

ACADEMIC AFFAIRS COUNCIL

AGENDA ITEM: 5.F

DATE: January 24, 2013

SUBJECT: Implementing Board Policy 4:34

Prior to the holiday break, Will Aylor corresponded with Jim Shekleton regarding SDSU’s planned approach for educating/training faculty regarding responsibilities in Section 6 of BOR Policy 4:34 to disclose intellectual property internally before making any public disclosure. Subsection 6.A, copied in below, specifically directs this process.

“Each creator of an intellectual property that may have commercial value and that may be subject to Board ownership under §§ 4(A), 4(B) or 4(D) of this policy shall file a written enabling disclose of the intellectual property with the Intellectual Property Manager prior to making any publicly accessible enabling disclosure. The requirements of this section, apply, by way of illustration and without limitation, to submission for publication or public presentation any scholarly writing that reports the intellectual property, submission of grant applications, disclosure in conversation or informal communications with colleagues, release to the public domain, attempts to patent, to license, to distribute or to manufacture of the intellectual property commercially or any other action that makes the property available to the public.”

To ensure compliance, SDSU is seeking to include the notification below on all mandatory travel forms for faculty:

NOTICE

Compliance with the Board of Regents intellectual property policy 4:34 § 6 requires that any intellectual property that may be subject to Board ownership and may have commercial value must be disclosed to the Technology Transfer Office prior to any publically enabling disclosure. It is the duty of the creator to contact the Technology Transfer Office prior to such a disclosure. If you have any questions regarding this policy or whether your intellectual property is subject to Board ownership or may have commercial value please contact the Technology Transfer Office prior to public disclosure.

(Continued)

RECOMMENDED ACTION

Discussion.

Additionally, they are seeking to add the following statement to the Agreement to Assign Intellectual Property Rights as noted below:

When required under Board Policy No. 4:34, I agree to disclose to the South Dakota Board of Regents through SDSU any intellectual property that I may create, author, invent or reduce to practice. I understand that Board Policy No. 4:34 establishes the obligation to disclose any property that may be subject to Board ownership and may have commercial value before any publically enabling disclosure.

Jim Shekleton supported both approaches, but suggested that adding language to the agreement to assign Intellectual Property would be best accomplished by only adding this language in documents provided for new employees. Furthermore, he noted that it would be most prudent to implement whatever approach was employed consistently across the system.

RAC is working on this issue with agreement that common language should be included on travel forms. Members of the Council should be addressing concerns with their RAC rep. In addition, since modifications will occur on travel forms, this should be shared with academic leadership to ensure that the reasons for this are understood.

Members of the Council should be prepared to raise questions or concerns.