

**University of the Pacific and Benerd School of Education
Policies Related to Intellectual Property**

I. DEFINITIONS

In the Benerd School of Education, these terms are defined as follows:

- 1 “Academic Works” include artistic, scholarly, and learned materials, whether traditionally, electronically, or otherwise published, that are created by faculty, and/or by students in the course of their educational endeavors and that are not patentable. These also include “like-kind” works, such as papers, reviews, articles, theses, dissertations, scholarly papers, abstracts, monographs, treatises, in-person presentations made at scholarly meetings, non-fiction and fiction books and writings, textbooks, musical and other artistic compositions, software, and all other works of artistic or scholarly creation, that are not institutional works or were not created using significant University resources.

“Customary Support” for faculty and staff in the unit includes:
 - Use of University computers and other standard equipment and facilities of the Benerd School of Education;
 - Use of clerical and other support staff and related resources;
 - Faculty development leaves or research stipends; and
 - Use of student research assistants working for compensation.

- 3 “Significant University Resources” include a direct allocation of University funds or use of specialized equipment, either of which is significantly greater than or different from that ordinarily available for creation of academic works. The term also includes substantial contributions by non-faculty employees working within the scope of their University employment. “Significant University Resources” in connection with academic works do not include the incidental use of University facilities, support staff, and related resources, to the extent that in the Benerd School of Education these resources are customarily available to support regular faculty members’ academic activities.

4. “Incidental University Resources” for faculty and staff in the unit refer to routinely available office equipment, desk-top computers, commercially available software, reference materials, and other office supplies within reasonable limits.

5. A “Course” includes an organized body of information used by a faculty member for educational instruction, and it includes the expression in reproducible form of all instructional materials and presentations made by the faculty member(s) or other instructors responsible for delivering the instructional material. A “Course” includes any on-site or distance-learning course, any course delivered synchronously or asynchronously by traditional or electronic means, and any courseware that is a combination thereof. Field-based instruction supervised by a Benerd School of Education faculty member is also defined as a course.
6. University policy uses current definitions in law for patents, inventions, and other related terms. For example, a patent is defined in law as a novel and useful idea relating to processes, machines, manufactures, and compositions of matter.

II. COPYRIGHT POLICY

Although the University retains the rights to courses, a faculty member(s) holds the copyright to the *components* of a course, which in the Benerd School of Education includes lecture notes, slides, handouts, electronic presentations, demonstrations, case books, etc. that are the product of the faculty member’s efforts and that are used to fulfill the educational objectives of the course.

The Dean of the Benerd School of Education must approve any instance in which a faculty member(s) uses components of courses for delivering at any other educational institution or in any other educational program a course that is similar to any course taught at the University.

Unless specified otherwise and approved in advance and in writing by the Dean of the Benerd School of Education, visiting scholars and visiting faculty members are subject to the same provisions of this policy and these unit protocols as are other School of Education personnel during the period they are associated with the University.

III. ROYALTIES

Negotiations involving royalty distribution will be between a faculty member and the Dean of the Benerd School of Education. Disputes that remain after faculty-dean negotiations will be reviewed and resolved by the Provost.

IV. ADMINISTRATIVE MATTERS

Individuals covered under the University of the Pacific and the Benerd School of Education Policies Related to Intellectual Property will first consult with their respective departments chairs to clarify issues and concerns regarding provisions of the policies. The Dean of the Benerd School of Education will make final decisions concerning interpretation and specific implementation of the policy after consulting with the individual and the department chair. Appeals of the Dean's decision will be conducted by means of the procedures described in the University of the Pacific Policies Related to Intellectual Property.

- 2 All faculty, staff, student employees, graduate students, post-doctoral fellows, volunteers and other employees or non-University employees are covered by this Policy, and they are required to execute the University's Copyright and Patent Agreement.

All departments in the Benerd School of Education are expected to obtain a written agreement from non-employees of the University that ownership of institutional works is assigned to the University.

Approved by:

Dean of the Benerd School of Education

Date

Dean, Research and Graduate Studies

Date

Provost

Date