

BOARD OF TRUSTEES of WESTERN ILLINOIS UNIVERSITY

REGULATIONS

Approved: March 7, 2003

Section: **II. Employees**

Subsection: **A. General**

II. Employees

A. General

1. Coverage

This Section (II.) applies to all faculty, administrative, civil service, and other employees of Western Illinois University unless otherwise provided by these Regulations, by law, or by the terms of a collective bargaining agreement.

2. Authority to Employ

The Board of Trustees of Western Illinois University is the employer of all faculty, administrative, civil service, and other employees of Western Illinois University. All civil service employees within the System are employed in accordance with the provisions of 110 Illinois Compiled Statutes Chapter 24½, Section 38b1 et seq., as amended, and the rules of the Merit Board.

3. Delegation of Authority

- a. Board approval shall be required for hiring, creating, eliminating, or significantly modifying of the positions of President, Provost/Vice President, Dean, or Associate/Assistant Provost/Vice President who supervises Deans. The President shall inform the Board of the appointment, promotion, resignation, retirement, or other event concerning the employment of a Provost/Vice President, Dean, or Associate/Assistant Provost/Vice President who supervises Deans as soon as possible after the event.
- b. Board approval shall be required for the award of tenure, the final, involuntary separation of an employee to be effective during the term of an employment contract, the final approval of contracts with any collective bargaining representative, and, where applicable, creation, elimination, or modification of the categories of appointment specified in paragraph 4. below.
- c. All appointments and promotions shall be made by the President except as stated in 3.a. above. The President shall consult with the Board's Chairperson before appointing a Provost/Vice President.
- d. Acceptance of the resignation of an employee on behalf of the Board may be made by the President of the University or his designee.

4. Categories of Employment

- a. Faculty employees shall be categorized as follows:
 - (1) Type of Appointment
 - (a) Probationary
 - (b) Tenure
 - (c) Temporary
 - (d) Associate Faculty (permanent temporary)

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4. Categories of Employment (continued)

- (2) Rank
 - (a) Instructor
 - (b) Assistant Professor
 - (c) Associate Professor
 - (d) Professor
 - (3) Bargaining Unit Status
- b. Administrative employees shall be categorized as follows:
- (1) Level I includes employees who hold the position of Provost/Vice President.
 - (2) Level II includes employees who report directly to the President, or to a Provost/Vice President and who are directly responsible for administration or coordination of: (a) multiple organizational units and/or functions; (b) generic and complex instructional activities such as graduate education or continuing education; or (c) substantial, generic, and complex activities or functions which are university-wide in scope. Employees in this category will hold titles such as Associate/Assistant Provost/Vice President, Dean, or Director and will be responsible for such activities as administration of a college, graduate education, continuing education, student services, library, admissions and records, business operations, physical plant, budget planning, advancement/public services, legal services, or institutional research.
 - (3) Level III includes employees who hold the position of Assistant to the President or the Provost/Vice President. Level III also includes employees who report directly to the President, or to employees in Level I or II and who are directly responsible for administration or coordination of: (a) major subdivisions of organizational units or functions; (b) major subdivisions of generic and complex instructional activities such as graduate education or continuing education; or (c) major subdivisions of substantial, generic, and complex activities or functions which are university-wide in scope. Employees in this category will hold titles such as Associate/Assistant Vice President, Associate/Assistant Dean, Registrar, Director, Associate/Assistant Director, or Coordinator.
 - (4) Level IV includes employees who are responsible for specific professional activities or services requiring high level academic preparation and/or conceptual skills or who are directly responsible for administration or coordination of a single organizational unit of limited scope. Employees in this category will hold titles such as Director, Associate/Assistant Director, Coordinator, Supervisor, Internal Auditor, Specialist, Administrator, or Manager.

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4. Categories of Employment (continued)

- (5) Level V includes employees who occupy positions which call for professional preparation and competence but which are essentially entry or intermediate level support positions.
- (6) Medical doctors providing health services.
- (7) Department Chairpersons (hereinafter referred to as Chairpersons).
- c. Civil Service and other employees, including without limitation, lecturers and adjunct appointments, shall be categorized pursuant to guidelines established by the President.

5. Appointment Procedures

a. Adoption of Appointment Procedures

The University shall develop procedures for the appointment (including acting appointment) of faculty, administrative, civil service, and other employees. The procedures shall contain such provisions as are necessary and appropriate and shall be: (a) consistent with the Board's delegation of authority in Section II.A.3.; (b) consistent with the Board's commitment to affirmative action and nondiscrimination in employment practices; and (c) consistent with the Board's policy on participation in University governance. The procedures and any changes shall take effect when approved by the President for the University.

b. Policy on the Avoidance of the Appearance of Nepotism by WIU Administrative Officers

All Western Illinois University employees who have control or influence over decisions involving the use of public resources or authority have the responsibility to exercise that control or influence in a manner which maintains public confidence in the integrity of the institutional decision making processes. This responsibility includes the expectation that, in their exercise of this control or influence, employees will avoid creating the appearance of nepotism as well as other forms of conflict of interest. This expectation is generally best enforced through such normal processes of institutional shared governance and self regulation as the submission of the decision in question to open review by disinterested third parties or the withdrawal from the decision making process of those persons who may directly or indirectly influence the process for the benefit of close relatives.

In those situations where the decision maker is the President or Vice President the reality and perception of their influence and power is such that it would not be possible for them to avoid the appearance of a conflict of interest by merely submitting the decision to review or by withdrawing from the decision making process. In the absence of special circumstances which may be considered by the Board on a case by case basis, no person who is a close relative, or who is, regardless of relationship, a member of the same household of the President, or Vice President, shall be employed in any position which is under the administrative control of that

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5. Appointment Procedures (continued)

- b.** Policy on the Avoidance of the Appearance of Nepotism by WIU Administrative Officers (continued)

officer who is their close relative or of whose household they are a member.

This policy shall not apply to employment decisions made before its adoption. The President shall be responsible for ensuring compliance with this policy. The President, in consultation with the Officers of the University, shall develop a definition of the term "close relative" and "member of the same household."

6. Educational Requirements

The University shall develop a policy concerning the educational requirements necessary for appointment to faculty rank, including temporary appointments. All educational requirements shall be fulfilled by study in an accredited institution of higher education. The policy shall include the following provisions and such other provisions as are necessary and appropriate:

- a. the minimum educational requirements necessary for appointment;
- b. any exceptions to the minimum requirements.

The policy and any changes shall become effective when approved by the President.

7. Position Descriptions

A description shall be prepared for each administrative position, including Chairpersons, in the University, except for the position of President, which is described in the Section II.B.2. and 3., and for each civil service and other position. The President, after consultation with the Officers of the University, shall develop guidelines for the preparation, review, modification, and maintenance of position descriptions.

8. Administrative Organization

An organization chart of the administrative structure shall be prepared. Board approval shall be required for any significant changes in organization prior to their taking effect.

9. Employee Benefits

- a. Eligibility

The following provisions apply to faculty, administrative, civil service, and other employees not covered by a collective bargaining agreement, subject to the eligibility requirements stated in these Regulations.

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9. Employee Benefits (continued)

b. Military Leave

- (1) An employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave for any period actively spent in such military service, including basic training, special or advanced training, and annual training.
- (2) During such leaves, the employee's seniority and other benefits shall continue to accrue.
- (3) During leaves for annual training the employee shall continue to receive his or her regular compensation. During leaves for basic training and for up to 60 calendar days of special or advanced training, if such employee's compensation for military activities is less than his or her compensation as an employee of the University, he or she shall receive his or her regular compensation as an employee of the University, minus the amount of his or her base pay for military activities. The deduction of military pay from the salary of an employee of the University shall be reflected in the first payroll prepared after verification of the amount of the employee's military pay.
- (4) A member of the National Guard (or other state military component) who is called to temporary active duty in case of civil disturbance or natural disaster declared to be an emergency by the Governor may receive a combined wage from the University and the military equal to, but not exceeding, the employee's straight time daily rate for work days absent. If the daily rate received for temporary active duty exceeds the daily rate of the employee from the University, the employee may elect to accept the higher rate in which instance the employee shall receive no compensation from the University. The amount of compensation received for temporary active duty shall be reported to the University within thirty days after release from temporary active duty. Appropriate adjustment to offset the amount received shall be made in the next regular payroll. Time used for temporary active duty shall not be deducted from the time allowed for regular military training periods in accordance with the preceding paragraphs.

c. Leave for Court Required Service

An employee who is summoned for jury duty or subpoenaed as a witness before a court of competent jurisdiction or as a witness in a proceeding before any federal or state administrative agency shall be granted leave with pay and any jury or witness fees may be retained by the employee, provided that no employee shall be given leave with pay for:

- (1) appearing as a party in a non-job related proceeding involving such employee;
- (2) appearing as an expert witness when the employee is compensated for such appearance; or

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9. Employee Benefits (continued)

c. Leave for Court Required Service (continued)

- (3) appearing as a plaintiff or complainant in a proceeding in which the Board, or the University, is a defendant or respondent.

In granting leave of absence for jury duty, an employee may be required to return to work for the time during which the employee is not required in any jury attendance.

d. Benefits While on Compensated Leave

- (1) An employee shall earn vacation leave and sick leave while on compensated leave other than educational leave or administrative leave.
- (2) An employee on compensated leave may continue to contribute toward and receive the benefits of any State or Board insurance program and may continue to contribute toward and receive retirement credit in the State Universities Retirement System if the laws, rules, regulations, policies, and procedures governing the administration of such insurance programs or the State Universities Retirement System so permit.
- (3) Upon return to the University from a compensated leave, an employee's salary shall be adjusted to reflect nondiscretionary increases which the employee would have received if not on leave.

e. Emergency Leave

- (1) If an emergency arises (such as a severe snow storm, tornado, riot, etc.) in which the safety, health, or welfare of employees is a matter of concern, the President of the University may order employees to absent themselves from work with pay.
- (2) Civil Service employees ordered to absent themselves from work under such circumstances shall not lose seniority because of such absence.
- (3) Employees not excused from work under such circumstances who fail to report for work as scheduled may be denied compensation for such absence.

f. Extended Sick Leave

The President of the University or his/her designee may grant an employee sick leave with full pay for a period not to exceed 60 calendar days, if the employee: (1) has completed at least three full years of service at the University; (2) has exhausted all sick leave benefits; (3) is a participant in the State Universities Retirement System; and (4) is entitled to and has applied for disability benefits under the State Universities Retirement System.

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9. Employee Benefits (continued)

g. Implementing Policies

The University may develop policies implementing the benefits specified in this Subsection A.9., Subsection B.12., and Subsection C.7. of this regulation. The policies and any changes shall become effective when approved by the President.

9.1 Federal Family and Medical Leave Act

Regardless of any other provisions of these Regulations, and in addition to any other benefits provided to employees, all employees who have a total cumulative service of at least 1 year with the University and who have worked for 1,250 hours over the last 12 months, may take up to a total of 12 weeks unpaid leave during any 12-month (fiscal year) period under the federal Family and Medical Leave Act (FMLA) of 1993. FMLA leave may be taken for one or more of the following purposes:

- a. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- b. Because of the placement of a son or daughter with the employee for adoption or foster care.
- c. In order to care for the spouse, domestic partner, or a son, daughter, or parent, of the employee, if such spouse, domestic partner, son, daughter, or parent has a serious health condition.
- d. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

FMLA leave for the birth or adoption or foster care placement of a son or daughter may be taken on an intermittent or reduced work schedule and, except where the date of birth or adoption or foster care placement requires leave to begin earlier, will only be given after 30 days' advance notice. If an employee has accrued any paid vacation leave, compensatory time, personal leave, or other family or parental leave under any other University benefit provision, that leave may be substituted for unpaid FMLA leave taken for the birth or adoption or foster care placement of a son or daughter to the extent that such University leave would normally be available for this purpose under the circumstances in question.

FMLA leave taken because of the serious health condition of the employee, or to care for an employee's spouse, domestic partner, son, daughter, or parent with a serious health condition, must be supported by certification from a health care provider, and may be taken on an intermittent or reduced work schedule of not less than half hour periods when the medical necessity for such a schedule is supported by such certification. Where the need to take such leave is foreseeable based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment in an operationally nondisruptive manner, and shall provide 30 days advance notice, or such notice as is practicable if the treatment must begin earlier. Under the conditions defined by the

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9.1 Federal Family and Medical Leave Act (continued)

FMLA and in a manner consistent with University procedures, second and third medical opinions and recertifications may be required and an employee on intermittent or reduced leave may be required to transfer temporarily to an available alternative position. If the employee has accrued any paid vacation leave, compensatory time, personal leave, or any other medical or sick or family or parental leave under any other University benefit provision, that leave may be substituted for the unpaid FMLA leave taken for the serious health condition of the employee or to care for the employee's spouse, domestic partner, son, daughter, or parent with a serious health condition to the extent that such University leave would normally be available for this purpose under the circumstances in question. Certification that an employee is able to return to work will be required for return from FMLA leave taken because of the serious health condition of the employee under the same terms and conditions currently applicable to employees under existing state laws and regulations, Board Regulations, and collective bargaining agreements.

In general, an employee on unpaid FMLA leave will be entitled to be restored to the same or an equivalent position on return from the leave, and will be treated in regards to entitlement to benefits while on leave in the same manner as any other employee on leave without pay, with the exception that health benefits coverage shall be extended to an employee on FMLA leave for the duration of such leave at the level and under the conditions of coverage which would have been provided if the employee had continued in employment continuously for the duration of the leave. Under circumstances where University provided paid leave is substituted for FMLA unpaid leave, employees will be entitled and will accrue benefits to the extent and in the manner provided for by Board Regulations and collective bargaining agreements governing paid leave. The maintenance of health benefits for employees on FMLA leave will be governed by the rules and procedures adopted by the Department of Central Management Services for this purpose.

10. Outside Employment

An employee's participation in outside employment must be consistent with the employee's obligation to the Board as the primary employer and is subject to such conditions as may be imposed by federal or state law or the terms of a collective bargaining agreement.

11. Retirement

Employees are subject to the statutes and rules governing the State Universities Retirement System (Article 1, 15 & 20 of Illinois Pension Code).

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II. Employees (continued)

A. General (continued)

12. Tax Deferred Supplemental Retirement Plan

In accordance with the applicable provisions of the Internal Revenue Code and "An Act in relation to State Finance", approved June 10, 1919 as amended, the Board has adopted a plan for the employees of the Board to be known as the "Tax Deferred Supplemental Retirement Plan," as described in this regulation.

a. Approval of Companies

The Board will approve, suspend, or remove companies authorized to issue tax deferred supplemental retirement contracts under this plan.

b. Conditions of Agreement With Employees

Each person now employed or hereafter employed by the Board shall, while this plan remains in effect, have the privilege of electing to participate in the Tax Deferred Supplemental Retirement Plan in consideration for which the Board shall pay the amount of adjustment in earnings agreed to by the employee to any of the companies approved by the Board, as hereinafter provided, to be applied to the employee's contract under which the employee's rights are non-forfeitable except for failure to make future contributions.

Each employee who desires to participate in this plan shall elect to do so in writing on forms provided by the Human Resources Office.

13. Tuition Waiver Plan

a. Summary: This regulation constitutes the Western Illinois University Tuition Waiver Plan, which is established within the meaning of the Internal Revenue Code.

b. Purpose: The purpose of the Plan is to provide Eligible Employees a means of obtaining Tuition Waivers.

c. Applicability: The provisions of the Plan are applicable only to Eligible Employees of the Employer in current employment on or after the Effective Date.

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13. Tuition Waiver Plan (continued)

- d. Definitions: Whenever used in the Plan, the following terms shall have the meanings set forth below, unless otherwise expressly provided.
- (1) "Code" means the Internal Revenue Code, as amended from time to time.
 - (2) "Collective Bargaining Agreement" means any agreement in effect on or after the effective date between the Employer and any duly certified "exclusive representative," as defined in the Illinois Educational Labor Relations Act.
 - (3) "Effective Date" means January 1, 1987.
 - (4) "Eligible Employee" means any employee who meets the conditions for eligibility for a tuition waiver set forth in the Regulations or a Collective Bargaining Agreement.
 - (5) "Employer" means the Board of Trustees of Western Illinois University.
 - (6) "Employee" means an employee of the Employer.
 - (7) "Member" means an Employee who meets the conditions of paragraph e. of the Plan.
 - (8) "Plan" means the Western Illinois University Tuition Waiver and Educational Assistance Plan, as set forth in this regulation, and as may be amended from time to time.
 - (9) "Regulations" means the Regulations of the Board of Trustees of Western Illinois University, as amended from time to time.
 - (10) "Tuition Waiver" means any tuition waiver available to any Eligible Employee in accordance with the Regulations or any Collective Bargaining Agreement.

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13. Tuition Waiver Plan (continued)

e. Incorporation by Reference

The specific benefits available to Eligible Employees under the Plan are described in Sections II.B.12.i. and II.C.7.h. of these Regulations and the Tuition Waiver provisions of the collective bargaining agreement between the Board and the University Professionals of Illinois, which are hereby incorporated by reference herein.

f. Membership

Any Eligible Employee shall become a Member in the Plan on the first day of eligibility for a Tuition Waiver, but not before the effective date, provided that membership in the Plan by such Employee does not constitute discrimination under the Code and regulations promulgated thereunder.

g. Duration of Membership

A Member shall cease to be a Member when he or she is no longer eligible for a Tuition Waiver.

h. Commencement of Participation

Participation in the Plan shall commence when a Member receives a Tuition Waiver and shall remain in effect for the duration of such Tuition Waiver.

i. Administration

- (1) The Employer has the full authority to administer the Plan and adopt, amend, or revoke internal management procedures which are consistent with, and necessary to implement and maintain, the Plan.
- (2) The Employer intends that the Plan terms, including those relating to coverage and benefits, are legally enforceable and that the Plan shall at all times be maintained for the exclusive benefit of the Employees.
- (3) The Employer shall provide reasonable notification to Eligible Employees of the benefits available under the Plan.
- (4) The plan year for the Plan is the fiscal year of the University.

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13. Tuition Waiver Plan (continued)

j. Amendment and Termination

- (1) The Plan is established with the intention that it be maintained indefinitely; however, the Employer reserves the right to amend the Plan from time to time and to terminate the Plan at any time.
- (2) Notwithstanding any provision hereof to the contrary, the Plan shall be automatically amended or terminated, effective as of the effective date of any provision of the Code or regulations promulgated thereunder requiring such amendment or termination.

14. Official Residences, Offices, and Automobiles

- a. The President shall be required as a condition of employment to live in an official residence provided by the Board. The official residence shall include a public area to be used for ceremonial and entertainment purposes, as well as other university business. The official residence shall have installed a separate telephone line to the University and other equipment which may be needed to enable the President to maintain direct contact with the institution and perform official duties on an on-call basis. The Board shall maintain the official residence and its grounds and provide housekeeping services and furnishings for the public area.
- b. The President shall submit to the Board for approval an annual budget for repair, remodeling, and furnishing of the official residence. Requests for Board approval of such projects shall be accompanied by a description of the project, a project budget, and a statement of justification. In addition, prior Board approval shall be required for each such project which has not been previously approved by the Board, provided that in emergency situations such approval may be granted by the Board Chairperson, after consultation with the President, and reported to the Board at its next meeting.
- c. The President shall be provided by the Board with an automobile for official business and personal use.

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II. Employees

Intellectual Property Policy

Approved: March 5, 2004

Subsection:

A. General

II. Employees (continued)

A. General (continued)

15. Employees Licensed to Practice Law

Unless appearing pro se, employees of the Board who are licensed to practice law may not represent any person or entity in any litigation, administrative proceeding, or other matter (other than proceedings conducted pursuant to Board or university regulations or procedures or a collective bargaining agreement to which the Board is a party) in which the Board, the University, or other employees of the Board are adverse parties.

16. Labor Relations

- a. Authority for the negotiation, administration, and coordination of all collective bargaining agreements and overall responsibility for labor relations activities is delegated by the Board to the President. There shall be an on-site contract administrator designated by the President to handle the day-to-day implementation of collective bargaining agreements on campus.
- b. No collective bargaining agreement shall be effective or implemented until first ratified by the certified employee representative and then approved by the Board.
- c. All collective bargaining agreements shall be signed by the Chairperson and Secretary of the Board or, where appropriate, by officials of the University authorized to sign such instruments in the names of the Chairperson and Secretary.

17. Intellectual Property Policy

a) Definitions

- 1) **Intellectual Property:** The term “intellectual property” as used herein is broadly defined to include inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data, and other creative or artistic works that have value. Intellectual property includes that which is protectable by statute or legislation, such as patents, copyrights, trademarks, service marks, trade secrets, mask works, and plant variety protection certificates. It also includes the physical embodiments of intellectual effort, for example, models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research, and other examples cited under clause (5).
- 2) **Technology Transfer:** Technology Transfer involves the assignment of the right to use the intellectual property resulting from the scholarly activities at the University to the for-profit sector for commercialization. The specific rights such as further development of the product(s) based on the technology, manufacturing, marketing, and offering for sale in a defined geographic territory, and the financial returns for these rights are agreed upon under a negotiated business agreement with an external agency.

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17. Intellectual Property Policy (continued)

A. Definitions (continued)

- 3) **Patent:** A patent is the exclusive right to exclude others from making, using, or selling an invention for a specified period granted by the federal government to the inventor of a device or process if the device or process is novel, useful, and non-obvious.
- 4) **Copyright:** Copyright protection subsists in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.
- 5) **Traditional academic copyrightable works:** Traditional academic copyrightable works are a subset of copyrightable works created independently and at the creator's initiative for traditional academic purposes. Examples include class notes, course materials, syllabi, books, theses and dissertations, educational software (also known as courseware or lessonware), articles, non-fiction, fiction, poems, musical works, dramatic works including any accompanying music, pantomimes and choreographic works, pictorial, graphic and sculptural works, or other works of artistic imagination that are not created as an institutional initiative.
- 6) **Works created as an institutional initiative:** These are "commissioned works" sometimes referred to as "works for hire." For example, if a faculty member was paid to design a new logo for a college, this would be considered a work created as an institutional initiative.
- 7) **Non exclusive right to use:** This gives the university the right to use a specific intellectual property without limiting the creator's right to license or sell that work to other parties.

B. Patents

- 1) All potential patentable inventions conceived or first reduced to practice in whole or in part by members of the faculty or staff (including student employees) of the University in the course of their University responsibilities or with more than incidental use of University resources, shall be disclosed on a timely basis to the Office of Technology Transfer. Title to such inventions shall be assigned to the University, regardless of the source of funding, if any (unless a prior agreement is negotiated between the University and the sponsoring agency). Any decision to reassign ownership rests with the Intellectual Property Oversight Committee.
- 2) The University shall share royalties from inventions assigned to the University with the inventor.

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A. General (continued)

17. Intellectual Property Policy (continued)

b) Patents (continued)

- 3) The inventors, acting collectively where there is more than one, are free to place their inventions in the public domain if they believe that would be in the best interest of technology transfer and if doing so is not in violation of the terms of any agreements that supported or are related to the work.
- 4) If the University cannot, or decides not to, proceed in a timely manner to patent and/or license an invention, it may reassign ownership to the inventors upon request to the extent possible under the terms of any agreements that supported or are related to the work.
- 5) Waivers of the provisions of this policy may be granted by the Intellectual Property Oversight Committee on a case-by-case basis, giving consideration among other things: to University obligations, to sponsors, whether the waiver would be in the best interest of technology transfer, whether the waiver would be in the best interest of the University, and whether the waiver would result in a conflict of interest.

c) Copyrights

- 1) The Board recognizes that the creation of scholarly materials can be of benefit to the author and the Board and the University and thus it is to be encouraged. Therefore, the Intellectual Property Policy is intended to foster the traditional freedoms of faculty, staff, and students with regard to the creation and publication of copyrightable works. At the same time, this policy is intended to provide a fair and reasonable balance of the interests in such works among authors, sponsors, and the Board and the University.
- 2) Works subject to copyright may include, but are not limited to, the following:
 - (a) books, journal articles, texts, glossaries, bibliographies, and proposals
 - (b) study guides, laboratory manuals, syllabi, and tests
 - (c) lectures, dramatic or musical works, and unpublished scripts
 - (d) films, film strips, charts, transparencies, and all other visual aids
 - (e) pictorial, graphic, and sculptural works
 - (f) audio and video tapes and cassettes
 - (g) programmed instruction materials
 - (h) computer programs
- 3) University Rights in Creator-Owned Works:
 - (a) Traditional academic copyrightable works created using University resources usually and customarily provided (including internally funded grants) are owned by the creators.

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II. Employees (continued)

A. General (continued)

17. Intellectual Property Policy (continued)

c) Copyrights (continued)

3. University Rights in Creator-Owned Works (continued)

- (b) Traditional academic copyrightable works created with use of University resources over and above those usually and customarily provided shall be owned by the creators but licensed to the University. The minimum terms of such license shall grant the University the right to use the original work in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis. When the circumstances of development lead the University to claim more than minimum license rights, the rights of the creator and the University shall be outlined in a written agreement prior to development. Questions or conflicts shall be resolved by the Intellectual Property Oversight Committee.
- 4) Indemnification: The author shall certify in writing that, to the best of the author's knowledge, the materials used in the relevant intellectual property do not infringe on any existing copyright or other legal right. The University shall require the author to agree in writing to indemnify and hold harmless the University from and against all damages, costs, and expenses to which it may be subjected as a result of infringement of copyright or other legal rights pertaining to the materials.
- 5) Works owned by the author may be copyrighted, published, and distributed by the author, or by others to whom the author has assigned such rights, subject only to any license referred to in clause (3) above. Authors may request that the work be produced through the University's technology transfer unit; and, if the request is granted, an agreement will be drawn up specifying the duties of the author and the University's technology transfer unit, the distribution of any income received between the author and the University's technology transfer unit (for the benefit of the University), and other mutually agreed upon terms. The agreement shall be approved by the Intellectual Property Oversight Committee, after considering the recommendations of the Provost and the appropriate research administrator or committee.
- 6) Course-related Intellectual Property: Faculty who develop course-related intellectual property as part of the normal duties shall retain ownership and control of the material throughout their employment at Western Illinois University. The University shall have the right of first refusal with respect to the marketing of such materials for use outside of the University and the University shall retain a non-exclusive license to use the material for instructional purposes. When an employee leaves the University, the University shall continue to retain a non-exclusive license to use the material for instructional purposes for all course-related intellectual property developed by the employee while employed by the University.

Faculty owners of course-related intellectual property maintain the right to update, correct, or withdraw course material from use. In the interest of maintaining instructional continuity, the University may negotiate a transition agreement with the owners of course-related intellectual property that specifies a "phase-out" period before the intellectual property is

Section: II. Employees

Subsection: A. General

II. Employees (continued)

A. General (continued)

17. Intellectual Property Policy (continued)

c) Copyrights (continued)

6) Course-related Intellectual Property (continued)

withdrawn from use. If an agreement cannot be reached a minimum phase-out period of over year shall be granted to the University.

d) Ownership Resolution

If an author is uncertain about the ownership of a work arising out of a particular project, before undertaking the project the author shall be entitled to request in writing and to receive a clarifying written statement from the Intellectual Property Oversight Committee.

e) Implementation

- 1) Derivative Policies: The University may develop derivative policies implementing the provisions of the sections on copyrights and patents above.
- 2) The Intellectual Property Oversight Committee: The application of the Intellectual Property Policy will be supervised by the Intellectual Property Oversight Committee. The committee will meet at least three times a year to review the commercialization of intellectual property produced by the University community and to hear appeals on the application of the Intellectual Property Policy to particular cases. Appeals may be brought by the creator(s) of intellectual property, their college or vice presidential area or by the University administration. The Intellectual Property Oversight Committee will consist of five members each appointed for a three-year period. Two members of the committee will be faculty members (from different colleges) appointed by Faculty Senate, one member will be appointed by Deans' Council, one member will be appointed by the Vice President for Administrative Services, and the final member will be the Director of the Office of Sponsored Projects. The Director of the Office of Technology Transfer will serve as a non-voting ex officio member of the committee. Minutes will be recorded for all meetings of the Intellectual Property Oversight Committee and these minutes will be kept for a minimum of seven years.
- 3) Division of Revenues: The Office of Technology Transfer shall keep detailed records of the direct costs incurred to commercialize individual intellectual properties. The creator(s) of the intellectual property who contribute their own funds to the research and/or development of the property must keep detailed records of the direct costs (including receipts). Both the University and the creators will be allowed to recover direct costs before further revenue is divided. After the costs have been recovered further revenue shall be divided as follows:
 - (a) Fifty percent to the creator or creator(s) of the intellectual property. If no prior agreement proportioning the distribution of creator revenues exists then the revenue will be divided equally.

Section: II. Employees

Subsection: A. General

II. Employees (continued)

A. General (continued)

17. Intellectual Property Policy (continued)

e) Implementation (continued)

3) Division of Revenues (continued)

(b) Twenty-five percent to the creator's or creators' college(s) (or to the University library in cases in which a creator is a member of library faculty or staff). If a creator does not belong to an academic college or the library then the revenues accrue to the creator's vice presidential area. If there are multiple creators then revenues accrue to their units in the same proportion that governs the distribution of the creators' revenues.

(c) Twenty-five percent to the Office of Technology Transfer.

The formula governing the division of revenues may be modified by the Intellectual Property Oversight Committee in individual cases.

f. Student and Collaborative Works

- 1) **Student Intellectual Property:** All works of Intellectual Property produced by students as part of their course or thesis work belong to the students who created the work. Students may submit their Intellectual Property to the Office of Technology Transfer to be considered for commercialization. Students who wish to have their Intellectual Property commercialized through the Office of Technology Transfer must agree to abide by the University's Intellectual Property Policy. The college portion of the revenue generated from student Intellectual Property will accrue to the college or the creator's major.

Student intellectual property created with use of University resources over and above those usually and customarily provided shall be owned by the creators but licensed to the University. The minimum terms of such license shall grant the University the right to use the original work in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis. When the circumstances of development lead the University to claim more than minimum license rights, the rights of the creator and the University shall be outlined in a written agreement prior to development. Questions or conflicts shall be resolved by the Intellectual Property Oversight Committee.

- 2) **Student Collaborations with Faculty or Staff:** Intellectual Property that is produced by collaborations between students and faculty or staff will be treated in the same manner as collaborations involving only faculty and staff.
- 3) **Interagency Collaborations:** Intellectual Property created through collaborations between the faculty and staff employed by Western Illinois University and individuals (other than students of Western Illinois University) who are not employed by the University may be eligible for commercialization through the Office of Technology Transfer. In such cases, all creators and (where appropriate) their employers must agree in writing to be bound by the terms of Western Illinois University's Intellectual Property Policy.

BOARD OF TRUSTEES of WESTERN ILLINOIS UNIVERSITY

REGULATIONS

Approved: March 5, 2004

Section: II. Employees

Subsection: A. General

II. Employees (continued)

A. General (continued)

17. Intellectual Property Policy (continued)

f) Student and Collaborative Works (continued)

3) Interagency Collaborations (continued)

Notes: The term “resources usually and customarily provided” refers to the resources provided to faculty members in the normal course of their duties. The exact nature of such resources can be highly specific to the academic area of the faculty member(s). If the Intellectual Property Oversight Committee needs to clarify whether a particular resource is “usually and customarily provided” it will abide by the judgment of the faculty member’s departmental committee.