

**INSTITUTIONAL POLICY AND PLANNING COMMITTEE**  
**MEETING MINUTES**  
**February 17, 2012**

PRESENT: President Phil Glotzbach, Chair; Denise Smith, Vice Chair; Susan Kress, Michael Casey, Michael West, Mary Lou Bates, Rochelle Calhoun, Beau Breslin, Paul Calhoun, Joshua Ness, Michael Ennis-McMillan, David Karp, Joe Stankovich, Justin Sipher, Peter von Allmen, Jonathan Zeidan, Ethan Flum, Gail Cummings-Danson, Erica Bastress-Dukehart, and Barbara Krause (Secretary).

ABSENT: Riley Neugebauer and Anne Petruzzelli.

**1. Approval of Minutes**

Minutes of the February 3, 2012 meeting were approved with minor revisions.

**2. Political Activity Policy**

Barbara Krause, Coordinator of the Political Activity Policy Working Group, reviewed briefly materials that were distributed to IPPC in advance of the meeting. The materials summarized events leading to IPPC's November 2011 charge to the Working Group that requested a review of the College's current policy statements on political activity and expression. The materials summarized the work completed to date and suggested next steps. Ms. Krause indicated that the Working Group's fundamental approach was to allow as much political speech and activity as possible without jeopardizing the College's not-for-profit status under Internal Revenue Service regulations.

IPPC agreed to have a substantive discussion of the draft policy at its next meeting. IPPC also requested that the Working Group meet with representatives from Academic Affairs administration and the chairperson of the Faculty Executive Committee to discuss what role the faculty should have with respect to the proposed policy.

**3. Special Programs Mission Statement**

Interim Dean of Special Programs Paul Calhoun led a discussion of a proposed new mission statement for the Office of Special Programs, possible new names for that office, and a statement of proposed values. This information was presented in a memo that was distributed to IPPC members in advance of the meeting. Interim Dean Calhoun noted that the Board of Trustees Special Programs Committee will discuss these materials at its meeting in February.

IPPC members offered feedback on the proposed mission statement, values, and name change, all of which Interim Dean Calhoun will take under advisement. Interim Dean Calhoun also invited IPPC members to e-mail him with their preferences for a new name.

#### **4. Intellectual Property Policy**

Vice President for Academic Affairs Susan Kress led a discussion of the proposed “Charge for the Intellectual Property Policy Working Group” that was distributed in advance of the meeting. She expressed her appreciation to Bill Tomlinson, Director of Sponsored Research, for his work in preparing the initial draft charge.

Vice President Kress noted that significant work already has been done and that various groups had considered a draft IP policy in November and December of 2011. The newly established Working Group will take that previous work as a starting point and proceed as outlined in the charge.

IPPC members approved the charge with minor revisions and with the understanding that Vice President Kress would confer with the Faculty Executive Committee to determine the method of appointing or electing faculty members to the Working Group. The approved charge, reflecting these understandings, appears at Attachment A to these minutes.

#### **5. Other Updates**

*FY13 Budget Planning:* Interim Dean of the Faculty Beau Breslin reported that an open forum for the faculty took place earlier in the week to discuss IPPC’s budget recommendations that will be forwarded to the Trustees for consideration later in the month. A particular focus was the “Optimization” discussion and the recommendations, set forth in detail in prior IPPC minutes, relating to Net Fiscal Enrollment (NFE). Interim Dean Breslin reported that although questions were raised relating to the “creep” in enrollment, the use of contingent faculty, and class size, nothing was raised during the open forum to suggest that the budget recommendations made earlier should not be advanced as planned. Vice President for Finance and Administration Mike West reminded IPPC that the Board of Trustees will consider the proposed major budget parameters at its meeting on March 2<sup>nd</sup>.

*Athletics Facilities Planning:* Dean of Student Affairs Rochelle Calhoun updated IPPC on work being done to develop a Comprehensive Athletic Facilities Plan. The Athletic Committee for Facilities has recommended a vision document that reflects two important goals: (1) co-location of the majority of athletic facilities on the main campus and (2) presentation of a fully “phase-able” plan with alternatives to be considered at key decision points. Cabinet has approved the vision document in principle and recognizes that advancing athletic facilities planning is part of the College’s strategic agenda.

However, in light of other key facilities planning that also is underway – e.g., for the science initiative and Admissions & Financial Aid – Cabinet will wait to bring forward the Athletics Facilities Plan until the facilities planning on these other strategic initiatives is more fully developed.

*Academic Affairs Structure:* Interim Dean of the Faculty Beau Breslin reported that he has been working with various groups to consider the structure of Academic Affairs once the Dean of the Faculty and Vice President for Academic Affairs positions are re-combined next year. He will discuss the proposed structure at the next faculty meeting.

*Board of Trustees Retreat:* President Glotzbach reported that the Board of Trustees will meet off campus in February. In addition to considering certain necessary agenda items (e.g., approval of major parameters for the FY13 budget), the Board will hold a retreat to begin early thinking on what the College's strategic plan for 2025 might look like. President Glotzbach will bring that conversation to IPPC at a later date.

*Please notify Barbara Krause of any changes to these minutes.*

## **ATTACHMENT A**

### **CHARGE FOR THE INTELLECTUAL PROPERTY POLICY WORKING GROUP (Approved by IPPC February 17, 2012)**

#### **STATEMENT OF PURPOSE**

The purpose of this policy is to:

- Promote the creativity of the entire College community and to reflect the actual contributions of inventor(s) and the institution in the determination of the rights of ownership, use and the distribution of equity interest.
- Insure that discoveries, inventions, and other creations generated by the Skidmore College community, are utilized in ways most likely to benefit the public.
- Assist the Skidmore community in properly disclosing their scholarly work, in complying with applicable laws and formal agreements, and in gaining the protection available under US laws governing patents.
- Sustain and enhance the College's ability to engage in sponsored research and scholarship, funded by federal, state and private sponsors who require that policies and procedures exist for the management of intellectual property interests.

#### **BACKGROUND**

A working group was convened by the Dean of the Faculty in October 2007 and charged with developing an Intellectual Property Policy to address both federal grant requirements and the institutional need for a policy to manage a faculty/student research discovery. The Committee, comprised of the DOF, 6 faculty members, and 1 professional staff member, with administrative support provided by the Office of Sponsored Research, reviewed 28 institutional policies: 23 from a cohort of aspirant and peer institutions, and 5 from larger research institutions. Issues that were examined included: policy type, inclusion of students, inclusion of copyrightable works, inventor assignment, revenue distributions, reporting lines and whether an IP Committee was established to administer the policy. The policy that was drafted was a hybrid, derived from different institutional policy elements, with the Colgate University policy serving as the structural core. That policy was submitted for legal review (Cantor Colburn, LLP) and for institutional review by President's Cabinet, Academic Staff, SPG, FEC, CEPP, FDC and IPPC. Subsequent to its endorsement by IPPC, it was presented at both an Open Forum (11/01/11) and at the Faculty Meeting, Committee of the Whole (12/2/11). Issues were raised during those discussions that indicated the need to constitute a new committee, for that committee to address certain elements of the policy and issues of clarity in the language, and to present a revised policy for consideration and approval. Issues to be reviewed include, but are not limited to: disposition of IP (e.g., licensing, sale of patents, etc.); clarification of the threshold for needing to file an invention disclosure; clarification of significant use of College's funds or resources; composition of the Committee on Intellectual Property; and the process for revising the policy to address future needs and/or requirements. The language related to the non-exclusive, royalty free use of course content and courseware was deleted prior to the faculty meeting.

#### **COMPLIANCE CONTEXT**

U.S. Federal Law (37 CFR Section 401) mandates that all recipients of federal grants or contracts must: (1) have intellectual property policies in place regarding the ownership of derivative

intellectual property and that such policies require employees to disclose all such inventions; (2) report the details of inventions and patents that have been made through federal grants or contracts; (3) notify the federal sponsor that it will retain ownership of the invention and take steps to commercialize the invention or request permission to transfer title to a third party; and (4) provide a nonexclusive, nontransferable, irrevocable, paid-up license for the government to practice or have the invention practiced on its behalf throughout the world. The above requirements are also stipulated in Notices of Grant Award, contract terms and in the award policies of each agency.

## **CHARGE**

- Review the draft policy presented at the faculty meeting on December 2, 2011.
- Review the comments presented at the Open Forum and Faculty Meeting (November-December 2011), and any subsequent comments transmitted to the Sponsored Research Officer.
- Review the documentation already developed regarding IP Policies and determine what additional research is required to support the development of a revised policy.
- Review the federal granting agency and other legal requirements.
- Clarify institutional interests and requirements.
- Prepare a revised draft Intellectual Property Policy to be presented for approval by the Skidmore community.
- Secure legal review of the policy.
- Develop recommendations for the presentation of the policy to the Skidmore community (who should review and in what sequence). Recommendations shall also be developed to guide the approval process.
- Subsequent to review (e.g., Cabinet, VPAA and DOF Staffs, Academic Staff, IPPC, CEPP, FDC, SGA), make final revisions to the policy (if substantive revisions are made a 2nd legal review may be indicated) and present the policy to the Skidmore community for approval.

## **WORKING GROUP COMPOSITION**

- DOF (chair)
- 3 members of the Faculty (process to be determined in consultation with FEC)
- 2 members of the Administration (one from IT and one from the Library)
- 2 members from the Student Body (to be appointed by SGA)
- Sponsored Research Officer

## **TIME LINE (all dates occur in 2012)**

1. March: Committee constituted
2. May: Review by Cabinet, DOF/VPAA staff, Academic Staff, IPPC, FEC, CEPP, FDC, SGA
3. June-July: Final revision
4. October: Proposal to faculty for November vote