Meeting synopsis:

1. Call to order
2. Review the minutes from October 28, 2014
3. IP discussions with university stakeholders – update
4. Canvas terms of use
5. Adjourn

1) Call to order

The meeting was called to order by Shen at 3:30pm.

2) Review the minutes from October 28, 2014

The minutes from October 28, 2014 were approved as written.

3) IP discussions with university stakeholders - update

Holt was present to provide an overview of recent IP discussions across the university in order to improve current UW policies. These discussions focused on three primary areas: general intellectual property issues, outside work and industry engagement. Holt explained that he has met with over 60 people within the UW community in order to figure out areas where the university’s policies are not suiting its needs. Holt explained that his goal for this year is to reach consensus between SCIPC, IPMAC and FCR in three topic areas in order to prepare recommendations for President Mike Young by the end of the year.

Holt stated that the outside work request form with patent assignment language is ready to be implemented. Over 1,200 requests (half from the School of Medicine) were submitted last year and only 1% of those requests were declined. Holt clarified those requests were declined due to teaching conflicts. Approximately 2% get revised which is usually due to the large commitment the request requires resulting in negotiations in order to find a balance point. Currently, there is a 1-2 day turnaround for outside requests to be approved which is a big improvement from the past. A question was raised asking if the outside work form was approved as a final or interim form during the recent Senate Executive Committee meeting. A comment was raised noting the form was approved as an interim solution but the committee has more important issues to address this academic year, such as the bigger topic of university IP policy. Discussion ensued about the impact of the outside work form on copyright. Holt stressed that the university is not interested in faculty’s scholarly work and the present assignment language in the outside work form covers only patentable inventions, not copyright. A comment was raised noting that the Faculty Council on Research is interested in drafting a resolution regarding open access for anything published on campus.
A question was raised asking when the new outside work form will be launched. The current form on the Office of Research’s website is dated from October 2011 but will be replaced once the president signs off on the new form. Holt hopes the new form will be finally approved by December. Discussion ensued about what is currently happening to faculty who sign the current form.

Holt described the charge of the president’s Intellectual Property Management Advisory Committee (IPMAC) as defined in Executive Order 36:

“Our management of intellectual property needs to find the best ways to create incentives for more discovery and the most effective policies for getting these discoveries off campus and into society where they can benefit the world. In addition, I specifically charge IPMAC with reviewing the UW’s intellectual property policies, including Executive Order 36, and recommending to me such changes as the committee considers appropriate.”

Holt suggested that SCIPC will be able to address broad IP polices and provide recommendations while IMPAC can focus on drafting the specific wording changes. Discussion ensued about coordinating issues and discussions with IPMAC.

Holt discussed the 2005 State Ethics Act (42.52.220 RCW) which permits the university to create a safe harbor around nine statutes:

- RCW 42.52.30 - Financial interests in transactions
- RCW 42.52.40 - Assisting in transaction
- RCW 42.52.80 - Employment after public service
- RCW 42.52.110 - Compensation for official duties or nonperformance
- RCW 42.52.120 - Compensation for outside activities
- RCW 42.52.130 - Honoraria
- RCW 42.52.140 - Gifts
- RCW 42.52.150 - Limitations on gifts
- RCW 42.52.160 – Use of persons, money, or property for private gain

Holt explained that UW currently takes advantage of RCW 42.52.120 (compensation for outside activities) and RCW 42.52.160 (use of persons, money, or property for private gain) and there are opportunities to use the State Ethics Acts to revise executive orders and administrative policy statements which may be beneficial for the university.

Holt listed the policies which impact IP at the university:

- Executive Order 32 – Conflict of Interest
- Executive Order 36 – IP Policy
- Executive Order 57 – Outside Work
- GIM 10 – Financial COI
- APS 59.4 – Technology Transfer
- APS 47.2 – Use of Facilities
- GIM 37 – Research Data
- APS 47.3 – Outside Work (staff)
Holt listed the topics of interest that will drive future discussions regarding university IP:

- **Ownership and stewardship**
  - Research property, scholarly work, collaborations, the role of the PI.
- **Online courses for UW credit**
  - Consistency of position on scholarly work.
- **Software**
  - Framework for determining ownership and stewardship, relation to Research Property.
  - Clearly out of date, discusses about commercial value.
- **Fair and effective engagement with industry and startups**
  - Balanced roles between companies, faculty, students, and UW; facilitate appropriate use of UW facilities to support work with industry.

Through these discussions Holt hopes to prepare legislative requests for the following:

- Protect research data (e.g. by NIH standards) on vulnerable populations and all study subjects.
- Allow use of commodity electronic devices (e.g. desktop or laptop) that does not shorten life of device or increase costs
- Exempt third party financial information from disclosure
  - RCW 42.56.270 has these exemptions for other state agencies.

A comment was raised noting that SCIPC needs to be more strategic in how to accomplish these goals within the timeframe expressed by Holt.

4) **Canvas terms of use**

Tom Lewis (Director for Academic & Collaborative Applications) was present to discuss recent concerns about the terms of use for Canvas. Lewis explained that the recent discussions surrounding the terms of service was for “Canvas Network” which is a completely different platform than what UW is using for instructional purposes. Lewis distributed copies of UW’s contract with Canvas for members to review and noted that the contract supersedes the public version’s (“Canvas Network”) terms of service.

Lewis explained that his office is concerned with several issues whenever the university signs a contract with an outside vendor:

- Data ownership
- Data security and privacy
- Return of data

Lewis explained the contact with Canvas does not give up individual rights, nor can Canvas use information other than the faculty member. A question was raised asking who protects faculty if the information is accidently released which may violate FERPA. Lewis explained the result would be the same if faculty accidently released student information through other mechanisms, such as emailing a student’s academic record. Lewis explained that his office developed an FAQ to address these concerns and to clearly communicate how IP is being protected at the university.
Concern was raised about specific terms in the contact, such as the meaning of “we”, “our”, and “enterprise customer”. A comment was raised suggesting the language provides protections to the university while leaving faculty out. Lewis explained the contract specifies protections for all faculty and students at the university. Concern was raised that faculty are not being represented in the negotiation of the actual contract and the university is negotiating faculty rights without their input. Discussion ensued. Members disagreed whether or not this is an issue of concern. A member commented that he was not invited to participate in the negotiations and is therefore uncertain that faculty interests are being represented. A comment was raised stating it is not practical for every faculty member to be involved with every contract that UW signs with an outside vendor. A comment was raised stating that when reading the terms of service it does not appear there is specific language that substantially effects the rights of faculty. While it is important to keep an eye on the issue there does not seem to be any obvious concerns at the moment.

Lewis emphasized that his role is to protect faculty IP and support faculty in their teaching and learning responsibilities. Lewis explained that there are many vendors which UW does not sign contracts with because the terms of service does not protect faculty and students. Every day faculty and students will sign up for other (non-UW) online services for teaching and learning activities which do not protect privacy and data. This is very problematic and Lewis stressed that his responsibility is to ensure the tools offered by his office provides these protections to data and privacy.

Members provided suggestions for the FAQs to ensure users have a better understanding of the protections offered within the contract.

5) Adjourn

The meeting was adjourned by Shen at 4:40pm.

Minutes by Grayson Court, council support analyst, gcourt@uw.edu

Present: Faculty: Tueng Shen (chair), Tom Andrews, Susan Astley, Dan Jacoby, Zahr Said, Duane Storti, Chuck Treser  
President’s designee: Fred Holt  
Ex officio representatives: Mike Rosenfeld, Sonja Gerrard, Samantha Shotwell  
Guests: n/a

Absent: Faculty: Gerald Miller, Ed Rubel, Ankur Teredesai  
Ex officio representatives: n/a