

## CHAPTER 10 ADMINISTRATIVE PROCEDURES

**10.10.10 Business Procedures.** The University's fiscal year is July 1-June 30. The dean or director concerned shall receive, in advance when possible, a complete set of budget request forms and a letter of instruction from the Budget Office for each of his/her departments. The Provost and Vice Presidents meet to finalize allocations to each division. Final allocations are submitted to the Provost and Vice Presidents prior to the start of the fiscal year.

\* **10.10.11** After preparation and review by the dean, and/or head of the department, one copy shall be submitted to the Budget Office. Budget review meetings of the deans, the President and the Vice President for Administration may be called for beforehand.

**10.10.12** Before the fiscal year begins, when possible, formal notices of the subsequent year's budget allocations shall be made directly to the dean, and/or head of the division, for distribution to his/her department chairpersons and directors.

**10.10.13** Any request for expenditures that exceeds the existing balance of available funds in a particular account shall not be processed without the identification of source of funds. Request for budget allocation transfers shall be prepared on a form obtainable from the Budget Office and shall be subject to approval in accordance with existing policy.

**10.10.14** All money received by a department for the University shall be deposited in the Office of Enrollment Services promptly -- within three business days after the date of receipt. A university deposit slip, in duplicate, showing the fund and account to be credited, shall accompany the deposit.

**10.10.15** All payments from a special University fund shall be made by the Accounting Office as authorized on a payment order form prepared in duplicate, showing the fund account to be charged, payee and purpose. Payment orders shall be sent to the Accounting Office for payment. Upon preparation of the check, the duplicate payment order and the check shall be forwarded to the person requesting payment for transmittal to the payee.

\* **10.11.10 Requisitions.** A University requisition shall be prepared in advance, in triplicate, for all purchases chargeable to departmental funds; the white and yellow copies shall be sent to the Purchasing Office, the pink copy retained by the department. The requisition shall indicate 1) chart field to be charged, 2) estimated cost of materials, and 3) commodity code number. Both copies shall have the signed approval of the dean of the college and/or the head of the administrative department involved.

**10.11.11** Exceptions to the above purchasing procedures, in case of necessity, shall be made only upon the approval of the Controller.

**10.12.10 Interdepartmental Services.** Shop work orders for repairs to be performed by the University Maintenance Department shall be prepared in accordance with instructions contained in the *Physical Plant Information Manual*.

**10.12.11** Interdepartmental requisitions shall be prepared for materials and services requested of one department by another, and processed through the Accounting Office, indicating the name of the department being requested to supply the materials or services.

**10.12.12** Interdepartmental charges shall be reported on a standard credit statement form to the Accounting Office by all departments supplying materials or services to other University departments. These charges shall be submitted monthly and the credit statement shall show the college requisition number.

\* **10.12.13** It shall be the responsibility of the Office of Enrollment Services to prepare invoices for materials and services supplied by University departments to outside agencies. All departments supplying materials and services to agencies outside the University shall report items to be billed monthly to the Office of Enrollment Services on a University credit statement form. Sales tickets or other evidence that the material has been supplied or services have been performed shall be attached to the credit statement.

**10.13.10 Sales to Students.** The University Bookstores shall be operated for the sale of all apparatus, books and other instructional materials. If it is necessary for a member of the faculty to provide his/her students with materials not available through usual trade channels, agreement shall be reached with the Bookstore Manager for distribution through the Bookstores.

**10.15.10 Financial Policies Administered by the Controller** shall be distributed widely and included in the Controller's Policy Manual. Policies with regard to grants and contracts shall also be included in a manual that is distributed to research faculty and business managers. These policies may be obtained from the Controller's Office and from the Office of Grant and Contract Accounting.

**10.20.10 Payroll Procedure.** Salary payments shall be made to new employees after an approved personnel appointment form has been submitted to the Human Resources Office and all other payroll forms, such as withholding statements, retirement membership, group life insurance and health insurance have been properly completed. A new employee may expect a salary check at the end of the third week of his/her employment if all forms have been properly completed and submitted to the Human Resources Office at least ten days prior to the effective date of his/her employment.

**10.20.11** Payroll deductions shall be made for withholding taxes, Social Security taxes, contributions to the State Employees' Retirement System, TIAA-CREF and voluntary deductions for hospitalization and medical plans, group life insurance, credit union loan repayments or savings deposits, and purchase of government savings bonds.

**10.20.12** The normal contract year shall coincide with the fiscal year of the University, beginning July 1 and ending June 30 following.

**10.20.13** New faculty members may expect their first payroll check within two weeks after the beginning of the academic year, and payments shall be made biweekly thereafter. Before the first of November a faculty member whose initial appointment is on an academic year basis shall receive a separate check covering the period from July 1 to the beginning of the pay period covered by his/her first payroll check.

**10.20.14** A faculty member on an academic year basis who resigns after July 1 and prior to the beginning of the fall semester shall reimburse the University for the total amount of all salary checks received for the period after July 1.

**10.20.15** The bi-weekly salary payments are made on Fridays. Ordinarily there will be 26 such Fridays in the fiscal year.

**10.20.16** Employee absences due to sickness, vacation, or leave without pay shall be recorded on URI Attendance Reports, Form UP-6, or the Monthly Report of Discharged Vacation and Sick Leave Hours as required.

**10.21.10 Student Employment.** It is the policy of the University to provide employment opportunities for eligible students. For Student Employment Policy see Appendix G.

**10.21.20 Student Payroll.** Data concerning hours worked by student employees shall be recorded and authorized on a monthly Payroll Time Card and submitted to the Payroll Office for each month worked during the Student Employment Periods. The Student Employment Periods are defined as September 1 through May 30 and June 1 through August 31.

**10.22.10 Rhode Island Credit Union.** All employees of the University shall be eligible for membership in the Rhode Island Credit Union. The Human Resources Office shall provide the necessary forms and accept memberships from the Credit Union or help provide necessary information.

**10.30.10 Authorization for Faculty and Administrative Staff Travel.** Prior approval for travel within the state, except when in-state travel is normal in connection with a person's regular duties, shall be obtained from the appropriate department chairperson, dean, or director.

**10.30.11** Prior approval for travel outside the state shall be obtained from the appropriate dean or head of the division. Deans and/or heads of divisions shall see that authorization for travel does not exceed budget allocations. This approval is applicable to all travel regardless of source of funds.

\* **10.31.10 Reimbursement for Travel.** Requests for reimbursement of travel expenses shall be prepared on a URI Travel Authorization Request form and must have the approval of the dean of the college and/or the head of the department or division concerned. Instructions to all travel procedures and current reimbursement rates can be found at the Controller's web site ([http://www.uri.edu/controller/pdf/policies/All\\_Travel\\_Procedures.doc](http://www.uri.edu/controller/pdf/policies/All_Travel_Procedures.doc)).

\* **10.31.11** Reimbursement for the use of an auto for travel within and outside the state shall be made at the rate of \$.485 a mile. Reservations for air and train travel (coach or tourist class rates only), lodging and car rentals must be made through the State-approved Travel Agency.

**10.33.10 University-Sponsored Educational Field Trips.** The deans of the several colleges shall furnish information pertinent to field trips to the Vice President for Administration for use in arranging vehicle rental service.

**10.33.11** Costs for field trips shall be charged to department budgets or, by assessment, to students taking the trips (as decided by departments or colleges).

**10.33.12** A member of the faculty or administrative staff or other duly authorized representatives of the University shall accompany students on all authorized class or student activity trips, except for trips sponsored with Student Activities approval for recreational purposes only. A duly authorized representative is a student, faculty or staff member who is given written authorization by a faculty or staff member of the university to accompany a class on all authorized class trips. A student may receive authorization to travel separately from his/her class or team if he/she signs a waiver form releasing the University from all liability and claims of every kind and nature arising from or incidental to said separate travel.

**10.40.10 Intellectual Property Policy.** *Preface.* This section of the University Manual, presented in Sections 10.40.10 through 10.44.10 (the "policy"), defines policy and procedures for dealing with intellectual property generated by University personnel or offered to the University by alumni or friends. All University personnel are subject to the provisions of this policy. The University recognizes the importance of the protection gained by patent, copyright, trademark, and trade secret laws. Such protection is critical if innovative research and scholarly findings and associated intellectual property, which are often fortuitous by-products of basic research, are to be made available for broad utilization and commercial application. To protect the rights of the creator, the University, and the public, and to be in compliance with Federal regulations, the policy defines the types of intellectual property, the steps to follow for disclosure, the methods of determining ownership, and the procedures for obtaining legal protection of intellectual property. This policy also summarizes the role of the URI Research Foundation and the mechanisms for commercialization and presents methods of safeguarding the royalty income, a potentially important source of revenue for both the creator of the intellectual property and the University. The University and the URI Research Foundation will make its best effort to prevent the unauthorized disclosure by the University or the URI Research Foundation or any of their agents or employees of any intellectual property submitted by a creator to either the University or the URI Research Foundation pursuant to this policy. Furthermore, the University and the URI Research Foundation will make their best efforts to protect and promote all intellectual property that it agrees to commercialize pursuant to this policy. The policy statement is structured as follows:

- 10.40.10 to 10.40.27 Preface and General Policy
- 10.41.10 to 10.41.18 Policy for Inventions, Trademarks, Trade Secrets
- 10.42.10 to 10.42.18 Policy for Copyright
- 10.43.10 to 10.43.15 Commercialization and Revenue Distribution
- 10.44.10 Replacement statement

In addition, see Appendix H for Intellectual Property Charts and Illustrations.

**10.40.11 Coverage of Personnel.** The policy applies to all University employees including, but not limited to, faculty and staff, predoctoral and postdoctoral fellows, and students (including graduate assistants in any combination of study, research, and teaching) who are employed by or receive financial support from the University. It also applies to all students not employed or not receiving financial support, but who are using University resources, and, unless otherwise negotiated, official University guests using University resources are also governed by this policy. Hereinafter, all of the above shall be referred to as University personnel.

**10.40.12 Rhode Island Board of Governors for Higher Education.** Section 1.10.10 describes the establishment of the Rhode Island Board of Governors for Higher Education, hereinafter referred to as the Board of Governors.

**10.40.13 Responsible URI Organization.** The University shall be represented by an Intellectual Property Committee (IPC), duly authorized by the President of the University of Rhode Island. All review of intellectual property governed under the terms of this policy, as well as all decisions regarding the protection of said intellectual property, shall be the responsibility of this Committee. This Committee shall report to the President of the University. (See Sections 5.85.10-11 for charge and membership.) Administrative responsibility for this policy and these procedures shall rest with the Vice President for Research and Economic Development,. The University of Rhode Island Research Foundation is responsible for management of patents and other intellectual property owned by the Board of Governors.

**10.40.14 Intellectual Property.** Intellectual property is defined as original ideas, objects, data, applications, processes and expressions thereof. Expressions could include written material, spoken description, models, sketches, musical scores, sculptures, software code, and paintings. This includes, but is not limited to, inventions, goods, materials, instruments, equipment, biological organisms, chemical compositions, mask works, computer software, graphic, literary and musical works,

and trademarks. The intellectual property may be in tangible or intangible form. Intellectual property in tangible form may be physically distributed. Intellectual property may be protected by one or more of the following: patent, copyright, trade secret, trademark, contract, or agreement.

**10.40.15 Coverage of Items.** The policy applies to all intellectual property discovered, made, or developed by University personnel using any University resources whether or not said intellectual property can be protected by applicable statute, law, or regulation.

**10.40.16 Computer Software.** "Computer software" is defined in this policy to include any and all computer "instructions" written or developed as a code for use with a computer or computer component. This includes, but is not limited to, data bases, operating systems, information packages, and computer applications programs. While software is often thought of as copyright material, it can also include inventions, trademarks, or trade secrets.

**10.40.17 Creator.** The term creator shall be used in this policy to include inventors, authors of copyrightable material, designers of trademarks, and creators of all other types of intellectual property.

**10.40.18 Determination of Ownership.** Figure 1 (see Appendix H) is a decision tree for determining assignment of ownership of intellectual property. The Board of Governors shall own and have all rights to any inventions, trademarks, trade secrets, and copyrights discovered, created, or developed by University personnel using University time, resources, facilities, or equipment, except as otherwise provided in this policy. This shall include, but not be limited to, inventions that are (a) developed in the course of or pursuant to a sponsored project or other agreement, or (b) developed under a written agreement with URI and with funds provided by the University, or (c) developed using University time, resources, facilities, or equipment, or (d) offered to the University by any creator and accepted by the Board of Governors, or (e) copyrights in copyright material created as a work- for-hire or other material as indicated in Figure 1a (see Appendix H). In cases of disputed ownership, the parties will work together to resolve any issues germane to ownership determination, and, if the dispute is not resolved, Section 10.40.26 shall prevail. To the extent that an invention, trademark, trade secret, or copyright which is to be owned by the Board of Governors pursuant to this Intellectual Property Policy stands in the name of the creator, the creator shall assign and transfer such invention and all right, title and interest thereto to the Board of Governors, and the creator will further agree to execute any other documentation that the Board of Governors, or its designee, may deem advisable or necessary for the assignment and transfer of such rights to the Board of Governors.

**10.40.19 Outside Consultation.** The Research Office may provide University personnel with guidance regarding protection from liability and protection of their intellectual property rights and the University's rights when the University personnel are acting as private consultants. University personnel involved in outside consultation cannot use the University name or logo and are bound by the University agreements with bargaining units in all consultant activities. Any agreement signed with a company cannot abridge or compromise Board of Governor's ownership of other intellectual property developed by University personnel. For example, rights to past and future work generated by University personnel covered in this policy cannot be restricted nor affected by the outside consultancy agreement or arrangement or be subject to any claims of the employer of university person acting as a private consultant.

**10.40.20 Agreements with Outside Parties.** The University and University personnel shall not enter into any agreement with any outside party that fails to safeguard the rights of the University community and the public interest as outlined in this policy. All valid research and development agreements (contracts, grants, etc.) with any outside sponsor shall be signed and approved by a designated University official authorized by the Board of Governors. No agreement in violation of this provision shall

be binding on the University without its consent. University personnel assigned to work under such agreement will abide by University policies, procedures, and agreements. A copy of this policy shall be made available to all outside sponsors.

**10.40.21 Intellectual Property Ceded to the University.** The University may accept ownership of intellectual property offered to the Board of Governors by persons or groups outside the University and from University personnel who hold the rights to intellectual property. In this case, the referral, review, and decision process outlined in Section 10.40.22 and 10.40.24 shall apply.

**10.40.22 Execution of Intellectual Property Procedures.** The Intellectual Property Committee (see Section 5.85.10-11) (occasionally referred to herein as the "IPC") shall represent the University and work with the Research Office, the URI Research Foundation, and University personnel in executing this policy. All meetings and deliberations concerning intellectual property are confidential and due diligence of all IPC members and staff will be exercised to protect the intellectual property.

**10.40.23 Procedures for Disclosing Intellectual Property.** All University personnel who generate intellectual property must complete and sign a URI *Intellectual Property Disclosure Statement* form regarding any intellectual property owned or to be owned by the Board of Governors, as indicated by this policy. The form must be submitted to the IPC for review, evaluation, and action. Such disclosure should be filed immediately following the discovery, development, or creation of the intellectual property so that protection is not jeopardized. If the creator is in doubt as to ownership, he or she shall make the disclosure and request the Intellectual Property Committee to determine the ownership rights. Failure to disclose or otherwise comply with any of the provisions of the policy shall create an inference of Board of Governor's ownership of the intellectual property. Upon submission of the disclosure statement to the Research Office, a personal presentation to the IPC will be scheduled.

**10.40.24 Procedure for Dealing with Intellectual Property Offered to the University.** Individuals who own the rights to intellectual property and wish to offer ownership to the University either as a gift or in return for help in commercializing the intellectual property will follow the same disclosure procedure given in Section 10.40.23. The IPC will decide within 90 days if they will accept or decline rights to the intellectual property for the Board of Governors. Upon acceptance, an agreement will be developed between the inventor(s), the IPC, and the URI Research Foundation for the allocation of protection and marketing costs and the division of licensing fees and royalties.

**10.40.25 Intellectual Property Committee Review Procedure.** After a personal presentation by the creator regarding the nature of an intellectual property to the IPC, the Committee shall advise the creator whether the Committee wishes the URI Research Foundation to take initial steps to evaluate, register, patent, commercialize, or otherwise protect the intellectual property. The URI Research Foundation may, for example, use the services of a qualified intellectual property management organization or other business organization that can aid the commercialization process. The Committee may decide to direct an attorney to apply for a patent or register a copyright or trademark. Agreement is sometimes reached with the creator or developers to work together in establishing a stronger relationship with one or more companies that may be interested in the intellectual property. In addition to the above, other approaches may also be taken as initial steps. A best effort attempt will be made to notify the creator of the action within 60 days of the presentation of the initial steps to be taken. Within 90 days after the initial steps have been completed, the IPC must take additional action that may include legal protection, commercialization, or return of the intellectual property to the creator. If all parties agree, this deadline may be extended. If the IPC decides not to register, patent, or protect a disclosed intellectual property, or if it fails to act as described within the 90-day deadline outlined here, all intellectual property rights and ownership rights to the intellectual property, except for the right of the University to a non-exclusive use of disclosed intellectual property and any other federal or legal obligations regarding that property, will pass to the creator, who will be responsible for protecting the ownership rights. If the creator is dissatisfied with the progress, he or she may request a hearing with the IPC to create a mutually acceptable plan for obtaining protection.

**10.40.26 Procedure for Resolution of Disputes.** Should a creator not agree with a ruling of the IPC involving ownership or inventorship, the creator may appeal to the University Patent Counsel, who will evaluate the facts and provide both parties with an opinion within sixty (60) days. The opinion of the Patent Counsel shall be final unless disputed by either party in writing within ten (10) days from the date of receipt of the opinion. The parties shall attempt to resolve the dispute through mediation. Mediation must be completed within ninety (90) days from the date the opinion of Patent Counsel was disputed. If the mediation fails, or the dispute is not otherwise resolved, then parties may take such legal action, as either may deem appropriate.

**10.40.27 Right to Publish.** Except as otherwise provided in this section, nothing in this policy shall be construed as affecting the rights of University personnel to publish once disclosure has been completed. Protecting intellectual property may require a limited period of nondisclosure in order to secure certain rights. University personnel shall be required, as a condition of involvement in certain sponsored projects, to observe properly executed confidentiality and non-disclosure agreements regarding dealings with intellectual property. Further, the University will agree to limited and reasonable delays in publications upon recommendation of those faculty, students, and staff involved in projects requiring such delay or upon request of designated University officials acting on behalf of the IPC or in implementing the terms of agreements with outside sponsors.

**10.41.10 Invention.** A broad definition of "invention" is "anything that is new." However, more specifically, an invention is (1) a new idea for a product or device; (2) a new process, sequence, or methodology; or (3) a new use or application of a product, device, process, sequence, or methodology. An invention may also be an improvement of any of these three.

**10.41.11 Inventor/Creator.** To be the inventor or creator one must be responsible for the conception of the idea, the conception of a method for actualizing the idea, and be involved in its reduction to practice. Upon conception of an idea, the creator should record the idea in a hard bound notebook, date it, and have it witnessed by a knowledgeable but uninvolved party. This important document is key to protection. Work on the development without contributing to the conception, regardless of the skill level or amount of work, does not constitute an inventive contribution. Procedure for resolving disputed inventorship is given in section 10.40.26.

**10.41.12 Trademark.** A trademark is any word, name, symbol, or any combination thereof which identifies and distinguishes goods, including a unique product, from those manufactured or sold by others and which indicates the source of the goods such as the name of a company, even if the party owning the source is unknown, and which word, name, symbol, or any combination thereof is 1) used by a person or party or 2) the subject of an "intent-to-use" application for trademark registration by a person or party having a bona fide intention to use such word, name, symbol or any combination thereof in commerce.

**10.41.13 Trade Secret.** A trade secret is defined as any information, including but not limited to, a formula, pattern, compilation, computer software, data, device, method, technique, process, or application that: (1) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use and (2) is the subject of efforts that are reasonable, under existing circumstances, to maintain its secrecy.

**10.41.14 Protection as a Trade Secret.** Intellectual property is sometimes classified as a trade secret and remains so indefinitely or until the protection process is completed. Public disclosure destroys trade secret status. In order to maintain trade secret status, the creators must request, and all parties involved in handling the trade secret material must agree, to not disclose.

**10.41.15 Mask Works.** A "mask work" is intellectual property developed for the purpose of fabricating printed circuit boards or integrated circuitry. This includes materials, hardware, and software developed specifically for the purpose of designing

and manufacturing printed circuit boards or integrated circuitry. Mask works may involve inventions, trademarks, and trade secrets.

**10.41.16 Ownership of Inventions, Trademarks, or Trade Secrets, Developed with Support of Outside Sponsors.** Inventions, trademarks, or trade secrets developed exclusively by University personnel working under an agreement between the University and an outside sponsor, such as a federal or state agency or a private sector company, shall belong to the Board of Governors. The Federal Government has certain rights in invention made with government support under a grant awarded by a federal agency. There are state and federal laws that require the University to retain title to intellectual property developed under sponsorship with an outside organization but created by the University personnel. If the intellectual property is created jointly by University personnel and an employee(s) of the sponsor, it shall be owned jointly by the Board of Governors and the sponsor, unless the sponsor assigns ownership to the Board of Governors. Provisions for licenses are discussed in Section 10.43.10-11.

**10.41.17 Thesis and Dissertation Invention, Trademark Ownership.** If the thesis discloses an invention or a trademark or both, the ownership of such invention and/or trademark will be determined by this policy.

**10.42.10 Copyright.** "Copyright" is defined as the ownership right a party has in written material and other expressions of an idea or ideas. As used herein, "copyright material" means written material and other embodiments or expressions of an idea or ideas.

**10.42.11 Author.** The author or creator of a copyrightable work is the individual responsible for creation of the copyrightable material which may be recorded as an expression of an idea in writing, in computer software, a picture, a sculpture, a musical score, other tangible form, or otherwise as defined by law.

**10.42.12 Mask Works.** In some cases, mask works (as defined in 10.41.15) constitute copyright material.

**10.42.13 Scope of Employment.** For the purposes of this policy Scope of Employment is a term used in copyright law and is defined by the various examples associated with Figure 1a. It does not have the same meaning, as does the term: *normal expectations of faculty scholarship*. Faculty expectations are defined in the URI AAUP/BOG collective bargaining agreement; other expectations are defined by other agreements between the BOG and other units. The term Scope of Employment is used herein for the purpose of determining ownership in this intellectual property policy.

**10.42.14 Work-for-Hire.** Work-for-Hire is copyrightable intellectual property, which is, for the purposes of this policy, a deliverable to the University, (a) prepared by an employee within the Scope of his or her Employment, or (b) produced as a result of a special order or commission by the University. Work created pursuant to a research agreement between the University and an outside party, either a private sector company or a governmental agency, is considered to be within the scope of employment. Lecture notes, articles, books, art and music works and other publications created by faculty members are not considered within the Scope of Employment for purposes of this policy unless there is a specific written agreement between the University and faculty member, which agreement provides that a specific publication will be considered a "work-for-hire." Work-for-hire shall belong to the Board of Governors under the circumstances described in Figure 1a and in the accompanying example cases.

**10.42.15 Thesis and Dissertation Copyright Ownership.** The rights in copyright for theses and dissertations produced as part of a University degree requirement shall belong to the student preparing the material. A student must, as a condition of the award of any degree, grant a royalty-free license or permission to the University and any outside sponsor, if appropriate, to reproduce, publicly distribute on a non-

commercial basis, copies of student project reports, theses, or dissertations which would include any software developed as a part of the student project.

**10.42.16 Ownership of Copyright Material Developed with Support of Outside Sponsors.** Copyright material developed exclusively by University personnel working under an agreement between the University and an outside sponsor, such as a federal or state agency or a private sector company, shall belong to the Board of Governors. There are state and federal laws that require the University to retain title to certain copyrights developed by university personnel under sponsorship with an outside organization. If the intellectual property is created jointly by University personnel and an employee(s) of the sponsor, it shall be owned jointly by the Board of Governors and the sponsor. Provisions for licenses are discussed in Sections 10.43.10-15.

**10.42.17 Ownership of Copyright Material Developed Under Agreement with the University and University Personnel.** University personnel may enter into an agreement with the University, written and signed by the person, his or her supervisor, and the Vice President for Research and Economic Development, to spend a defined portion of his or her time and other University resources to create a copyrightable intellectual property. The agreement must state that the work is a work-for-hire and that copyright ownership shall belong to the Board of Governors.

**10.42.18 Additional Provisions for Copyright Ownership.** Rights to copyright ownership arising from items such as scholarly papers, reports, books, and art and music works are further described by and shall be determined in accordance with the flowchart in Figure 1a and its associated case studies.

**10.43.10 University Development and Licensing.** The University will make a reasonable and good faith effort to commercialize all intellectual properties to which the University has acquired rights. To this end the University recognizes the URI Research Foundation as the agent for the Board of Governors in the commercialization of its intellectual property (see 10.43.15). All activities with outside organizations, including companies, to license for use commercial applications of any Board of Governors owned intellectual property, must be undertaken by or with the explicit approval of the URI Research Foundation. The Vice President for Research and Economic Development (or designee) may use the services of a qualified intellectual property management organization or any other business organization which can aid the commercialization process. The objective of the commercialization activity is to maximize the return to the creator and the University while making available to the public the related processes and products at reasonable prices and of appropriate quality. If after two years the creator is dissatisfied with or questions the development efforts, he/she may express in writing such dissatisfaction to the Intellectual Property Committee. In such cases the Intellectual Property Committee shall respond in writing within 120 days by (i) finding the complaints to be without merit, (ii) by finding the complaint to have merit and assuring the creator that corrective steps, or other recommended action, will be taken, or (iii) by recommending return of all patent rights to the creator. If the Committee fails to act within 120 days from the date of the original filing of the complaint, legal rights to the invention shall pass to the creator, except for a non-exclusive use and license for the University and any other federal or legal obligations regarding that property.

**10.43.11 Responsibility for Licensing.** In accordance with the Board of Governors' resolution cited in Section 10.43.15, the URI Research Foundation, acting as the fiscal and licensing agent with the assistance of the Vice President for Research and Economic Development (or designee), shall be responsible for obtaining legal protection for marketing and for development of any intellectual property and for executing all agreements for the subsequent use and/or licensing of any intellectual property owned by the Board of Governors or included under the provisions of this policy. The URI Research Foundation is responsible for initial cost that will be recovered from royalties and other payments. Upon written request the URI Research Foundation may ask the University to assume these costs for a given project under the condition that the URI Research Foundation will reimburse the University from royalties received from said project.

**10.43.12 Distribution of Income.** Figure 2 (see Appendix H) illustrates the distribution of royalty income for license agreements as approved by the Board of Governors in 1986.

**10.43.13 License Agreements with Research Sponsors.** The University may grant to the sponsor(s) in any sponsored project agreement an exclusive license (with appropriate milestone and performance criteria) or non-exclusive license to the intellectual property resulting from that sponsored project. In cases of joint ownership, the outside sponsor shall have the right of first refusal to develop and/or produce and/or market a jointly owned intellectual property subject to appropriate milestone and performance criteria.

**10.43.14 Determination of Shared Royalty Payments.** In situations where the intellectual property is the product of joint creative or development effort, the IPC shall, upon consultation with the creators, determine an equitable division of any creator's share payable under 10.43.12 and 10.43.13.

**10.43.15 State of Rhode Island Board of Governors for Higher Education Resolution\* Regarding the Role of the URI Research Foundation in Patent Management.** For the purpose of making research discoveries and helping support further research at the University of Rhode Island, the Board of Governors for Higher Education designates the University of Rhode Island Research Foundation as its patent management arm and hereby appoints it as its agent to apply for, accept assignment of service, administer and market patents, patent protection rights and other forms of intellectual property, and to take steps to protect such rights.

Revenue received from these efforts shall be distributed by the foundation in accordance with the approved patent and other intellectual property policies of the University. From the gross revenues the Research Foundation shall reimburse itself for all costs and expenses incidental thereto and from the University's share of the revenues shall deduct a management charge of 10 percent. From the balance of the University's share 25 percent shall be used primarily for research. The other 75 percent shall be used to create a permanent Research Foundation Endowment for the University from which the earned income shall be distributed to the University primarily for research.

The URI Research Foundation shall report semi-annually to the Board of Governors For Higher Education. This appointment may be terminated at the discretion of the Board of Governors upon reasonable notice.

**10.44.10 Replacement of Previous Policies.** The above stated policy shall, upon the date of its adoption, supersede all previous intellectual property and patent policies of the University of Rhode Island and all other conflicting intellectual property and patent policy statements and resolutions.

\* **10.47.10 Applications for Research Grants and Contracts.** All applications for Research Grants and Contracts must be signed by the Vice President for Research and Economic Development or the Vice President for Administration or their respective designees. At least one such signature must carry full Board authority to contract for the University of Rhode Island.

**10.48.10 Application for Grants or Gifts which have Academic Implications.** When a grant or gift proposal is initiated, the principal investigator, department chairperson, and academic dean are responsible for reviewing the proposal and bringing to the attention of all appropriate parties any elements which imply or specify commitments which exceed their authority or fall within the purview of the Faculty Senate.

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\* Originally adopted January 21, 1982 as amended by legislation establishing the URI Research Foundation, signed into law on July 3, 2007 by the Governor of the State of Rhode

**10.49.10 Sponsored Research.** Scholarly activity supported wholly or in part by third parties is hereby defined as sponsored research for the purposes of section 10.49.11.

\* **10.49.11 Graduate Students Engaged in Sponsored Research.** The Dean of the Graduate School is the only person authorized to approve those terms in any agreement with third parties that place restrictions on graduate students engaged in sponsored research. The University will not honor any such agreements made without authorized approval, and faculty engaged in unapproved agreements will consequently assume any and all resultant liabilities as individuals.

**10.50.10 Publication.** The University shall have exclusive rights to publish the results of all investigations conducted by members of the University staff as part of their assigned duty, in whatever form is considered desirable. By written agreement, publication may be deferred at the request of a collaborating party for a period, depending upon the requirements of public interest.

**10.60.10 Employee Injury Claims.** Any employee injured on the job during the course of his/her employment shall promptly report this information to the office Human Resource Administration on the prescribed Worker's Compensation injury forms. All injuries shall be reported whether or not immediate medical treatment is obtained. Employees are allowed to seek medical attention from any physician of their choice.

**10.61.10 Use of Buildings.** No person other than a faculty member shall have the use of laboratories or classrooms outside of scheduled hours except with written permission of the chairperson of the department concerned.

**10.61.11 Smoking** is prohibited in all buildings and facilities, except in areas specifically designated by the President. For Non-Smoking Policy see Appendix G .

**10.62.10 News and Information.** It is the policy of the University to distribute news and information about campus activities to broad audiences through the URI News Bureau. The purpose of this centralization of public information activities is to permit an orderly flow of information and fair treatment of all media. In order to do this work, professionally-trained personnel are employed who have the equipment, background information, and the day-to-day experience necessary to service the press, radio and television, and other groups requiring authoritative information.

**10.62.11** It is also the policy of the University to encourage administrative officials, and faculty, when contacted by the News Bureau, to answer questions regarding their areas of responsibility, since these persons have the detailed data and experience necessary for a full understanding of the subject. When there are questions beyond their scope of responsibility, or questions about University-wide policies, University personnel are requested to contact their immediate superiors, the Vice President of their division, or in their absence, the Director of Communications, who may seek assistance from the President of the University or such other persons as he/she deems necessary to answer questions. Disciplinary, personnel, and confidential matters, the disclosure of which might be detrimental to the individuals or to the orderly process of the University, should be referred to the Director of Communications.

**10.62.12** With regard to the relationship between the University's police and press, the Director of Security and the Director of Communications exercise supervision over the distribution of information in keeping with established policies. The University will not report information when premature disclosure would prevent the apprehension of persons suspected of being involved in criminal acts where such disclosure would hamper police officials in the prosecution of a case before the courts.

**10.62.13** Conduct in violation of University regulations, which is not in violation of the laws of the external community, is proscribed by the University and is disciplined by the University because it interferes with the University's basic objectives. The University generally will not release information about disciplinary action taken by the University against a student, faculty or personnel for violation of these regulations.

**10.70.10 Policies on Fund Raising.** The University encourages private giving to help meet its needs. All University personnel seeking to solicit money, foundation grants, equipment, or any other forms of private support in the name of the University shall first consult with the Vice President for University Advancement for approval of the proposed fund raising procedures and the potential donors who will be contacted.

**10.70.11** University personnel who are requested to cooperate with external groups seeking to raise money in the University's name must advise the group of the University's policies on fund raising (sections 10.70.10-16). If any external group is unwilling to follow these procedures, University personnel may not participate in these efforts and the groups involved shall not be allowed to solicit funds using the name or logo of the University in any manner nor shall University employees accept funds from these groups.

**10.70.12** All gifts shall be recorded by the Development Office for credit to appropriate accounts and reported to the Vice President concerned. The Development Office shall prepare acknowledgments for such gifts.

**10.70.13** All proposed gifts or general funds which involve restrictions must be reviewed by the Vice President for University Advancement before the gift is accepted or the fund is created.

**10.70.14** Once accepted, gifts must be used in accord with the donor's wishes. Therefore, at the end of each fiscal year, or sooner, if requested, a detailed accounting of all gift receipts and expenditures shall be made to the President of the University; the Vice President for Administration, the Vice President for University Advancement, and to the officers of any alumni organization involved in obtaining the gifts. Accounts which are not otherwise audited by the University shall be audited annually in accord with generally accepted professional accounting procedures. A copy of the audit report shall be made available to the President and other University staff as the President may designate.

**10.70.15** Expenditures and withdrawals from gift accounts will be made only in accordance with approved procedures and policies administered by the Vice President for Administration. A gift accepted by the University shall be subject to all University established accounting controls over disbursements and reporting. Withdrawals and expenditures from Alumni gift accounts may require the signature of designated Alumni organization officers, in addition to those internal signatures required by the Vice President for Administration.

**10.70.16** It shall be the policy of the University to cooperate with external groups, particularly alumni who seek to raise funds in keeping with these policies. If a group wishes to use Alumni services -- many of which are supported by Alumni contributions -- these services can only be provided in accordance with approved Alumni Association and the Division of University Advancement policies.

**10.80.10 Budget Process.** The Vice President for Administration shall publish and make available to all faculty a calendar showing key dates for the annual budget process which affect all faculty, department heads and deans.

**10.80.11** Department chairpersons shall solicit actively faculty participation in the budget process of the department.

**10.80.12** If the majority of the faculty in an individual department or unit so chooses, it shall establish annually a small budget task force to assist the department or unit in analyzing needs and projected requirements. The task force shall also make recommendations to the chairperson on priorities regarding budgetary needs as well as in the allocation of funds in the existing budget.

**10.80.13** The Vice President for Administration shall make available in the University Library two copies of the budget request as submitted to the Board of Governors when finalized for a given fiscal year.

**10.90.10 Faculty Evaluation of Administrators.** The purpose of Administrator Evaluation is to help administrators do their jobs as well as possible in accordance with long-range plans and goals, by giving them, regularly and through established procedures, information about how their faculty perceive their current effectiveness and what things their faculty deem it most important that they do. In conducting this procedure the faculty acknowledges that this is only one element of an overall evaluation of administrators.

- \* **10.90.11** The President, the Provost and Vice President for Academic Affairs, the Vice President for Research and Economic Development, the Vice Provosts, and all academic deans including the Dean of the University College and Special Academic Programs, the Graduate School, the Graduate School of Oceanography, and of the Library are subject to faculty evaluation. The evaluation will follow the President's or the Provost's review cycle beginning at the end of the second year of the administrator's first term. After the first evaluation, the administrator will be subject to faculty evaluation on a regular basis not to exceed five-year cycles. adopted by the Faculty Senate
- \* **10.90.12 Review Letters.** The administrator evaluation process is based in part on peer reviews, which are a fundamental practice in academia. Therefore, objective and balanced evaluations are necessary for an effective procedure. Each member of an administrator's constituent group shall be invited to submit a one or two page evaluation letter to Administrator Evaluation Coordinator (see section 4.4 of the By-Laws of the Faculty Senate). For academic deans this letter should reflect the individual faculty member's judgment and evaluation of the administrator's performance in the following major areas of responsibility: 1) foster the education and learning of students of the college or unit and the University; 2) enhance the climate for research and scholarly activities by the faculty of the unit; 3) create and improve the outreach efforts and opportunities of the faculty and staff of the college or unit; 4) manage and balance the budgetary and fiduciary functions of the college or unit; 5) advocate for the college or unit within the administration of the University and the State in an effective manner; 6) and attract external funds in support of learning, scholarly activities and service/outreach. For other administrators, this letter should reflect the individual faculty member's judgment and evaluation of the administrator's performance in his/her major areas of responsibility. Writing an administrator evaluation letter is an optional activity. Constituent review letters shall be submitted in signed envelopes. The evaluation letters can be signed or unsigned and will only be submitted to the appropriate Administrator Evaluation Committee for its use.
- \* **10.90.13** Administrator Evaluation Committees (see 5.76.10) shall be established within each administrative unit to review faculty letters and determine how the letters and any additional data are to be summarized and presented. See sections 5.76.10 - 5.76.12 for descriptions of Administrator Evaluation Committees.
- \* **10.90.14** The written summary of the evaluation shall be disseminated to the administrator involved and his or her immediate supervisor by the evaluation committee for each administrator. The results of the President's evaluation go only to

the President. The Administrator Evaluation Committee (AEC) performing each evaluation other than that of the President shall meet with the administrator involved, and may meet with the immediate supervisor to discuss the evaluation. The AEC performing the President's evaluation shall meet with the President to discuss the evaluation. The administrator has the option to provide a written response to the Administrator Evaluation Committee. All members of the constituent unit shall be notified in writing by the AEC as to when the meeting took place.

- \* **10.90.15** The respective administrator evaluation committees shall ensure the confidentiality of the process for the faculty participating in the process as well as for the administrator being evaluated.