Meeting Synopsis:

1) Call to Order and Approval of Agenda
2) Approve minutes from June 6 and October 17th FCR meetings
3) Announcements
   a. Creation of Special Committee on Intellectual Property and Copyright
   b. IPMAC (Intellectual Properties Management Advisory Committee) discussions
4) Requests for Information and Updates
   a. Proposed Guidelines for Joint Appointments
   b. Presentation on Export Controls
5) Old/New Business
6) Adjournment

1. Call to Order and Approval of Agenda
   The meeting was called to order by Chair Gerald Miller at 9:00 a.m.

2. Approve minutes from June 6 and October 17th FCR meetings
   Minutes from the June 6, 2012, and October 17th FCR meeting were approved with revisions.

3. Announcements
   a. Creation of Special Committee on Intellectual Property and Copyright (SCIPC)
      Following the reinstatement of IPMAC, appointed by UW administration, the Senate Executive
      Committee approved creation of its own committee to discuss faculty rights within intellectual
      property. This committee will be chaired by Susan Astley, consist of six faculty members, and include
      the FCR Chair as an ex-officio member. Miller will report the Special Committee’s activities to FCR.

   b. IPMAC (Intellectual Properties Management Advisory Committee) discussions
      IPMAC met in October, but Miller was not included on the meeting email and did not attend. IPMAC
      did not make any definite decisions, but is discussing the following items:
      1) Present assignment practices and procedures on inventions
      2) Fundamental approach on invention ownership
      3) Invention disclosure and current practices
      4) Current approach to copyright, in light of online learning policies
      5) Conflict of interest rules.

   The Council discussed specifics of the Stanford vs. Roche case. This case found that language used by
   Roche in an intellectual property contract with present assignment “I hereby assign” has precedent
   over language used by Universities “I will assign,” assigning rights in the future. This triggered
   revisions to UW’s “Request for Approval of Outside Professional Work for Compensation” form to
adjust the verb tense accordingly to protect faculty who are consulting. Another change within this form was the addition of “blanket” coverage for past copyrights, which Mary Lidstrom considered the more contentious revision in this form.

Faculty fill out and sign the “Request for Approval of Outside Professional Work for Compensation” to make their Departments and Colleges aware that the work is being done. The form now includes assignment language aimed at consistency with the Stanford vs. Roche decision. The SCIPC is streamlining this form. The “Outside Work Request” process will be shifted from being within Academic Human Resources to the Office of Research. It was clarified that policy for faculty working with another University or research organization is dictated by inter-institutional agreements. Brief discussion followed on copyrights for faculty who write books while at the University.

4. Requests for Information and Updates
   a. Proposed Guidelines for Joint Appointments

Vice Provost for Research Mary Lidstrom gave two quick announcements:
- An offer has been made to a candidate for the new Director of OSP, who had worked at Columbia University in a similar role.
- A new category has been set up under the Bridge Funding Program,¹ which helps faculty with a gap in their funding. This program is for faculty who have lost all their grant funding, or will lose it in the next 6 months, and has been very successful. Due to the uncertainty on sequestration, federal agencies are holding off on making grant decisions, delaying grants which would have been approved in the fall to be approved in the spring, which increases the amount of faculty needing short term assistance. Questions were posed on how need for such funding is assessed and discussion followed on return of unspent funds and rules. Deans, Departments and Chairs have been informed, and should be relaying this information to faculty.

Lidstrom gave a background for guidelines on joint appointments. Focus groups in the 2Y2D initiative identified concerns regarding such appointments, due to lack of standards and guidelines, allowing different interpretations across departments. Difficulty was encountered in creating a “one size fits all” rule, and an idea to create a “template” for such appointments was discarded, due to possibilities of lawsuits. Instead, focus has been to provide guidelines for departments. She differentiated joint appointments from adjunct appointments: joint appointments have voting rights in two departments, whereas adjunct appointments have fewer responsibilities and no voting rights.

Lidstrom handed out drafted guidelines, outlining what faculty with joint appointments should discuss with departments. The first step such faculty should take is to reach an agreement between the departments and then put this in writing, which is rarely done. These guidelines spell out expectations, which are to be placed clearly in writing between the primary and secondary departments, clarifying the teaching, research and service responsibilities. Past difficulties were

¹ [http://www.washington.edu/research/or/?page=bridge](http://www.washington.edu/research/or/?page=bridge)
attributed to lack of discussion and lack of communication. Council members gave comments on additional items for these guidelines to address:

- What happens to joint appointment faculty should their original appointment department be eliminated?
- How do such appointments occur in interdisciplinary programs under a Dean’s Office, such as the Graduate School?
- How are search committees structured to assess departmental fit of potential hires within interdisciplinary programs, and what happens should this department decide such a candidate is not a good fit?
- The RCEP process should be referenced to within these guidelines.
- How does promotion and tenure occur when an interdisciplinary appointment is made between two departments or schools with different requirements?
- “Indirect” items, such as research support and how grants are supported, need to be addressed.
- Clarify FTE in cases of interdisciplinary appointments, when performing metrics.

Lidstrom emphasized the importance of these guidelines, as addressing expectations up front can greatly help resolve most issues. She requested discussion on promotion and tenure of interdisciplinary appointments by the Faculty Council on Faculty Affairs, but had been told that the Council did not have time to discuss this item. As these guidelines do not change the Faculty Code, questions arose on how this would be executable policy, and whether this would be an administrative order. Follow up will be conducted with Dean’s offices and interdisciplinary faculty after this is implemented. It was recommended for this procedure to have a “soft” rollout, as a suggestion before being mandated. Miller proposed that FCR request for FCFA to review this document, and advise on policy this year.

“Whereas
1) Joint appointments are essential to the business of the UW and
2) Procedures guiding departments making joint appointments are needed

Be it resolved
That the Faculty Council on Research urges the Faculty Council on Faculty Affairs to provide feedback, especially regarding issues related to promotion and tenure, to Mary Lidstrom and/or Gerald Baldasty on the “Considerations for Joint Appointments” document.”

This statement was unanimously approved by the Council.

b. Presentation on Export Controls
Carol Rhodes, Interim Director, Office of Sponsored Programs (OSP), was introduced to present on Export Controls. Rhodes is one of the export controls officers at UW, overseeing export control policy, and presents this policy every few years to the Council. This policy mainly is relevant to the Applied Physics Lab, and falls within FCR’s duty of oversight of restricted research.
Rhodes described three types of federal restrictions for national security purposes: export controlled information/data, controlled unclassified information, or classified information. All of these restrictions fall under the University’s definition of Sensitive Unclassified Information (SUI). Export-controlled information/technology is controlled by one of two bodies, the Export Administration Regulations (EAR) or International Traffic in Arms Regulations (ITAR) as sensitive to national security, and restrictions are placed on where such information/technology can be imported to or who may receive access to such information.

Restrictions around SUI are less clear than export controlled information/data. These are limited to a certain number of people, sometimes limiting the specific nationals from working on the project. Complications arise as often Requests for Proposals may not contain restrictions, but restrictions become visible once the proposal comes through. OSP negotiates to remove many restrictions should they not be suitable for the project.

A flowchart was presented of the review process when restrictions are placed on information or participants. Should some restrictions still be present after OSP negotiates, the project is referred to the FCR Subcommittee for Restricted Research to Review. A Technology Control Plan (TCP) is created by OSP after notification of FCR approval for such proposals. The TCP outlines minimum standards to protect information at UW, either on computers or physically, and is a requirement under ITAR to protect information and mitigate any potential violations. The Applied Physics Lab has the most projects with TCPs. Should council members have further questions, they were encouraged to email exports@uw.edu. Rhodes expressed confidence that all research requiring TCPs are identified, as such information is captured by eGC1 forms.

The FCR Subcommittee for Restricted Research was described, which meets on demand to review such projects. Norman Beauchamp offered to serve on the subcommittee.

5. Adjournment
Meeting was adjourned at 10:18 a.m. by Chair Miller.

Minutes by Jay Freistadt, Faculty Council Support Analyst. jayf@u.washington.edu

Present: Faculty: Miller (Chair), Slattery, Vogt, Scheuer, Beauchamp, Rosenfeld, Aragon, Roesler
President’s Designee: Lidstrom
Ex Officio Rep: Yin (GPSS), Nolan
Guests: Carol Rhodes

Absent: Ex Officio Rep: Fridley, James