




MEMORANDUM

TO: President Edward T. Foote II

FROM: Dr. George C. Alexandrakis   
Chairman, Faculty Senate

DATE: March 13, 1989

SUBJECT: Faculty Senate Legislation #88008(B) -  
University Software, Patent, and Copyright Policy

The Faculty Senate, at its meeting of February 6, voted to approve Faculty Senate Legislation #88008(B) - University Software, Patent, and Copyright Policy. The text of the legislation is as follows:

Software developed by faculty is considered academic publication equivalent to books and other faculty authored materials and as such the property of the individual faculty member. Software developed for administrative purposes by University employees, other than full-time faculty, and by faculty-administrators, as part of their administrative duties, is the property of the University. Software developed by faculty members, at the request of the Administration for administrative use, is the property of the University.

This legislation is now forwarded to you for your action.

GCA/b

cc: Provost Luis Glaser  
Mr. Paul Dee

CAPSULE:

Faculty Senate Legislation #88008(B) -  
University Software, Patent, and Copyright Policy

RESPONSE BY THE PRESIDENT:

DATE: 3/15/25

APPROVED: Qo 377

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: \_\_\_\_\_

EFFECTIVE DATE OF LEGISLATION: \_\_\_\_\_

NOT APPROVED AND REFERRED TO: \_\_\_\_\_

REMARKS (IF NOT APPROVED): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## Proposed Software, Patent, and Copyright Policy

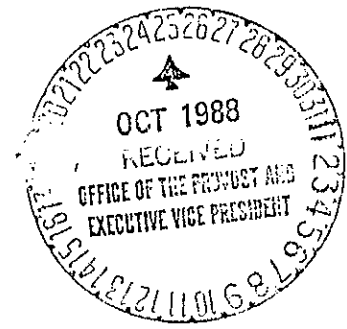
Software developed by faculty for academic purposes is considered equivalent to books and other faculty authored materials and as such the property of the individual faculty member. Software developed, **as part of their regular duties**, by University employees other than full-time faculty and by faculty-administrators, **as part of their administrative duties**, is the property of the University.

*Policy for Software and Copyright*

Prof. Rubin introduced to the Senate a proposal to include a policy on software in the Faculty Manual. The policy should state that software developed by a faculty member is considered an academic publication. Software developed by a staff member and by faculty-administrators, as part of their administrative duties, is the property of the University. It was **moved** by Prof. Knoblock to amend the motion by adding **an academic publication** after is considered and insert **for administration purposes** after software developed. **The amendment carried.** It was moved by Prof. Brass to amend the motion by striking the second sentence, after software developed, *as part of their regular duties*. Prof. Swan moved to strike *as part of their administrative duties* and add **at the request of the Administration for administrative use**. **The amendment carried.**

The meeting was adjourned.


Clarisa Alvarez S.  
Clarisa Alvarez, Secretary



MEMORANDUM

TO: Luis Glaser  
Provost

David Lieberman  
Business and Finance

FROM: Alan Fish  
Business Services 

RE: SOFTWARE PATENTS AND COPYRIGHTS

DATE: October 20, 1988

The Patents and Copyrights Committee met on October 4, 1988 and passed a motion on a vote of 4 in favor and 1 abstaining to treat the development of software as the property of the author if a faculty member. Treating software as a copyrightable material is in accordance with numerous institutions of higher learning. Software should not be treated any different than that of the author's publication rights in any book, manuscript, film, or educational material.

However, we do recognize that the University has rights to software when that product has resulted from a project assigned to a faculty or staff member as part of his or her regular duties for the University. The duties must be specified at the time of the assignment by an instrument of specific detail or an agreement signed by the faculty or staff member, departmental chairman or director and by the school or college dean.

Basically what we have approved already exists in the Faculty Manual, but is not quite specifically defined to address software. Perhaps the Faculty Manual can be modified to include this recommendation by the Patents and Copyrights Committee. We would like to present your recommendations or approval at the next Patent and Copyrights Committee meeting.

→ We anxiously await your response.

AF:bv

cc: Dr. Bob Rubin  
Cindy Augustyn  
Don Anguish

Director of Business Services  
Business Affairs Division  
302 Max Orovitz  
P.O. Box 248184  
Coral Gables, Florida 33124  
(305) 284-5751

## Proposal

That software developed by faculty for academic purposes be considered equivalent to books and other faculty authored materials and as such the property of the individual faculty member. Software developed by university employees other than full time faculty and by faculty acting as administrators is the property of the University.

*in ~~full~~ part of their regular assigned duties +*

the title be amended to read "Policy on Fraud and Misconduct in Research" and that one six-man committee ought to be sufficient for the entire University.

#### Revised Patent Guidelines

Dr. Robert Rubin, Chairman of the University Patent and Copyright Committee, informed the Council that the current University copyright policy is that faculty who write and copyright books have no obligation to the University for that intellectual property. However, an idea related to a job description or classification at the University that is patentable, is considered intellectual property owned by the University. According to the University patent policy, any revenues realized from a patent are split in thirds to the faculty member, his or her department, and the University. Dr. Rubin stated that the Administration has considered software as copyrightable, text material. It was *moved*, and seconded, to return the document to the Research Council with the strong recommendation that the text is inappropriate. *The motion was unanimously adopted.*

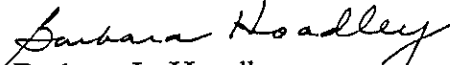
#### Report on Physical Therapy Proposal

Dr. Brass, presented the report of the ad hoc committee to review the Physical Therapy proposal. Ms. Hayes distributed lists of faculty, projected student enrollments, and budgets projected for the next three years. She reported that the program has internal accreditation and that a site visit is scheduled for May for national accreditation. The Master of Science in Physical Therapy (MSPT) is the entry level practitioner for physical therapy at the graduate level with a strong emphasis on research. The proposed Master of Science program would accommodate physical therapists who hold bachelor degrees in physical therapy. The degree (MS) would have a research component and a required thesis. Both programs have been approved by the Medical School Council and the Graduate Council. *The motion to recommend to the Senate the proposed programs was unanimously adopted.*

#### Distinguished Service Award

Dr. Knoblock reported on his discussion with the President regarding the presentation of an Outstanding Service Award to be named for Mr. James McLamore, Chairman of the Board of Trustees. After discussion of several nominees, it was agreed to present the award to a single recipient. It was *moved*, and seconded, that Mr. Bunn Gautier be named as the first awardee of the McLamore Distinguished Service Award. *The motion was unanimously adopted.*

The meeting adjourned at 5:45 P.M.

  
Barbara L. Hoadley  
Secretary to the Faculty Senate





Executive Vice President and Provost

M E M O R A N D U M

October 9, 1987

TO: Dr. John Knoblock  
Chairman, Faculty Senate

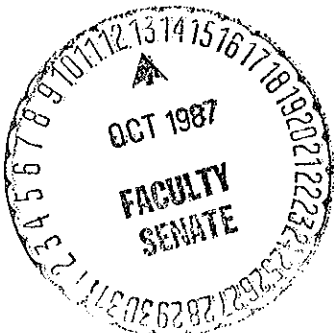
FROM: Luis Glaser  
Executive Vice President  
and Provost

A handwritten signature in dark ink, appearing to read "Luis", written in a cursive style.

The Faculty Manual states that the University shall retain all royalties "until it shall have recovered in full all expenses incurred in connection with the filing and prosecution of a ~~patent~~ application, or applications, for the discovery of an invention in question." The system is changing so that in many cases we do not file patents but we have expenses associated with intermediaries who receive a free fee for bringing contracts to us.

It is my sense that the intent of the legislation which requires Board action is that expenses directly associated with the generation of the royalties have to be deducted before the standard division into thirds is carried out. Do you agree with my interpretation?

LG:nh



P.O. Box 248033  
Coral Gables, Florida 33124  
(305) 284-3356

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