

**THE UNIVERSITY OF WYOMING
BOARD OF TRUSTEES'
REPORT & SUPPLEMENTAL MATERIALS**

**August 11, 2021
Conference Call Meeting**

**The final report can be found on the University of Wyoming Board of Trustees Website at <http://www.uwyo.edu/trustees/>
University of Wyoming Mission Statement (July 2017)**

We honor our heritage as the state's flagship and land-grant university by providing accessible and affordable higher education of the highest quality; rigorous scholarship; the communication and application of knowledge; economic and community development; and responsible stewardship of our cultural, historical and natural resources.

In the exercise of our primary mission to promote learning, we seek to provide academic and co-curricular opportunities that will:

- Graduate students who have experienced the frontiers of scholarship and creative activity and who are prepared for the complexities of an interdependent world;
- Cultivate a community of learning energized by collaborative work among students, faculty, staff and external partners.
- Nurture an environment that values and manifests diversity, internationalization, free expression, academic freedom, personal integrity and mutual respect; and
- Promote opportunities for personal health and growth, physical health, athletic competition and leadership development for all members of the university community.

As Wyoming's only public university, we are committed to scholarship, outreach and service that extend our human talent and technological capacity to serve the people in our communities, our state, the nation and the world.

TRUSTEES OF THE UNIVERSITY OF WYOMING AGENDA
August 11, 2021
Conference Call Meeting

Note: Only topics that have support materials provided in advance of the meeting are contained within this report. Topics that will be discussed with only a verbal report do not have information included.

WORK SESSIONS

Consideration and Action: Trustees Annual Schedule of Items to Approve, Discuss or Report – Marsh.....4
Information: COVID-19 contingency planning – Seidel15
Biennium Budget Committee – John McKinley (Chair)
Consideration and Action: FY23-24 Prioritized Exception Budget Request – Theobald/Jewell16
Facilities Contracting Committee – John McKinley (Chair)
Consideration and Action: Lewis Street gas line easement – Mai17
UW Regulation Review Committee (ad hoc committee) – Kermit Brown (Chair)
Consideration and Action: Modification to UW Regulations – Brown/Evans
UW Regulation 9-1 (University Intellectual Property)26

AGENDA ITEM TITLE: Trustees Annual Schedule of Items to Approve, Discuss or Report, and Modification of Trustees Bylaws, Marsh

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:

[Committee of the Whole – Items for Approval]

Attachments are provided with the narrative.

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 - Driving Excellence
 - Inspiring Students
 - Impacting Communities
 - High-Performing University
- No [Regular Business]

EXECUTIVE SUMMARY:

The Board adopted the *Trustees Annual Schedule of Items to Approve, Discuss, or Report* at its meeting in May 2018. This schedule is reviewed and modifications to it are considered annually.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

Modifications of the Trustees Annual Schedule of Items to Approve, Discuss, or Report were last considered in September 2020.

WHY THIS ITEM IS BEFORE THE BOARD:

Pursuant to Article VIII, the Bylaws may be changed or amended at any regular meeting of the Trustees by a vote of two-thirds of all the members, provided that notice of the intention to change, amend, or add to the Bylaws, in whole or part, shall have been given in the notice of the meeting or shall have been given at a preceding meeting of the Trustees.

ACTION REQUIRED AT THIS BOARD MEETING:

The Board is asked to review modifications of the Trustees Annual Schedule of Items to Approve, Discuss, or Report for consideration and action at its August 2021 meeting.

PROPOSED MOTION:

I move to approve the *Trustees Annual Schedule of Items to Approve, Discuss, or Report*, and modification to the Trustees bylaws.

PRESIDENT'S RECOMMENDATION:

N/A



UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report

September

- **Consideration and Action:** Emeritus Faculty Designation (per UW Regulation 2-1)
- **Annual Report:** A list of deleted and new Courses (per UW Regulation 2-116)
- **Annual Report:** Faculty Appointments (per UW Regulation 2-1)
- **Annual Report:** UW Foundation Investments (per MOU with Foundation)
- **Annual Report:** Expenditures Marian H. Rochelle Gateway Center Facilities Maintenance Fund (per lease agreement with UW Foundation)
- **Annual Report:** Office of Diversity, Equity and Inclusion
- **Annual Report:** Intercollegiate Athletics (per UW Regulation 3-1)
- **Annual Report:** Status of implementation of the Strategic Plan and President's Report on Accomplishments
- **Annual Report:** Vice President for Finance and Administration on new Temporarily Restricted Endowment accounts established during the past year (per Trustee Directive)
- **State of Wyoming Agency Report**
- **Annual Report:** Fall Enrollment Census Day Report
- **Annual Report:** Vice President for Finance and Administration's report on balances, transactions and investment returns for the following Trustee reserve accounts (per Trustee Directive):
 - Passenger Plane Reserve Account
 - Risk Pool/ Litigation Reserve Account
 - Residence Hall Reserve Account
 - Recruitment and Retention Reserve Account
 - Special Project Reserve Account
 - Operating Reserve Account
 - Construction Reserve Account

October

- *Note: No scheduled topics for this month*

November

- **Consideration and Action:** Annual external audited financial reports (per Trustee Bylaws)
- **Discussion:** UW Fee Book proposal for coming academic year
- **Discussion:** Tuition policy (Board review should occur no later than: 2019, 2023, 2027)
- **Discussion:** Legislative priorities (reported out of Legislative Committee)
- **Annual Report:** Fiscal Year Carryforward Report (per UW Regulation 7-10)
- **Annual Report:** Faculty Workload (per UW Regulation 2-9)

December

- *Note: No scheduled topics for this month*



**UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report**

January

- **Consideration and Action:** UW Fee Book proposal for coming academic year (per UW Regulation 7-11)
- **Annual Report:** Sabbaticals/leave report from Academic Affairs for previous academic year (per UW Regulation 2-16)
- **Annual report:** Faculty Athletic Representative (FAR)
- **Annual Report:** Vice President for Research and Economic Development
- **Discussion:** Upcoming Fiscal Year Operating Budget Assumptions and Timeline
- **Discussion:** Appointment of new Trustees
- **Information Item:** Six month budget v. actual of annual operating budget
- **Appointment of BOT officer nomination committee**

February

- *Note: No scheduled topics for this month*

March

- **Consideration and Action:** Appointments for the Trustees Education Initiative
- **Consideration and Action:** Salary distribution policy for the next fiscal year [if necessary]
- **Annual Election of Board Officers to be effective May 1 of the same year**
- **Report:** Spring Enrollment Census Day Report
- **Discussion:** Enrollment Management Plan to include Financial Aid, Recruitment Marketing Plan, and Transfer Initiatives (per UW Regulation 7-11) (approval at May meeting)
- **Orientation:** New trustees (if applicable)
- **Information Item:** Recommendation of 3 year Academic Calendar from University Administration and Trustee Academic and Student Affairs Committee.
[Note - The Board reviews and approves a 3 year academic school year calendar, with the next scheduled review and action in May 2022.]

April

- April 15th – budget materials delivered to Trustee Biennium Budget Committee and Board of Trustees

May (Board Reorganization)

- **Consideration and Action:** Tenure, promotion, and 5-year fixed terms for faculty (per UW Regulation 2-7)
- **Consideration and Action:** Annual internal audit plan (per Trustee Bylaws)
- **Consideration and Action:** 3 year Academic Calendar
[Note - The Board reviews and approves a 3 year academic school year calendar, with the next scheduled review and action in May 2022.]



**UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report**

- **Consideration and Action:** Set the amount of the Deputy Treasurer's and Treasurer's bond and designate/set any other appropriate bonds (W.S. Sec. 21-3-110 a.) *[if necessary]*
- **Consideration and Action:** Designate depositories for UW funds (W.S. §21-17-426, WY Const. Art. 15, §7)
- **Consideration and Action:** Master List of Academic Programs (per UW Regulation 2-119)
- **Consideration and Action:** Enrollment Management Plan to include Financial Aid, Recruitment Marketing Plan, and Transfer Initiatives (per UW Regulation 7-11)
- **Discussion: Tuition including preliminary administrative recommendations** (per UW Regulation 7-11)
- **Information Item:** Public input on tuition recommendations for next academic year
- **Information Item:** Biennium/Supplemental Budget Timeline
- **First Trustee meeting conducted by the officers elected during preceding March meeting.**
 - Administer Oath to Board Secretary (W.S. Sec. 21-17-206) and file.
- File Conflict Disclosure from each Trustee in accordance with the Conflict Policy
- Designate committee appointments and appoint committee chairs for the following:
 - Fiscal and Legal Affairs (Sec. 7-2 Bylaws)
 - Biennium Budget Committee (Sec. 7-3 Bylaws)
 - Facilities Contracting Committee (Sec. 7-4 Bylaws)
 - Fiscal Management and Reporting Committee (Sec. 7-5 Bylaws)
 - Honorary Degrees Awards Committee (Sec. 7-6 Bylaws)
 - Vice President and Dean Search Committee (Sec. 7-8 Bylaws)
 - Academic and Student Affairs Committee (Sec. 7-9 Bylaws)
 - Research and Economic Development Committee (Sec. 7-10 Bylaws)
- Other Trustees Appointments:
 - Alumni Board
 - Foundation Board
 - Energy Resources Council
 - Cowboy Joe Club
 - Enhanced Oil Recovery Commission (Governor's Appointment)
 - Governor's Science Task Force (Governor's Appointment)

June

- **Consideration and Action:** Annual operating budget for the next fiscal year (per UW Regulation 7-1)

July (Out of Town Meeting & Meeting with Legislators)

- **Consideration and Action:** Next cycle of planning initiatives
- **Consideration and Action:** Approval and Adoption of Final Tuition Recommendations (per UW Regulation 2-200)
- **Consideration and Action:** Biennium/Supplemental Budget



**UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report**

- **Consideration and Action:** Trustees Annual Schedule of Items to Approve, Discuss, or Report
- **Consideration and Action:** Trustee Meeting Schedule for following two calendar years
- **Consideration and Action:** Annual UW Foundation fund raising priorities (per MOU with UW Foundation)
- Annual review of President Performance and Contract

August

- *Note: No Scheduled Topics for this Month*

Recurring and as needed Items:

- **Consideration and Action:** Approval of Agreements, Contracts, and Procurements (per UW Regulation 7-2) (*if necessary*) – Evans
- **Consideration and Action:** Grants and Contracts Report (per UW Regulation 5-2)
- **Amendments to Trustee Bylaws and UW Regulations**
- Discussion of items from any Trustee
- Personnel – Appointment of Academic and Non-Academic employees

Information Item [no action, discussion or work session]

- Capital Construction Report
- Contracts and Procurement Report (per UW Regulation 7-2)
- Foundation Monthly Giving Report

Annual Schedule of Events and Recognitions

September

- Faculty dinner honoring newly tenured, promoted and extended term and newly appointed faculty and academic professionals

November

- Annual Trustees Scholarship Event/Dinner
- Joint meeting with ERC (to be considered/confirmed on an annual basis)

January

- Reception/dinner with Trustees and Faculty Senate

March

- Lunch with Trustees and Staff Senate
- Recognition of outgoing ASUW President and Faculty Senate Chair



**UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report**

May

- Commencement Dinner and Commencement/Graduation Ceremonies
- Recognition of incoming ASUW President and Faculty Senate Chair

July (Out of Town Meeting)

- Reception and dinner with Trustees and Legislators
- Community dinner with Alumni and Friends
- Recognition of incoming and outgoing Staff Senate President

Approved by Board September 17, 2020



**UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report**

September

- **Consideration and Action:** Emeritus Faculty Designation (per UW Regulation 2-11)
- **Annual Report:** A list of deleted and new Courses (per UW Regulation 2-116)
- **Annual Report:** Faculty Appointments (per UW Regulation 2-1)
- **Annual Report:** UW Foundation Investments (per MOU with Foundation)
- **Annual Report:** Expenditures Marian H. Rochelle Gateway Center Facilities Maintenance Fund (per lease agreement with UW Foundation)
- **Annual Report:** Office of Diversity, Equity and Inclusion
- **Annual Report:** Intercollegiate Athletics (per UW Regulation 3-1)
- **Annual Report:** Status of implementation of the Strategic Plan and President's Report on Accomplishments
- **Annual Report:** Vice President for Finance and Administration on new Temporarily Restricted Endowment accounts established during the past year (per Trustee Directive)
- **State of Wyoming Agency Report**
- **Annual Report:** Fall Enrollment Census Day Report
- **Annual Report:** Vice President for Finance and Administration's report on balances, transactions and investment returns for the following Trustee reserve accounts (per Trustee Directive):
 - Passenger Plane Reserve Account
 - Risk Pool/ Litigation Reserve Account
 - Residence Hall Reserve Account
 - Recruitment and Retention Reserve Account
 - Special Project Reserve Account
 - Operating Reserve Account
 - Construction Reserve Account

Commented [RL1]: Academic Affairs added this item

October

- *Note: No scheduled topics for this month*

November

- **Consideration and Action:** Annual external audited financial reports (per Trustee Bylaws)
- **Discussion:** UW Fee Book proposal for coming academic year
- **Discussion:** Tuition policy (Board review should occur no later than: 2019, 2023, 2027)
- **Discussion:** Legislative priorities (reported out of Legislative Committee)
- **Annual Report:** ~~Fiscal Year Budget Report~~ Fiscal Year Carryforward Report (per UW Regulation 7-10)
- **Annual Report:** Faculty Workload (per UW Regulation 2-9)

Commented [RL2]: Academic Affairs requests guidance whether the Board would prefer a verbal report, or a written report (for executive session); with a public session agenda spotlighting a few faculty with different workloads

December

- *Note: No scheduled topics for this month*

Approved by Board September 17, 2020



**UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report**

January

- ~~and Action: Housekeeping changes to UW Regulations *if necessary*~~
- **Consideration and Action:** UW Fee Book proposal for coming academic year ([per UW Regulation 7-11](#))
- **Annual Report:** Sabbaticals/leave report from Academic Affairs for ~~following previous~~ academic year ([per UW Regulation 2-16](#))
- **Annual report:** Faculty Athletic Representative (FAR)
- **Annual Report:** Vice President for Research and Economic Development
- **Discussion:** Upcoming Fiscal Year Operating Budget Assumptions and Timeline
- **Discussion:** Appointment of new Trustees
- **Information Item:** Six month budget v. actual of annual operating budget
- **Appointment of BOT officer nomination committee**

Commented [TE3]: Suggest adding to recurring items later in the document

Commented [RL4]: Per Academic Affairs; annual report in January

February

- *Note: No scheduled topics for this month*

March

- **Consideration and Action:** Appointments for the Trustees Education Initiative
- **Consideration and Action:** Salary distribution policy for the next fiscal year [if necessary]
- **Annual Election of Board Officers to be effective May 1 of the same year**
- **Report:** Spring Enrollment Census Day Report
- **Discussion:** Enrollment Management Plan to include Financial Aid, Recruitment Marketing Plan, and Transfer Initiatives ([per UW Regulation 7-11](#)) (approval at May meeting)
- **Orientation:** New trustees (if applicable)
- **Information Item:** Recommendation of 3 year Academic Calendar from University Administration and Trustee Academic and Student Affairs Committee.
[Note - The Board reviews and approves a 3 year academic school year calendar, with the next scheduled review and action in May 2022.]

April

- April 15th – budget materials delivered to Trustee Biennium Budget Committee and Board of Trustees

May (Board Reorganization)

- **Consideration and Action:** Tenure, promotion, and 5-year fixed terms for faculty ([per UW Regulation 2-7](#))
- **Consideration and Action:** Annual internal audit plan (per Trustee Bylaws)
- **Consideration and Action:** 3 year Academic Calendar
[Note - The Board reviews and approves a 3 year academic school year calendar, with the next scheduled review and action in May 2022.]

Approved by Board September 17, 2020



**UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report**

- **Consideration and Action:** Set the amount of the Deputy Treasurer's and Treasurer's bond and designate/set any other appropriate bonds (W.S. Sec. 21-3-110 a.) *[if necessary]*
- **Consideration and Action:** Designate depositories for UW funds ([W.S. §21-17-426, WY Const. Art. 15, §7](#))
- **Consideration and Action:** Master List of Academic Programs ([per UW Regulation 2-119](#))
- **Consideration and Action:** Enrollment Management Plan to include Financial Aid, Recruitment Marketing Plan, and Transfer Initiatives ([per UW Regulation 7-11](#))
- **Discussion: Tuition including preliminary administrative recommendations** ([per UW Regulation 7-11](#))
- **Information Item:** Public input on tuition recommendations for next academic year
- **Information Item:** Biennium/Supplemental Budget Timeline
- **First Trustee meeting conducted by the officers elected during preceding March meeting.**
 - Administer Oath to Board Secretary (W.S. Sec. 21-17-206) and file.
- File Conflict Disclosure from each Trustee in accordance with the Conflict Policy
- Designate committee appointments and appoint committee chairs for the following:
 - Fiscal and Legal Affairs (Sec. 7-2 Bylaws)
 - Biennium Budget Committee (Sec. 7-3 Bylaws)
 - Facilities Contracting Committee (Sec. 7-4 Bylaws)
 - Fiscal Management and Reporting Committee (Sec. 7-5 Bylaws)
 - Honorary Degrees Awards Committee (Sec. 7-6 Bylaws)
 - Vice President and Dean Search Committee (Sec. 7-8 Bylaws)
 - Academic and Student Affairs Committee (Sec. 7-9 Bylaws)
 - Research and Economic Development Committee (Sec. 7-10 Bylaws)
- Other Trustees Appointments:
 - Alumni Board
 - Foundation Board
 - Energy Resources Council
 - Cowboy Joe Club
 - Enhanced Oil Recovery Commission (Governor's Appointment)
 - Governor's Science Task Force (Governor's Appointment)

June

- **Consideration and Action:** Annual operating budget for the next fiscal year (per UW Regulation 7-1)

July (Out of Town Meeting & Meeting with Legislators)

- **Consideration and Action:** Next cycle of planning initiatives
- **Consideration and Action:** Approval and Adoption of Final Tuition Recommendations (per UW Regulation 2-200)
- **Consideration and Action:** Biennium/Supplemental Budget

Approved by Board September 17, 2020



**UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report**

- **Consideration and Action:** Trustees Annual Schedule of Items to Approve, Discuss, or Report
- **Consideration and Action:** Trustee Meeting Schedule for following two calendar years
- **Consideration and Action:** Annual UW Foundation fund raising priorities ([per MOU with UW Foundation](#))
- Annual review of President Performance and Contract

August

- *Note: No Scheduled Topics for this Month*

Recurring and as needed Items:

- **Consideration and Action:** Approval of Agreements, Contracts, and Procurements (per UW Regulation 7-2) (*if necessary*) – Evans
- **Consideration and Action:** Grants and Contracts Report (per UW Regulation 5-2)
- **Amendments to Trustee Bylaws [and UW Regulations](#)**
- Discussion of items from any Trustee
- Personnel – Appointment of Academic and Non-Academic employees

Information Item [no action, discussion or work session]

- Capital Construction Report
- Contracts and Procurement Report (per UW Regulation 7-2)
- Foundation Monthly Giving Report

Annual Schedule of Events and Recognitions

September

- Faculty dinner honoring newly tenured, promoted and extended term and newly appointed faculty and academic professionals

November

- Annual Trustees Scholarship Event/Dinner
- Joint meeting with ERC (to be considered/confirmed on an annual basis)

January

- Reception/dinner with Trustees and Faculty Senate

March

- Lunch with Trustees and Staff Senate
- Recognition of outgoing ASUW President and Faculty Senate Chair

Approved by Board September 17, 2020



**UW Board of Trustees
Annual Schedule of Items to Approve, Discuss or Report**

May

- Commencement Dinner and Commencement/Graduation Ceremonies
- Recognition of incoming ASUW President and Faculty Senate Chair

Commented [TE5]: Do we want to add Honorary Degree awards for May?

July (Out of Town Meeting)

- Reception and dinner with Trustees and Legislators
- Community dinner with Alumni and Friends
- Recognition of incoming and outgoing Staff Senate President

AGENDA ITEM TITLE: COVID-19 contingency planning, Seidel

SESSION TYPE:

- Work Session
 Education Session
 Information Item
 Other:
[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 Driving Excellence
 Inspiring Students
 Impacting Communities
 High-Performing University
 No [Regular Business]

- Materials provided as supplemental.*

EXECUTIVE SUMMARY:

In ongoing mitigation efforts against the COVID-19 pandemic and in consideration of the developing concerns around variants of the virus, UW administration has drafted a fall COVID-19 plan. The Board will receive a brief update on UW's efforts to help mitigate the spread of the virus, which includes the implementation of a contingency plan for the fall 2021 semester.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

At its May 2020 meeting, the Board authorized a preliminary plan to open the university campus for the Fall 2020 semester. At its July 2020 meeting, the Board moved to authorize modification to the university's plan to restart campus, to require face coverings, and allow administration to make further modifications to campus plans related to COVID-19 without Board approval. At its March 2021 meeting, the Board passed a resolution directing the university president authority to reopen the university campus consistent with health policy guidelines and directives of the state and federal governments with regard to COVID-19. At its May 2021 meeting, the Board moved to not mandate COVID-19 vaccines, to follow CDC guidance with regard to social distancing and facial coverings, and sunset the university's mandatory surveillance program as of June 30, 2021.

WHY THIS ITEM IS BEFORE THE BOARD:

Continued updates on UW's response to the COVID-19 pandemic.

ACTION REQUIRED AT THIS BOARD MEETING:

N/A

PROPOSED MOTION:

N/A

PRESIDENT'S RECOMMENDATION:

N/A

AGENDA ITEM TITLE: FY2023-2024 Biennium Exception Budget Request, McKinley

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:
[Committee of the Whole – Items for Approval]

Materials provided as supplemental.

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 - Driving Excellence
 - Inspiring Students
 - Impacting Communities
 - High-Performing University
- No [Regular Business]

EXECUTIVE SUMMARY:

Exception budget requests are submitted as part of the state's biennium budget process in odd numbered calendar years.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

The Biennium Budget Committee met on July 28, 2021 and August 9, 2021 to review and prioritize exception requests to be submitted as part of the state's budget process.

WHY THIS ITEM IS BEFORE THE BOARD:

The Biennium Budget Committee is responsible for working with University administration as it develops and submits the University's budget requests to the Governor as a state agency, including the 067 University of Wyoming operating budget.

ACTION REQUIRED AT THIS BOARD MEETING:

Board action required as biennium budget exception requests are due to the Governor on August 9, 2021, as part of the state's budget process.

PROPOSED MOTION:

I move to authorize administration to submit the prioritized exception budget request list as presented.

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

**AGENDA ITEM TITLE: Facilities Contracting Committee: Lewis Street Gas Line Easement,
Mai**

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:
[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 - Driving Excellence
 - Inspiring Students
 - Impacting Communities
 - High-Performing University
- No [Regular Business]

Attachments are provided with the narrative—refer to Supplemental Materials Report.

EXECUTIVE SUMMARY:

This agenda item is to request approval for an underground gas line easement with Black Hills Energy across University land on the UW Campus in Laramie. The easement is part of the right of way vacation application and is for the existing gas line in the portion of Lewis Street proposed to be vacated from 11th Street to 13th Street (see attached map).

The requested easement area measures 10 feet wide and approximately 1,297 feet long. The easement area contains an existing underground 6” gas transmission line that provides gas service to the University. The easement terms will provide reasonable access and the right for Black Hills Energy to construct, operate, inspect, maintain, and repair the line, and associated appurtenances so long as the line remains in use. A building cannot be constructed on the easement without consent of Black Hills Energy.

The gas line was requested and funded by the University to serve the new West Campus Satellite Energy Plant. The line also provides additional gas capacity and redundancy to other University Campus facilities. Since the gas line was needed to service a new University facility, it is proposed not to charge Black Hills Energy an easement fee.

The easement and survey exhibits are complete, signed by Black Hills Energy and attached for review by the Facilities Contracting Committee. University administration is seeking approval of the easement and authorization to sign.

WHY THIS ITEM IS BEFORE THE COMMITTEE:

Per UW Regulation 7-2, the Board of Trustees reserves authority to approve and/or sign contracts for “Other matters involving real property, including but not limited to the lease of real property; easements; water rights and development; oil, gas and mineral leases; and federal or state government leases, permits, or licenses for longer than one year or more than \$50,000”.

ACTION REQUIRED AT THIS COMMITTEE MEETING:

Recommendation of approval of the gas line easement to the full Board and authorization for administration to sign.

PROPOSED MOTION:

“I move the Board approve the gas line easement with Black Hills Energy and authorize administration to sign as presented to the Board.”

PRESIDENT’S RECOMMENDATION:

The President recommends approval.

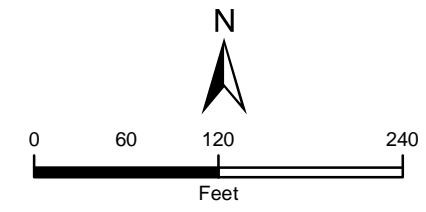


Lewis Street Gas Line Easement Black Hills Energy

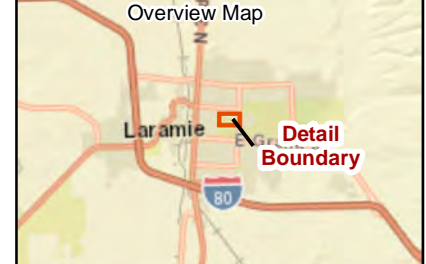
6/30/2021

Disclaimer: This map is provided as a visual aid only and its accuracy is not guaranteed.
Any duplication of this document is not permitted without prior written consent.

- Existing 6 Inch Gas Line
- Gas Line Easement (1288 Feet)
- Albany Count Parcels
- Proposed Row Vacation
- UW Properties



Prepared by:
Real Estate Operations



Prepared by, and after recording
please mail to:

Black Hills Energy
Attn: Jim
1301 W 24th St.
Cheyenne, WY 82001

EASEMENT FOR GAS LINES AND APPURTENANCES

THIS EASEMENT is made and entered into this ____ day of _____, 2021, by and between **Trustees of the University of Wyoming** "GRANTOR", and **Black Hills Wyoming Gas LLC**, 1301 West 24th Street, Cheyenne, WY 82001 "GRANTEE".

Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee, its lessees, licensees, successors and assigns, the right, privilege and perpetual underground pipeline easement to enter upon the lands of Grantor to survey, construct, operate, patrol, inspect, maintain, alter, add pipes, repair, rebuild and remove, on, under and over said lands lines for the transmission and distribution of gas and all appurtenances and appliances necessary in connection therewith, together with the right of ingress and egress to and from the said lines of Grantee over the lands of Grantor so that Grantee may go to and from said lines from the public roads adjacent to Grantor's lands, situate in the County of Albany, in the State of Wyoming, further described on the Exhibits attached hereto and incorporated herein by this reference. Easement shall be maintained at no cost to Grantor and under the following terms and conditions:

1. Grantee shall not enclose or fence said easement without the express written consent of Grantor. Grantee may use existing gates in fences which cross or which shall hereinafter cross the route of said lines. Grantee is given the right to trim, cut and clear away or otherwise control any trees, limbs, brush and vegetation on or adjacent to the above described easement whenever, in its judgment, such will interfere with or endanger the construction, safety, operation or maintenance of said lines. In exercising its rights of ingress and egress Grantee shall, whenever practicable, use existing roads or lanes and shall repair any damage caused thereby.
2. Grantor is hereby conveying the uses herein specified without divesting himself, his heirs or assigns, of the right to maintain, use and enjoy the above described premises: PROVIDED, however, such use shall not, in the judgment of said Grantee, interfere with or endanger the construction, safety, operation or maintenance of said lines, and provided further that no building shall be constructed on the easement without written permission from Grantee. In addition, the granting of any subsequent easements to third parties that either cross Grantee's gas lines or are situated within five feet of Grantee's gas lines shall require written permission from Grantee.

3. Grantee, its successors and assigns, agrees to lay all pipelines at sufficient depth to avoid interfering with cultivation of the soil or irrigation of landscaping and agrees to pay for any damage caused to land or other property of Grantor from the construction, operation or maintenance of said lines.
4. Title to said lines shall be and remain in said Grantee.
5. Grantee may assign or transfer rights under this easement to Grantee's principal, affiliates or subsidiaries of its principal upon reasonable written notice to Grantor. Grantee shall not assign nor transfer any of these rights to any third party.
6. Grantee agrees that during the period of construction, or any subsequent altering, removing or replacing, it will reclaim and restore the surface within the easement or on adjacent lands damaged due to construction and maintenance activities of the Grantee.
7. Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges granted herein.
8. Upon abandonment or discontinuance of use of this easement for the purposes specified above, all of Grantee's rights under this easement shall revert to the Grantor or its assigns, the same as if this grant had never been made. Failure to report, to the Grantor, the status of the use of this easement upon delivery and receipt of a written request from Grantor within 60 days of the request, shall be considered an indication that Grantee has abandoned this easement. Should this easement be abandoned by the Grantee, or its use discontinued for the specified purpose, Grantee shall return the above described tract of land to a condition satisfactory to the Grantor.
9. Grantor does not waive its sovereign immunity or its governmental immunity by entering into this Easement and fully retains all immunities and defenses provided by law with regard to any action based on this Easement. Any actions or claims against Grantor under this Agreement must be in accordance with and are controlled by the Wyoming Governmental Claims Act, W.S. 1-39-101 et seq. (1977) as amended.

This easement shall run with the land and shall be binding upon Grantor and Grantor's heirs, personal representatives, successors and assigns. Grantor hereby represents, warrants and covenants that Grantor is the sole owner(s) of the above-described land, subject to existing liens and right-of-way easement of record and has all rights to grant this easement.

IN WITNESS WHEREOF, this instrument has been executed on the day and year first above written.

GRANTOR:

Trustees of the University of Wyoming

Neil Theobald
Sr. Vice President for Finance and Administration

ACKNOWLEDGEMENT

STATE OF WYOMING)
) SS
COUNTY OF ALBANY)

The foregoing instrument was acknowledged before me by Neil Theobald as Sr. Vice President for Finance and Administration, this _____ day of _____, 2021.

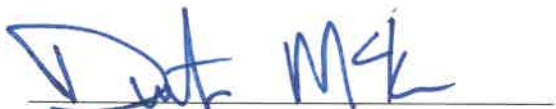
Witness my hand and official seal.

Notary Public

My Commission expires: _____.

GRANTEE:

Black Hills Wyoming Gas LLC



Dustin McKen
Director of Operations
Black Hills Wyoming Gas LLC

ACKNOWLEDGEMENT

STATE OF WYOMING)
) SS
COUNTY OF LARAMIE)

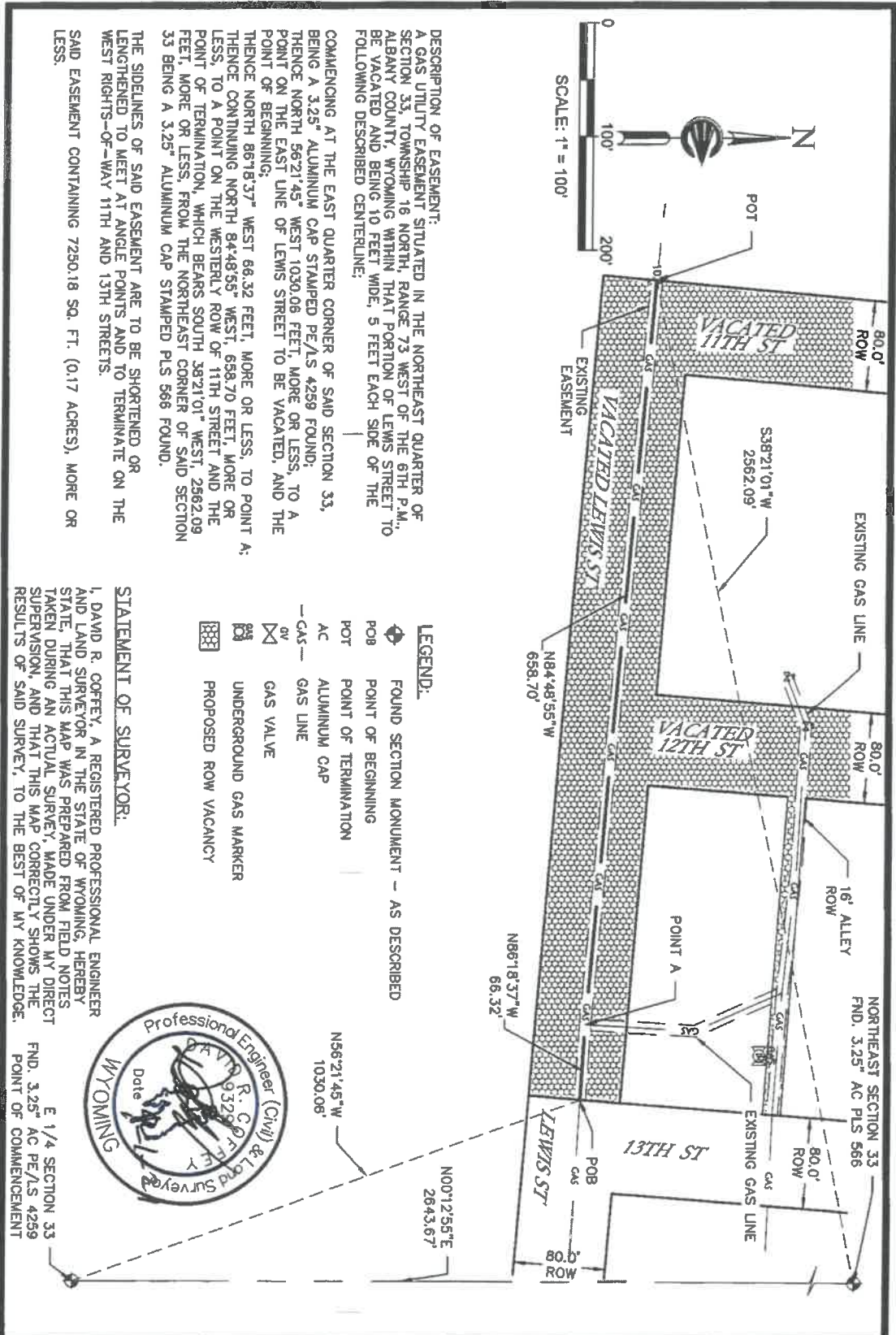
The foregoing instrument was acknowledged before me by Dustin McKen as Director of Operations for Black Hills Wyoming Gas LLC, this 16th day of July, 2021.

Witness my hand and official seal.

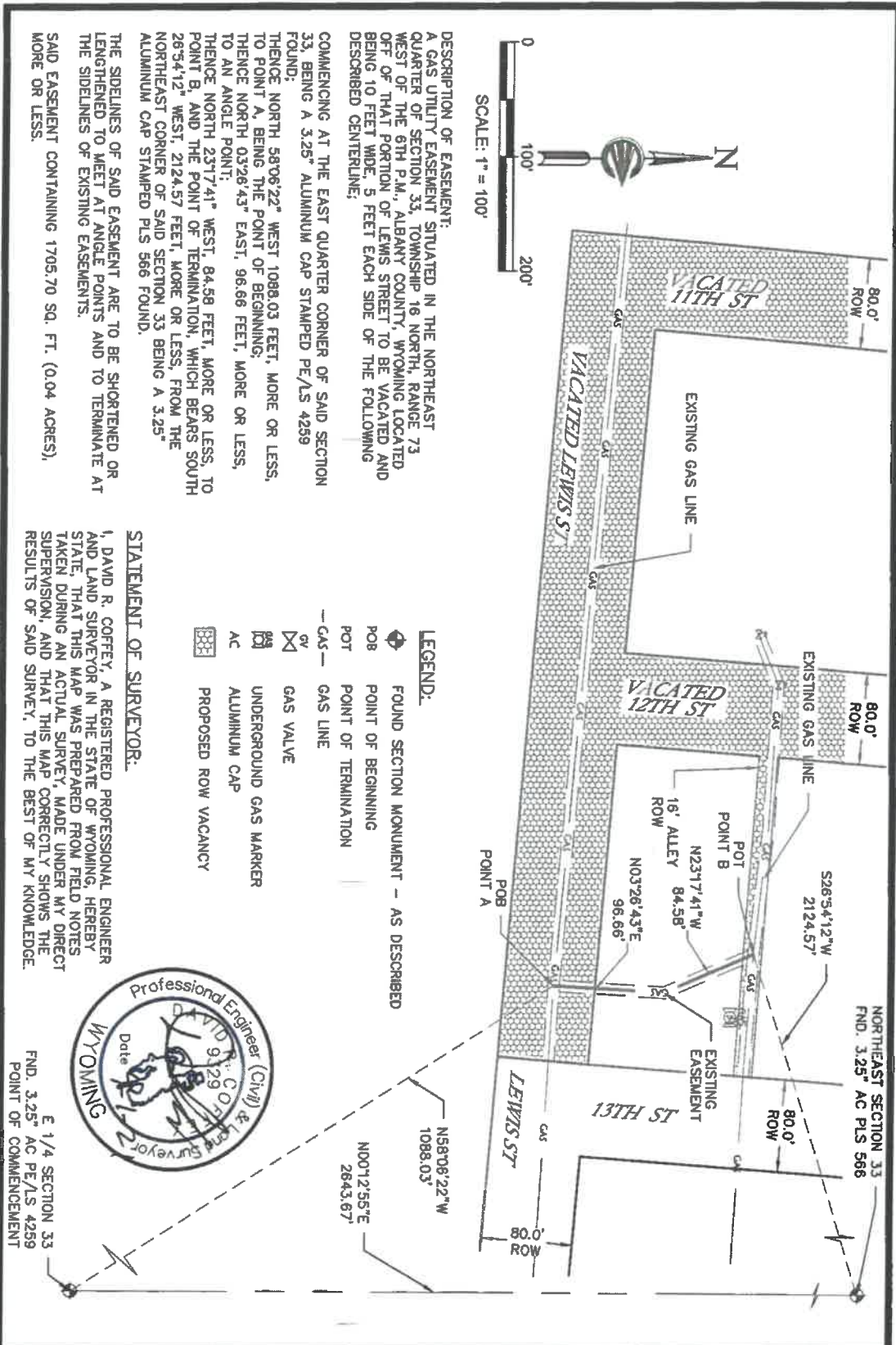


Notary Public

My Commission expires: 3-9-2024.



 COFFEY ENGINEERING & SURVEYING 902 S. 3rd St., Laramie, WY 82070 (P) 307-742-7425 (F) 307-742-7403	UW EASEMENTS BLACK HILLS EXHIBIT		Project: 2400.11 Drawing: UW ESMTS Field Date: 03/24/21 Crew: BLG Drafted By: TRG Date: 03/24/21 Chkd By:	Sheet: 1 3
	SEC. 33, T16N, R73W, 6TH P.M. ALBANY COUNTY, WYOMING			



DESCRIPTION OF EASEMENT:
 A GAS UTILITY EASEMENT SITUATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 16 NORTH, RANGE 73 WEST OF THE 6TH P.M., ALBANY COUNTY, WYOMING LOCATED OFF OF THAT PORTION OF LEWIS STREET TO BE VACATED AND BEING 10 FEET WIDE, 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 33, BEING A 3.25" ALUMINUM CAP STAMPED PE/LS 4259 FOUND;
 THENCE NORTH 58°06'22" WEST 1088.03 FEET, MORE OR LESS, TO POINT A, BEING THE POINT OF BEGINNING;
 THENCE NORTH 03°26'43" EAST, 96.66 FEET, MORE OR LESS, TO AN ANGLE POINT;
 THENCE NORTH 23°17'41" WEST, 84.58 FEET, MORE OR LESS, TO POINT B, AND THE POINT OF TERMINATION, WHICH BEARS SOUTH 26°54'12" WEST, 2124.57 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF SAID SECTION 33 BEING A 3.25" ALUMINUM CAP STAMPED PLS 566 FOUND.

THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR LENGTHENED TO MEET AT ANGLE POINTS AND TO TERMINATE AT THE SIDELINES OF EXISTING EASEMENTS.

SAID EASEMENT CONTAINING 1705.70 SQ. FT. (0.04 ACRES), MORE OR LESS.

LEGEND:

- ◆ FOUND SECTION MONUMENT - AS DESCRIBED
- POINT OF BEGINNING
- POINT OF TERMINATION
- GAS — GAS LINE
- GV — GAS VALVE
- ⊗ UNDERGROUND GAS MARKER
- ⊗ ALUMINUM CAP
- ⊗ PROPOSED ROW VACANCY

STATEMENT OF SURVEYOR:

I, DAVID R. COFFEY, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF WYOMING, HEREBY STATE, THAT THIS MAP WAS PREPARED FROM FIELD NOTES TAKEN DURING AN ACTUAL SURVEY, MADE UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP CORRECTLY SHOWS THE RESULTS OF SAID SURVEY, TO THE BEST OF MY KNOWLEDGE.



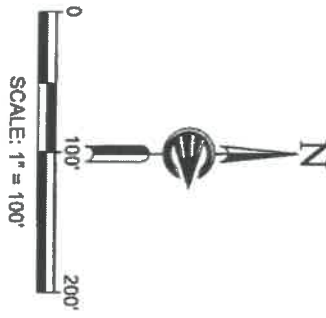
E 1/4 SECTION 33
 FND. 3.25" AC PE/LS 4259
 POINT OF COMMENCEMENT

COFFEY
 ENGINEERING & SURVEYING
 902 S. 3rd St., Laramie, WY 82070
 [P] 307-742-7425 [F] 307-742-7403

**UW EASEMENTS
 BLACK HILLS
 EXHIBIT**
 SEC. 33, T16N, R73W, 6TH P.M.
 ALBANY COUNTY, WYOMING

Project: 2400.11
 Drawing: UW ESMTS
 Field Date: 03/24/21
 Crew: BLG
 Drafted By: TRG
 Date: 03/24/21
 Chckd By:

Sheet:
 2 / 3

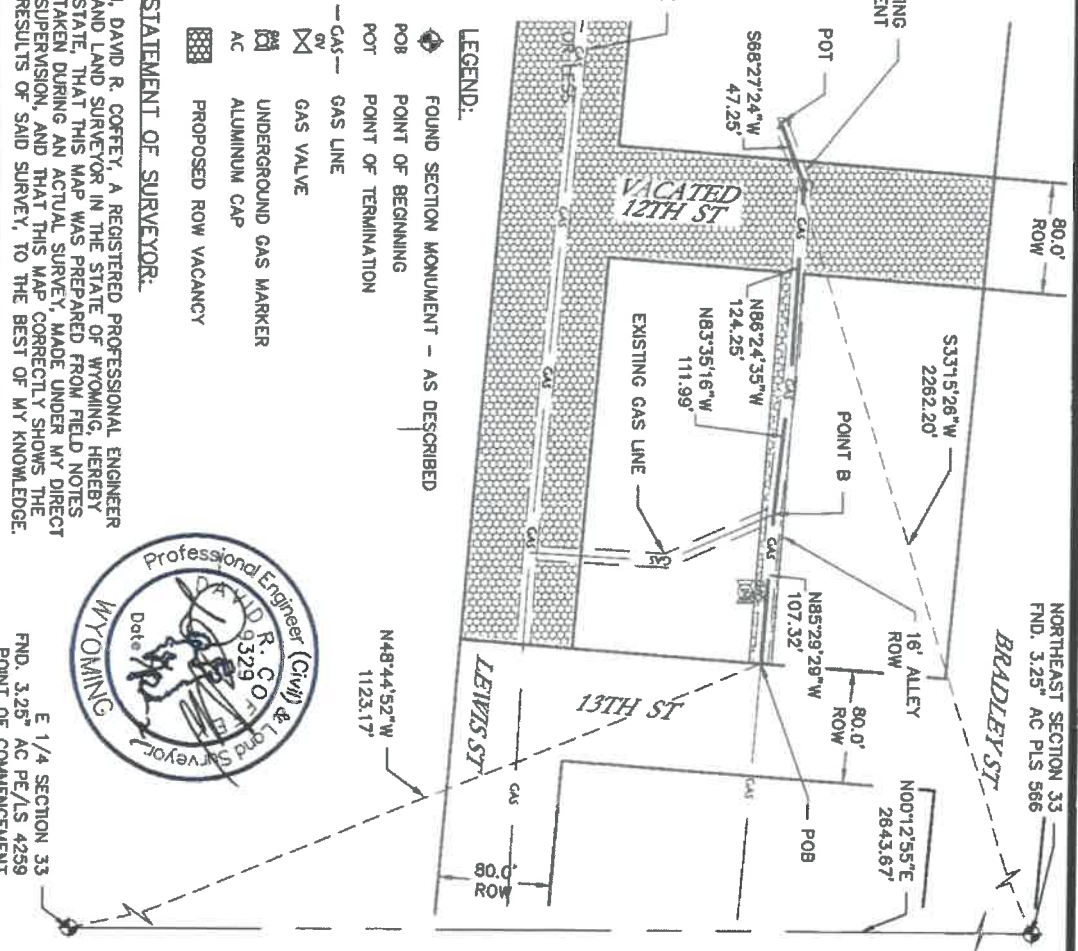


DESCRIPTION OF EASEMENT:
 A GAS UTILITY EASEMENT SITUATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 16 NORTH, RANGE 73 WEST OF THE 6TH P.M., ALBANY COUNTY, WYOMING IN AN ALLEY TO BE VACATED BETWEEN THAT PORTION OF 12TH STREET TO BE VACATED AND 13TH STREET, BEING 10 FEET WIDE, 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 33, BEING A 3.25" ALUMINUM CAP STAMPED PE/LS 4259 FOUND; THENCE NORTH 49°44'52" WEST 1123.17 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY ROW OF 13TH STREET BEING THE POINT OF BEGINNING;
 THENCE NORTH 85°29'29" WEST 107.32 FEET, MORE OR LESS, TO POINT B;
 THENCE CONTINUING NORTH 83°35'16" WEST, 111.99 FEET, MORE OR LESS;
 THENCE NORTH 86°24'35" WEST, 124.25 FEET, MORE OR LESS, TO AN EXISTING GAS VALVE;
 THENCE SOUTH 88°27'24" WEST, 47.25 FEET, MORE OR LESS, TO AN EXISTING GAS VALVE AND THE POINT OF TERMINATION, WHICH BEARS SOUTH 33°15'26" WEST, 2262.20 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF SAID SECTION 33 BEING A 3.25" ALUMINUM CAP STAMPED PLS 566 FOUND.

THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR LENGTHENED TO MEET AT ANGLE POINTS AND TO TERMINATE AT THE WEST RIGHT-OF-WAY OF 13TH STREET.

SAID EASEMENT CONTAINING 3908.12 SQ. FT. (0.09 ACRES), MORE



LEGEND:
 FOUND SECTION MONUMENT - AS DESCRIBED
 POINT OF BEGINNING
 POINT OF TERMINATION
 GAS LINE
 GAS VALVE
 UNDERGROUND GAS MARKER
 ALUMINUM CAP
 PROPOSED ROW VACANCY

STATEMENT OF SURVEYOR:
 I, DAVID R. COFFEY, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF WYOMING, HEREBY STATE THAT THIS MAP WAS PREPARED FROM FIELD NOTES TAKEN DURING AN ACTUAL SURVEY, MADE UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP CORRECTLY SHOWS THE RESULTS OF SAID SURVEY, TO THE BEST OF MY KNOWLEDGE.



E 1/4 SECTION 33
 FND. 3.25" AC PE/LS 4259
 POINT OF COMMENCEMENT

COFFEY
 ENGINEERING & SURVEYING
 902 S. 3rd St., Laramie, WY 82070
 [P] 307-742-7425 [F] 307-742-7403

**UW EASEMENTS
 BLACK HILLS
 EXHIBIT**
 SEC. 33, T16N, R73W, 6TH P.M.
 ALBANY COUNTY, WYOMING

Project: 2400.11
 Drawing: UW ESMTS
 Field Date: 03/24/21
 Crew: BLG
 Drafted By: TRG
 Date: 03/24/21
 Chckd By:

Sheet:
 3 / 3

AGENDA ITEM TITLE: Approval of modifications to UW Regulation 9-1 (University Intellectual Property), Brown/Evans

SESSION TYPE:

- Work Session
 Education Session
 Information Item
 Other:

[Committee of the Whole – Items for Approval]

Attachments are provided with the narrative.

APPLIES TO STRATEGIC PLAN:

Yes (select below):

- Driving Excellence
 Inspiring Students
 Impacting Communities
 High-Performing University

No [Regular Business]

EXECUTIVE SUMMARY:

At the September 2016 Board of Trustees meeting, the Board approved review by UW Administration of UW’s current regulatory structure, to include the following:

- 1) Phasing out presidential directives;
- 2) Defining regulation versus policy/procedure;
- 3) Creating a new “look” and format for the regulations; and
- 4) Updating the substance of the regulations, policies, and procedures as needed, including determining whether there are any substantive gaps.

At the January 2017 Board of Trustees meeting, the University proposed 12 sections for the new ***Governing Regulations and Standard Administrative Policies and Procedures website***.

Section 1: Governance and Structure

Section 2: Academic Affairs

Section 3: Athletics

Section 4: Diversity and Equal Opportunity

Section 5: Employment and Ethics

Section 6: Facilities

Section 7: Finance and Business

Section 8: Information Technology

Section 9: Research and Economic Development

Section 10: Safety and Security

Section 11: Student Affairs

Section 12: University Relations

The new structure will involve three levels of policies:

- 1) Governing Regulations (Level A)
- 2) Standard Administrative Policies and Procedures (Level B)
- 3) Department/Unit Administrative Policies and Procedures (Level C)

Attached is the following Section 9 Research regulation (with a summary of the proposed modifications):

- **UW Regulation 9-1 (University Intellectual Property):** Modifications to account for the changing landscape of intellectual property and to provide clarity to all University

employees regarding ownership over patentable and copyrightable creations, academic course materials, and scholarship.

To facilitate review of this Regulation, Interim President Neil Theobald charged a Working Group to develop recommendations with respect to University intellectual property. The Working Group's recommendations were incorporated into the final version, except for the section on distribution, which was modified to include a tiered structure. Importantly, this structure still captures the Working Group's recommendation to retain the 60% distribution to the creator, which is an important tool for recruitment of high-level academic talent to the institution.

Per the routing process for UW Regulations, the proposed modifications to the regulations were provided to the President's Cabinet, Deans and Directors, Faculty Senate, Staff Senate, ASUW, and the Internal Auditor. Faculty Senate provided feedback on May 17, 2021. Additional edits were incorporated July 2021.

The Trustees Regulation Committee will discuss this item at the August 2021 Board of Trustees conference call and recommend full Board action, if appropriate.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

None.

WHY THIS ITEM IS BEFORE THE BOARD:

UW Regulation 1-101 requires that the Board approve modifications to UW Regulations.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval, modification, or disapproval of the recommended modifications to the Regulations.

PROPOSED MOTION:

"I move to authorize modifications to UW Regulation 9-1, as presented to the Board"

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

UW Regulation 9-1 (Patents and Copyrights) Report to Acting President Theobald

June 1, 2020

I. The Charge

Acting President Theobald charged Vice President and General Counsel, Tara Evans to review recent efforts to revise UW Regulation 9-1 (Patents and Copyrights), to develop recommendations with respect to University intellectual property, and to present a report by June 1, 2020.

II. Working Group Formation and Meetings

President Theobald and Vice President Evans formed a Working Group consisting of faculty members, department heads, deans and administrators to provide input. The Working Group members were:

Faculty Members: Rudi Michalak, Faculty Senate Chair-Elect, David Bagley, Faculty Fellow, Academic Affairs; Cynthia Weinig, Professor, Botany

Department Heads: Scott Turpen, Department Head, Music; Denny Coon, Department Head, Petroleum Engineering

Deans: Kem Krueger: Dean, School of Pharmacy

Administrators: Tara Evans: Vice President/General Counsel (Chair); Jim Ahern: Associate Vice Provost For Graduate Education; Jerry Fife, Interim Senior Director, Sponsored Programs; Victoria Bryant, Director, Wyoming Technology Transfer and Research Products Center

The Working Group met May 8, 2020, May 15, 2020, May 22, 2020 and May 29, 2020 with electronic communications during the intervening times. At the initial meeting an historical account of the regulation review and revision process to date was presented and the group identified key challenges to consider. The remainder of this report examines areas of agreement identified by the group as well as provides recommendations from the group upon which complete agreement may not have been achieved. When agreement was not reached, majority and minority recommendations are both presented.

III. Areas of Agreement with Respect to University Intellectual Property

The group agreed that:

1. The University of Wyoming must update UW Regulation 9-1 to account for the changing landscape of intellectual property and to provide clarity to all University employees regarding ownership over patentable and copyrightable creations.
2. The extent of University resource use by the creator is an appropriate criterion for assigning ownership and protecting the institution's interests in inventions (identified as "patentable Intellectual Property" in the draft update to UW Regulation 9-1).
3. In most instances, the rights of ownership in academic course materials should rest with their creators, the faculty.

4. The University should maintain a perpetual license to use academic course materials for any of the university's teaching and educational purposes as well as for administrative purposes such as accreditation.
5. The rights of ownership in scholarship (identified as “works of authorship” in the draft update to UW Regulation 9-1) should remain with their creators.
6. The distribution of income from patents as it exists in the current regulation is appropriate and should not be modified.

IV. Charge 1: Protection of Inventions (Patentable Intellectual Property)

Background. The current regulation assigns the University ownership of all patentable inventions developed by faculty and other employees, except those developed on an individual's personal time and without any use of institutional facilities or employees. While the regulation is appropriate, existing terms can lead to confusion and do not address situations where the creator may be utilizing institutional resources while on their personal time. The majority opinion of the working group, therefore, is that UW Regulation 9-1 should be clarified to better delineate where University ownership over patentable intellectual property will result.

Majority Recommendation. Clarify existing policy that establishes University ownership of patentable intellectual property that is created with the “use of University Resources” by defining University Resources. Add further specification that inventions created “within the scope of the employee’s duties” are also University owned.

The majority of the group agreed that:

1. Existing regulations that establish institutional ownership over patentable intellectual property created with the use of “University Resources” are appropriate, but lack clarity.
2. To provide clarity to employees and address many circumstances not currently contemplated by the existing regulation, the working group recommends defining the key term “University Resources.” The working group further recommends the following terminology as an appropriate definition for the term:
Facilities, equipment, funds, or funds under the control of or administered by the University but not to include: office space, library facilities, ordinary access to computers and networks, or salary.
3. Establishing ownership over patentable intellectual property created “within the scope of the employee’s duties,” removes the ambiguity associated with the term “Personal Time” and facilitates the protection of inventions created with University support.

Minority Opinion. Do not establish University ownership over patentable intellectual property that is created “within the scope of the employee’s duties.”

The minority opinion does not support establishing University ownership over patentable intellectual property created “within the scope of the employee’s duties.” Rather, the minority posits that the inclusion of the phrase “use of University Resources” adequately addresses situations where employees have created patentable intellectual property in which the University has made a contribution that

warrants ownership. Specifically, the University has not taken a role in the employee's training or development of expertise and therefore has not contributed to the intellectual underpinnings of the work, as is potentially implied by the phrase of "within the scope of the employee's duties." The minority also indicated that institutional ownership based on "within the scope of the employee's duties" is unnecessary, because employees are readily aware of work that is performed within or outside of their scope of duties.

V. Charge 2: Ownership of Academic Course Materials

Background. The current regulation states that videotaped courses of instruction or other audio-visual productions are the sole property of the University but otherwise does not adequately address the ownership of academic course materials developed by faculty while employed by the institution. As a result, many academic course materials are currently included in works-for-hire policies, and are owned by the institution. The working group unanimously agreed that UW Regulation 9-1 should be modified to establish faculty as the owners of academic course materials they have created and to provide the University with a perpetual license to utilize them for limited educational purposes of the institution.

Unanimous Recommendation. *Modify policy to provide ownership of academic course materials to their creators, and reserve a perpetual license for the institution to utilize such materials for teaching, education and accreditation.*

The working group agreed that:

1. Creator faculty members should be the owners of their academic course materials, including those developed while employed by the institution. Providing this ownership will incentivize academic innovation and further the academic mission of the institution.
2. By updating the policy to provide the institution with a perpetual license to utilize these academic course materials, the institution shall be able to meet its educational, teaching, and accreditation needs without unduly burdening the faculty's rights in their materials.
3. To provide clarity to employees and address many circumstances not contemplated by the current regulations, the working group recommends the inclusion of the following policy statement:
The University makes no claim to copyright ownership for noncommissioned academic course materials initiated and completed by academic personnel. However, for those created within the scope of employment, the University will claim a perpetual, nonexclusive, worldwide, royalty-free license to use the Academic Course Materials for any of the University's teaching and educational purposes as well as for administrative purposes for accreditation.

Additional Thoughts.

1. The working group discussed the implications of placing a time limitation on the license provided to the institution, however, ultimately decided doing so would be impractical.
2. The working group also noted that much of the academic course material becomes outdated within a relatively short period of time. As a result, perpetual licensure effectively lasts until the institution has determined the material has become outdated.

3. The working group noted that the institution's use of licensed academic course materials will require additional steps to ensure that faculty are utilizing electronic delivery/recording methods related to these materials.
4. Internal policies should be developed to work with departing faculty to review academic course materials, especially those pertaining to foundational courses where content does not change substantially with time. In particular, the working group recommends that unit heads have the responsibility for ensuring that academic course materials are retained for future use.

VI. Charge 3: Ownership of Scholarship (Works of Authorship)

Background. The current regulation assigns ownership of copyrightable materials to their creators, however, does not adequately define or provide examples of works that are covered by the policy. Additionally, the regulation does not make a policy distinction between works created by academic personnel (i.e. faculty) versus non-academic personnel (staff). As a result, there is general confusion as to the applicability of the policy. The working group agreed that UW Regulation 9-1 should be updated to provide clarity related to these concerns.

Unanimous Recommendation. **Clarify existing policy that academic personnel shall be the owners of Works of Authorship they have created. Additionally, the regulation should clarify that the University shall own Works of Authorship created by non-academic personnel and within the scope of their employment. Finally, a non-exhaustive list of examples of "Works of Authorship" should be included in the regulation to provide clarity to all employees.**

The working group agreed that:

1. Scholarship, or "Works of Authorship" should remain the property of the academic personnel who created them. Similar to Academic Course Materials, providing this ownership will incentivize academic innovation and further the academic mission of the institution.
2. Works of Authorship created by non-academic personnel within the scope of their employment should be owned by the institution. This concept reinforces policies on works-for-hire and protects the institution's investment in resources devoted to the works created by non-academic employees.
3. By defining Works of Authorship and providing examples, the regulation will provide clarity to employees and better delineate policy nuances related to copyrightable works.

VII. Charge 4: Distribution of Income from Patents

Background. The current University regulation provides that distribution of net income or royalties received by the University related to patents shall be distributed sixty percent (60%) to the inventor/author and forty percent (40%) to the University. The existing regulation further prescribes that half of the University's share shall be provided to the originating department or college while the other half shall be paid into a research and development fund.

Unanimous Recommendation. **Maintain the current distribution of income from patents; 60% to the inventor/author and 40% to the University.**

The working group agreed that:

1. The current regulation on the distribution of income from patents reflects a modern approach when compared nationally, and is clear and concise.
2. While other institutions have implemented a tiered approach based on the amount of net proceeds earned by the patent, the committee believes such a policy would over complicate the process and may not truly incentivize efforts from the creator.
3. While the distribution to the inventor (60%) may be slightly high when compared nationally, the rate serves as an important tool for the recruitment of high level academic talent to the institution.

VIII. Additional Recommendation

Through the working group's review of several other institution's regulations, the group identified the effectiveness of including a strong institutional policy statement through the inclusion of a preamble to the intellectual property regulations. In particular, the group identified the University of Illinois' General Rules Concerning University Organization and Procedure Article III Section 1 as a well written example and recommends institutional leadership consider the inclusion of similar verbiage into the updated University of Wyoming Regulation 9-1.

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

UNIVERSITY OF WYOMING REGULATIONS

Subject: University Intellectual Property

Number: UW Regulation 9-1



I. GENERAL INFORMATION

The Provost and Vice President for Academic Affairs and the Vice President for Research and Economic Development are the University of Wyoming officers responsible for articulating policy and procedures concerning patentable inventions and copyrightable works in which the University may have or assert an interest.

II. PURPOSE

To establish ownership of copyrights, protectable discoveries and other intellectual property rights and to provide guidelines for the distribution of income received for the dissemination of those works. While the University claims ownership of intellectual property on behalf of the State, the underlying purpose of such claim of ownership is an open and free atmosphere, where individuals are able to freely publish results obtained from this work. Research done primarily in anticipation of profit is incompatible with the aims of the University. However, the University recognizes that patentable inventions and copyrightable materials are conceived or created during the course of research, instruction, and study conducted by faculty and students. These policies have been established to ensure that inventions and materials in which the University may have an interest are utilized in a manner consistent with the public good.

III. POLICY OBJECTIVES

The principal objectives of the University Intellectual Property Policy set forth herein include the following:

- A. To provide incentive to creative intellectual effort by University employees, students, and others associated with the University;
- B. To establish principles for determining the respective interests of the Creators, the University, and sponsors with respect to Intellectual Property;
- C. To enable the University to develop procedures by which the significance of Intellectual Property may be determined and, if practicable, commercially utilized;

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

- D. To provide the means for placing in the public realm the results of research, while safeguarding the interests of the Creator, the University, and the sponsor; and
- E. To recognize the right of the Creator to financial benefits, when applicable, from Intellectual Property.

IV. DEFINITIONS

Academic Course Materials: Works created primarily for the instruction of students or for continuing education and certification programs. Such works may include, but are not limited to, slides and presentation content used in classes, class notes, exercises and assignments, syllabi and examinations. These works do not include software, and materials prepared with significant University resources and facilities including, but not limited to, laboratories, studios, specialized equipment, production facilities, or specialized computing resources.

Academic Personnel: Academic Personnel shall have the meaning assigned to it in UW Regulation 2-1.

Creator: An inventor as defined under the United States patent laws, an author as defined under the United States copyright laws, or other creator in accordance with the United States intellectual property laws.

Intellectual Property: Includes all works, work product, designs, developments, discoveries, improvements, inventions, composition of matter, machines, manufacture, materials, methods, processes, diagrams, documentation, reports, evaluations, creations, expressions, algorithms, computer programs, applications, specifications, upgrades, revisions, modifications, and related written or otherwise reproducible materials, whether patentable, copyrightable or not, and all forms of legally recognized intellectual property rights, including copyrights, patents, trade secrets, trademarks, service marks, logos, and other identifiers, mask works, plant variety protection and tangible research property, together with any associated goodwill, supporting technology or know-how.

Research: For purposes of this Regulation, "research" is the studious inquiry or examination conducted with the avowed purpose of creating and adding to the knowledge in a field and thereby advancing theory and principles; expansion of ideas, theories, and principles and the interpretation of developed information and the provision of further insights; or improvement and/or facilitation of the application and utilization of knowledge within an applied professional field.

Software: The source code and/or object code of computer applications and subroutine libraries.

University Facilities: Any facility, including equipment and material, available to the

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

individual as a direct result of the individual's affiliation with the University, and which would not be available to a non-affiliated individual on the same basis.

University Resources: University facilities, equipment, funds, or funds under the control of or administered by the University but not to include: office space, library facilities, ordinary access to computers and networks, or salary.

Works of Authorship: Includes, but is not limited to: textbooks; scholarly articles; literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculpture works, motion pictures and other audiovisual works; sound recordings; and architectural works.

V. COVERAGE

The University's Intellectual Property policies contained herein apply to all University employees and students conducting research and development that furthers the University's mission and is for the public good. Subject to limited exceptions as described within this Regulation, "Work[s] made for hire," as that term is defined by the U.S. Copyright laws of 1976, are the sole and exclusive property of the University, and employees have no patent, copyright, royalty or any other interest in such work(s). The Intellectual Property policies of the University, as amended from time to time, shall be deemed to be a part of the conditions of employment of every University employee.

VI. INTELLECTUAL PROPERTY OWNERSHIP

A. Intellectual Property Generally

With the exception of patentable Intellectual Property not within the scope of the employee's duties and created on personal time, Works of Authorship, Academic Course Materials, and all other Intellectual Property as explicitly described in subsections VI(B) and (C) below; all Intellectual Property, including that which is patentable, or part thereof which results from research or other activities carried out at the University, or which is developed with the aid of the University's facilities or employees, or with funds administered by the University; is the property of the University of Wyoming, and, as a condition of employment, is hereby assigned by the Creator to the University in accordance with these policies. Income earned as a consequence of the Intellectual Property and/or licensing such Intellectual Property shall be distributed in accordance with this Regulation.

All Intellectual Property made or conceived of by University employees including those created on personal time but within the employee's scope of duties shall be disclosed in accordance with this Regulation, and the Creator for such invention or discovery shall adequately demonstrate the relative extent to which the Creator's

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

personal time and resources and the University's resources, facilities, and materials were utilized. In each instance in which it is adequately demonstrated that such Intellectual Property was made exclusively on personal time and not within the scope of duties, utilizing no University resources, facilities or materials, the University shall acknowledge in writing that the Intellectual Property is the sole property of the Creator.

If a Creator so desires, however, Intellectual Property made exclusively on personal time and not within the Creator's scope of duties, utilizing no University resources, facilities, or materials, may be assigned to the University for evaluation, formal registration, administration or protection whether through patent or other means of protection.

The University may choose at its discretion to discontinue patent prosecution or maintenance (or any other form of protection) of Intellectual Property for any reason. Some examples of why the University might choose to discontinue efforts to protect Intellectual Property include, but are not limited to, if the University believes that a discovery or invention is one that is non-patentable or that does not warrant further evaluation as to patentability, if a discovery or invention is returned to the University after negative evaluation by its patent evaluation agent(s), if any, or the University chooses not to pursue or maintain any other form of protection of Intellectual Property. After consultation with the Creator, the University may, in its sole discretion cause any or all rights which it may have to Intellectual Property to be released and transferred to the Creator (for example, the University may agree to co-ownership with the Creator) in exchange for reasonable consideration (as determined by the University) and/or recoupment of patent expenses spent on protecting the patentable Intellectual Property (including maintenance fees a patent or patents issued). In event of an assignment or release, the University shall retain a royalty-free perpetual non-exclusive license for the use of any such patentable Intellectual Property.

1. Income from Intellectual Property and/or Licenses

Income from Intellectual Property that is not outside of the scope of subsection A, and licenses will be distributed as allocated below. The allocation formula recognizes all forms of cash payments, including royalties and various fees from licensing. After recoupment of legal costs, and subtraction of certain costs outlined below, a percentage of the proceeds that the University receives from the licensing of Intellectual Property will be paid to the Creator, the Office of Research and Economic Development, and the University, as specified below. The Vice President for Research and Economic Development, in consultation with the President, will oversee the distribution of the University's funds according to a Standard Administrative Policy and Procedure (SAP), which will designate the distribution of these funds to the Creator's department, the Creator's

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

college or school, and a fund dedicated to high priority strategic research initiatives.

A deduction of fifteen percent (15%) to cover operating expenses incurred by the Wyoming Technology Transfer and Research Products Center will be taken annually from the gross license revenue, with funds exceeding the annual Wyoming Technology Transfer and Research Products Center budget moving into a fund dedicated to high priority strategic research initiatives, as determined by the Vice President for Research and Economic Development, in consultation with the President. Additionally, all out-of-pocket payments or obligations (and in some cases, a reasonable reserve for anticipated future expenses) attributable to protecting (including defense against infringement or enforcement actions), marketing, licensing or administering the Intellectual Property may be deducted from such income. Income then remaining is the net income, which is distributed as set forth below.

So long as the cumulative net income (i.e., the net income from all years) is less than or equal to five million U.S. dollars (\$5,000,000), then the distribution will be allocated as follows:

- Sixty percent (60%) of the net income to the Creator.
- Twenty percent (20%) of the net income to the Office of Research and Economic Development.
- Twenty percent (20%) of the net income to the University (distribution determined by an accompanying SAP as outlined above).

When the cumulative net income exceeds five million U.S. dollars (\$5,000,000) but is less than or equal to ten million U.S. dollars (\$10,000,000), then any further distribution will be allocated as follows:

- Fifty percent (50%) of the net income to the Creator.
- Twenty-five percent (25%) of the net income to the Office of Research and Economic Development.
- Twenty-five percent (25%) of the net income to the University (distribution determined by an accompanying SAP as outlined above).

When the cumulative net income exceeds ten million U.S. dollars (\$10,000,000) but is less than or equal to twenty million U.S. dollars (\$20,000,000), then any further distribution will be allocated as follows:

- Forty percent (40%) of the net income to the Creator.
- Eighteen percent (18%) of the net income to the Office of Research and Economic Development.

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

- Forty-two percent (42%) of the net income to the University (distribution determined by an accompanying SAP as outlined above).

When the cumulative net income exceeds twenty million U.S. dollars (\$20,000,000), then any further distribution will be allocated as follows:

- Thirty-five percent (35%) of the net income to the Creator.
- Thirteen percent (13%) of the net income to the Office of Research and Economic Development.
- Fifty-two percent (52%) of the net income to the University (distribution determined by an accompanying Standard Administrative Policy and Procedure as outlined above.)

If there is more than one Creator, the applicable royalty percentage will be divided equitably among the Creators. For the avoidance of doubt, to the extent a difference exists between the Creator(s) identified in the Invention disclosure and the Creator(s) identified in any resulting patent application, the latter shall control.

If there is more than one school, department, or center in which the Creator(s) serves, the applicable income will be distributed to the school, department, or center that administered the academic year salary at the time of the disclosure. The University will review the proposed distribution plan, in light of the declarations of department, school, and center affiliations declared at the time of Invention disclosure to the University as well as the sources of salary support at the time of disclosure. Income will be split equally among all Creators (unless otherwise stipulated on the disclosure form) and, where necessary, will be split among the departments, schools, or centers according to the source of salary support (unless otherwise stipulated on the disclosure form and agreed upon by all the affected unit heads). In the case of student Creators, distributions to departments and schools will be split according to the source of salary support for the student at the time of disclosure. In cases where students receive no salary, distributions will go to the department and school that housed the student's work. When multiple disclosures are used to develop a single patent or license, then the income is split equally across the disclosures unless a different distribution is agreed upon by all those affected (Creators, unit heads, etc.). In cases of dispute, the Vice President for Research and Economic Development, or designee, will mediate among the parties and, if necessary, propose a distribution plan for approval to the President.

If the invention, discovery, or other Intellectual Property is the result of sponsored research and the sponsor regulates the distribution of income, such specific regulations shall take precedence over University policy with respect to distribution of the license revenue.

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

With respect to any Intellectual Property in which another institution or an outside agency shall share in the income derived from the Intellectual Property rights, distribution of income shall be made first to the other institution according to agreed-upon terms, and then to the Creator according to this Regulation.

2. Specific Conditions Governing Sponsored Research

a. Government Sponsored Research

Patents on inventions or other Intellectual Property arising from research financed by the United States Government are controlled by the terms of the supporting grants and contracts, and applicable Federal laws and regulations. Except as provided by Federal law or by government-supported grants or contracts, when no patent rights are claimed or when patent rights are waived by the United States Government, Intellectual Property arising from government-sponsored research are controlled by Intellectual Property (including those set forth in subsections VI(B) and VI(C)) policies set forth herein.

b. Non-Government Sponsored Research

The University must ensure that its facilities and the results of the research of its employees and students are applied in a manner which best serves the interests of the public. Likewise, the legitimate interests of a private sponsor who provides financial or other support to research carried out by or through the University must be considered. The University will normally reserve ownership of patents on inventions and/or other Intellectual Property arising out of research supported in whole or in part by grants or contracts with nongovernmental organizations or firms. Contracts or agreements which are entered into between the University and nongovernmental organizations or agencies should contain clauses setting forth such a reservation, unless deviations therefrom are requested by the sponsor and approved by the Vice President for Research and Economic Development. In the interest of fair treatment to the sponsor and in consideration for such sponsor's investment, special provisions regarding Intellectual Property rights (including patent rights) may be negotiated by the University, provided that the University retains the perpetual, non-exclusive right to use the invention for its own research, educational, and service purposes, without payment of royalty fees. In such cases, in the interest of discharging the University's obligation to the public in the application of its facilities and its employees' and students' time and talent, the University will require the sponsor to use due diligence in the commercial use of the invention,

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

and the University will retain the right to publish the results of the research involved after a period of time reasonably necessary to protect the rights of the parties and to allow for the filing of a patent application or to secure any other applicable intellectual property protections. Exceptions to this section may be authorized by the Vice President for Economic Development.

B. Copyright Ownership

All copyrights in Works of Authorship, whose Creators are Academic Personnel, except for works made for hire, software and patentable Intellectual Property, remain with their Creators. The University hereby transfers any copyrights it may own in Works of Authorship to Academic Personnel who prepared the Works of Authorship. Works of authorship created by non-Academic Personnel within the scope of their employment are owned by the University. The University may execute a written agreement waiving its rights, if any, in and to such material. The distribution of royalties, if any, is a matter of arrangement between the Creator and his or her publishers or licensees. The University also supports the creation and dissemination of academic or scholarly publications for the purpose of open access, subject to the arrangement between the Creator and their publishers or licensees. Works of Authorship owned by the University including; works made for hire, software, or other patentable Intellectual Property shall be subject to these policies and may be disseminated through open access with the approval of the Vice President for Economic Development.

1. Computer Software

All copyrights in and to computer software, including but not limited to programs, operating systems, procedures, and associated manuals, which result from activities carried out at the University, and which are developed with the aid of or for use with University hardware shall be the sole property of the University of Wyoming. The terms and conditions regarding patentable Intellectual Property, including but not limited to the distribution of income, shall apply to computer software of the type described herein.

2. Academic Course Materials

The University makes no claim to copyright ownership for noncommissioned academic course materials initiated and completed by Academic Personnel. The University hereby transfers any copyrights it may own in Academic Course Materials to Academic Personnel who prepared the Academic Course Materials, except for those prepared with significant University resources and facilities. However, for those created within the employee's scope of duties, the University will claim a perpetual, nonexclusive, worldwide, royalty-free license to use the

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

Academic Course Materials for any of the University's teaching and educational purposes as well as for administrative purposes for accreditation.

C. Service Mark, Trademark, and Trade Name Ownership

Service marks, trademarks and trade names with respect to products resulting from or arising out of research, instruction, or other activities carried out at the University or developed with the aid of its resources, facilities or staff, shall be the property of the University. Without express authorization from the President or the President's designee, no steps shall be taken to secure such trademarks, trade names or service marks by usage or registration. The University reserves the right to register such marks as it deems appropriate, and to license the use of such marks, provided that the income from such licensing shall be used to support the research and educational programs of the University as defined herein.

D. Students

Undergraduate and graduate students enrolled in degree or certificate programs at the University own the copyrightable and patentable Intellectual Property they create if it was created:

1. For a course in which the student is enrolled;
2. During extracurricular activities directly unrelated to research projects being undertaken at the University;
3. While using the resources and facilities of the University commonly provided for a student's use and for which a student has paid tuition and fees;
4. While using resources and facilities of the University available to the non-University community with or without an associated fee;
5. Or a combination of 1–4, unless:
 - a. The student is also an employee of the University either on a work-for-hire basis or as part of University faculty-led research and the patentable Intellectual Property is developed within the course and scope of his or her employment as stated in Section V above, in which case Subsection 1 above shall apply;
 - b. The student participates in a University research project where ownership and control of the resulting patentable Intellectual Property rights created under the project have already been defined via agreement to a governmental, philanthropic, corporate, or other sponsor or collaborator;

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input

Incorporated Faculty Senate and Regulation Committee feedback 6-2-21

Incorporated additional edits 7-12-21

CLEAN COPY 7-30-21

- c. The student jointly creates the patentable Intellectual Property with a non-student, in which case Section VI excluding this subsection (D)—and applicable law dictate ownership of patentable Intellectual Property as if the student was a non-student described above in subsection (A).

VII. PUBLICATION

A major function of the University is the advancement and dissemination of knowledge. Any practice which unnecessarily restricts the publication of results of scholarly or scientific work is to be avoided. It is recognized, however, that the full development of useful Intellectual Property may be dependent upon the securing of patent protection which will enable the commercial utilization of the Intellectual Property. Accordingly, under certain circumstances it may be necessary to delay for a minimum period the publication of results of research.

If a sponsor proposes to support a research effort, and the rights to any patentable or copyrightable Intellectual Property resulting therefrom will belong to said sponsor, the research agreement with respect to publication shall include language to accomplish the following: First, the sponsor must agree that the results of the research may be published by the investigators. Second, to not jeopardize patent applications, the University and the investigators may agree that any proposed publication will be submitted to the sponsor with a written notice of intent to submit for publication. The notice will advise the sponsor that if, within a period of no more than ninety (90) days from the date of such notice, the sponsor fails to request a delay, the investigators and University shall be free to proceed immediately with the publication. If, however, the sponsor provides timely notice to the University that a delay is desired, the submission of the manuscript to a publisher or other public disclosure shall be withheld for the period requested, but in no event shall the total period of delay be longer than one (1) year following the date of the notice of intent to submit for publication. Such a period will permit the sponsor to have the necessary patent applications prepared and filed, and does not unduly restrict the dissemination of scientific knowledge. Exceptions to this section may be authorized by the Vice President for Economic Development.

VIII. AVOIDANCE OF CONFLICTS

Conflicts involving Intellectual Property ownership may arise when University employees or students enter into personal consulting agreements with outside firms and organizations. The agreements which business firms generally wish to have executed by those who are to serve in a consulting capacity frequently contain provisions requiring the licensing or assignment of the consultant's Intellectual Property to that business firm. Such provisions may apply to areas in which the individual's University work lies, and thus may come into conflict with the terms and conditions of this policy.

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

Prior to signing any consulting agreement which deals with patent rights, trade secrets, or the like, if any University time, facilities, materials or other resources are to be involved in the carrying out of such consulting work, University employees or students must submit the proposed agreement to the Wyoming Technology Transfer and Research Products Center and obtain a waiver of University rights, or otherwise modify the agreement to conform with these policies.

IX. DUTY TO DISCLOSE INTELLECTUAL PROPERTY

All individuals whose Intellectual Property are covered by these policies have a duty to promptly disclose the same to the Vice President for Research and Economic Development through the Wyoming Technology Transfer and Research Products Center.

The duty of disclosure arises as soon as the individual has reason to believe, based on his or her own knowledge or upon information supplied by others, that the Intellectual Property may be subject to this Policy. Certainty about patentability or copyright ability is not required before a disclosure is made. Prior to any verbal or other disclosure of Intellectual Property, whether formal or informal, to a non-University third party, individuals must disclose the Intellectual Property to the Wyoming Technology Transfer and Research Products Center. Examples of disclosures to non-University third parties include, but are not limited to, potential non-University collaborators, conference presentations, poster sessions, journal publications, conference roundtable discussions, and discussions with potential third party sponsoring entities for support of continued work on the Intellectual Property.

Individuals shall execute such declarations, assignments, or other documents as may be necessary in the course of patent evaluation, registration, administration, or enforcement in order to ensure that title in such inventions shall be held by the University, or by such other parties as may be appropriate under the circumstances. Employees and students who do not promptly disclose shall be subject to disciplinary action.

X. WYOMING TECHNOLOGY TRANSFER AND RESEARCH PRODUCTS CENTER

The Wyoming Technology Transfer and Research Products Center shall review and recommend to the Vice President for Research and Economic Development or the Vice President's designee the procedures for the implementation of these policies; shall resolve questions of Intellectual Property ownership that may arise between the University and its faculty, staff, or students; shall recommend to the Vice President for Research and Economic Development the expenditure of funds from patent and/or licenses; and shall make such recommendations as are deemed appropriate to encourage disclosure and to assure prompt and expeditious handling, evaluation, and prosecution of patent opportunities.

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
CLEAN COPY 7-30-21

XI. PATENT MANAGEMENT

The Wyoming Technology Transfer and Research Products Center, in consultation with the Office of General Counsel, is authorized to negotiate with reputable agencies or firms to secure arrangements for patent management, including competent evaluation of invention disclosures, expeditious filing of applications on patents, and licensing and administration of patents.

XII. EXCEPTIONS

Exceptions to any of the above policies may be authorized by the President or the President's designee if on the basis of the evidence available, such exception is consistent with the University's responsibilities to the public interest.

Responsible Division/Unit: Office of Research and Economic Development

Source: None

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: None

History:

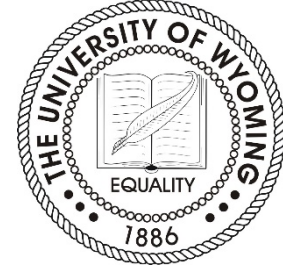
University 641, Revision 3; adopted 7/17/2008 Board of Trustees meeting

Revisions adopted 5/10/2013 Board of Trustees meeting

Revisions adopted 9/12/2014 Board of Trustees meeting

Reformatted 7/1/2018: previously UW Regulation 3-641, now UW Regulation 9-1

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
Final redline 7-30-21



UNIVERSITY OF WYOMING REGULATIONS

Subject: ~~Patents and Copyrights~~ University Intellectual Property
Number: UW Regulation 9-1

I. GENERAL INFORMATION

~~The~~The ~~Provost and Vice President for Academic Affairs and the~~ Vice President for Research and Economic Development ~~is~~are the University of Wyoming ~~officer~~officers responsible for articulating policy and procedures concerning patentable inventions and copyrightable works in which the University may have or assert an interest.-

~~I.~~ POLICY

~~The University is dedicated to instruction, research,~~

II. PURPOSE

To establish ownership of copyrights, protectable discoveries and other intellectual property rights and to provide guidelines for the extension of knowledge to distribution of income received for the public. It is dissemination of those works. While the policy ~~University claims ownership of intellectual property on behalf of the University to carry out its scholarly work in State, the underlying purpose of such claim of ownership is~~ an open and free atmosphere, ~~and where individuals are able~~ to freely publish results obtained from this work. -Research done primarily in anticipation of profit is incompatible with the aims of the University. However, the University recognizes that patentable inventions and copyrightable materials are conceived or created during the course of research, instruction, and study conducted by faculty and students ~~using University facilities.~~ These policies have been established to ensure that inventions and materials in which the University may have an interest are utilized in a manner consistent with the public good.

~~II.~~ III. POLICY OBJECTIVES

The principal objectives of the University ~~patent and copyright policies~~ Intellectual Property Policy set forth herein include the following:

- A. To provide incentive to creative intellectual effort by University employees, students, and others associated with the University;
- B. To establish principles for determining the respective interests of the ~~inventors of~~ authors Creators, the University, and sponsors with respect to ~~inventions, discoveries,~~

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input

Incorporated Faculty Senate and Regulation Committee feedback 6-2-21

Incorporated additional edits 7-12-21

Final redline 7-30-21

~~or other creative works~~ Intellectual Property;

- C. To enable the University to develop procedures by which the significance of ~~inventions, discoveries and other creative works~~ Intellectual Property may be determined and, if practicable, commercially utilized;
- D. To provide the means for placing in the public realm the results of research, while safeguarding the interests of the ~~inventor or author~~ Creator, the University, and the sponsor; and
- E. To recognize the right of the ~~inventor or author~~ Creator to financial benefits, when applicable, from Intellectual Property.

IV. DEFINITIONS ~~an invention, discovery.~~

Academic Course Materials: Works created primarily for the instruction of students or for continuing education and certification programs. Such works may include, but are not limited to, slides and presentation content used in classes, class notes, exercises and assignments, syllabi and examinations. These works do not include software, and materials prepared with significant University resources and facilities including, but not limited to, laboratories, studios, specialized equipment, production facilities, or specialized computing resources.

Academic Personnel: Academic Personnel shall have the meaning assigned to it in UW Regulation 2-1.

Creator: An inventor as defined under the United States patent laws, an author as defined under the United States copyright laws, or ~~other creative~~ creator in accordance with the United States intellectual property laws.

Intellectual Property: Includes all works, ~~work-~~ product, designs, developments, discoveries, improvements, inventions, composition of matter, machines, manufacture, materials, methods, processes, diagrams, documentation, reports, evaluations, creations, expressions, algorithms, computer programs, applications, specifications, upgrades, revisions, modifications, and related written or otherwise reproducible materials, whether patentable, copyrightable or not, and all forms of legally recognized intellectual property rights, including copyrights, patents, trade secrets, trademarks, service marks, logos, and other identifiers, mask works, plant variety protection and tangible research property, together with any associated goodwill, supporting technology or know-how.

Research: For purposes of this Regulation, "research" is the studios inquiry or examination conducted with the avowed purpose of creating and adding to the knowledge in a field and thereby advancing theory and principles; expansion of ideas, theories, and principles and

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input

Incorporated Faculty Senate and Regulation Committee feedback 6-2-21

Incorporated additional edits 7-12-21

Final redline 7-30-21

the interpretation of developed information and the provision of further insights; or improvement and/or facilitation of the application and utilization of knowledge within an applied professional field.

Software: The source code and/or object code of computer applications and subroutine libraries.

University Facilities: Any facility, including equipment and material, available to the individual as a direct result of the individual's affiliation with the University, and which would not be available to a non-affiliated individual on the same basis.

University Resources: University facilities, equipment, funds, or funds under the control of or administered by the University but not to include: office space, library facilities, ordinary access to computers and networks, or salary.

Works of Authorship: Includes, but is not limited to: textbooks; scholarly articles; literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculpture works, motion pictures and other audiovisual works; sound recordings; and architectural works.

III.V. COVERAGE

The University's ~~patent and copyright~~Intellectual Property policies contained herein apply to all University employees and students conducting research and development that furthers the University's mission and is for the public good. Subject to limited exceptions as described within this Regulation, "Work[s] made for hire," as that term is defined by the U.S. Copyright laws of 1976, are the sole and exclusive property of the University, and employees have no patent, copyright, royalty or any other interest in such work(s). -The ~~patent and copyright~~Intellectual Property policies of the University, as amended from time to time, shall be deemed to be a part of the conditions of employment of every University employee.

VI. INTELLECTUAL PROPERTY OWNERSHIP

A. Intellectual Property Generally

H. With the exception of patentable Intellectual Property not within the scope of the employee's duties and created on personal time, Works of Authorship, Academic Course Materials, and all other Intellectual Property as explicitly described in subsections VI(B) and (C) below; all Intellectual Property, including that which is patentable,

Personal Time: ~~For purposes of this Regulation, an individual's "personal time" shall mean time~~

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
Final redline 7-30-21

~~other than that devoted to normal or assigned functions relating to teaching, research, extension, or service on University premises, or other functions in which University facilities are utilized.~~

~~**Research:** For purposes of this Regulation, "research" is the studious inquiry or examination conducted with the avowed purpose of creating and adding to the knowledge in a field and thereby advancing theory and principles; expansion of ideas, theories, and principles and the interpretation of developed information and the provision of further insights; or improvement and/or facilitation of the application and utilization of knowledge within an applied professional field.~~

~~**University Facilities:** Any facility, including equipment and material, available to the individual as a direct result of the individual's affiliation with the University, and which would not be available to a non-affiliated individual on the same basis.~~

~~III. PATENT OWNERSHIP~~

~~With the exception of inventions or discoveries made on an individual's personal time, every invention or discovery or part thereof which results from research or other activities carried out at the University, or which is developed with the aid of the University's facilities or employees, or with funds administered by the University; is the property of the University of Wyoming, and, as a condition of employment, and in keeping with the Student Code of Conduct, is hereby assigned by the inventor/Creator to the University in accordance with these policies. -Income earned as a consequence of patenting the Intellectual Property and/or licensing such inventions or discoveries Intellectual Property shall be distributed in accordance with Section VII, Income from Patents and/or Licenses. this Regulation.~~

~~All Inventions or discoveries Intellectual Property made or conceived of by University employees or students which are including those created or developed entirely on personal time, and which do not involve but within the use of University resources, facilities or materials, shall be the exclusive property employee's scope of the employee or student duties~~

~~All inventions or discoveries made or conceived of by University employees or students shall be disclosed in accordance with Section XII hereof this Regulation, and the individual responsible/Creator for such invention or discovery shall adequately demonstrate the relative extent to which the inventor's/Creator's personal time and resources and the University's resources, facilities, and materials were utilized. -In each instance in which it is adequately demonstrated that such invention or discovery Intellectual Property was made exclusively on personal time and not within the scope of duties, utilizing no University resources, facilities or materials, the University shall acknowledge in writing that the invention Intellectual Property is the sole property of the inventor/Creator.~~

~~If an individual a Creator so desires, however, inventions or discoveries Intellectual Property made exclusively on personal time and not within the Creator's scope of~~

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
Final redline 7-30-21

duties, utilizing no University resources, facilities, or materials, may be assigned to the University for patent evaluation, formal registration, administration or protection whether through patent or other means of protection.

~~After consultation with the inventor, the~~

~~The University may, in choose at its sole discretion and upon such terms as it deems appropriate, cause any rights which it may have to a discovery~~discontinue patent prosecution or invention to be released and transferred to the inventor. Such action may be expectedmaintenance (or any other form of protection) of Intellectual Property for any reason. Some examples of why the University might choose to discontinue efforts to protect Intellectual Property include, but are not limited to, if the University believes that a discovery or invention is one that is non-patentable or that does not warrant further evaluation as to patentability, or if a discovery or invention is returned to the University after negative evaluation by its patent evaluation agent(s), if any-, or the University chooses not to pursue or maintain any other form of protection of Intellectual Property. After consultation with the Creator, the University may, in its sole discretion cause any or all rights which it may have to Intellectual Property to be released and transferred to the Creator (for example, the University may agree to co-ownership with the Creator) in exchange for reasonable consideration (as determined by the University) and/or recoupment of patent expenses spent on protecting the patentable Intellectual Property (including maintenance fees a patent or patents issued). In event of an assignment or release, the University shall retain a royalty-free perpetual non-exclusive license for the use of any such invention or discoverypatentable Intellectual Property.

~~IV. INCOME FROM PATENTS AND/OR LICENSES~~

~~Whenever the rights in and to an invention or discovery or a work of authorship as described in Sections XV and XVI hereof are owned by the University, and the University patents, copyrights, sells, licenses or otherwise provides for use of such inventions, discoveries or works by an outside user, then any net income or royalties received by the University shall be distributed sixty percent (60%) to the inventor/author and forty percent (40%) to the University.~~

~~Of that amount retained by the University, one half shall be paid to the department or college in which the invention or discovery originated, and one half shall be paid into a University research and development fund, the purpose of which shall be to stimulate and encourage creative enterprise by University and students. Expenditures from this fund shall be authorized by the Vice President for Research and Economic Development after consultation with the Research Advisory Committee.~~

~~I. SPECIFIC CONDITIONS GOVERNING SPONSORED RESEARCH~~

1. Income from Intellectual Property and/or Licenses

Income from Intellectual Property that is not outside of the scope of subsection A, and licenses will be distributed as allocated below. The allocation formula

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input

Incorporated Faculty Senate and Regulation Committee feedback 6-2-21

Incorporated additional edits 7-12-21

Final redline 7-30-21

recognizes all forms of cash payments, including royalties and various fees from licensing. After recoupment of legal costs, and subtraction of certain costs outlined below, a percentage of the proceeds that the University receives from the licensing of Intellectual Property will be paid to the Creator, the Office of Research and Economic Development, and the University, as specified below. The Vice President for Research and Economic Development, in consultation with the President, will oversee the distribution of the University's funds according to a Standard Administrative Policy and Procedure (SAP), which will designate the distribution of these funds to the Creator's department, the Creator's college or school, and a fund dedicated to high priority strategic research initiatives.

A deduction of fifteen percent (15%) to cover operating expenses incurred by the Wyoming Technology Transfer and Research Products Center will be taken annually from the gross license revenue, with funds exceeding the annual Wyoming Technology Transfer and Research Products Center budget moving into a fund dedicated to high priority strategic research initiatives, as determined by the Vice President for Research and Economic Development, in consultation with the President. Additionally, all out-of-pocket payments or obligations (and in some cases, a reasonable reserve for anticipated future expenses) attributable to protecting (including defense against infringement or enforcement actions), marketing, licensing or administering the Intellectual Property may be deducted from such income. Income then remaining is the net income, which is distributed as set forth below.

So long as the cumulative net income (i.e., the net income from all years) is less than or equal to five million U.S. dollars (\$5,000,000), then the distribution will be allocated as follows:

- Sixty percent (60%) of the net income to the Creator.
- Twenty percent (20%) of the net income to the Office of Research and Economic Development.
- Twenty percent (20%) of the net income to the University (distribution determined by an accompanying SAP as outlined above).

When the cumulative net income exceeds five million U.S. dollars (\$5,000,000) but is less than or equal to ten million U.S. dollars (\$10,000,000), then any further distribution will be allocated as follows:

- Fifty percent (50%) of the net income to the Creator.
- Twenty-five percent (25%) of the net income to the Office of Research and Economic Development.

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
Final redline 7-30-21

- Twenty-five percent (25%) of the net income to the University (distribution determined by an accompanying SAP as outlined above).

When the cumulative net income exceeds ten million U.S. dollars (\$10,000,000) but is less than or equal to twenty million U.S. dollars (\$20,000,000), then any further distribution will be allocated as follows:

- Forty percent (40%) of the net income to the Creator.
- Eighteen percent (18%) of the net income to the Office of Research and Economic Development.
- Forty-two percent (42%) of the net income to the University (distribution determined by an accompanying SAP as outlined above).

When the cumulative net income exceeds twenty million U.S. dollars (\$20,000,000), then any further distribution will be allocated as follows:

- Thirty-five percent (35%) of the net income to the Creator.
- Thirteen percent (13%) of the net income to the Office of Research and Economic Development.
- Fifty-two percent (52%) of the net income to the University (distribution determined by an accompanying Standard Administrative Policy and Procedure as outlined above.)

If there is more than one Creator, the applicable royalty percentage will be divided equitably among the Creators. For the avoidance of doubt, to the extent a difference exists between the Creator(s) identified in the Invention disclosure and the Creator(s) identified in any resulting patent application, the latter shall control.

If there is more than one school, department, or center in which the Creator(s) serves, the applicable income will be distributed to the school, department, or center that administered the academic year salary at the time of the disclosure. The University will review the proposed distribution plan, in light of the declarations of department, school, and center affiliations declared at the time of Invention disclosure to the University as well as the sources of salary support at the time of disclosure. Income will be split equally among all Creators (unless otherwise stipulated on the disclosure form) and, where necessary, will be split among the departments, schools, or centers according to the source of salary support (unless otherwise stipulated on the disclosure form and agreed upon by all the affected unit heads). In the case of student Creators, distributions to departments and schools will be split according to the source of salary support for the student at the time of disclosure. In cases where students receive no salary, distributions will go to the department and school that housed the student's work. When multiple disclosures are used to develop a single patent or license, then the

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input

Incorporated Faculty Senate and Regulation Committee feedback 6-2-21

Incorporated additional edits 7-12-21

Final redline 7-30-21

income is split equally across the disclosures unless a different distribution is agreed upon by all those affected (Creators, unit heads, etc.). In cases of dispute, the Vice President for Research and Economic Development, or designee, will mediate among the parties and, if necessary, propose a distribution plan for approval to the President.

If the invention, discovery, or other Intellectual Property is the result of sponsored research and the sponsor regulates the distribution of income, such specific regulations shall take precedence over University policy with respect to distribution of the license revenue.

With respect to any Intellectual Property in which another institution or an outside agency shall share in the income derived from the Intellectual Property rights, distribution of income shall be made first to the other institution according to agreed-upon terms, and then to the Creator according to this Regulation.

2. Specific Conditions Governing Sponsored Research

a. Government Sponsored Research

Patents on inventions or other Intellectual Property arising from research financed by the United States Government are controlled by the terms of the supporting grants and contracts, and applicable Federal laws and regulations. ~~–Except as provided by Federal law or by government–~~supported grants or contracts, when no patent rights are claimed or when patent rights are waived by the United States Government, ~~patents~~Intellectual Property arising from government–sponsored research are controlled by ~~patent~~Intellectual Property (including those set forth in subsections VI(B) and ~~copyright~~VI(C)) policies set forth herein.

b. Non–Government Sponsored Research

The University must ensure that its facilities and the results of the research of its employees and students are applied in a manner which best serves the interests of the public. ~~–Likewise, the legitimate interests of a private sponsor who provides financial or other support to research carried out by or through the University must be considered. –The University will normally reserve ownership of patents on inventions~~ and/or other Intellectual Property arising out of research supported in whole or in part by grants or contracts with nongovernmental organizations or firms. ~~–Contracts or agreements which are entered into between the University and nongovernmental organizations or agencies~~

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input

Incorporated Faculty Senate and Regulation Committee feedback 6-2-21

Incorporated additional edits 7-12-21

Final redline 7-30-21

should contain clauses setting forth such a reservation, unless deviations therefrom are requested by the sponsor and approved by the Vice President for Research Advisory Committee and Economic Development. In the interest of fair treatment to the sponsor and in consideration for such sponsor's investment, special provisions regarding Intellectual Property rights (including patent rights) may be negotiated by the University, provided that the University retains the perpetual, non-exclusive right to use the invention for its own research, educational, and service purposes, without payment of royalty fees. In such cases, in the interest of discharging the University's obligation to the public in the application of its facilities and its employees' and students' time and talent, the University will require the sponsor to use due diligence in the commercial use of the invention, and the University will retain the right to publish the results of the research involved after a period of time reasonably necessary to protect the rights of the parties and to allow for the filing of a patent application; or to secure any other applicable intellectual property protections. Exceptions to this section may be authorized by the Vice President for Economic Development.

B. Copyright Ownership

All copyrights in Works of Authorship, whose Creators are Academic Personnel, except for works made for hire, software and patentable Intellectual Property, remain with their Creators. The University hereby transfers any copyrights it may own in Works of Authorship to Academic Personnel who prepared the Works of Authorship. Works of authorship created by non-Academic Personnel within the scope of their employment are owned by the University. The University may execute a written agreement waiving its rights, if any, in and to such material. The distribution of royalties, if any, is a matter of arrangement between the Creator and his or her publishers or licensees. The University also supports the creation and dissemination of academic or scholarly publications for the purpose of open access, subject to the arrangement between the Creator and their publishers or licensees. Works of Authorship owned by the University including; works made for hire, software, or other patentable Intellectual Property shall be subject to these policies and may be disseminated through open access with the approval of the Vice President for Economic Development.

1. Computer Software

All copyrights in and to computer software, including but not limited to programs, operating systems, procedures, and associated manuals, which result from activities carried out at the University, and which are developed with the

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input

Incorporated Faculty Senate and Regulation Committee feedback 6-2-21

Incorporated additional edits 7-12-21

Final redline 7-30-21

aid of or for use with University hardware shall be the sole property of the University of Wyoming. The terms and conditions regarding patentable Intellectual Property, including but not limited to the distribution of income, shall apply to computer software of the type described herein.

2. Academic Course Materials

The University makes no claim to copyright ownership for noncommissioned academic course materials initiated and completed by Academic Personnel. The University hereby transfers any copyrights it may own in Academic Course Materials to Academic Personnel who prepared the Academic Course Materials, except for those prepared with significant University resources and facilities. However, for those created within the employee's scope of duties, the University will claim a perpetual, nonexclusive, worldwide, royalty-free license to use the Academic Course Materials for any of the University's teaching and educational purposes as well as for administrative purposes for accreditation.

C. Service Mark, Trademark, and Trade Name Ownership

Service marks, trademarks and trade names with respect to products resulting from or arising out of research, instruction, or other activities carried out at the University or developed with the aid of its resources, facilities or staff, shall be the property of the University. Without express authorization from the President or the President's designee, no steps shall be taken to secure such trademarks, trade names or service marks by usage or registration. The University reserves the right to register such marks as it deems appropriate, and to license the use of such marks, provided that the income from such licensing shall be used to support the research and educational programs of the University as defined herein.

D. Students

Undergraduate and graduate students enrolled in degree or certificate programs at the University own the copyrightable and patentable Intellectual Property they create if it was created:

1. For a course in which the student is enrolled;
2. During extracurricular activities directly unrelated to research projects being undertaken at the University;
3. While using the resources and facilities of the University commonly provided for a student's use and for which a student has paid tuition and fees;

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
Final redline 7-30-21

4. While using resources and facilities of the University available to the non-University community with or without an associated fee;
5. Or a combination of 1–4, unless:
 - a. The student is also an employee of the University either on a work-for-hire basis or as part of University faculty-led research and the patentable Intellectual Property is developed within the course and scope of his or her employment as stated in Section V above, in which case Subsection 1 above shall apply;
 - b. The student participates in a University research project where ownership and control of the resulting patentable Intellectual Property rights created under the project have already been defined via agreement to a governmental, philanthropic, corporate, or other sponsor or collaborator;
 - c. The student jointly creates the patentable Intellectual Property with a non-student, in which case Section VI excluding this subsection (D)—and applicable law dictate ownership of patentable Intellectual Property as if the student was a non-student described above in subsection (A).

VII. PUBLICATION -

A major function of the University is the advancement and dissemination of knowledge. Any practice which unnecessarily restricts the publication of results of scholarly or scientific work is to be avoided. —It is recognized, however, that the full development of useful ~~inventions or discoveries~~ Intellectual Property may be dependent upon the securing of patent protection which will enable the commercial utilization of the ~~discoveries or inventions.~~ Intellectual Property. Accordingly, under certain circumstances it may be necessary to delay for a minimum period the publication of results of research. _

———If a sponsor proposes to support a research effort, and the rights to any patentable ~~invention or~~ copyrightable Intellectual Property resulting therefrom will belong to said sponsor, the research agreement with respect to publication shall include language to accomplish the following: -First, the sponsor must agree that the results of the research may be published by the investigators. Second, to not jeopardize patent applications, the University and the investigators may agree that any proposed publication will be submitted to the sponsor with a written notice of intent to submit for publication. -The notice will advise the sponsor that if, within a period of no more than ninety (90) days from the date of such notice, the sponsor fails to request a delay, the investigators and University shall be free to proceed immediately with the publication. -If, however, the sponsor provides timely notice to the University that a delay is desired, the submission of the manuscript to a publisher or

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
Final redline 7-30-21

other public disclosure shall be withheld for the period requested, but in no event shall the total period of delay be longer than one (1) year following the date of the notice of intent to submit for publication. -Such a period will permit the sponsor to have the necessary patent applications prepared and filed, and does not unduly restrict the dissemination of scientific knowledge. Exceptions to this section may be authorized by the Vice President for Economic Development.

IV.VIII. AVOIDANCE OF CONFLICTS

Conflicts involving ~~patentable inventions and discoveries~~Intellectual Property ownership may arise when University employees or students enter into personal consulting agreements with outside firms and organizations. -The agreements which business firms generally wish to have executed by those who are to serve in a consulting capacity frequently contain provisions requiring the licensing or assignment of the consultant's ~~inventions and patents~~Intellectual Property to that business firm.- Such provisions may apply to areas in which the individual's University work lies, and thus may come into conflict with the terms and conditions of this policy.

Prior to signing any consulting agreement which deals with patent rights, trade secrets, or the like, if any University time, facilities, materials or other resources are to be involved in the carrying out of such consulting work, University employees or students must submit the proposed agreement to the Wyoming Technology Transfer and Research Advisory CommitteeProducts Center and obtain a waiver of University rights, or otherwise modify the agreement to conform with these policies.

V.IX. DUTY TO DISCLOSE ~~DISCOVERIES AND INVENTIONS~~INTELLECTUAL PROPERTY

All individuals whose ~~discoveries and inventions~~Intellectual Property are covered by these policies have a duty to promptly disclose the same to the ~~Research Advisory Committee through the~~ Vice President for Research and Economic Development.— through the Wyoming Technology Transfer and Research Products Center.

The duty of disclosure arises as soon as the individual has reason to believe, based on his or her own knowledge or upon information supplied by others, that the ~~discovery or invention may be patentable. Certainty about patentability is not required before a disclosure is made.~~ Intellectual Property may be subject to this Policy. Certainty about patentability or copyright ability is not required before a disclosure is made. Prior to any verbal or other disclosure of Intellectual Property, whether formal or informal, to a non-University third party, individuals must disclose the Intellectual Property to the Wyoming Technology Transfer and Research Products Center. Examples of disclosures to non-University third parties include, but are not limited to, potential non-University collaborators, conference

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
Final redline 7-30-21

presentations, poster sessions, journal publications, conference roundtable discussions, and discussions with potential third party sponsoring entities for support of continued work on the Intellectual Property.

Individuals shall execute such declarations, assignments, or other documents as may be necessary in the course of patent evaluation, registration, administration, or enforcement in order to ensure that title in such inventions shall be held by the University, or by such other parties as may be appropriate under the circumstances. Employees and students who do not promptly disclose shall be subject to disciplinary action.

~~VI.X.~~ WYOMING TECHNOLOGY TRANSFER AND RESEARCH ADVISORY COMMITTEE PRODUCTS CENTER

The Wyoming Technology Transfer and Research Advisory Committee Products Center shall review and recommend to the Vice President for Research and Economic Development or the Vice President's designee the procedures for the implementation of these policies; shall resolve questions of ~~invention~~Intellectual Property ownership that may arise between the University and its faculty, staff, or students; shall recommend to the Vice President for Research and Economic Development the expenditure of ~~the University research and development funds~~funds from patent and/or licenses; and shall make such recommendations as are deemed appropriate to encourage disclosure and to assure prompt and expeditious handling, evaluation, and prosecution of patent opportunities.

~~VII.XI.~~ PATENT MANAGEMENT

The President, or the President's designee

The Wyoming Technology Transfer and Research Products Center, in consultation with the Office of General Counsel, is authorized to negotiate with reputable agencies or firms to secure arrangements for patent management, including competent evaluation of invention disclosures, expeditious filing of applications on patents, and licensing and administration of patents.

~~V.~~ COPYRIGHT OWNERSHIP

Except as provided in Sections IV, XV and XVI of this Regulation, all rights to copyrightable material shall be the property of the creator. The University may execute a written agreement waiving its rights, if any, in and to such material. The distribution of royalties, if any, is a matter of arrangement between the creator and his or her publishers or licensees.

~~VI.~~ COMPUTER SOFTWARE

All copyrights in and to computer software, including but not limited to programs, operating systems, procedures, and associated manuals, which result from research activities carried out at the University, and which are developed with the aid of or for use with University hardware shall be the sole property of the University of Wyoming. The terms and conditions of Sections I through XII of this Regulation,

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input
Incorporated Faculty Senate and Regulation Committee feedback 6-2-21
Incorporated additional edits 7-12-21
Final redline 7-30-21

including but not limited to Section VII which describes the distribution of income, shall apply to computer software of the type described herein. Section VII does not apply to works for hire.

~~VII. VIDEOTAPED PRODUCTIONS~~

~~All copyrights in and to videotaped courses of instruction or other audio-visual productions which result from research or other activities carried out at the University, and which are produced with the aid of the University's facilities or staff or with funds administered by the University, shall be the sole property of the University. Any individual contemplating the development and production of a videotaped course of instruction or other audio-visual production must secure the prior approval of the Vice President for Academic Affairs, or designee. All of the foregoing terms and conditions of this Regulation, with the exception of Section VII, shall apply to videotaped courses of instruction of the type described herein. The means of remuneration, and the distribution of income earned from the development of such a course or production, shall be agreed upon in writing prior to the development or production of same. Remuneration and distribution of income do not apply to works for hire.~~

~~VIII. SERVICE MARK, TRADE MARK AND TRADE NAME OWNERSHIP~~

~~Service marks, trade marks and trade names with respect to products resulting from or arising out of research or other activities carried out at the University or developed with the aid of its resources, facilities or staff, shall be the property of the University. Without express authorization from the President or the President's designee, no steps shall be taken to secure such trade marks, trade names or service marks by usage or registration. The University reserves the right to register such marks as it deems appropriate, and to license the use of such marks, provided that the income from such licensing shall be used to support the research and educational programs of the University as defined herein.~~

~~VIII.XII. EXCEPTIONS~~

Exceptions to any of the above policies may be authorized by the President or the ~~President's designee following a favorable review and recommendation from the Research Advisory Committee. Before recommending such an exception, the Committee should determine that, President's designee if~~ on the basis of the evidence available, such exception is consistent with the University's responsibilities to the public interest.

Responsible Division/Unit: Office of Research and Economic Development

Source: None

Links: <http://www.uwyo.edu/regs-policies>

Draft 3-3-21 based on Working Group recommendations and President/Regulation Committee input

Incorporated Faculty Senate and Regulation Committee feedback 6-2-21

Incorporated additional edits 7-12-21

Final redline 7-30-21

Associated Regulations, Policies, and Forms: None

History:

University 641, Revision 3; adopted 7/17/2008 Board of Trustees meeting

Revisions adopted 5/10/2013 Board of Trustees meeting

Revisions adopted 9/12/2014 Board of Trustees meeting

Reformatted 7/1/2018: previously UW Regulation 3-641, now UW Regulation 9-1