not be considered significant use. In contrast, utilization of University laboratories or special instrumentation, dedicated assistance by University employees, special financial assistance or extensive use of shared facilities would constitute significant use. **Intellectual property developed at the SEED Hub, when developed within the scope of employment and with significant use of University resources, shall be subject to this policy.**
- B. Faculty/Staff Researchers: Researchers retain full ownership of rights to intellectual property when the work is produced completely outside of and using no university resources, facilities or personnel. Example: Inventions or copyrightable works resulting from pursuance of a hobby, not related to the employee's University activities, and

conducted off-campus.

- C. Rights for traditional works of academic scholarship will be retained by the Researcher, provided the work is prepared at the individual's own initiative and not a result of an Additional Assignment. Examples: Articles, monographs, textbooks, literary works, artistic creations, computer software.

To encourage pedagogical innovation, rights for works related to teaching will be retained by the Researcher. Examples: Course handouts, worksheets, lesson plans, and lecture materials in any format.

- D. Student Researchers: In general, student researchers will retain ownership of rights to intellectual property. The University may claim ownership of a work when the student is employed by the University (work made for hire), or when significant use of University facilities, personnel, or resources is made in the development of the materials, especially when unrelated to coursework.

Procedures:

- A. Intellectual Property Report (IPR): Before proceeding with public disclosure or development of a creative idea, and in consultation with the Department Chair and Dean, the researcher must submit the IPR to Provost for review. **Any use of AI must be disclosed on the Intellectual Property Report form. The form is available in the Longwood University Grant Handbook, a Canvas course in which users may self-enroll. For access, contact the Associate Provost for Research and Academic Initiatives or the Intellectual Property Committee chair.**
- B. Case Review: The Provost shall review the Researcher's IPR. If a question arises regarding proprietary interests of the University or the Researcher, the Provost may consult the IPC. The Provost may also engage outside firms to evaluate patentability. Within 90 days, the Provost will inform the Researcher in writing whether:
 - 1. The University asserts ownership of the intellectual property and plans to file a patent application; or
 - 2. The University does not assert ownership of the intellectual property.
- C. Dispute Resolution: Any dispute arising over intellectual property must be presented to the President, who, in resolving the dispute, may consult with the Intellectual Property Committee.
- D. Intellectual Property Development. If, after two years, the University does not take action to file a patent application or develop the intellectual property, the Researcher may petition the Provost to waive the University interest in the intellectual property.
- E. Royalties
 - a. The researcher and the University will share the net revenue derived from inventions owned and licensed by the University as follows:
 - i. Creator: 50%
 - ii. Creator's Department: 10%
 - iii. Creator's College: 10%
 - iv. University: 30%
 - b. Ownership of copyrightable and patentable intellectual property developed pursuant

to an agreement with any external sponsor shall be governed by the provisions of that agreement. The Office of Research, Grants, and Sponsored Projects shall review rules and regulations of all potential sponsors of research with regard to ownership rights and licensing of inventions, discoveries, or patents either at the time that proposal is submitted or prior to accepting an award from the sponsor. Any change to the royalty percentages becomes effective only when approved by the Board of Visitors.

Transfers

The University has the right to license or transfer any intellectual property it owns.

References: Minutes of the Longwood University Board of Visitors, October 22, 1987, April 2, 2005, November 30, 2018, November 19, 2020.