

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE

Committee on General University Policy
(Final; Action)

GP.03.06, Resolution on the Revision of *The General Rules*, Article III

BACKGROUND

The *Statutes* of this University (Article I, Section 6) state that *The General Rules Concerning University Organization and Procedure* “are adopted by the Board of Trustees acting on the advice of the president of the University,” and that “Before providing such advice or consultation, the president shall consult with the University Senates Conference.” It may reasonably be assumed that the *Statutes* envision that such consultations will be a meaningful part of the deliberative process, and will be undertaken in a manner that allows proposed changes to be well considered by the Senates Conference.

The Senates Conference was consulted when the position of “Vice President for Economic Development and Corporate Relations” was created in July 2000, and the Conference gave its qualified approval to the creation of that vice presidency. The Conference, however, was not given the opportunity to review and approve the description of the position that was incorporated into *The General Rules* upon its creation. The Conference also was not consulted when the name (and thus the purview) of this position was changed to “Vice President for Technology and Economic Development,” upon the recommendation of the President at the May 15, 2003, meeting of the Board of Trustees. The Conference further did not have adequate opportunity to consider the changes in *The General Rules* that were adopted by the Board at its September 2004 meeting, relating both to the description of the position and to the administration of intellectual property, prior to being consulted about them shortly before that meeting of the Board, and so was in no position at the time of the consultation to address the substance of the changes.

The changes made at that time are problematic in a number of respects – one of which relates to the fact that the vice chancellors for research now report to the chancellors in some matters and to the Vice President for Technology and Economic Development in others, rather than solely to the chancellors as was formerly the case. Upon close consideration of the changes, moreover, it is evident that they have the (perhaps unintended) consequence of bypassing the chancellors entirely in the administration of intellectual property developed on their campuses. This is a matter of serious concern, and needs to be rectified. The proposed change in the section of *The General Rules* in question would not address the problem of the dual reporting lines of the vice chancellors for research; but it would at least restore the chancellors to their proper place in intellectual property administration.

It is recognized that the campuses have no formal role in the formulation and modification of *The General Rules*. It is to be hoped, however, that the Board of Trustees will be receptive to concerns of the campuses with respect to provisions in them, and will be responsive to resolutions such as the one proposed, calling for changes in them, when made with good reasons.

RESOLUTION

Whereas, the Board of Trustees, at its September 9, 2004 meeting, approved an amendment to Article III, Section 7, sub-section (j) of *The General Rules* of the University that assigns to the Vice President for Technology and Economic Development (VPTED) “direct line authority for University offices and entities involved in technology commercialization and related economic development”; and

Whereas, *The General Rules* as amended empowers and charges the VPTED to “establish operational guidelines and procedures for the administration of intellectual property,” including “oversight of revenue or equity collection and distribution” and “resolution of disputes among creators and/or unit executive officers,” which responsibilities previously in *The General Rules* were “delegated ... to the vice chancellor for research on each campus”; and

Whereas, *The General Rules* now places the vice chancellors for research under the “direct line authority” of the VPTED, rather than of their chancellors, in the above-mentioned matters; and

Whereas, *The General Rules* as amended further specifies that the VPTED is to establish such guidelines and procedures “in consultation with the vice president for academic affairs and vice chancellors for research,” but makes no mention of the chancellors in this connection; and

Whereas, the consequence of these changes is to deprive the chancellors of an explicit role in the above-mentioned matters, either directly or through their vice chancellors for research; and

Whereas, it is essential to the health of the campuses and to their ability to contribute optimally to the research mission of the University that the chancellors have an explicit, direct and significant role in the development of guidelines and procedures for the administration of intellectual property as these guidelines and procedures affect their campuses and faculty, and that the chancellors be directly and significantly involved in the oversight of revenue or equity collection and distribution deriving from the research of their faculty;

Be it therefore resolved, that the Urbana-Champaign Senate urges the Board of Trustees to amend *The General Rules*, Article III, Section 7, sub-section (j), by adding the phrase “With the advice and concurrence of the chancellors,” to the third sentence of this sub-section, before the words: “In consultation with the vice president for academic affairs and vice chancellors for research”; and

Be it further resolved, that the Urbana-Champaign Senate calls upon the senates of the other two campuses of the University, and upon the University Senates Conference, to join with it in urging the Board of Trustees to amend *The General Rules* in this manner.

Attachment: *The General Rules*, Article III, Section 7, sub-section (j), showing change.

GENERAL UNIVERSITY POLICY
Richard Schacht, Chair
R. Linn Belford
Clifton Brown
Adam Cobb

Ryann Hubbard
Joan Klein
Carol Livingstone
Joanne Vining
Ruth Watkins, *Ex officio*

Text to be deleted is indicated in [square brackets] and text to be added is underlined.

The General Rules, Article III, Section 7, sub-section (j)

(j) *Administrative Responsibility*. The president has ultimate authority for the stewardship of intellectual property developed at the University. Pursuant to Article I, Section 2, Paragraph (d) the vice president for technology and economic development has direct line authority for University offices and entities involved in technology commercialization and related economic development. With the advice and concurrence of the chancellors, and [I]in consultation with the vice president for academic affairs and vice chancellors for research, the vice president for technology and economic development will establish operational guidelines and procedures for the administration of intellectual property, including but not limited to determination of ownership, assignment, protection, licensing, marketing, maintenance of records, oversight of revenue or equity collection and distribution, approval of individual exceptions, and resolution of disputes among creators and/or unit executive officers.