

University of the Pacific
Unit Protocol for The College
Approved by The College Council: October 27, 2003
Approved by the Dean of The College: October 28, 2003
Approved by the Dean, Research and Graduate Studies: November 13, 2003
Approved by the Provost: _____ (date)

I. DEFINITIONS

School/College definitions of the following:

A. "Academic Works":

The College endorses the definition of Academic Works used in the University IP policy, which reads as follows: "Academic Works includes artistic, scholarly, and learned materials, whether traditionally, electronically or otherwise published, created by faculty and/or by students in the course of their educational endeavors that are not patentable. This also includes "like-kind" works such as papers, reviews, articles, theses, dissertations, scholarly papers, abstracts, monographs, treatises, in-person presentations made at scholarly meetings, non-fiction and fiction books and writings, textbooks, musical and other artistic compositions, software, and all other works of artistic or scholarly creation which are not institutional works or were not created using significant University resources."

B. "Customary Support" for faculty and staff in the unit includes:

Those things that we provide all faculty and staff members so that they may function in a manner appropriate to their respective positions. This includes but is not limited to the following:

- 1) Networked computers and peripherals (such as printers, CD/DVD RW drives, zip drives, floppy drives, and scanners
- 2) Telephones
- 3) Copy machines
- 4) Typewriters
- 5) Fax machines
- 6) Office space and furnishings

And in the case of faculty¹

- 7) clerical support staff
- 8) student research assistants working for some type of approved compensation
- 9) faculty development leaves
- 10) internal research or teaching grants of \$5,000 or less

¹ Please note, faculty are not guaranteed items numbered 7 through 10. However, where faculty do have access to one or more of these items, they will be considered customary support and not a 'significant university resource'.

C. "Significant University Resources" includes:

Anything that has been funded by a direct allocation of College funds, donations to the College, or corporate or foundation grants to the College, that are used to support activities not covered by the definition of academic works and are beyond those items included under customary support.

D. "Incidental Use" for faculty and staff in the unit refers to:

Use of any the items listed under customary support for any legal activity.

E. "Course" includes:

A course is any official part of the curriculum, including special topics courses, as shown by its listing in Banner, and/or the University catalog, and/or Schedule of Classes, that is available to students for academic credit at Pacific. This includes courses delivered via a traditional mode (such as a face to face lecture, lab, seminar or any combination thereof) and courses delivered electronically, using the web, courseware products, video-conferencing equipment, web cam's or any similar tools or combinations of these tools.

II. COPYRIGHT POLICY

Although the University retains the rights to courses, the faculty holds the copyright to the *components* of courses, which in The College includes the following (these are products of a faculty member's efforts used to fulfill the educational objectives of courses): lecture notes, slides, overheads, electronic presentations of any type, demonstrations, handouts, and study guides.

The Dean of the College must approve any instance in which a faculty member uses components of courses for the delivery, at any other educational institution or in any other educational program, of a course that is similar to any course taught by that faculty member at the University. A request to do so must be submitted in writing to the Dean. Failure to do so may result in disciplinary action.

Unless specified otherwise and approved in writing by the Dean of the College in advance, visiting scholars and faculty will be subject to the same provisions of this policy and unit protocols as regular University personnel during the period they are associated with the University.

Patents:

University policy utilizes the definition in law for patents and inventions and other related terms. For example, the law defines a patent as a novel and useful idea relating to processes, machines, manufactures, and compositions of matter. The College will conform to the University patent policy and requires no addendums to it.

III. ROYALTIES

The College will conform to the royalty distribution policy described in the University's intellectual property rights document, approved in April of 2002, which applies to works for which the University holds the copyright or patent (for example, a book to which you hold the copyright would not be impacted). Any negotiations involving royalty distribution will be between the faculty member and the Dean of the College. Disputes that remain after faculty-dean negotiations are reviewed and resolved by the Provost.

IV. ADMINISTRATIVE MATTERS

- A. When a determination of property rights is needed, the appropriate department chair or chairs is expected to bring the issue to the attention of the Dean of the College. The Dean will make a determination of ownership and inform all involved parties. Disputes will be resolved by the Provost.

- B. All faculty, staff, student employees, graduate students and post-doctoral fellows, volunteer and other employees or non-University employees are covered by the Policy. They are required to execute the University of the Pacific Copyright and Patent Agreement.

- C. All departments within the College are expected to obtain a written agreement from the non-employees of the University that ownership of institutional works is assigned to the University.

Approved by:

_____	_____
Dean, College of the Pacific	Date
_____	_____
Dean, Research and Graduate Studies	Date
_____	_____
Provost	Date