

Section II ACADEMIC AND STUDENT AFFAIRS

21 ACADEMIC AFFAIRS

21.01 Planning

The board requires the administration to employ systematic processes to assess needs, identify goals, develop operating plans and budgets, evaluate performance outcomes, and report performance results.

21.01.1 Responsibility

A. Annually, the board approves fiscal year operating budgets and organization plans for the administration.

B. The president is responsible for developing the university's planning and budgeting process employed. The process will provide for review of all plans by the appropriate board committee prior to board action.

C. The president is responsible for preparing and implementing plans for the university as approved by the board, for ensuring that the results are compatible with the mission and goals approved for the university, and for reporting performance results to the board.

21.01.2 Reporting Requirements

Annually, the president shall report to the board the operating and budget plans of the university administration for the ensuing fiscal year, and the university's performance for that year.

21.02 Honorary Degrees

Honorary degrees may be awarded by the board at commencement or on other special occasions for the purpose of recognizing outstanding achievements. All honorary degrees must be approved by the board upon recommendation of the president.

A candidate nominated to receive an honorary degree should have national or international distinction or have exceptionally strong visibility within the State of Texas. The candidate should have an association with the university, or there should be an established program at the university in the recipient's major area of expertise. Employees and regents of the university and officials currently holding elective offices are ineligible to receive honorary degrees; however, persons of national prominence in their field are excepted from this restriction.

21.03 Academic Freedom

To establish and clarify the rights and responsibilities of the faculty pursuant to academic freedom, the board adopts the following policy:

21.03.1 The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of the faculty member's other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the university.

21.03.2 The faculty member is entitled to freedom in the classroom in discussing the subject matter, but the faculty member should be careful not to introduce into the teaching controversial matter which has no close relation to the subject.

21.03.3 The faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, the faculty member shall be free from institutional censorship or discipline, but the faculty member's special position in the community imposes special obligations. As a person of learning and an educational officer, the faculty member should remember that the public may judge the profession and the institution by the faculty member's utterances. Hence the faculty member should at all times strive for accuracy, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that the faculty member is not speaking for the institution.

21.04 Part-Time and Evening Programs

The board affirms the university's commitment and obligation to the citizens of the state to provide a broad range of high-quality professional and general educational and degree opportunities, within the context of the specific mission of the university, to full-time and part-time students in academic programs during both day and evening hours.

Because of the board's strong commitment to maximize educational and degree opportunities and its concern for students who must attend part-time and evenings, the board directs that any change in academic programs that could adversely affect part-time and evening students be submitted to the board for prior approval.

21.05 Faculty Workload

The university, in compliance with state law, shall adopt and maintain faculty academic workload rules and regulations directed toward attaining the greatest educational benefit from the expenditure of public funds. All such rules and regulations must be approved by the president or his or her designee and adopted by the board.

The faculty academic workload rules and regulations shall be reported to the Texas Higher Education Coordinating Board and included in the operating budgets and faculty handbooks.

21.06 Faculty Personnel Actions

The university shall establish guidelines and procedures regarding academic appointments, separations, promotions, and tenure awards. Such guidelines and procedures should maximize the university's ability to attract and retain academic personnel of the highest quality. The guidelines and procedures must be approved by the board and published in the university's faculty manual.

21.07 Faculty Dismissal

Dismissal is the termination of employment of a tenured faculty member, or of a probationary or nontenured faculty member before the term of appointment has expired. The university through its faculty governance processes shall develop policies and procedures pertaining to dismissal of faculty members. Such policies must be consistent with those specified herein and must be approved by the president and the board.

21.07.1 Assurances

University policies and procedures for faculty dismissals must assure that:

- A. the rights of the individual to due process are protected;
- B. dismissal shall not violate the constitutionally protected rights of an individual and shall not be used to restrain faculty members in their exercise of academic freedom;
- C. dismissal procedures provide for timely written notice of impending dismissal that specifies the grounds on which dismissal is sought;
- D. a faculty member notified of impending dismissal has the option of a hearing before an impartial faculty tribunal designated by the established procedures of the university; and
- E. the burden of proof in dismissal proceedings rests with the university/school/college seeking the dismissal.

21.07.2 Justifications

Dismissal may be justified by one or more of the following:

- A. Adequate Cause. Termination of employment for adequate cause may include:

1. grounds related to dishonesty, or to demonstrated professional incompetence in teaching or research;
2. grounds related to substantial and manifest neglect of professional or academic responsibilities; or
3. grounds related to actions that would result in a general condemnation of the faculty member by the U.S. academic community.

B. *Financial Exigency.* Termination of employment may be justified by a demonstrated and *bona fide* imminent financial crisis that threatens the continuation of the academic programs in their present form, and that cannot be alleviated by other means. The university will develop criteria and procedures to determine whether a state of financial exigency exists. Standards so developed will include provisions for faculty involvement in the determination and for a minimum twelve-month notice of termination of appointment to tenured faculty. Untenured faculty will be given notice consistent with the university's non-reappointment guidelines.

C. *Medical Reasons.* Termination of employment may be justified by clear and convincing medical evidence that the faculty member cannot fulfill professional and academic obligations, or the terms and conditions of appointment, with reasonable accommodation.

D. *Discontinuance of Academic Programs.* Termination of employment may be based on the discontinuance of an academic program reflecting long-range judgments concerning the educational mission of the university. Tenured faculty will be given notice eighteen months prior to termination of employment due to discontinuance of academic programs. Untenured faculty will be given notice consistent with the university's non-reappointment guidelines.

In the event of dismissal of faculty by reason of financial exigency or discontinuance of academic programs, the university's administration will make every reasonable effort to place affected faculty in other positions. A faculty member with tenure will not be dismissed in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a distortion of the academic program would otherwise result.

21.08 Intellectual Property

University research and intellectual endeavors often result in the invention of new technology or the creation of new copyrighted material. Such results may have

commercial value. While the production of commercially valuable intellectual property is not necessarily the purpose of university research and educational activities, nor the duty of anyone engaged in research and educational activities, the board desires that both society and the university under the governance of the board use all knowledge to the greatest possible benefit. Accordingly, when appropriate, the university will protect all intellectual property rights in technology and copyrighted material and use diligent efforts to make productive use of such rights for the good of the public, the creator, and the university. When this result is achieved by the attraction of private risk capital, or by the transfer or licensing of rights in technology or copyrighted material, income may be realized, which the board will seek to distribute in a manner fair both to the creator and to the university at which the intellectual property was developed. Financial return, however, always remains secondary and incidental to the public service aspect of developing and disseminating knowledge for public use. The board hereby delegates authority to promulgate specific policies for managing Intellectual Property Rights to the president.

21.08.1 Definitions

A. "Author" means any person (as defined below) who actually creates copyrighted material (also as defined below).

B. "Creator" means an inventor or author (each as defined elsewhere in this policy).

C. "Inventor" means any person who discovers or invents technology.

D. "University" means Texas Southern University.

E. "Business participation" means the participation of a person in any activity, the purpose of which is the commercial development or exploitation of intellectual property owned by the university. Such participation includes, but is not limited to, an equity interest, a consulting relationship, service on a board of directors or similar body, a royalty interest, stock ownership, or any similar relationship.

F. "Copyrighted material" or "work of authorship" means original expression that is fixed in any tangible medium of expression and subject to copyright protection under Title 17 of the United States Code as it now exists or as it may be amended. Under federal law, copyright subsists from the moment of the work's creation, although protection may be enhanced by registration with the United States Copyright Office. Works of authorship currently include:

1. Books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and survey instruments;
2. Lectures and unpublished lecture notes;
3. Musical works;
4. Dramatic works;
5. Works of visual art, such as sculptures and drawings;
- 6.

Architectural works; 7. Films, audiovisual works, slide programs, film strips; 8. Sound recordings and video recordings containing original performances; 9. Programmed instruction materials; 10. Computer programs and documentation (firmware).

G. "Intellectual Property Rights" means those rights of ownership recognized by law in technology, copyrighted material, and computer software and firmware (all as defined in this policy). Intellectual property rights include, but are not limited to, patents, copyrights, and rights to trade secrets and know-how.

H. "Licensed Subject Matter" means inventions and discoveries covered by patent rights of technology rights within licensed fields.

I. "Net income" means, with respect to board-owned rights in any particular intellectual property and/or copyright, gross revenue received by the university as a result of the commercialization of such rights, less:

1. any taxes or other charges of any description paid by the University to governmental agencies in connection with the particular intellectual property; and
2. all legal and other expenses paid by the University to affiliates or third parties in filing, prosecuting, maintaining, enforcing, defending, and commercializing such rights in the United States or foreign countries.

J. "Person" means any part-time or full-time faculty or staff member working at, or student attending, the university or other entity under the governance of the board.

K. "President" means the president of the university under the governance of the board, or any person the President designates to carry out the university's intellectual property policy.

L. "Software" means any program, language, or procedure for a computer system or portion thereof, and any accompanying documentation. Software includes, but is not limited to, computer programs, internal programs, subroutines, assemblers, generators, subroutine libraries, compilers, operating systems, and application programs.

M. "Technology" means discoveries, innovations, or inventions.

N. "University research" means all research, activities, or work within or related to a person's expertise or general area of employment responsibility, or that has resulted from activities performed by the person on university time, with the support of university funds or from using university facilities,

including work under a research agreement with an external sponsor and research conducted by anyone, whether or not a person as defined in this policy, who utilizes university resources.

O. "Work for Hire" means the participation of a person, faculty member, researcher, student, or employee who was hired specifically or required to produce or create specific intellectual property or create specific materials resulting in intellectual property.

P. "University support" means direct university support, which includes but is not limited to the following:

1. Equipment, materials, and staff services from any of a variety of university departments other than the person's academic department or unit are used in the development of copyrightable materials at no expense to the author or the author's academic department/unit.
2. Author receives support for the development of copyrightable material, such support being in the form of money in excess of normal salary, reduced teaching load, released time, or other resources from a department, college, or any unit of the university.

21.08.2 Intellectual Property

The Board of Regents may assert ownership in intellectual property of all types (including, but not limited to, any invention, discovery, trade secret, technology, scientific or technological development, and computer software) regardless of whether subject to protection under patent, trademark, copyright, or other laws. The Board of Regents shall have sole ownership of all intellectual property created by an employee who is hired specifically or required to produce it or commissioned by the university except as may be provided otherwise in a written agreement approved by the president. The university will provide review of the management services for patentable inventions, as well as other intellectual property either by its own staff, through a related foundation, or by other means. Intellectual property resulting from research supported by a grant or contract with the federal government, or an agency thereof, with a nonprofit or for profit nongovernmental entity, or by a private gift or grant to the university shall be subject to the ownership by the Board of Regents.

A. Administration approval of application requests to, and acceptance of, grants or contracts with the federal government or any agency thereof, a nonprofit or for profit nongovernmental entity or a private donor that contain provisions that are inconsistent with this policy or other policies and guidelines adopted by the Board of Regents imply a decision that the value to the university of receiving the grant or performing the contract outweighs the

impact of any nonconforming provisions of the grant or contract on the intellectual property policy of the university.

B. The intellectual property policies and guidelines of the university are subject to, and thus amended and superseded by, the specific terms pertaining to intellectual property rights included in federal grants and contracts, or grants and contracts with nonprofit and for profit nongovernmental entities or private donors, to the extent of any conflict. In instances where it is possible to negotiate university-wide intellectual property agreements with the federal agencies, nonprofit and for profit nongovernmental entities or private donors and thereby obtain more favorable treatment for the creator and the university, every effort will be made to do so with the cooperation and concurrence of the Office of General Counsel, after consultation with the chair of the Standing Committee on Intellectual Property.

C. Employees of the University whose intellectual property creations result from a grant or contract with the federal government, or any agency thereof, with a nonprofit or for profit nongovernmental entity, or by private gift to the university shall make such assignment of such creations as is necessary in each case in order that the university may discharge its obligation, expressed or implied, under the particular agreement.

D. In the event that two or more persons are entitled to share royalty income and such persons cannot agree on an appropriate sharing arrangement as evidenced by a clear and unequivocal written agreement transmitted to the Standing Committee on Intellectual Property in the research disclosure form, that portion of the royalty income to which the creator is entitled under this policy will be distributed to such person in such portions as the chair of the Standing Committee on Intellectual Property may deem appropriate under the circumstances, and such decision shall be binding on the creator.

21.08.3 Standing Committee on Intellectual Property

A. Appointment. The president of the university shall appoint or specify the composition of a Standing Committee on Intellectual Property. The General Counsel will be a member of the Standing Committee on Intellectual Property.

B. Duties in General. In addition to the responsibilities described elsewhere in this policy, the committee will advise and recommend to the president:

1. guidelines and procedures for implementation of this intellectual property policy;
2. proposed amendments to this policy; and

3. such other matters as the president directs.

21.09 Patents

A. General Policy. Texas Southern University is interested in the application of discovery, reason and knowledge to the solution of the problems of mankind. Therefore, to the extent that the results of this application are patentable, Texas Southern University has the responsibility of assuring that such patents are used and controlled in a manner that will provide maximum benefits to the public, the inventor and to the university. Texas Southern University is committed to assisting the faculty and staff in matters related to inventions and patents and to providing an environment that will encourage the development and disclosure of patentable inventions. The aim of this document is to provide a policy for the disclosure and publication of patentable findings. It will be the responsibility of all affected faculty and staff members to abide by university regulations as well as those agreements reached under contracts with sponsoring federal agencies or other cooperating organizations. This policy applies to all members of the faculty, staff and student body of Texas Southern University. Patents related to the individual's employment responsibility or resulting from the activities performed on the university's time, with support by state funds or through the use of university facilities, is subject to ownership by the Board of Regents. Patents unrelated to the individual's employment responsibility that is developed on an individual's own time and without the university's support or use of the university's facilities is the exclusive property of the creator.

B. Administration of Policy. Matters of policy relating to the operation of this patent policy shall be the responsibility of the Standing Committee on Intellectual Property. Administrative matters pertaining to the operation of this patent policy shall be the responsibility of the Office of the General Counsel.

C. Disclosure of Technology. Carefully planned methods of transferring Board of Regents-owned rights in technology will best accomplish the objectives stated in the first paragraph of this policy. Each school of discipline can accomplish those objectives only if inventors promptly disclose technology. Any person who as a result of his or her teaching and/or research activities on behalf of Texas Southern University creates intellectual property must submit a research agreement to the Standing Committee on Intellectual Property for determination of the university's interest. The research agreement requires disclosure and the inventor must prepare, sign, and date a patent disclosure in the form promulgated by the university. The inventor must also include drawings, sketches and other pertinent data to show the principle of the technology. Premature publication of information pertaining to discoveries and inventions, or delayed prosecution of patent protection, can damage seriously the ability to obtain patent protection. Therefore, if a person conceives or reduces to practice any technology, that

person must disclose such technology to the university as soon as practicable after the date of first conception or discovery. Where delay would jeopardize obtaining the appropriate protection for the property, the creator may request the approval of the Chair of the Standing Committee on Intellectual Property and the Office of General Counsel to file a patent application or take other steps to obtain available protection prior to the administrative review. If the request is granted, the creator may proceed with the filing of a patent application or other available protective measures pending the determination of the university's interest, provided that the creator is reimbursed for reasonable expenses in filing the patent application or taking other steps to obtain protection if the decision of the university is to assert and exploit its interest.

D. Procedure. All faculty, staff, and students who believe that they have made a patentable invention shall report that belief in writing to the Standing Committee on Intellectual Property. The report should include a full description of the invention and any related matters. The Standing Committee on Intellectual Property shall decide how the invention will be categorized under the following guidelines:

1. Any invention made with only a nominal use of materials, supplies, facilities and services of Texas Southern University and with little use of the services of graduate or undergraduate students enrolled in the university shall belong to the inventor.
2. Any invention made with more than a nominal use of materials, supplies, facilities or services of Texas Southern University or with a substantial use of the services of graduate or undergraduate enrolled in the university shall belong to the university.
3. Notwithstanding 1 and 2 above, any invention made by Texas Southern University personnel with funds controlled by or derived from an extra-University contract or otherwise subject to such shall be subject to that contract's terms respecting patents. All such contracts must be submitted to the Office of the General Counsel for review and approval before a commitment is made.

E. Action after disclosure

1. The Standing Committee on Intellectual Property shall review the technology upon disclosure and shall recommend to the president that the university adopt one of the following actions:
 - a. Institute action to acquire patent protection. The Committee shall recommend whether the university should pursue such action itself, refer the technology to a management agency, or license the technology as know-how and/or a trade secret, whether or not it obtains patent protection; or

b. Transfer intellectual property rights in the technology to the research sponsor, if such transfer is required by the research agreement; or

c. Waive ownership in the intellectual property rights in the technology in favor of the inventor and release the inventor from further responsibilities with respect to the technology that was disclosed, provided however that any further improvements or modifications are the property of the university and subject to this policy.

2. After reviewing the Committee's recommendation and such other technical consultation as is appropriate under the circumstances, the president shall determine the course of action concerning the technology.

3. The University will act in good faith and will attempt to evaluate all disclosures within a reasonable time. The Standing Committee on Intellectual Property evaluates each disclosure, if adequate (see subsection 4 following), within 120 days from the first scheduled meeting after the disclosure is made. Within 120 days, the committee shall transmit its recommendation to the president. The president has an additional 60 days to act on the committee's recommendation. If either the committee or the president fails to act, absent exceptional circumstances, on the invention within the relevant time period specified in the preceding two sentences, the inventor may request, and in response thereto the university shall grant, a waiver of its rights in favor of the inventor.

4. If, in the committee's judgment, the inventor fails to provide any pertinent information, the evaluation of the disclosure will not be considered "adequate." In such circumstances, the committee shall request the needed information from the inventor, and the calculation of the 120- and 60-day time periods specified in the foregoing subsection shall not begin until the requested information is received by the committee.

5. If the Chair of the Committee recommends that university not assert and exploit its interest, and that recommendation is approved by the president, the creator shall be notified within one hundred eighty (180) days from the date of submission that he or she is free to obtain and exploit a patent or other intellectual property protection in his or her own right and the university shall not have any further rights, obligations or duties with respect thereto except that, in some instances, the university may elect to impose certain limitations or obligations or retain income rights, dependent upon the degree of the university's support involved in the creation of such property.

6. If the Chair of the Committee recommends that the university assert and exploit its interest, and that recommendation is approved by the president, the Office of General Counsel, in consultation with the chairperson, shall decide how, when, and where the intellectual property is to be protected. If the university decides to patent or seek other available protection for such

intellectual property, it may proceed either through its own efforts or those of an appropriate private firm or attorney to obtain protection and manage the intellectual property. It shall be mandatory for all employees, academic and nonacademic, to assign the right to intellectual property and patents to the Board of Regents when such creations fall within Section 21.09(D) (2).

F. Publication. Premature publication of information pertaining to technology could damage seriously the university's ability to obtain patent protection. Accordingly, neither an inventor nor the university may seek publication of any information pertaining to disclosed technology until the earlier of (1) ninety (90) days after disclosure is made, or (2) such time as the university grants permission for such. The university will submit any prepublication materials to the inventor for review and comment at least sixty (60) days prior to planned submission for publication. The University shall have final authority to determine the scope and content of any publication during the 120 day review time frame as described in Section 21.09(E)(3).

21.10 Copyrights

Copyright ownership and the rights thereto are defined by federal law. The general policy of Texas Southern University, relative to copyright ownership, is that it shall reside with the creator of the work unless (1) the work was created as a result of funds directly allocated to the author by Texas Southern University for the specific project or otherwise subject to contractual or legal obligations, or (2) the work is a "work for hire" as that term is defined in Section 21.08.1.

A copyright or a creative work developed without substantial contributions of funds, space, hardware or facilities of Texas Southern University shall reside with the creator. Copyright to materials developed with substantial funds, facilities, space and equipment from Texas Southern University shall reside with Texas Southern University.

The terms of a sponsored research or other agreement may determine the ownership of a copyright material that a person creates in the course of or pursuant to such an agreement. If the agreement does not contain terms relating to the ownership of the copyright, whether by the author, the university, a third party, or a combination thereof, the other provisions of this section shall govern ownership of the copyright.

21.11 Property Rights

It is the policy of the university that any inventions, designs, improvements and discoveries made by an employee of the university during the term of his or her employment solely or jointly with others which are made with the university's equipment, supplies, facilities, trade secrets, or time, or the university's actual research or development, of which result from any work performed by an employee or faculty member of the university, shall be the exclusive property of the university. All employees and faculty members will promptly and fully inform and disclose to the university all such inventions, designs, improvements and discoveries, and all employees and faculty members agree to assign such inventions to the university.

The university shall have the right to keep inventions if it so chooses. The employee or faculty member shall assist the university in obtaining patents in the United States and in all foreign countries on all inventions, designs, improvements, and discoveries deemed patentable by the university and shall execute all documents and do all things necessary to obtain letters of patent to vest the university with full and extensive titles to the patents and to protect the patents against infringement by others. An invention is deemed to have been made during the period of the employee's employment if during such period the invention was conceived or first actually reduced to practice and all employees and faculty members agree that any patent application filed by the employee shall be presumed to relate to an invention made during the employee's or faculty member's employment unless he or she produces evidence to the contrary.

21.12 Computer Software and Firmware

A. Ownership of software and firmware. Subject to relevant provisions of this policy, the Board of Regents owns any and all software and firmware that is conceived or developed by any person engaged in university research.

B. Compliance with policy. Since the potential exists to protect software and firmware under copyright, patent, and trade secret laws, the creator must comply with the Board of Regents policies and regulations governing copyright and technology.

C. Inapplicability: employment to develop software and firmware. Sections below on "Reimbursement to University," "Creator's Residual Economic Interest," and "Time of Distributions " do not apply to revenue derived from the commercialization of the Board of Regents-owned software or firmware in any instance in which the creator of the software or firmware is employed by the University specifically for the purpose of creating the software or firmware. In all such instances the university owns the intellectual property rights in the software or firmware and retains all income there from.

21.13 License

Except for the rights, if any, of the government of the United States, as set forth below, the Board of Regents represents and warrants its belief that (i) it is the owner of the entire right, title, and interest in and to Licensed Subject Matter, (ii) it has the sole right to grant licenses there under, and (iii) it has not knowingly granted licenses there under to any other entity that would restrict rights granted to Licensee except as stated herein.

Licensee understands that a "Licensed Subject Matter" may have been developed under a funding agreement with the government of the United States of America and, if so, that the government may have certain rights relative thereto. An agreement may be explicitly made subject to the government's rights under any agreement and any applicable law or regulation or an Agreement, the terms of the government agreement, applicable law or regulation shall prevail.

Licensee understands and acknowledges that the Board of Regents makes no representation as to the operability or fitness for any use, safety, efficacy, ability to obtain regulatory approval, patentability, and/or breadth of Licensed Subject Matter. The Board of Regents also makes no representation as to whether there are any patents held, or which will be held, by others or by the Board of Regents in the Licensed Field, nor does the Board of Regents make any representation that the inventions contained in Patent Rights do not infringe any other patents now held or that will be held by others or by the Board of Regents.

21.14 Net Income Distribution

A. Reimbursements to University. The Board of Regents recognizes the healthy symbiotic relationship that, by this policy, it seeks to foster between itself and persons associated with the university. Of necessity, any gross revenue received as a result of commercializing any intellectual property rights developed or created at the university must first be applied to recovering the expenses listed in the definition of "net income" above in Section 21.08.1. Thereafter, the creator or creators of the intellectual property have a residual economic interest, to be paid out according to the schedule in the following subsection.

B. Creator's Residual Economic Interest

1. The first \$1,000 of income shall be paid to the creator(s) thereof in the proportions set forth on the disclosure form submitted to the Standing Committee on Intellectual Property (in the case of patents and other technology) or on the title page of the copyrighted work.
2. Thereafter, unless the Standing Committee on Intellectual Property recommends and the president adopts a different distribution, the net income derived from

commercialization of the intellectual property rights shall be distributed as follows between the creator and the university:

- a. Of the first \$100,000, 50% to the creator(s) and 50% to the university.
- b. Of the second \$100,000, 40% to the creator(s) and 60% to the university.
- c. Of the third \$100,000, 30% to the creator(s) and 70% to the university.
- d. Of all other net income in excess of \$300,000, 25% to the creator(s) and 75% to the university.

3. When there is more than one creator, the foregoing shares to the creator shall be distributed in the proportions set forth on the disclosure form submitted to the Standing Committee on Intellectual Property (in the case of patents or other technology) or on the title page of the copyrighted work.

c. Time of Distributions. The sums referenced in the foregoing schedule shall be distributed annually to the creator(s) or the university as soon as practicable after the close of the fiscal year during which the income was received.

21.15 Business Participation

Any Texas Southern University employee who conceives, creates, discovers, invents or develops intellectual property shall not serve as a member of the board of directors or other governing board or as an officer or an employee (other than as a consultant) of a business entity that has an agreement with Texas Southern University relating to the research, development, licensing, or exploitation of that intellectual property without prior review and approval by the president of Texas Southern University and the board of regents.

When requested and authorized by the board of regents, an employee may serve on behalf of the board of regents as a member of the board of directors or other governing board of a business entity that has an agreement with Texas Southern University relating to research, development, licensing or exploitation of intellectual property.

- A. **Business participation approved.** The board of regents does not discourage persons subject to this policy from participating in the commercial development and/or exploitation of board of regents-owned intellectual property. Nonetheless, such participation must conform in all respects to this policy, including the section above concerning licenses and transfer, and to applicable state and federal laws.

- B. **Specific requirements.** In particular, a person shall not engage in business participation if such participation would violate Texas Education Code, Section 51.912, or any other state or federal law or regulation that controls such participation.

21.16 Equity Interest.

In agreements with business entities relating to rights in intellectual property owned by the Board of Regents, the university may receive equity interests as partial or total compensation for the rights conveyed. In any such instance, the university may elect, at its option and with the concurrence of the president, to share an equity interest with the creator(s) in the same manner as residual economic interests are shared pursuant to Section 21.14(B).

Consistent with Section 51.912, Texas Education Code, and subject to review and approval by the president of the university, the appropriate Vice President and the Board of Regents, employees of the university who conceive, create, discover, invent, or develop intellectual property may hold an equity interest in a business entity that has an agreement with the university relating to the research, development, licensing or exploitation of that intellectual property.

The university may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between the university and a business entity relating to intellectual property conceived, created, discovered, invented, or developed by the employee and owned by the Board of Regents.

Dividend income and income from the sale or disposition of equity interests held by the Board of Regents pursuant to agreements relating to intellectual property shall belong to the university.

Dividend income and income from the sale or disposition with equity interests held by a university employee pursuant to an agreement between the university and a business entity relating to rights in intellectual property conceived, created, discovered, invented or developed by such employee shall belong to the employee.

21.17 Shortened Format Courses

The board intends that, when feasible, the duration of credit courses offered coincide with the established academic calendar. Thus, courses of instruction should have a duration of approximately 14 weeks if offered during a semester of the academic year, and approximately five weeks if offered during the summer term. However, the board acknowledges that a few areas of instruction are of such nature

that occasional courses offered in a shortened format are appropriate. Such courses, when offered, shall satisfy university guidelines.

22.01 Post - Tenure Performance Review

22.01.1 Preamble. The Board of Regents of Texas Southern University affirms the principle that the quality of the university is inextricably tied to the quality of its faculty, and that the ability of a university to serve its public is dependent upon the creation of an environment that nurtures the development of its faculty so as to increase the likelihood of success in the pursuit of teaching, research and service. Furthermore, the Board reaffirms its commitment to the institution of tenure, recognizing that the public interest is best served in a climate in which faculty members are free to pursue the creation and dissemination of knowledge.

At the same time, the board recognizes the need to create an environment of accountability and public trust in both the institution as a whole and in individual faculty members.

The policies promulgated below are intended to ensure that a tenured faculty member consistently performs at an acceptable professional level, to provide for a plan of faculty development where necessary, and finally, in the instance of failure to correct deficiencies, to provide for the revocation of tenure or other appropriate disciplinary action.

22.01.2 Delegation of Authority. Each school/college of Texas Southern University shall adopt policies and procedures providing for a periodic performance evaluation process for all tenured faculty members. Such institutional policies and procedures, and any subsequent amendments thereto, must be approved by the president and the Texas Southern University Board of Regents. Institutional policies and procedures may be designed to fit the particular mission and traditions, and must in all cases adhere to the following set of principles and procedures.

22.01.3 Fundamental Principles. A. Institutional post-tenure performance review policies must conform to any and all relevant state statutes, including procedures for alternative dispute resolution (Chapter 154, Civil Practice and Remedies Code) and to other applicable policies of the board (Board of Regents Policy 21:07 -- Faculty Dismissal).

B. Post-tenure performance review policies and procedures and any subsequent amendments thereto (hereinafter referred to as "post-tenure performance review policies") are grounded in three principal academic values: peer review, academic freedom, and due process.

1. Peer Review

1.1 The formulation of post-tenure performance review policies shall include substantive and meaningful consultation with appropriate faculty bodies.

1.2 The review of individual faculty members shall include provisions for involvement by appropriate faculty colleagues in order to ensure that peer review is an essential component of the post-tenure performance review process.

2. Academic Freedom

Post-tenure performance review policies shall reflect the university's long-standing and sustained commitment to the traditional value of academic freedom. It is the intent of the Board that the implementation of post-tenure performance review policies would not result in compromising this value in any way.

3. Due Process

Post-tenure performance review policies shall incorporate academic due process rights, including notice of the manner and scope of the evaluation, the opportunity to provide documentation, notice of specific charges, and an opportunity for hearing on those charges before disciplinary action is instituted on the basis of such an evaluation.

C. Evaluations shall be based on the professional responsibilities of the faculty member in the areas of teaching, research, and service. The evaluation process shall be directed toward the professional development of the faculty member. Toward that end, the institution, through its appropriate academic officers and in concert with the affected faculty member, shall devise an individual plan of professional development for faculty members for whom a determination of unsatisfactory performance is made. Such a professional development plan shall be specific with regard to expectations, actions, timeline, resources, and the consequences of non-correction of the identified deficiencies. In the event that implementation of the professional development plan does not result in substantial improvement of performance, the faculty member may be subject to disciplinary action, including possibly the revocation of tenure and dismissal. A tenured faculty member subject to the revocation of tenure and dismissal on the basis of an unsatisfactory performance evaluation must be given the opportunity for referral of the matter to a non-binding alternative dispute resolution process.

D. Procedures

1. A comprehensive performance evaluation process, which must include peer review, shall be conducted for each tenured faculty member no more

often than once a year, nor less often than once every six years after attaining tenure.

2. Administrators who also hold a tenured faculty position shall be subject to the established review procedures for administrators as codified in Board by-laws and Board policies on this subject.

3. The records of actions taken to comply with these policies shall reside in the Office of the Provost. Deans must provide an annual written report to the Provost with regard to the status of faculty members for whom a professional development plan has been established.

23 AUXILIARY ENTERPRISES

23.01 Intercollegiate Athletics

Intercollegiate athletics programs under the auspices of Texas Southern University shall be operated by the component to assure accountability to the values and principles of American higher education and the University. The board subscribes to the Statement of Principles established by the Knight Foundation Commission on Intercollegiate Athletics as general operating guidelines for Texas Southern University intercollegiate athletics programs. (Keeping Faith with the Student Athlete: A New Model for Intercollegiate Athletics. Report of the Knight Foundation Commission on Intercollegiate Athletics, March 1991. p. 30-32.) The board and president expect such programs to operate under institutional control, with academic and financial integrity, and in full compliance with National Collegiate Athletic Association rules. Annually, the President will review academic and financial matters related to intercollegiate athletics programs operated by the University and report to the board academic achievement of student athletes, compliance with NCAA rules, and financial status of the program.

24 STUDENT SERVICES

24.01 Admissions

24.01 Student Use of Alcohol and Drugs

University regulations concerning student use of alcohol and controlled substances shall be consistent with state and federal law and reflect the intent of the Texas

Legislature and Congress to discourage drug and alcohol abuse by students. Accordingly, such regulations shall provide disciplinary measures including, and after due process, suspension from attendance or enrollment for a prescribed period of time.

The president shall encourage and develop regular communication with students for the purposes of:

- a) informing students of regulations concerning the use of alcohol and controlled substances; and
- b) informing students of programs, either on campus or in the community, designed to counsel and advise individuals regarding alcohol and drug abuse.

24.02 Student Financial Aid

The board is committed to the concept that all qualified students should be afforded educational opportunities regardless of individual financial circumstances.

Within the constraints of its resources, the university shall take all steps necessary to maximize the amount of available student financial aid, and shall take steps to fully utilize those funds to assist students whose education would not otherwise be possible.

24.03 Student Travel Policy

The Board delegates to the President the authority to develop, finalize, and implement a student travel policy in compliance with Section 51.949 of the Texas Education Code. Such policy shall address student travel that is undertaken by one or more students presently enrolled in the institution to reach an activity or event located more than 25 miles from the institution, that is organized and sponsored by the institution, and that is: 1) travel funded by the institution and using vehicles owned or leased by the institution; or 2) travel required by a student organization registered at the institution. The President shall ensure that any student travel policy, including any amendments thereto, complies with applicable law, including Section 51.950 of the Education Code. Any student travel policy or amendment thereto is effective upon approval by the president.

29 ACADEMIC AND STUDENT AFFAIRS MISCELLANEOUS

29.01 HIV Services (AIDS)

The university shall adopt policies consistent with the Human Immunodeficiency Virus Services Act, Texas Health and Safety Code, Section 85.001 (the "Act").

The university shall include in appropriate academic programs curricula consistent with the educational objectives of the Act.

The university and the administration shall communicate its policies in a manner designed to reach the widest possible audience of faculty, students, and staff.

29.02 Sexual Harassment

The board and the university are committed to providing a professional working and learning environment free from sexual harassment. Sexual harassment is a form of sex discrimination and is illegal. Neither the board nor the university will tolerate any form of sexual harassment. Furthermore, the board and the university are committed to providing the training to educate staff, faculty, and students about sexual harassment issues.

The university shall adopt policies consistent with this policy. The rights of claimants and respondents will be protected by the procedures developed by the university.

29.03 Equal Educational Opportunity

Texas Southern University shall provide and promote equal educational opportunity for all persons and shall take affirmative steps directed toward eradicating the vestiges of past discrimination. No person shall be denied admission to the university or be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored or conducted by the university on any basis prohibited by applicable law, including race, color, national origin, religion, sex, disability, age, or veteran.