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5-10-1973

**FINAL REPORT OF THE RESEARCH POLICY COMMITTEE  
RECOMMENDATION TO AMEND THE UNIVERSITY MANUAL  
REGARDING PATENTS**

University of Rhode Island Faculty Senate

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AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

University of Rhode Island  
KINGSTON, RHODE ISLAND 02881

RECEIVED

June 6, 1973

JUN 6 1973  
UNIVERSITY OF RHODE ISLAND  
FACULTY SENATE

Dr. Maury Klein  
Chairman, Faculty Senate  
Roosevelt Hall  
Campus

Dear Dr. Klein:

This is in response to your memo of May 25, 1973 concerning Faculty Senate bill 72-73-40, entitled "Final Report of the Research Policy Committee Recommendations to Amend the University Manual Regarding Patents."

President Baum, in his letter to you of May 21, stated that he was returning the bill to you with his "disapproval." As the basis for his action he quoted the advice of legal counsel that "It is fair to state that the Regents are entitled to a freeze of both the contract and the Manual until June 30, 1974, insofar as benefits are concerned."

We agree with the principle enunciated by the President's legal counsel. The AAUP made precisely the same argument in another matter concerning faculty benefits - a proposal made by the Administration that it be given the right to unilaterally increase the salaries of one percent of the faculty. It is interesting to note that in this instance, the AAUP was informed by the President that, on the advice of legal counsel, the adjustment for one percent of the faculty could be made unilaterally by the Administration despite the existence of the contract. We disapproved that position.

It is clear that the contract is binding on both parties and that the legal position stated in the President's letter to you is the correct one. However, collective bargaining is an ongoing process and continues during the life of the contract. Hence, if the parties to the contract agree, modifications in its provisions can be made at any time.

In his letter, President Baum suggested that a meeting be arranged "among concerned parties." We heartily agree with his suggestion and therefore recommend that representatives of the AAUP meet with representatives of the Administration and the Faculty Senate so that an agreement can be worked out that would modify the Manual in line with the Senate's action.

Yours sincerely,



Robert M. Gutchen  
President, URI-AAUP

RMG:jw

Dr. Robert Gutchen, President, URI-AAUP

May 25, 1973

Dr. Maury Klein, Chairman, Faculty Senate

As per our conversation I am enclosing Faculty Senate Bill #72-73--40 which was disapproved by President Baum on the advice of legal counsel.

Since the issue in question is pertinent to working conditions and an interpretation of the contract, the Executive Committee would appreciate advice of the AAUP before taking action.

RECEIVED

Office of the President

MAY 22 1973

May 21, 1973

UNIVERSITY OF RHODE ISLAND  
FACULTY SENATE

Professor Maurice Klein  
Faculty Senate  
E. Roosevelt Hall  
Campus

Dear Maury:

On the advice of legal counsel, I am returning herewith Faculty Senate bill 72-73-40, entitled "Final Report of the Research Policy Committee Recommendation to Amend the University Manual Regarding Patents," with my disapproval.

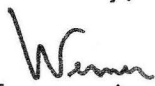
Legal counsel advises me that, in substance, this Bill is a grant of an improved working condition by the Board of Regents to the faculty of the University. He makes the following observation:

"When the present collective bargaining agreement was executed on November 5, 1972, it defined many of the conditions of employment but it left others as they are in the Manual. It is fair to state that the Regents are entitled to a freeze of both the contract and the Manual until June 30, 1974, insofar as benefits are concerned."

Accordingly, I suggest that we either leave this as a matter to be considered during the next collective bargaining round or that we arrange a meeting among concerned parties, including Vice President Ferrante and Mr. Hoban. Perhaps you have an alternative suggestion.

I am sorry that my first communication to you in your new capacity as Chairman of the Faculty Senate has to be a negative one. Please know that I am pleased by your election, because it is especially important that the Senate have competent and strong leadership at this particular juncture. For my remaining weeks here, you may count on my full cooperation in furthering the objective of responsible faculty participation in governance of the University.

Cordially,

  
Werner A. Baum  
President

hgo

cc: Vice President Ferrante  
Mr. Hoban

Serial Number 72-73--40  
UNIVERSITY OF RHODE ISLAND

FACULTY SENATE

BILL

Adopted by the Faculty Senate

RECEIVED  
UNIVERSITY OF R. I.  
MAY 15 1973  
OFFICE OF THE PRESIDENT

TO: President Werner A. Baum  
FROM: Chairman of the Faculty Senate

1. The Attached BILL, titled FINAL REPORT OF THE RESEARCH POLICY COMMITTEE RECOMMENDATION TO AMEND THE UNIVERSITY MANUAL REGARDING PATENTS.

is forwarded for your consideration.

2. The original and two copies for your use are included.  
3. This BILL was adopted by vote of the Faculty Senate on 73-5-10 (date).  
4. After considering this bill, will you please indicate your approval or disapproval. Return the original or forward it to the Board of Regents, completing the appropriate endorsement below.  
5. In accordance with Section 8, paragraph 2 of the Senate's By-Laws, this bill will become effective on 73-5-31 (date), three weeks after Senate approval, unless: (1) specific dates for implementation are written into the bill; (2) you return it disapproved; (3) you forward it to the Board of Regents for their approval; or (4) the University Faculty petitions for a referendum. If the bill is forwarded to the Board of Regents, it will not become effective until approved by the Board.

May 15, 1973  
(date)

Stephen B. Wood /s/  
Chairman of the Faculty Senate

ENDORSEMENT 1.

TO: Chairman of the Faculty Senate  
FROM: President of the University

1. Returned.  
2. Approved \_\_\_\_\_ Disapproved ✓  
3. (If approved) In my opinion, transmittal to the Board of Regents is not necessary.

5/19/73  
(date)

Werner A. Baum /s/  
President

(OVER)

ALTERNATE ENDORSEMENT 1.

TO: Chairman of the Board of Regents.

FROM: The University President

1. Forwarded.

2. Approved.

\_\_\_\_\_/s/  
(date) President

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ENDORSEMENT 2.

TO: Chairman of the Faculty Senate

FROM: Chairman of the Board of Regents, via the University President.

1. Forwarded.

\_\_\_\_\_/s/  
(date) \_\_\_\_\_  
(Office)

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ENDORSEMENT 3.

TO: Chairman of the Faculty Senate

FROM: The University President

1. Forwarded from the Chairman of the Board of Regents.

\_\_\_\_\_/s/  
(date) President

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Original received and forwarded to the Secretary of the Senate and Registrar for filing in the Archives of the University.

\_\_\_\_\_/s/  
(date) Chairman of the Faculty Senate

~~C. Recommendation: The President authorize the Vice President for Business Affairs to expand the University Central Stores to include a University Laboratory Store. This store shall maintain an inventory of laboratory supplies commonly used in instruction and research as determined by a faculty committee drawn from departments utilizing the store.~~

Item 3

- A. Intent: To improve the position of inventors relative to income derived from inventions patented while the inventor is employed by the University of Rhode Island.
- B. Justification: The present policy stated in the University Manual unnecessarily restricts the portion of patent derived income which is paid to the faculty member whose invention has been patented. The disposition of income derived from a patent in excess of \$25,000. is not specified in the University Manual.
- C. Recommendation: Amend section 10.41.13 of the University Manual to read as follows (changes are underlined)

If the patent is obtained by the University, the inventor or assignor shall be paid the first \$2,500. received as income from the patent after the University has been reimbursed for all expenses incident to securing and/or defending the patent, then 50% of the income above the original \$2,500. If more than one inventor or discoverer is involved, the \$2,500. and any additional income received shall be divided as agreed by the inventors or discoverers. If the investigator(s) bears the expense of obtaining the patent, the University shall receive no income from the patent.

Amend Section 10.41.14 as follows

Second and third sentences to read ... "If the University fails to agree to pay the costs of filing for letters patent within six months after the invention or discovery is announced to the University by written notification of the chairman of the Research Committee, or decides that it does not wish to assume full responsibility for a patent, then all rights and title to patent petition shall remain in the name of the inventor or discoverer. If the inventor or discoverer contracts with a collaborating agency for the purpose of securing a patent and developing it commercially and is responsible for all the negotiations involved, the inventor or discoverer, and not the University, shall receive all proceeds from license fees, royalties or other income resulting from the patent.

Amend Section 10.41.15 by placing a period after "thereafter in the last sentence and eliminate the last phrase, "up to a maximum of \$25,000."

Item 4

- A. Intent: To provide each department with a budget for graduate research based upon the number of graduate students enrolled in that department.
- B. Justification: In these days of tightening budgets, it is too easy to cut back on graduate education to meet increasing demands of undergraduate courses. When this happens, U.R.I. fails to attract or loses quality students who can be better provided elsewhere. As a result, the entire university suffers. The loss of inspiration and leadership from these people is felt not only at the graduate level, but also as it would extend to the quality of undergraduate programs and faculty research.
- C. Recommendation: Each department sponsoring a graduate degree shall be given a budget separate from that for undergraduate education. A specific sum of money shall be allotted to the department for each graduate student enrolled in a thesis program. The amount would be determined by the academic vice president according to the needs of research programs, varying considerably among departments. According to his discretion, the department chairman shall distribute these funds either directly to the student or to his faculty advisor to be used for materials or activities which would best benefit that student's research.

Item 5

- A. Intent: To provide administrative flexibility in the employment of professional personnel on noncontinuing grant or contract funds.
- B. Justification: Present classification of faculty positions is such that professional staff often cannot be employed on noncontinuing grant or contract funds at levels of compensation equivalent to that of regular faculty. All new faculty positions must be approved by the State Board of Regents where approval is normally restricted to teaching positions. Employing faculty on noncontinuing funds is risky because the University may become obligated to tenure positions when the funding supporting these positions is terminated. However, the stimulation and vitality to be gained by including non-teaching faculty on the staff of research programs when funding is available should not be compromised. This problem can be resolved by extending the rank of faculty equivalent to all professional appointments funded on noncontinuing fiscal resources. Such positions shall carry all rights and privileges afforded regular faculty including salary, fringe benefits, promotion but not tenure.
- C. Recommendation: Amend section 4.12.12 of the University Manual to read as follows (changes are underlined)

4.12.12 Temporary and part-time appointments shall be classified according to their equivalent faculty rank for the determination of salaries and salary increases. This category includes lecturer, Adjunct professor, research associate, faculty equivalent, and others employed under limited programs of instruction or research.