

University Senate Research Committee Meeting (online)

July 10, 2020

1:00 PM

In Attendance: C Bonneau, R. Cooper, A. Crawley A. Crunk, E. Faucher, D. Harrell, M. Hravnak, G. Huber, A. Leibovich, M. McCall, P. Morel, L. Rodzwicz, R. Rutenbar, D. Salcido, S. Sant, M. Scott, P. Smolinski, V. So, A. Stephany and W. Yates

The minutes for the June 12 meeting were approved.

Concerning the University Research Restart:

R. Rutenbar stated the University research restart was planned so that if it prudent to dial back research it can be done. Aspects of research such as travel, the availability of PPE and alert postures are being monitored and the increase in the virus among a younger demographic has been recognized. He also stated that swipe card access is being installed on buildings that do not have it. He said that his office is developing a new document that will provide specific guidance as to what may change if the University changes its operational posture, from Elevated to Guarded, back to High Risk.

M. Scott asked whether the careful planning in the research start-up may help protect from a future shutdown. R. Rutenbar agreed that this is likely as the risks from infection appear to be coming from outside the University and not from the work place.

D. Salcido asked whether the University does have to obey State Covid regulations.

M. Scott asked if there was any information on University Covid testing requirements and procedures. R. Rutenbar said that testing is an active area of discussion for the University's Healthcare Advisory Group. P. Morel stated that there appears to be a nationwide shortage of tests, and that it was going to be important to have a robust testing and contact tracing system.

Concerning the proposed University Intellectual Property (IP) Policy:

R. Rutenbar stated that the new IP policy will unify the two previous policies regarding patents (R1-05) and copyrights (R1-03). The drafting of the policy was underway by the IP committee but was interrupted by the Covid outbreak in spring of 2020. The official charter and charge included several aims: 1. Guiding Principles, 2. Scope of Ownership, 3. Revenue Sharing, 4. Alice Corp. v. CLS, 5. Coursework, 6. Incidental Use and 7. Patent Management. R. Rutenbar gave a power point presentation which provided a summary of the new policy with regard to

these topics. A goal was to keep the policy short and easy to read with the details in a user's guide. He stated the case of Alice Corp. v. CLS was a case related to what aspects of software can be patented or copyrighted. The new policy is shorter (3,120 words) and more direct. A much longer guidance document will be produced once the IP policy is approved that will provide details on procedures and specific examples.

R. Cooper and A Leibovich who chaired the IP policy committee were available for questions. A. Leibovich stated it was a pleasure to be on the IP committee and interacting with all the members. R. Cooper stated he also enjoyed being on the IP committee and learned a lot about different aspects of IP.

Overall the committee felt that the new policy was an improvement over the previous version and S. Sant commended the committee on authoring a simple policy.

D. Salcido noted that in the recently revised copyright policy the term "University Authors" was used whereas in the new policy the term "university members" is used and asked what the significance of this was. R. Rutenbar replied that the term "University Authors" was used as a short term stopgap but that the new policy with only use "University Members" to include all university personnel.

Discussion on class materials.

R. Rutenbar stated that a change in the copyright policy in relation to class materials means that the creator has ownership in the new policy. P. Morel commented that the University does retain unlimited use, and that this had created some concern among faculty that virtual classes created using the Flex@Pitt system, for example, might continue to be used by the University without faculty participation. R Rutenbar categorically stated that this would not happen, and the intent of the policy is not to take ownership. Class materials belong to the faculty who created them and the University retains the right to use them in the event that a faculty member leaves in the middle of a class. Faculty who leave the University can take their class materials with them and are free to use them at subsequent institutions.

Several different scenarios concerning the rights of the University to use class materials were discussed as it was felt that the statement of "perpetual, royalty-free, world-wide, non-exclusive, irrevocable license to the University" was overly forceful. D. Salcido asked about people reformatting university retained course material and derivative work. E. Faucher stated that standard copyright law would apply to that situation.

M. Scott asked the University would retain rights to material developed prior to starting employment at the University. R. Rutenbar stated that the University would not have rights to material developed prior to employment at the University. E. Faucher added that rights material developed at another university prior to joining the University of Pittsburgh may be retained to that university.

D. Salcido as if the term "work of authorship" had any special legal meaning. R. Rutenbar replied that it was not a special legal term and it meant creation of copyrightable material.

There was a discussion of the timeline and R. Rutenbar expressed the hope that the committee could approve this new policy in time for the next Faculty Assembly meeting in August. The committee agreed that they needed some time to look the policy over and that they would send their comments, questions and suggestions to R. Rutenbar and E Facher.

Action Item: P. Morel stated that written comments on the draft IP policy should be submitted to R. Rutenbar and E. Facher by next Friday July 17, 2020.

Concerning Foreign Students Studying in the United States:

P. Smolinski asked about the recent government changes regarding foreign students studying in the United States.

R. Rutenbar said that a number of colleges and universities have initiated lawsuits regarding the recently announced government policies on foreign students. The hope is that the legal challenges will delay the implementation of the policies. The University's legal department is considering actions in response to the policies.

D. Salcido asked if University legal action would expose it to any risks. R. Rutenbar said he did not think so.

M. Scott said any voice in responding to the government policies is better than no voice.

P. Morel and S. Sant were nominated for Committee Co-Chairs for the upcoming year starting in August. A vote was taken and there were 8 yes votes. This is a majority of the Committee's voting membership, so P. Morel and S. Sant were elected as Committee Co-Chairs for the upcoming year, starting in September 2020.

It was agreed that the research committee meeting would be on July 24 at 1:00.

The meeting was adjourned at 3:00 pm.

Minutes submitted by P. Morel and P. Smolinski