

CHAPTER 7 – RESEARCH

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{ESTABLISHMENT AND REVIEW OF CENTERS AND INSTITUTES (BOR IV-1.00)}

1. Centers and institutes at Salisbury University facilitate teaching, research and service and are designed to activate and enhance the mission of the University. Unlike projects and grants, which are more limited in nature, centers and institutes, are generally created with a continuing mission.
2. Centers and institutes are accountable to the University through the appropriate structures each serves. At the time of initiation, each enter

or institute provides a mission statement specifying goals, operational structure, financial provisions (budget, sources, management), space needs, and accountability/evaluation plans to appropriate deans or directors who seek the approval of the provost. A copy of the approve mission statement is filed with that provost.

3. Regular center or institute reports are provided to the dean or director who conducts a periodic review of the center or institute.
4. Each center and institute must comply with Salisbury University's policies related to operation, personnel and finances.

As of September 1998, the following centers and institutes are operating at Salisbury University.

Name	Mission	School
BEACON	Offering a variety of business, economic, enterprise and community development consulting services to a variety of clients.	School of Business
Center for Adolescent Health	Undertaking research that focuses on the development and evaluation of programs and policies that promote health and prevent diseases.	School of Science
Center for Applied Mathematical Sciences	Involving students in solving problems from business and industry.	School of Science

Name	Mission	School
John B. and Florence Simonds May Literacy Lab	Providing literacy tutoring for community members.	School of Education & Professional Studies
Technology Resource Center	Providing basic training in state-of-the-art technology applications in the classroom or any education setting.	School of Education & Professional Studies

Rev. 6/2006

{SOLICITATION AND ACCEPTANCE OF SPONSORED PROJECTS (BOR IV-2.00)}

1. The Office of Grants and Sponsored Research has responsibility for grants administration and works with administrators and faculty interested in securing federal, state or private funds for projects requiring outside support.
2. Administrators and/or faculty initiate, conceive and develop proposals for prospective grants and awards. All proposals for specific sponsored projects shall be reviewed by institution personnel for consistency with all University System and institutional policies, for appropriateness to the mission of the institution, for liability assessment, and for program conduct and university support by relevant department chairs and deans and the provost. Where grant proposals require university financial or other support, proposal initiators need to secure necessary support from appropriate offices.
3. Grant applications must be submitted to the Office of Grants and Sponsored Research at least two (2) weeks before the day of final submission. The office recommends that all who are involved in proposal writing should submit preliminary budgets when they are first developed and well in advance of complete proposal submission and provide guidelines. This will ensure assistance from the office in necessary budget review and possible revision.
4. Each grant application and contract agreement must be accompanied by a completed Internal Review Form (see **Appendix K** for more details) available from the Office of Grants and Sponsored Research or at: www.salisbury.edu/grants/Resources.html. Provost's signature will be obtained by the Grants Office.
5. Once administrative review and the Internal Review Form for a proposal or contract are complete, the Grants Office will have the final proposal duplicated, distribute it to appropriate campus officials and submit it to the granting agency.
6. The Grants Office will work with grant and award recipients to help them fulfill administrative requirements and to ensure that the provisions of the grant are completed. The office also notifies the Office of Administration and Finance of grant approval so that accounting and fiscal records can be established, funds augmented to appropriate accounts or expended locally in accordance with current regulations, restrictions and grant agreements.
7. The Grants Office maintains files of guidelines, general information, application forms and other materials related to grant programs sponsored by many federal, state and local agencies.
8. The Grants Office submits annually to the chancellor a summary of sponsored project activity. The content and format of the report is determined by the University System of Maryland Office and

approval, prior to the initiation of the activity. An Institutional Review Board (IRB) shall have jurisdiction over all reviews and approvals in accord with procedures set forth in recognized documents, e.g. Multiple Project Assurance document, and/or applicable regulations and policies including other policies adopted by the System or an institution. Those

disclosure also apply to graduate theses and dissertations; therefore, the institution will not permit a student to defend any thesis or dissertation that contains proprietary information until the time period allowed by item 3 has expired.

IV. General Provisions

- A. *Purpose.*** The purpose of this policy is to set forth the terms, conditions, and procedures whereby the University System of Maryland, Personnel and Students establish and maintain their interests in intellectual property created by or used at USM institutions, taking into account intellectual property laws governing patents, copyrights, trademarks, and other forms of intellectual property. This policy governs the ownership and protection of such property at the University.

- B. *Scope of Application.*** All Personnel and Students shall comply with this policy, as amended from time to time. This policy shall be included in the faculty handbook,

- 5) Technology-mediated Instructional Materials.
Ownership and use of technology-mediated instructional materials is addressed in this Section (V) the policy.

B. Right of Use

- 1) **University rights.** The University shall have the right to use and reproduce for research and

about the University's rights, Personnel and Students shall disclose.

- 2) **External Collaborations.** In accord with Section IV.C., Personnel and Students may not: (a) sign patent agreements or other documents (e.g., invention reports, licenses, assignments, Material Transfer Agreements, or Confidential Disclosure Agreements) which abrogate the University's rights; (b) make unauthorized use of the name of the University; or (c) transfer material relating to intellectual property outside the University, except pursuant to a properly authorized Material Transfer Agreement. See also the Policy on Professional Commitment of Faculty, BOR II-3.10.
- 3) **Assignment.** As to an invention in which the University has a right to ownership or use, the inventor, upon request, shall execute promptly all contracts, assignments, waivers or other legal documents necessary to vest in the University, or its assignees, any or all rights to the invention, including assignment of any patents or patent applications relating to the invention.

C. Responsibilities of University

- 1) **Timely Evaluation.** The University shall evaluate inventions disclosed in accordance with Section VI.B.1 and shall do so with reasonable promptness and in good faith. The University shall decide whether to seek legal protection of its ownership rights, such as filing for patent protection; the scope of patent protection; and whether and how to pursue, limit, or abandon commercialization. The University may at any time decide not to pursue or to abandon the pursuit of patenting and/or commercialization of any invention in which it has an interest.
- 2) **Timely Information.** The University shall inform inventors in a timely manner about substantive decisions regarding protection, commercialization and/or disposition of inventions disclosed in accordance with Section VI.B.1). Terms of agreements which constitute proprietary business information may be treated as confidential by the University in accordance with applicable law. The University shall notify inventors promptly when it decides either not to pursue, or to abandon pursuit of, all efforts to commercialize an invention.
- 3) **Commercialization by Inventors.** The University, at its discretion and consistent with the public interest, may license intellectual property to the inventors on an exclusive or non-exclusive basis. Inventors must demonstrate

technical and business capability to commercialize the intellectual property. Agreements with inventors shall be subject to review and approval of conflict of interest issues in accordance with applicable University policy.

- 4) **Assignment of Ownership.** The University may assign ownership to the inventors as allowed by law, subject to the rights of sponsors and to the retention by the University of a license which at a minimum shall grant the University the right to use intellectual property in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis. The University may retain more than the minimum license rights, and assignment or license may be subject to additional terms and conditions, such as Revenue sharing with the University or reimbursement of the costs of legal protection. The University shall negotiate promptly, upon written request by the inventors, the transfer to the inventors of the University's interest in any invention that it has chosen not to protect or commercialize, subject to any legal obligation to offer its interest to a sponsor, licensee, or another institution with rights to the invention before it can agree to negotiate the transfer of the University's interest in an invention to the inventors.
- 5) **Sharing of Revenue.** The University shall remit to the inventors or their assignees or heirs, their share of Revenue from inventions as specified in Section XI.B. of this policy.

VII. COMPUTER PROGRAMS AND SOFTWARE

A. Ownership

- 1) **University Ownership**
 - a) **Within the Scope of Employment.** The University owns computer programs and software created by Personnel within the Scope of Employment. However, faculty own computer programs and software created within the Scope of Employment, except when covered by a written agreement.
 - b) **Use of University Resources.** The University owns computer programs and software created by Personnel, graduate Students, or professional Students with the use of University resources. However, faculty own computer programs and software created within the Scope of Employment, except when covered by a written agreement.

- c) Signed Agreements. The University owns all computer programs and software created or made by Personnel or Students under Sponsored Research Agreements and as stated in written agreements.

2) Personnel Ownership

- a) Outside Scope of Employment. Personnel, graduate Students, and professional Students own software and computer programs conceived and first reduced to practice, and/or authored, outside the Scope of

share of Revenue from computer programs or software as specified in Section XI.B. of this policy.

VIII. TECHNOLOGY-MEDIATED INSTRUCTIONAL MATERIAL

Section V, Copyrights, shall apply to any materials that may be considered to be technology-mediated instructional materials. All Patents, Copyrights, Trademarks and/or Tangible Research Property disclosures and filings, and Technology Commercializations will be handled through the URS office.

IX. OTHER TYPES OF INTELLECTUAL PROPERTY

A. Tangible Research Property. The principles in Section VI. that apply to inventions and patents also apply to tangible research property.

B. Mask Works. The principles in Section VI. that apply to inventions and patents also apply to mask works.

C. Plant Varieties. The University owns and may protect or commercialize plant varieties according to the principles of Section VI.

D. Trademarks, Service Marks, and Trade Dress. Trademarks, service marks, and trade dress may be created in association with an underlying license for another form of intellectual property, such as a patent or a plant variety (“associated with other intellectual property”), or independently, such as a university logo or symbol (“independently created”).

- 1) Associated with Other Intellectual Property.** The University owns a trademark, service mark or trade dress if it is associated with other intellectual property owned by the University.
- 2) Independently Created.** The University owns trademarks, service marks, and trade dress that are independently created by Personnel within the Scope of Employment unless the University agrees otherwise in writing.
- 3) Commercialization.** The University may commercialize or license its trademarks, service marks, and trade dress.
- 4) Registration.** The president or designee shall approve registration of trademarks or service marks, at the state or federal level.

X. INTERINSTITUTIONAL AGREEMENTS

A. Joint Appointments and Affiliations. This section applies when an individual has an appointment in and receives support for research or creative work from two or more Universities and when a Student or Student Employee is earning a degree in one

- 4) **Distribution of Revenue.** The managing University shall distribute Revenue to the creators and share net revenue in all cases according to Section XI.

- 5) **Disputes.** A president may ask the Chancellor to intercede if the Universities are unable to reach agreement or differ in their interpretation of an agreement. The Chancello

been paid, as specified above in Section XI.A.2(a).

- 3) **Distribution of Net Revenue.** Net Revenue is the revenue remaining after deductions under XI.A.2.
 - a) **Creators' Share.** The University shall distribute among the creators fifty percent (50%) of the net Revenue it receives from their creative work unless applicable laws, regulations, provisions of grants or contracts, or signed agreements with creators provide otherwise.
 - b) **University's Share.** The University shall receive 50% of the net Revenue. The Provost maintains guidelines for the use of the University's share of the net Revenue. From time to time, and in consultation with faculty members or their representatives, the Provost may amend these guidelines. Net Revenue received on account of copyrighted work shall be dedicated to research, scholarship, creative work, and related academic activities.
- 4) **Timely Distribution.** The University shall distribute accrued Revenue due creators under this policy at least annually. Distribution will be made along with a statement of related income and expenses.

B. Patents and Computer Programs and Software. The University shall share with inventors or creators Revenue it receives from their inventions or creations as provided in this section.

1) Exceptions

- a) **Contract.** When a third party contract dictates apportionment of Revenue different from that specified in this policy, the terms of the agreement govern.
- b) **Equity.** Equity shall be distributed in accord with Section XI.G.

2) Deductions from Revenue. The University shall make the following deductions from Revenue before distributing net Revenue (Section XI.B.3).

- a) **Creators' or Inventors' Share.** First, ten percent of Revenue shall be distributed among the creators or inventors until the cumulative total reaches the limit set pursuant to this paragraph that was in effect during the fiscal year in which the University first received Revenue. (The limit in FY2004

was \$10,300 to be shared among the inventors.) The Chancellor shall establish a new limit for each succeeding fiscal year by adjusting the previous year's limit by an amount reflecting the change in the Consumer Price Index during the last calendar year completed, rounded to the nearest \$100. Contact the URS office for current limit to be shared with the inventors.

- b) **General Costs.** Second, the University shall

received on account of an invention shall be dedicated to research and to the promotion of patenting and patents.

- 4) **Timely Distribution.** The University shall distribute Revenue due creators under this policy at least annually. Distribution will be made along with a statement of related income and expenses.

C. *Tangible Research Property, Mask Works, and Plant Varieties.*

When tangible research property, mask works, or plant varieties are licensed, Revenue shall be distributed in the same manner that Revenue is distributed under Section XI.B.

D. *Trademarks, Service Marks, and Trade Dress*

- 1) **Creators' Share**

submit such cases to the Chancellor or designee for resolution. All decisions on such cases shall be reported to the Intellectual Property Committee, which will take them into account in its annual review of this policy.

2) **Policy waivers.** Only the Chancellor may waive

interest in a commercial venture, or options or rights to purchase an ownership interest.

First sale - The principle that gives the purchaser of a copyrighted work the right, among other things, to lend it to others.

Intellectual property - The intangible value developed by human creativity that is protected by the legal mechanisms of patents, trademarks, copyrights, service marks, trade secrets, mask works, and plant variety protection certificates. Rights derived from legislation include ownership and disposition, including commercialization. Intellectual property encompasses

inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data, and other creative or artistic works that have value. It also includes the physical embodiments of intellectual effort such as models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions or matter, plants, and records of research.

Invention - any discovery which is or may be patentable or which may be commercially licensable.

License - A contract in which an intellectual property owner grants permission to exercise one or more of the rights that an owner holds.

Mask work - A series of related images representing a predetermined, three-dimensional pattern of metallic, insulating, or semiconducting layers of a semiconductor chip product.

Material Transfer Agreement - A contract covering transfer of physical possession and use of tangible research property into or out of the university.

Patent (U.S. only) - The intangible property right to exclude others from making, using, offering for sale, or selling the invention in the United States or importing the invention into the United States. In order to obtain patent protection, an invention must be useful, novel and unobvious.

Plant variety protection certificate - Registration under the Plant Variety Act of 1970 that protects sexually propagated cultivars that are distinctive, uniform and true breeding.

Royalty - Payment made to an owner of intellectual property for the privilege of practicing a right held by the owner of the intellectual property under applicable law.

Tangible research property - Includes the physical embodiments of intellectual effort such as models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research.

Tangible research property is distinct from intangible properties such as patents, trademarks, copyrights, service marks, trade secrets, mask works, and plant variety protection certificates. Individual items of tangible research property may be associated with one or more intangible properties.

Trade dress - Distinctive and unique packaging, color combinations, building designs, product styles, and overall

presentations identifying the source, product, producer, or distributor of goods and services where the appearance distinguishes the product or business from other similar products or businesses but is not distinctive or specific enough to be considered a trademark.

Trademarks and service marks - Distinctive words or graphic symbols identifying the source, product, producer, or distributor of goods and services.

OBSERVING COPYRIGHT PROVISIONS}

The Copyright Act of 1976 protects all original works of authorship fixed in any tangible medium of expression. Only copyright owners have the legal right to:

reproduce, perform, display, distribute and prepare derivative works, and grant those rights to others

Lack of copyright labeling on a work does not constitute permission to copy, and in most instances, copying without a copyright owner's permission is an infringement.

Salisbury University's intent is that faculty, staff, and students will comply with copyright law provisions. Accordingly, it provides information, guidelines, and best practices on a website (<http://www.salisbury.edu/library/copyright/>) that also links to the U.S. copyright Law ([Title 17, U. S. Code, searchable version](#)).

Pages of particular interest include:

Fair Use

<http://www.salisbury.edu/library/copyright/fairuse.html>

Permissions

<http://www.salisbury.edu/library/copyright/permissions.html>

Online Teaching

<http://www.salisbury.edu/library/copyright/online-teaching.html>

EReserves

<http://www.salisbury.edu/library/copyright/ereserves.html>

Music

<http://www.salisbury.edu/library/copyright/music/html>

Film

<http://www.salisbury.edu/library/copyright/film.htm>