Interfaculty Council Meeting Minutes  
FY 2016 – September 16, 2015 – UCT-1726

**Present:** Dr. Anne Sereno, Dr. George Stancel, Dr. Biliciler-Denktas, Dr. David Marshak, Dr. Lanny Ling, Dr. Jake Chen, Dr. Jeffrey Actor, Dr. Bindu Akkanti, Dr. Joan Bull, Dr. Marie-Francoise Doursout, Dr. Daniel Freet, Dr. Anil Kulkarni, Dr. Jessica Lee, Dr. Donald Molony, Dr. Trevor Cohen, Dr. Amy Franklin, Dr. Kurtis Kasper, Dr. Ryan Quock, Dr. Rebecca Helmreich, Dr. Rebecca Tsusaki, Dr. Martina Gallagher, Dr. Linda Highfield, Dr. Dejian Lai, Ms. Deanne Hernandez, Mr. Eric Solberg, and Ms. Kathy Rodgers.

**Absent:** Dr. Davide Cattano, Dr. George Williams, Dr. James Langabeer II, Dr. Elizabeth Scott, Dr. Jennifer Sanner, Dr. Ross Shegog, Dr. Momiao Xiong and Mr. Julio Charles.

**Guests:** Dr. Robert Hunter, Dr. Stephanie Planque, Dr. Bruce Butler, and Ms. Meredith Mills

**Administrative Personnel:** Ms. Terrie Schade-Lugo

I. **CALL TO ORDER**

Dr. David Marshak, 2014-2015 IFC Chair, called the meeting to order at 11:32 a.m. and transitioned to Dr. Anne Sereno as the 2015-2016 IFC Chair. Dr. Sereno thanked Dr. Marshak for his leadership as FY 2015 IFC Chair. She continued by recognizing all past and new council members. Dr. Sereno requested that all attendees offer an introduction before the next order of business.

II. **APPROVAL OF THE MINUTES**

Dr. Sereno polled the members for any objections or corrections required to the minutes for July 15, 2015. Upon motion was made and seconded, the July 15, 2015 minutes were approved as written with one abstention.

III. **NEW BUSINESS**

**IFC Subcommittee Charges for FY2016**

Dr. Sereno

The FY2016 subcommittee sign up list was distributed to the Council. Dr. Sereno advised that members may sign up on more than one committee. The three areas of participation are as follows:

- Governance and Academic Affairs Charges:
  1. Peer-Review of Teaching. The IFC has previously discussed and Dental School has already developed some forms for this purpose. Provide a brief written report why such evaluations would be of value, current practice (if utilized) across schools, and recommendations. The recommendations could be in the production and attachment of a generalized form (or forms).
  2. Administrative Reviews. Provide a brief report of administrative reviews at different schools (what reviews completed, general response rates of faculty and staff, any summary feedback provided) and any recommendations concerning the process.

- Faculty Status, Rights, and Responsibilities:
  - Diversity and Professionalism, more generally. Specific charge to be finalized.

- Administrative Affairs:
  1. Intellectual Property. What, if any, were the major changes to Regents rules? What have been major obstacles? Will the new rules solve these problems? If not, are there any recommendations for simple fixes? Provide a brief written report.
  2. At the first meeting of the subcommittees, a chair will be selected. The purpose of the chair is to prepare the final report of the subcommittee. What was the charge? What did you find? Any suggestions or recommendations?
ACTION ITEMS:
• The subcommittee sign-up sheet will be provided by email for Council members to choose one or more areas to participate.
• Subcommittees will meet at the October meeting to select a chair and solidify their charge.

Intellectual Property Updates

Dr. Sereno, with Meredith Mills, JD, Senior Legal Officer

Dr. Sereno advised that Intellectual Property was listed as a topic of interest by both the Chancellor and the Chair of the Board of Regents who attended the September meeting of the UT Faculty Advisory Council (UTFAC). There was a taskforce that was formed and a new Regents’ Rule created. Some confusion arose due to the UTFAC having the understanding that the new Rule would have faculty input; however, instead of participating, they received the draft new Rule. This new Rule was passed by the Board of Regents in August 2015 carrying a statement that there may be some concerns by the faculty. At the September 2015 UTFAC meeting, Dr. Patricia Hurn, Vice Chancellor for Research and Innovation at UT System attended to address the Council. Dr. Hurn was Chair of the taskforce committee and she provided explanations as to why some of the changes were made as well as stated that “all things were open.”

Ms. Meredith Mills, Senior Legal Officer, Office of Legal Affairs, addressed the attendees concerning Regents’ Rule 90101, Intellectual Property: Preamble, Scope, Authority changes. There were six intellectual property policies that were combined and substantially reorganized into one policy. In reviewing the policy, the following changes were noted:
• Section 1, Preamble. This is new and speaks to a greater focus on partnerships with industry and greater flexibility for commercialization through partnerships with industry. The preamble does not contain specific rules, just guidelines and fundamental principles. This focus on partnerships with the private sector is inserted throughout the policy at various points.
  o Section 2. Ownership of Intellectual Property. The focus on the added language is again related to privately funded research.
  o Section 3. Individuals Subject to this Rule. A small comment about students being governed by Section 6 was inserted.
    • Section 6. Students and Intellectual Property. The old rules were somewhat ambiguous as to ownership of student-created intellectual property. This new section provides clarification of that issue.
• Most of the remaining changes are editorial and reorganization. Most of the old rules are in the new rule, they have just been moved or combined.
  o Section 7. Interest in Certain Copyrights. A statement was removed regarding the application of the rule to particular groups of individuals.
  o Section 5 of the Old Rule 90101 Removed. The new rules do not incorporate the language from 90101 Section 5 regarding certain educational software that is part of scholarly work.
  o Section 9. Use of Research Data. Patient care was explicitly included as a permitted use. They added the condition “provided such activities are within the scope of the employee’s employment.” This was a clarification statement, not substantive change.
  o Section 10. Use of Facilities and Resources. Again, it is mentioned that student-owned intellectual property is now governed by Section 6. Also clarified that any approval by the President for a faculty member to use the facilities and resources of the UT System to create, develop, or commercialize intellectual property that is no longer owned by the university, must be in writing.
o Section 11. 11.1 Determination of the Board of Regents’ Interest. The last sentence was amended to add “…and the creator shall not proceed with any disclosure, commercialization or publication until that decision is made.” It added a few more restrictions to what may happen until the decision is made of the Board’s interest. In 11.2, there was an addition to clarify that the institution’s president may retaining income rights on released intellectual property. This is not a substantive change. Also added to this subsection is that the institution may impose obligations or restrictions in order to comply with reporting and license requirements. In Section 11.4, Protection and Commercialization of Intellectual Property, the requirement for UT System to establish an intellectual property data collection system was removed. Language from 90101 Section 7 in the old Rules regarding the role of the creator was deleted in its entirety. In Section 11.5, Reimbursement of Licensing Costs and Allocation of Income, the 50 - 50% split between the creator and the institution was replaced with a more flexible 30-50% to the creator(s), and 50-70% to UT System institutions. This decision is made at the institutional level.

• Section 12.1. Sponsored Research. Private Sources. There is new language related to the focus on private funding and the flexibility that the Board is expressing with regard to transfer of interest.

• Section 13. Equity Interests. Where the institution may elect to share with the creator any equity interest that it receives for the conveyance of intellectual property rights, the new rules leaves the election in the institutions sole option and discretion and deletes the reference to the old 50-50% Rule.

• Section 15.3. Delegation of Authority. Keeping in line with the emphasis on flexibility with funding by private industry, they added in that the Board of Regents delegation of authority includes assignments of ownership.

**Commercialization**

*Dr. Robert Hunter, Chair, Pathology & Laboratory Medicine
Dr. Stephanie Planque, Assistant Professor, Pathology & Laboratory Medicine*

Dr. Robert Hunter was invited to provide a faculty perspective on commercialization and his perspective on Section 1.3 of the newly revised Regents Rule 90101 that addresses commercialization.

“1.3 U.T. System institutions should expect that when industry is underwriting sponsored research, industry commences negotiations with the expectation of speed in the execution of critical agreements, clear financial outcomes and ownership rights in, or appropriate access to, intellectual property resulting from the work.”

Dr. Hunter offered the following opinions based on his own and other faculty experiences.

• UTHealth policies are appropriate for a mature product that is ready for clinical development and marketing, but he believes they are incompatible with early stage technology that needs extensive development to determine its value.

• We need better ways to deal with future technology, especially when the future technology depends on other patents released or licensed by UT. Investors need clear title to future intellectual property (IP) that is pertinent to their sponsored projects.

• UTHealth should seek ways to reduce the time and expense to obtain release of IP to a faculty member if UT elects not to file a patent. He noted that in some instances it had taken two years and considerable expense for IP to be released. He offered some suggestions as to how he thought the release process could be quicker and less expensive.

After his presentation, open discussion was conducted and the following comments were made.
• Dr. Molony provided background to the timeline into the preparation of UT System policy in regard to Rule 90101.
• Ms. Mills advised that the moment that the Regents’ Rules are passed, they apply and we can function under them; we have to conform our local Handbook of Operating Procedures (HOOP) policies to be in sync to the Rules.
• Dr. Planque addressed the attendees on the role of the creator. The new Regents’ Rules deleted the role of the creator.
• Ms. Mills advised that there is no prohibition for the creator to be involved.

**Intellectual Property / Commercialization**  
**Dr. Bruce Butler, VP, Office of Technology Management**

Dr. Bruce Butler was invited as Vice President of Research and Technology for a discussion on Regents Rules and technology transfer. Dr. Butler provided the *Office of Technology Management’s (OTM) Annual Report on Intellectual Property*. There was some discussion regarding the particular situation when technology is released to the inventor where they would own it themselves. If they want to continue to do research on that technology at the university, then the President must provide prior approval according to Regents’ Rules because they are using state resources. The funding source for new work, if federally funded, would need to follow NIH rules; if it is a foundation, we would have to follow the foundation’s rules. So, a ‘one size fits all’ format cannot be utilized for all cases since any situation may require particular stipulations to comply with specific requirements of the funding source(s).

In additional comments, Dr. Butler noted that to date, UTHealth is a leader in UT System in copyright commercialization of assessment materials. He also noted that a new office has been created within the OTM, in connection with Dr. Stancel’s office, for strategic industry relations.

IV. OLD BUSINESS

V. ANNOUNCEMENTS

**Dr. Sereno**

• Several guests at the UTFAC Meeting have expressed an interest in coming to address our IFC, such as:
  o IT operations regarding personal mobile device management, security policies discussion; and
  o Director of Strategic Initiatives and Director of Strategic Assessment
• At the University Leadership Council (ULC) meeting, both President Colasurdo and Mr. Kevin Dillon expressed an interest in addressing the IFC to present new possibilities about the MSO agreement that has been previously discussed.

• Campus Carry  
  **Dr. George Stancel, EVP for Academic & Research Affairs**

Dr. Stancel provided a handout on SB 11 and UTHealth Campus Carry. This law was signed by our Governor on June 13, 2015 to take effect on August 1, 2016. Chancellor McRaven has charged each campus to develop recommendations to the university presidents who will then make recommendations to the Regents on preferred exclusion zones, policies, and practices for the campus, which may or may not be accepted. Therefore, we are organizing a campus working group consisting of members from the IFC, SIC, Classified Staff Council, and possibly from MDACC (jointly operates GSBS with UTHealth), etc. The deadline for the recommendations developed by the campus working group is December 4, 2015. The Board of Regents may amend the campus
policies by a two-thirds vote and this topic is slated to be on the February 2016 agenda. Dr. Stancel solicited two members from the IFC to participate on the UTHealth Campus Working Group. Town Hall meetings will be scheduled across the campus.

**ACTION ITEM:**

- IFC members interested in volunteering to the working group are to contact Dr. Stancel’s office directly.

**VI. ADJOURNMENT**

A motion was made and seconded to adjourn the meeting. The meeting adjourned at 1:05 p.m. The next IFC meeting will be scheduled for Wednesday, October 21, 2015.

Respectfully submitted by Terrie Schade-Lugo on 10/16/2015
Amended on 11/13/15
Approved by Interfaculty Council on 11/18/15