

INTELLECTUAL PROPERTY

Adopted May 2009

Alabama State University (“ASU”) supports the development of its research program through providing a proactive program for the application and commercial development of intellectual property through patents, copyrights, licenses, and related programs. ASU seeks to create an environment which will (1) encourage the creation of intellectual property at ASU, (2) manage intellectual property to promote its adoption by industry and (3) foster productive relationships between ASU researchers and industry. ASU also seeks to increase the royalty income and research support. This intellectual property policy is a result of ASU’s continuing effort to provide a strong organizational infrastructure to effectively protect and commercially develop the intellectual property produced from ASU research.

7.1 COPYRIGHT POLICY

It is the policy of Alabama State University to encourage the creation of copyrightable works by its faculty, instructors and graduate assistants. Such works are an important contribution to the University’s pedagogical, scholarships, and public service missions.

A. Ownership of Copyright

1. Except as provided below, faculty, instructors and graduate assistants of the University who are the authors of copyrightable works shall own the copyrights in those works, as negotiated with publishers.
2. “Copyrightable works” includes, without limitation, trade books, poems, music, textbooks, textbook-related software, digital course materials, multimedia, films and videotapes, in so far as they fall within the subject matter of copy right. To the extent that such works embody patentable inventions, rights to those inventions shall be determined by Alabama State University’s Patent Policy.

B. Exceptions

1. If the University contributes extraordinary resources to the creation of copyrightable work, the respective rights of the author and University to that work shall be negotiated at the time such resources are provided. “Extraordinary resources” means facilities, equipment, funding, release or re-assigned time or other assistance exceeding the resources normally provided to faculty or employees in a particular department. It shall be the responsibility of the dean or department chair at the time such “extraordinary resources” are provided, to notify the faculty member and negotiate the terms. Those terms may include assignment of copy right, license of rights, or division of royalties.
2. If a copyrightable work is funded, in whole or part, by a contract, grant or other sponsored agreement from an agency outside the University, copyright shall be

assigned in accordance with the terms of the contract, grant or other sponsored agreement.

3. If a copyrightable work is commissioned by the University, meaning that a faculty member, instructor or graduate assistant receives supplemental compensation from the University to prepare a specific copyrightable work or if the University assigns one or more faculty members, instructors or teaching assistants to prepare a specific copyrightable work, and pays for time of such work, the University shall have the royalty-free right to use, update, reproduce distribute, display, and transmit the copyrightable work. Other rights of the faculty member, instructor or teaching assistant and the University, such as licensing rights, assignment of copyright, and division of royalties, shall be negotiated on a case-by-case basis, consistent with applicable University policy.
 4. Copyright in “institutional works” shall be owned by the University. An “institutional work” means either (a) a work prepared at the direction of the University for the use of the University in conducting its own affairs (for example, University handbooks, press releases, videotapes, and software tools); or (b) a work that cannot reasonably be attributed to a single author or group of authors because it is the result of contributions or revisions by numerous faculty members, employees, or students of the University. Terms of compensations and use of materials should be clarified at the initiation of the work in accordance with B1.
 5. Prerecorded or digital courses shall not be sold, leased, rented or otherwise used by a current University employee in a manner that competes in a substantial way with the offerings of the University, unless that transaction has received the prior approval of the Office of Academic Affairs.
 6. Any copyrightable work of potential commercial value shall be disclosed at the earliest practicable time by the author to the author’s department chair or immediate administrative supervisor. For those works that are owned by the University or in which the University has an interest, the author shall cooperate with officials of the University and of any organization to who the University assigns rights to such works in the registering of copyrights as well as in licensing the works.
- C. Administration
1. Except as otherwise set forth, the administration of these policies shall be the responsibility of the Office for Academic Affairs.
 2. The Copyright Committee shall be a standing committee composed of six members, equally apportioned between faculty (chosen by the Faculty Senate) and administration (appointed by the president and his/her designee).

The Committee shall:

- a. serve as a forum for discussion of University copyright policy, and recommend changes as appropriate, and
- b. mediate any disputes over copyright issues that may arise.

D. Right of Review

1. Any faculty member, instructor and/or graduate assistant who believes that the Copyright Committee's determination of rights in any copyrightable material is arbitrary, capricious, or inconsistent with applicable law and this policy shall have the right to have the decision reviewed by the President.
2. All appeals to the President must be made in writing and submitted to the President's Office within five (5) business days of the receipt the Copyright Committee's decision. In order to be considered, the appeal must contain a brief statement explaining why the Committee's decision is arbitrary, capricious or otherwise inconsistent with applicable law and/or University policy. All supporting documentation must be submitted with the letter appeal. The President shall issue his decision in writing within 21 days of his receipt of the appeal. If no written decision has been issued within the appeals is denied.

7.2 PATENT POLICY

In view of the far-reaching research in the various divisions of the University, it is inevitable that new discoveries and inventions will be made. Alabama State University recognizes that the protection and control provided under the patent laws may have to be invoked to obtain the greatest public benefit and usefulness from the products of scientific research. It is recognized that employees of the University need assistance in determining the evaluating patentability and in prosecuting patent applicants of inventions made by them. Many such inventions involve equities beyond those of the inventor himself or herself since the use of University facilities, the assignment of duties as a condition on employment, and use of research funds with contractual obligations regarding patent rights give rise to complicated questions concerning rights and equities of all concerned. Therefore, in order to appraise relative rights and equities of all parties concerned, to facilitate patent applications, licensing, equitable distribution of any royalties or other financial returns, to provide a uniform procedure in patent matters, and to serve the public benefit and interest, The Board of Trustees of Alabama State University (herein called "Board of Trustees"), on recommendation of the University Council and the President of the University (herein called the "President"), authorizes the establishment of a Patent Committee and the adoption of the patent policy as set forth herein.

1. The President is hereby authorized to appoint a University Patent Committee composed of members representative of the entire University to administer the policies of the committee. This committee and the Patent Administrator shall serve at the pleasure of and their actions shall be subject to the approval and right of review of the President and Board of Trustees.
2. Subject to the approval of the President and the Board of Trustees, the Patent Committee shall have power to adopt such rules and procedures as are deemed appropriate; to

determine the interest of the University in all reported investigations; to cause all reported inventions to be investigated in order to evaluate the interest of the University and said invention (with due consideration given to the achievement of the inventor and the financial returns to the inventor and the University); to authorize the Patent Administrator to execute a release when the Patent Committee decides that the University has no interest in the invention or decides that the University does not desire to pursue the patenting or development of the patent; to authorize applications for patents on reported inventions and to retain patent counsel, in association with the University Attorney, for matters pertaining to patent applications; and to make recommendations to the President of the University with regard to the prosecution and protection thereof and any litigation that may arise therefrom. The Patent Committee shall also have power to do all things appropriate for the investigation of patent rights and for the exploitation of patent rights by direct exercise, exclusive or non-exclusive licensing, and make recommendations to the President of the University with regard to partial or total assignment or sale thereof. All questions concerning the methods of which the patent shall be commercially exploited shall be decided by the Patent Committee.

3. All faculty members and University employees, both while employed by the University and thereafter, shall report to the Patent Committee any invention or discovery which they have conceived or developed or which has been conceived or developed under their direction during their University employment.
4. Any such invention or discovery (1) which is the result of research carried on by or under the direction of any employee of the University and/or having the costs thereof paid from University funds or from funds under the control of or administered by the University or (2) which is made by an employee of the University and which relates to the inventor's field of work at the University, or (3) which has been developed in whole or in part of the utilization of University resources or facilities belonging to the University shall be assigned to the University or a University designated non-profit organization established for its benefit. In other situations the Patent Committee may determine that the determination, the Patent Committee shall make the appropriate recommendation to the President who shall review the available data and either approve or disapprove the recommendation. If the University determines that the University has no interest in the patent or does not desire to pursue the patenting of the invention, the President shall direct that all necessary Releases be executed by the Patent Administrator.
5. The Patent Committee shall cause each invention or discovery to be investigated in order to determine the interest of the University and, if the Patent Committee determines that the University has an interest in the invention which it desires to pursue, it shall, upon approval of the President, undertake to obtain a patent on the invention. In determining whether or not the University has an interest in the invention, the Committee shall consider the benefits that might accrue to both the University and the inventor. The Patent Administrator and the Patent Committee are responsible for prompt action for the purpose of protecting the property rights of the inventor and the University.

6. As further consideration for the assignment rights set forth herein, the University agrees to pay annually to the inventor, his heirs and assigns, fifty percent (50%) of the royalties, fees, or other financial returns received by the University from such invention after a deduction of fifteen percent (15%) thereof for overhead costs, plus a deduction for costs of patenting and protection of patent rights. Recoupment of any unusual expenses paid by the University or the inventor may be allowed by the Patent Committee on patents assigned to the University or to a University designated non-profit organization established for its benefit.
7. The above policy shall not preclude the properly designated University officials from approving and executing research proposals, contracts, grants and consulting agreements from or with the United States Government or its agencies, from or with corporations, or from or with individuals wherein the University's patent interest and the patent interest of the researcher, with his approval, are at variance with the above paragraphs; and the terms of said contracts, grants, and agreements shall prevail. Any of the above University officials may refer said proposals, grants, contracts, or agreements to the Patent Committee for recommendations prior to approval. To the extent the provisions of these proposals, contracts, grants and agreements permit, the University shall administer such patents so as to make them broadly available in the public interest. This may be accomplished through non-exclusive licensing on a royalty-free, or on a reasonable royalty basis. Exclusive licensing may be utilized for limited periods when further development is needed on investment or risk capital is not readily available, or there is no other incentive for the development of the invention.
8. This statement of policy shall not apply to copyrights except as they may pertain to inventions covered by this policy. A separate copyright policy exists.

UNIVERSITY ATTENDANCE POLICY

Effective Fall Semester 2009

Each student is expected to attend all lectures, seminars, laboratories and field work for each registered class, including the first class session, in order to verify registration with instructors and to complete all work assigned for the course. Failure to observe this policy may seriously jeopardize a student's academic standing.

If a student does not attend class during the first week (first five instructional days) of the semester and does not give prior notification to the instructor of reasons for absence and intent to attend the class, the student will be dropped from the course.

A student is permitted one (1) unexcused absence for each credit hour generated by the class. For example, two (2) absences are allowed in a two-hour class. Excessive absenteeism, whether excused or unexcused, may result in a student's course grade being reduced or in assignment of a grade of "F".

At the beginning of the class, the instructor is responsible for having listed on his or her syllabus the University Attendance Policy. The student will be held responsible for adhering to the University Attendance Policy. Instructors of courses are not obligated to provide makeup opportunities for students who are absent, unless the absences have been officially approved.

An officially approved absence, however, merely gives the individual who missed the class an opportunity to make up the work and in no way excuses him or her from the work required.

Official excuses are granted by the Office of Student Affairs for authorized university activities, verified personal illness or illness or death in the immediate family.

Absences will count from the first day of registration for each course. Students receiving veteran's benefits are required to attend classes according to the regulations of the Veterans Administration in addition to those regulations set by the university for all students. It is the responsibility of the instructor to keep an accurate attendance record of all students enrolled. Students should understand that absences may jeopardize their grades. It is the responsibility of the student to withdraw from the university or drop a course.

Adopted by the ASU Board of Trustees on May, 2009

Alabama State University Mission Statement

Alabama State University is a student-centered, nurturing, comprehensive and diverse public historically black University committed to achieving excellence in teaching, research and public service. The University fulfills its mission through fostering critical thought, artistic creativity, professional competence and responsible citizenship in its students; by adding to the body of knowledge to enhance the quality of life through research and discovery; and by helping to advance the state and nation through thoughtful public service. Offering baccalaureate through doctorate degrees, the University maintains a scholarly and creative faculty, state-of-the-art facilities, and a living atmosphere in which all members of the campus community can work and learn in pleasant and rewarding surroundings. Consistent with its assurance that neither race, gender nor economic status inhibits intelligence, creativity or achievement, ASU offers a bridge to success for those who commit to pursuing the building blocks of development, focus, persistence and reward.

Adopted by the ASU Board of Trustees on July, 2009