



**BOARD OF VISITORS  
GOVERNANCE AND COMPENSATION COMMITTEE**

**9:20 A.M.**

**MARCH 22, 2018**

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**901 PARK AVENUE, ROOM 311, RICHMOND, VIRGINIA**

**MINUTES**

**COMMITTEE MEMBERS PRESENT**

Mr. John A. Luke, Jr., Chair and Vice Rector  
Ms. Jacquelyn E. Stone, Vice Chair  
Ms. Phoebe P. Hall, Rector  
Mr. Todd Haymore  
Mr. Ron McFarlane  
Mr. Keith T. Parker

**COMMITTEE MEMBERS ABSENT**

Ms. Colette McEachin  
Mr. Alexander B. McMurtrie, Jr.

**OTHERS PRESENT**

Dr. Michael Rao, President  
Michele N. Schumacher, J.D., Assistant to the President and Board Liaison  
Ms. Carrie Nee, Senior Assistant Attorney General, Education Section Chief,  
Commonwealth of Virginia  
Staff from VCU

**CALL TO ORDER**

Mr. John Luke, Chair of Governance and Compensation Committee, called the meeting to order at 9:35 a.m.

**APPROVAL OF AGENDA**

Mr. Luke asked for a motion to approve the agenda as published. After motion duly made and seconded the agenda was approved.

**APPROVAL OF MINUTES**

Mr. Luke asked for a motion to approve the minutes of the December 8, 2017 meetings of the Governance and Compensation Committee. After motion duly made and seconded the minutes of the December 8, 2017 meeting of the Governance and Compensation

Committee were approved.

A copy of the minutes can be found on the VCU website at the following webpage  
<http://www.president.vcu.edu/board/committeeminutes.html>.

## **REPORTS AND RECOMMENDATIONS**

Dr. Charles Klink reviewed the Revised Policy on Alcohol and Other Drugs with Committee, and noted that additional definitions and a new section regarding accessing support and treatment had been added. All VCU, VCU Health System Faculty and all students are affected by this policy.

Dr. Francis Macrina reviewed the Intellectual Property Policy. This policy has been completely rewritten to clarify the Institution's stance on Intellectual Property and to better define the types of intellectual property and their handling. In addition, this policy will generally have minimal impact on most VCU employees or students, except for those who develop intellectual property.

Mr. Luke asked for a motion to approve the Revised Policy on Alcohol and Other Drugs and the Intellectual Property Policy and to recommend that the Board of Visitors approve both policies. After motion duly made and seconded the Committee approved the Revised Policy on Alcohol and Other Drugs, as well as, the Intellectual Property Policy Policies and recommended that the full board approve both policies. A copy of the policies are attached hereto as ***Attachment A and Attachment B***, and are made a part hereof.

Mr. Luke thanked Dr. Klink and Dr. Macrina for their presentations.

## **CLOSED SESSION**

Mr. Luke noted that the Committee would go into closed session. On motion made and seconded, the Governance and Compensation Committee of the Board of Visitors of Virginia Commonwealth University convened a closed session under the Virginia Freedom of Information Act in order to discuss, pursuant to Sections 2.2-3711 (A) (1), and (8) of the Freedom of Information Act, personnel matters, more specifically relating to the compensation of the President of the University. Mr. Luke asked that Ms. Nee, Ms. Schumacher, Dr. Allison, Dr. Gentius, and Mr. Cole stay for the closed session.

## **RECONVENED SESSION**

Following the closed session, the public was invited to return to the meeting. Mr. Luke, Chair, called the meeting to order. On motion duly made and seconded the following resolution of certification was approved by a roll call vote:

### **Resolution of Certification**

**BE IT RESOLVED**, that the joint meeting of the Governance and Compensation Committee of the Board of Visitors of Virginia Commonwealth University certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under this chapter were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered by the Committee of the Board.

<b><u>Vote</u></b>	<b><u>Ayes</u></b>	<b><u>Nays</u></b>
Mr. John A. Luke, Jr., Vice Rector and Committee Chair	X	
Ms. Phoebe B. Hall, Rector	X	
Mr. Todd Haymore	X	
Mr. Ronald McFarlane	X	
Mr. Keith Parker	X	
Ms. Jacquelyn Stone, Vice Chair of the Committee	X	

All members present responding affirmatively, the resolution of certification was unanimously adopted.

Mr. Luke asked for a motion to recommend to the full Board approval of the compensation items as discussed in closed session. After motion duly made and seconded, the Committee approved the motion.

### **ADJOURNMENT**

There being no further business, Mr. John A. Luke, Jr., Chair, adjourned the meeting at 10:50 a.m.



### [DRAFT] Alcohol and Other Drugs

**Policy Type:** Board of Visitors

**Responsible Office:** Wellness Resource Center, Division of Student Affairs, Office of the Provost, Human Resources

**Initial Policy Approved:** 09/1991

**Current Revision Approved:** 05/09/2014

#### Policy Statement and Purpose

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The purpose of this policy is to protect the health, safety and welfare of members of the Virginia Commonwealth University community and the public served by the university. VCU recognizes that substance use disorders are treatable medical conditions. As such, this policy balances the need for VCU to support individuals seeking recovery with the safety and health of the entire university population. This policy encourages help-seeking, while also outlining consequences for violation of the community standards for conduct, and specifically standards regarding unauthorized substance use. To support our students and employees, VCU's policy:

- a. encourages individuals to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- b. encourages individuals to use the services of qualified professionals in the community to assess the seriousness of substance use disorders and identify appropriate sources of help.
- c. provides for a current list of qualified community professionals.
- d. allows the use of accrued paid or unpaid leave for employees while seeking treatment for alcohol and other drug problems.

In accordance with the federal Drug Free Workplace Act of 1988, the federal Drug Free Schools and Communities Act of 1989, and the Commonwealth of Virginia's Policy on Alcohol and Other Drugs (AOD), VCU prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession or use of alcohol and illegal drugs on university property or as part of any university sponsored activity. Any employee or student who violates this policy is subject to disciplinary action up to and including termination of employment or expulsion from the university. In addition, to protect the safety of members of the University community, VCU may refer information related to such violation to appropriate law enforcement officials and/or require satisfactory participation in an appropriate evaluation or rehabilitation program.

In accordance with the law, VCU does not discriminate on the basis of disability in admission, employment or access to its programs and activities and provides reasonable accommodation for individuals with disabilities.

VCU supports an environment free from retaliation. Retaliation against any individual who brings forth a

good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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## Who Should Know This Policy

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All VCU and VCU Health System faculty, staff and students are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

## Definitions

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### **Alcohol**

Any product, including spirits, wine, beer or other containing one-half of one percent or more of alcohol by volume and every consumable liquid or solid containing alcohol, or any products defined as "alcoholic beverages" in Code of Virginia Section 4.1-100 of "The Alcoholic Beverage Control Act".

### **Conviction (Convicted)**

A finding of guilt or responsibility (including a plea of guilty or nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility of determining violations of federal or state criminal drug laws, alcoholic beverage control laws, or laws that govern driving while intoxicated.

### **Criminal Drug Law**

A criminal law prohibiting the unlawful manufacture, distribution, dispensation, use, or possession of any controlled substance.

**Employee**

Any full- or part-time employee of the university, including, but not limited to, classified, hourly, faculty, health care providers, house staff, adjunct faculty and student workers.

**Illegal Drug**

Any drug that is illegally in the possession of or is illegally being used by a person.

**Recovery**

A process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

**Student**

Any person enrolled at VCU for any type of academic credit or non-credit class (including auditing a class or English Language Program classes) regardless of the length of the student's program of study.

**University Property**

Any property owned, leased, or controlled by Virginia Commonwealth University.

**Workplace**

Any state-owned or -leased property or any site where official duties are being performed by a state employee.

**Contacts** 

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The VCU Wellness Resource Center (The Well) within the Division of Student Affairs officially interprets this policy. The Wellness Resource Center is responsible for obtaining approval for any revisions through the appropriate governance structures. Please direct general policy questions to The Wellness Resource Center at 804-828-9355.

**Procedures** 

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**1. Education**

- The Office of the Provost will distribute at least annually in writing to all employees and students this policy, together with information regarding alcohol and other drug counseling, treatment, and rehabilitation programs, descriptions of the health risks associated with alcohol and other commonly abused drugs, and descriptions of applicable legal sanctions under state and federal law for the unlawful possession or distribution of controlled substances, illegal drugs and alcohol.
- The provost-appointed Advisory Committee on Alcohol and Other Drugs will write a biennial report in even years reviewing the program's educational effectiveness and the consistency of enforcement sanctions.

**2. Accessing Support and Treatment for Recovery**

- VCU recognizes that substance use disorders are treatable illnesses. VCU also realizes that early intervention and support improve the success of rehabilitation.
- In accordance with the law, VCU does not discriminate on the basis of disability in

admission, employment or access to its programs and activities and provides reasonable accommodation for individuals with disabilities. Current illegal drug use is excluded from the definition of disability under the Americans with Disabilities Act (ADA), but drug addiction and alcoholism are covered disabilities. An individual with a disability may include a person who is in or has completed a drug treatment program or has been otherwise rehabilitated and is no longer using drugs. Contact VCU's ADA Coordinator at (804) 828-8532 or [ADAservices@vcu.edu](mailto:ADAservices@vcu.edu).

- APPENDIX I is updated annually with specific resources at the university and in the surrounding community for employees and students experiencing substance use disorder.
- Additional procedural assistance for employees:
  - An employee eligible for family and medical leave (FMLA) shall be permitted to take a leave of absence to undergo treatment in an approved alcohol or drug treatment program. A request for leave by an employee who is ineligible for FMLA will be considered on a case by case basis. Regardless of FMLA designation, the leave of absence must be requested prior to:
    - the commission of any act subject to disciplinary action;
    - any alcohol or drug test sample already submitted for testing; or
    - the employee's notification to submit to testing.
  - Retention of the employee may be conditioned upon satisfactory completion of a mutually agreed upon recovery contract which may include inpatient and or outpatient treatment, ongoing therapy, drug testing, recovery meeting attendance, and other conditions as agreed upon.
  - The employee's work activities may be restructured if advisable in the opinion of the immediate supervisor.
  - Treatment for substance disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### 3. Policy Enforcement for Employees

- Pursuant to the Commonwealth of Virginia Policy on Alcohol and Other Drugs (Department of Human Resources Management Policy 1.05), employees are prohibited from engaging in any of the following acts:
  - The unlawful or unauthorized manufacture, distribution, dispensation, possession or use of alcohol or illegal drugs in the workplace, on university property or as part of any university activity
  - Reporting to or remaining at work impaired by or under the influence of alcohol or illegal drugs
  - Violation of any criminal drug law, based upon conduct occurring either in or outside the workplace
  - Violation of any alcoholic beverage control law or law that governs driving while intoxicated based upon conduct occurring in the workplace
- Employees are required to report to their supervisors in writing within five calendar

days after conviction that they have been convicted of either of the following acts:

- Violation of any criminal drug law, based upon conduct occurring either in or outside the workplace
  - Violation of any alcoholic beverage control law or law that governs driving while intoxicated based upon conduct occurring in the workplace
- Supervisors are required to immediately report such occurrences to Human Resources, Office of Employee Relations.
- Violation of any of the foregoing prohibitions may subject an employee to disciplinary action including, but not limited to termination or suspension, in accordance with the Commonwealth of Virginia's *Employee Standards of Conduct*, the university's *Rules and Procedures*, the *Faculty Promotion and Tenure Policies and Procedures*, the *University Policy for Administrative and Professional Faculty and Faculty Holding Administrative Appointments*, and/or any other applicable university policies. Convictions for unlawful conduct under local, state, or federal criminal drug laws may result in penalties such as fines, imprisonment, and loss of driver's license.
- As a result of any violation of this policy, an employee may be referred to an appropriate evaluation or rehabilitation program as a condition of continued employment. Satisfactory participation in any such program is to be determined by the appropriate university department or official after consultation with the individual or organization providing the evaluation or rehabilitation.

#### **4. Policy Enforcement for Students**

- Students are prohibited from the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or illegal drugs on or off university property or as a part of any university activity. Violation of any of the foregoing prohibitions subjects a student to disciplinary action up to and including expulsion from the university in accordance with university policies, including the *Student Code of Conduct* and applicable Residential Life and Housing policies. In addition, convictions for unlawful conduct under local, state, or federal criminal drug laws may result in penalties such as fines, imprisonment, and loss of driver's license.
- As a result of any violation of this policy, a student may be referred to an appropriate educational, evaluation or rehabilitation program or offered community service, in lieu of suspension or dismissal. Satisfactory participation in any such program is to be determined by the appropriate university official who may consult with the individual or organization providing the evaluation or rehabilitation program, coordinating the community service, and/or conducting the educational program. Participation in any such program may postpone completion of degree requirements.
- When students under the age of 21 are found responsible for violating alcoholic beverage and/or controlled substance laws or policies while on campus or at university activities, VCU may notify their parent or guardian of such violations at the time of the notification, in accordance with the Family Educational Rights and Privacy Act (FERPA).

#### **5. Procedures for University-Sponsored Events Where Alcohol Is Served**

- Students, employees, contractors and guests must conduct themselves in accordance with the laws of the Commonwealth of Virginia and assume full responsibility for their activities



- while sponsoring or attending university-sponsored events where alcohol is served.
- Sponsors who host or organize a VCU sponsored event where alcohol is served must:
    - Comply with federal law, state law and Virginia ABC regulations
    - Complete the Alcohol Authorization Form at [www.scheduling.vcu.edu/faq/](http://www.scheduling.vcu.edu/faq/) and in conducting the event:
      - Execute an agreement with a third party vendor with an ABC license setting forth that the vendor is responsible for adhering to applicable laws and regulations. (Obtaining an ABC license rather than using a third party vendor requires special exemption from VP or designee
      - Pay security costs incurred in connection with the event. For events on property owned or controlled by VCU, VCU Police determine the cost and the level of security required.
      - The event must be in accordance with the Office of Procurement Services Allowable Business Expenditure Chart and utilize only local or private funds to pay for the purchase of alcoholic beverages. There must be a clear business purpose for the function that supports the university's mission and is approved by the appropriate leadership (e.g., chair/director and vice provost/dean/designee). For more information, see <http://procurement.vcu.edu/i-want-to-make-a-purchase/know-what-you-can-and-cannot-buy/allowable-business-expenditure-chart/>.
  - University sponsored events held off campus must also follow alcohol laws and regulations, address security issues and follow unit guidelines /purchasing procedures.
  - Any publication, advertisement or announcement of any university sponsored event distributed or intended to be distributed primarily to persons under 21 years of age must not mention or depict alcoholic beverages. Distribution of any publication, advertisement or announcement that mentions or depicts alcoholic beverages must be limited primarily to persons 21 years of age or older and such publication, advertisement or announcement must contain a requirement of proof of age and VCU identification.

## Forms

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1. [Event request form](#)
2. [Alcohol Authorization Agreement Form](#)

## Related Documents

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1. Drug-Free Workplace Act of 1988  
<http://www.dol.gov/elaws/asp/drugfree/require.htm>
2. Drug-Free Schools and Communities Act  
<http://www.higheredcompliance.org/resources/resources/dfscr-hec-2006-manual.pdf>
3. Commonwealth of Virginia Policy on Alcohol and Other Drugs  
[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/assets/pol1\\_05alcoholanddrugssummary.pdf?sfvrsn=2](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/assets/pol1_05alcoholanddrugssummary.pdf?sfvrsn=2)

4. Virginia Alcohol Beverage Control Act  
<https://vacode.org/2016/4.1/>
5. VCU Policy: [\*Family and Medical Leave\*](#)
6. VCU Policy: [\*Accessibility and Reasonable Accommodation for Individuals with Disabilities\*](#)
7. Employee Standards of Conduct [http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1\\_60.pdf?sfvrsn=2](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf?sfvrsn=2)
8. VCU Policy: [\*Rules and Procedures\*](#)
9. [\*VCU Policy: Faculty Promotion and Tenure Policies and Procedures\*](#)
10. [\*VCU Policy: Administrative and Professional Faculty and Faculty Holding Administrative Appointments\*](#)
11. VCU Policy: [\*Student Code of Conduct\*](#)
12. 20 U.S.C. § 1145g. Drug and alcohol abuse prevention  
<http://www.gpo.gov/fdsys/pkg/USCODE-1997-title20/pdf/USCODE-1997-title20-chap28-subchapXII-sec1145g.pdf>
13. Complying with the Drug-Free Schools and Campuses Regulations [EDGAR Part 86]: A Guide for University and College Administrators  
<http://www.higheredcompliance.org/resources/resources/dfscr-hec-2006-manual.pdf>
14. Part 86 of the Education Department General Administrative Regulations (EDGAR)  
<https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>
15. [\*Policy for Residence Hall Students\*](#)
16. [\*Procedures for Parental Notification\*](#)

## Revision History

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This policy supersedes the following archived policies:

Initial Approval: 9/1991	<i>VCU Alcohol and Drug Policy</i>
Revised and Approved, 11/10/1999	<i>VCU Alcohol and Drug Policy</i>
Revised and Approved, 5/17/2002	<i>VCU Alcohol and Drug Policy</i>
Revised and Approved, 11/16/2006	<i>VCU Alcohol and Drug Policy</i>
Revised and Approved, 5/09/2014	<i>Alcohol and Other Drugs</i>

## FAQ

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### 1. I'm a faculty or staff member who is concerned about my own use of alcohol or other drugs, who can I contact?

The employer-sponsored health plans at VCU include an Employee Assistance Program (EAP) for covered employees and their families. An EAP is a confidential information, support, and referral service offering tools and resources designed to help maximize productivity and meet the challenges of modern life.

The EAP offers up to four visits at no cost to you or members of your household for counseling in such areas as mental health, substance abuse, work and family issues, and financial or legal matters. Additional visits may be covered by co-pays.

In general, care must be authorized in advance. You or your eligible dependent will speak confidentially to an EAP specialist who will assess you and coordinate assistance. Should you require mental health or substance abuse care, you will be referred to a provider, under your mental health and substance abuse benefit. Your EAP specialist or care manager will arrange a referral according to your specific needs. Contact your plan's Member Services department for more information.

For additional information on the specific plans and services provided, please visit:

<http://www.dhrm.virginia.gov/employeeprograms/employeeassistance>

An employee without employer-sponsored health care may contact a Human Resource Employee Relations specialist for confidential assistance or directly contact your personal insurance provider directly using the mental health services number on the back of your insurance card. Confidential consultation with the Collegiate Recovery Program coordinator and/or University Counseling Services may also be a helpful resource. Email [recovery@vcu.edu](mailto:recovery@vcu.edu) or call 804-828-1264.

### 2. I'm a student who is concerned about my use of alcohol or other drugs, who do I contact?

Students concerned with their alcohol or other drug use can explore these options:

- [Recovery & Community Support](#) - Rams in Recovery ([recovery@vcu.edu](mailto:recovery@vcu.edu) or 804-828-1264)
- [Substance Use Assessment & Education](#) – Substance Use Education Office (804-828-9355)
- [Individual Counseling](#) - University Counseling Center (804-828-6200 or 804-828-3964)
- [Free online self-assessment with immediate anonymous feedback](#)

### 3. I'm worried about a friend or family member, where can I get more information and support to deal with substance use disorder?

For Employees: Explore treatment options with confidential help from a Human Resource Employee Relations specialist or referral to appropriate resources (e.g. EAP) or to the university's Employee Health Services physician. An employee or their family member may directly contact the EAP if eligible. You can also contact your insurance provider directly using the mental health services number on the back of your insurance card.

For Students: Confidential support and resources are also available through [Rams in Recovery](#) [recovery@vcu.edu](mailto:recovery@vcu.edu) or 804-828-1264. The College Behavioral and Emotional Health Institute and

Rams in Recovery also run an education program for families, which meets Thursdays at 6:30 pm at 563 Southlake Blvd. Email [recovery@vcu.edu](mailto:recovery@vcu.edu) or visit: <http://cobe.vcu.edu/families/> for more information.

#### **4. What is an allowable expense for alcohol at university functions on or off campus?**

An allowable expense for alcohol must have a clear business purpose for the function that supports the university's mission. See: [http://procurement.vcu.edu/i-want-to/make-a-purchase/know-what-you-can-and-cannot-buy/allowable-business-expenditure-chart/#.Upyp12Tk\\_r8](http://procurement.vcu.edu/i-want-to/make-a-purchase/know-what-you-can-and-cannot-buy/allowable-business-expenditure-chart/#.Upyp12Tk_r8)

#### **5. How do I have an event with alcohol properly authorized?**

Download and complete the Alcohol Authorization Agreement Form. This form is available at <http://scheduling.vcu.edu/faq/>. If at any time you have problems or questions about completing a section of this form you can contact Conference and Scheduling services at [css@vcu.edu](mailto:css@vcu.edu) or 804-828-4228.

## APPENDIX I: University and Community Resources for Alcohol and Other Drugs

An annually updated resource list is provided below:

### I. UNIVERSITY RESOURCES FOR SUBSTANCE USE DISORDERS

#### A. For Staff/Faculty

##### **Employee Assistance Program (or other health care provider**

Refer to <http://www.dhrm.virginia.gov/employeeprograms/employeeassistance> for links to options provided through state employee health care plans. If not covered by the state employee health benefits program, please contact your personal health care company for EAP options.

##### **Employee Health Services – 804-828-0584**

Resource and referral to employee assistance providers and community resources.

##### **Human Resources Employee Relations Office- 804-828-1510**

Resource and referral information

#### B. For Students

**Rams in Recovery** – Peer driven recovery support for students in recovery, referral to resources for students. Supports include study space, recovery meetings, peer monitoring, events and activities. Email [recovery@vcu.edu](mailto:recovery@vcu.edu), 804-828-1264.

**University Counseling Services** – 804-828-6200 (Monroe Park Campus), 804-828-3964 (MCV Campus)

- Assessment, counseling, and referral services (Call 804-828-5069 for more information)
- Consultation is available for other members of the university community and family who are concerned about a student.

**University Student Health Services** – 804-828-8828 (Monroe Park Campus), 804-828-9220 (MCV Campus), assessment education and referral information for students regarding the health effects of substance use and abuse.

##### **Wellness Resource Center – 804-828-9355**

Provides connection to resources for students both within VCU and in the broader community. Call for more information about support for recovering students.

### II. STUDENT DISABILITY ACCOMMODATION

To ensure access to its programs and services, VCU provides academic and other reasonable accommodations to students with disabilities, which may include disabilities related to substance use. For more information about services, required medical documentation, and to register with the office on your academic campus, contact the appropriate office below.

Disability Support Services (Monroe Park Campus), 804-828-2253

Division for Academic Success (MCV Campus), 804-828-9782

### III. EDUCATIONAL PROGRAMS

Credit and non-credit educational offerings are available to all members of the university community in the area of alcohol and other drug issues.

#### **Wellness Resource Center – 804-828-9355**

Provides several different types of educational programs for students and faculty

- [www.thewell.vcu.edu](http://www.thewell.vcu.edu)
- Free online self-assessment with immediate anonymous feedback at website
- Free alcohol drug education class which includes a three hour online module hosted on VCU's Blackboard platform followed by a 30 minute individual motivational enhancement session with a health educator or a clinician from University Counseling Services. This class, called [Pathways to Choices](#), is accepted by local courts for minor alcohol/drug infractions.
- Group education sessions available by calling or by submitting a request online
- Hosts events for "Rams in Recovery"
  - Individual meetings to enhance motivation for changing substance use
  - Referral to other resources

#### **University Counseling Center – 804-828-6200**

- Collaborates with The Well to provide Pathways to Choices, an alcohol drug education program.
- Provides individual and group therapy for students with substance use disorders, or students looking to change their substance use patterns.

#### **Disability Support Services – 804-828-1944**

- Facilitates accommodations for students with substance use disorders.

### IV. MUTUAL AID ORGANIZATIONS

Community groups based on non-professional mutual support offer individual sponsorship, group meetings, and membership to anyone interested in dealing with substance abuse problems. Check local phone listings for help. Several 12-step groups meet on campus. See local website for details.

#### **Alcoholics Anonymous (AA)**

[www.aarichmond.org](http://www.aarichmond.org)

#### **AlAnon Family Groups**

[www.alanonrichmondva.org](http://www.alanonrichmondva.org)

#### **Narcotics Anonymous (NA)**

[www.usrecovery.info/NA/Virginia.htm](http://www.usrecovery.info/NA/Virginia.htm)

#### **SMART Recovery**

[www.smartrecovery.org](http://www.smartrecovery.org)

#### **Refuge Recovery**

[refugerecovery.org](http://refugerecovery.org)

#### **Families Anonymous**

[familiesanonymous.org](http://familiesanonymous.org)

#### **Nar-Anon Family Group**

[nar-anon.org](http://nar-anon.org)

## APPENDIX II: Health Effects of Alcohol and Other Drugs

Below is a list of health effects for major categories of drugs:

**Alcohol** - Alcohol acts as a central nervous system depressant. Its initial effects include altered perception, judgment, motor coordination and abstract thinking/cognitive impairment. Continued use of alcohol results in physical and psychological dependence marked by increased tolerance, memory blackouts and the experience of withdrawal symptoms. The disease of alcoholism progresses in stages from an individual's early use, to being preoccupied with alcohol, to failing in controlling alcohol use, on to eventual loss of control and continued use despite negative consequences. Statistics show that alcohol use is involved in a majority of violent behaviors on university campuses including acquaintance rape, vandalism and assaults.

**Amphetamines** - Users experience euphoria, abundant energy, and decreased need for sleep. Other signs and symptoms may include irregular heartbeat, rapid breathing, irritability, anxiousness, restlessness, panic, paranoia, aggression and impulsive behavior.

**Anabolic Steroids** - Health effects may include high blood pressure, blood clotting, cholesterol changes, liver cysts and cancer, kidney cancer, hostility and aggression, acne; in adolescents, premature stoppage of growth; in males, prostate cancer, reduced sperm production, shrunken testicles, breast enlargement; in females, menstrual irregularities, abnormal hair growth.

**Cannabis (Marijuana)** - The user experiences slowed thinking and reaction time, time distortion, confusion, impaired balance and coordination, and impaired judgment.

**Cocaine** - The user experiences feelings of exhilaration, energy, increased mental alertness, rapid or irregular heartbeat, reduced appetite and weight loss. Users often have a stuffy, runny nose and nosebleeds. Immediate effects include dilated pupils, elevated blood pressure, heart rate, respiratory rate and body temperature. Withdrawal symptoms include strong cravings, depression, alterations in sleep patterns. Crack, the free-base use of cocaine, can produce hallucinations, blurred vision, chest pains, convulsions and even death.

**Designer Drugs:** These are chemically altered compounds, many of which are now illegal in Virginia including synthetic cannabinoids (e.g. spice), synthetic stimulants (e.g. bath salts) and other research chemicals. Please access NIDA (National Institute on Drug Abuse) website for further information on these and other substances of abuse at [www.drugabuse.gov](http://www.drugabuse.gov).

**GHB (Gammahydroxybutyrate)** – In low doses, GHB can cause euphoria. At higher doses it can cause electrolyte imbalance, decreased respiration, slow heart rate, vomiting, low blood pressure, confusion, unconsciousness, coma, and death.

**Hallucinogens** – Hallucinogens such as Lysergic Acid Diethylamide (LSD), mescaline, and psilocybin cause altered states of perception and feeling including delusions, hallucinations and illusions including body and time distortion. Physical effects include fever, rapid heartbeat, elevated blood pressure, blurred vision, and flushed face. Mood can range from euphoria to panic and depression.

**Heroin** - The opiate effect of heroin diminishes the sense of pain, inducing euphoria, drowsiness, and

confusion. Overdose results in death from stopping breathing.

**Inhalants** - Solvents (paint thinners, gasoline, glues, butane, propane aerosol propellants, nitrous oxides) produce stimulation, loss of inhibition, slurred speech, and loss of motor coordination. Inhalants can lead to negative health effects after both short term and long term use.

**Ketamine** - The user experiences increased heart rate and blood pressure, problems with control of movements, memory loss, numbness and nausea/vomiting. The user is at high risk for slowed breathing that may lead to brain damage or death.

**MDMA (Ecstasy)** - Methylenedioxymethamphetamine produces mild hallucinogenic effects, amphetamine-like stimulation, and increased touch sensitivity. An increase in display of affection to others may occur.

**PCP** - Since Phencyclidine is relatively inexpensive, it is often used to enhance the effects of other drugs such as LSD, cannabis or cocaine. PCP users seek an altered state of bizarre perceptions, confusion, disorientation, impaired judgment and often delirium. Behavioral changes may range from hyperactivity to catatonic states.



## **APPENDIX III: Selected Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance**

Selected federal penalties are listed by code below. The following is a general summary or illustration of penalties that are likely for commission of a federal drug crime. The following is not intended as a substitute for sound, personalized legal advice.

For complete, current and accurate information regarding penalties, reference the code sections 21 U.S.C. 841 and following, which can be found on the Food and Drug Administration's website at <http://www.fda.gov/RegulatoryInformation/Legislation/ucm148726.htm#cntlsbd> (subject to updates by that agency).

Penalties include both civil and criminal and imprisonment for terms up to one year and minimum fines of \$1,000 for lesser offenses like simple possession. Penalties may also include imprisonment for 20 years to life imprisonment and fines up to \$10,000,000 or more for greater offenses.

### **21 U.S.C. 862**

Provides for forfeiture of federal benefits, defined as the issuance of any grant, contract, loan, professional license or commercial license provided by an agency of the United States or by appropriated funds of the United States but not any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility).

### **21 U.S.C. 881(a)(4)**

Provides for forfeiture of vehicles, boats, aircraft or any other conveyance used or intended for use to transport, conceal or facilitate possession of a controlled substance.

### **21 U.S.C. 881(a)(7)**

Provides for forfeiture of land, houses or buildings used to commit or to facilitate commitment of a violation of controlled substance laws that carry a penalty of more than 1 year imprisonment.

### **21 U.S.C. 860**

Provides enhanced penalties for distributing, or possessing with intent to distribute, or manufacturing a controlled substance in, on, or within 1000 feet of a public or private university, school, playground and other locations. The penalties generally include punishment and fine that is twice the maximum amount authorized in 21U.S.C. 841(b).

## **APPENDIX IV: Virginia Laws Pertaining to the Unlawful Possession or Distribution of Controlled Substances, Illegal Drugs and Alcohol**

The following is not intended as a substitute for sound, personalized legal advice. A summary of pertinent VA laws are listed below:

### **ALCOHOL**

Virginia's Alcoholic Beverage Control Act contains a variety of laws governing the possession, use and consumption of alcoholic beverages. The Act applies to students and employees of this institution. As required by the Federal Drug-Free Schools and Communities Act of 1989, some selected pertinent laws, including sanctions for their violation, are summarized below.

1. It is unlawful for any person under age 21 to consume, purchase or possess any alcoholic beverage. Violation of the law is a Class 1 misdemeanor, for which the punishment is confinement in jail for up to twelve months and a fine of at least \$500 or a minimum of 50 hours of community service. In addition, such person's Virginia driver's license shall be suspended for a period of six months to one year.
2. It is unlawful for any person to sell alcoholic beverages to persons under the age of 21 years of age. Violation of the law exposes the violator to a Class 1 misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and fine up to \$2,500, either or both.
3. It is unlawful for any person to purchase alcoholic beverages for another when he knows or has reason to know that the person for whom the alcohol is purchased is under age 21. The criminal sanction for violation of the law is the same as #2 above. In addition, a violator shall have his or her license suspended for a period of not more than one year.
4. It is unlawful for any person to consume alcoholic beverages in unlicensed public places. A violation of the law is a misdemeanor for which the punishment is a fine up to \$250.
5. It is unlawful for any person under the age of 21 to use or attempt to use an altered or fictitious I.D. to purchase alcoholic beverages. Violators are subject to the same punishment as #1 above.
6. It is unlawful for any person under 21 to operate any motor vehicle after illegally consuming alcohol. Violation of the law is a misdemeanor for which the punishment is forfeiture of driver's license for one year and a fine of at least \$500 or a minimum of 50 hours of community service.

### **CONTROLLED SUBSTANCES AND ILLEGAL DRUGS**

The unlawful possession, distribution, and use of controlled substances and illegal drugs, as defined by the Virginia Drug Control Act, are prohibited in Virginia. Controlled substances are classified under the Act into "schedules", ranging from Schedule I through Schedule VI, as defined in sections 54.1-3446 through 54.1-3456 of the Code of Virginia (1950), as amended. As required by the Federal Drug-Free Schools and Communities Act of 1989, some of the pertinent laws, including sanctions for their violation, are summarized below.

1. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment ranging from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
2. Possession of a controlled substance classified in Schedule III of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$2,500, either or both.
3. Possession of a controlled substance classified in Schedule IV of the Drug Control Act, upon conviction,

exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to six months and a fine up to \$1,000, either or both.

4. Possession of a controlled substance classified in Schedule V of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$500.
5. Possession of a controlled substance classified in Schedule VI of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$250.
6. Possession of a controlled substance classified in Schedules I or II of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment from five to forty years and a fine up to \$500,000. Upon a second conviction, the violator must be imprisoned for not less than five years but may suffer life imprisonment, and fined up to \$500,000. For a third or subsequent offense, a mandatory minimum sentence of ten years is imposed.
7. Possession of a controlled substance classified in Schedules III, IV, or V of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to the possible following punishments. For Schedule III, the violator is exposed to a felony conviction with a term of imprisonment of one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2,500, either or both. For Schedule IV, the violator is exposed to a felony with a term of imprisonment from one to five years or in the discretion of the jury or the court trying the case without a jury, the violator can be confined in jail for up to 12 months and a fine not more than \$2,500, either or both. For Schedule V or VI, the violator is exposed to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 months and a fine up to \$2,500, either or both.
8. Conviction for possession of anabolic steroids with intent to distribute carries a mandatory minimum jail term of 6 months.
9. Possession of marijuana, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to thirty days and a fine up to \$500, either or both. Upon a second conviction, punishment is confinement in jail for up to 12 months and a fine up to \$2,500, either or both.
10. Possession of less than one-half ounce of marijuana with intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 months and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than one-half ounce to five pounds, the crime is a felony with a sanction of imprisonment from one to ten years, or in the discretion of the jury or the court trying the case without jury, confinement in jail for up to 12 months and a fine up to \$2,500, either or both. If the amount of marijuana involved is more than five pounds, the crime is a felony with a sanction of imprisonment from five to thirty years.

## ATTACHMENT B

# [DRAFT] Intellectual Property

**Policy Type:** Board of Visitors

**Responsible Office:** Office of Research and Innovation

**Initial Policy Approved:** 05/15/2009

**Current Revision Approved:** MM/DD/YYYY

### Policy Statement and Purpose

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Virginia Commonwealth University is committed to supporting its faculty, staff and students in their creation of new discoveries, original works of Authorship and art, and the application and dissemination of those discoveries and works to benefit the public. This policy defines the ownership, distribution, and commercialization of rights associated with Intellectual Property developed at the university. The purpose of this policy is to

- support the discovery of new knowledge;
- foster creative expression and innovation at the University;
- provide a framework for ownership of rights in Intellectual Property developed at the University or through the use of University resources that respects both individual rights and the University's reasonable interests;
- protect the integrity of the research emanating from the University;
- facilitate appropriate commercial development of Intellectual Property owned by the University; and,
- encourage and support research and teaching activities of faculty, staff, and students.

For the purposes of this policy, Intellectual Property is any new and useful process, machine, composition of matter, article of manufacture, software, or any original work of Authorship subject to Copyright protection. The rights of ownership in Intellectual Property are protected and defined by law. Typically, Inventions are protected under U.S. patent law and original/creative works of Authorship are protected under U.S. Copyright law. However, some forms of Intellectual Property such as computer software, may be subject to protection under both patent and Copyright laws. In their management and use of Intellectual Property subject to this policy, University members are required to comply with applicable federal and state laws and University policies and procedures, including those governing conflicts of interest.

### I. INVENTIONS

#### *University Ownership of Inventions*

The University owns all right, title and interest in and to Inventions developed by any person through Significant Use of University Resources, and by its employees acting within the scope of their employment. Pursuant to this policy and as a condition of accepting employment with the University or using Significant University Resources, employees as well as non-employees who develop Inventions, are required to assign and are deemed to assign to the University all of their rights, title and interest in and to Inventions developed within the scope of their employment or through the Significant Use of University Resources. Employees and those using Significant University Resources must also agree to memorialize this assignment by executing any and all documents deemed necessary by the University to perfect the University's ownership rights in the Inventions. However, the University's ownership of these rights does not mean the University solely benefits from commercialization of Inventions. To the contrary, the University shares revenues with Inventors as set forth in the University's royalty-sharing formula described in Section VI.C. below. Whether use of University resources is "significant" is determined by the Office of the Vice President for Research and Innovation. Faculty, staff, or students with questions or concerns about whether their use of University resources might be deemed "significant" are expected to contact that Office for guidance in advance

Inventions discovered pursuant to sponsored research agreements, grant funding or through Significant Use of University Resources, may be subject to different terms of ownership if such terms have been detailed in an agreement approved by the Office of Research and Innovation.

The University owns Inventions made by a former University employee if the Invention was made both (1) with Significant Use of University Resources and (2) while engaging in activity directly arising out of and closely following a period of employment with the University.

Students own their Inventions unless they are developed through Significant Use of University Resources, in the student's (or trainee's) capacity as an employee (whether part-time or full-time) of the University, or where the student transferred ownership rights in writing to the University or to another entity. The University does not make claim to Inventions made by students while satisfying regular course requirements. With the growing importance of externally sponsored capstone and related projects, student assignment of ownership rights in Inventions may, however, be a condition for participation in a course project or capstone, especially where sponsors are sharing confidential data or information needed for completion of the project. In such situations, responsible faculty must ensure that there are one or more comparable projects available for student selection that do not require such assignment and will satisfy the course requirement. Faculty are not permitted to assert ownership of student Inventions as a condition of student participation in a course, nor are they permitted to claim personal ownership over or control of student Inventions created in courses they teach.

Students, faculty and staff of the University have a duty to avoid entering into agreements with other entities that might interfere with the University's ownership rights as set forth herein. If students, faculty, or staff enter into contractual relationships with a third party that require them to cede or assign rights in Inventions, these obligations might conflict with their obligations under University policies. It is each individual's responsibility to raise and address such conflicts with the Office of Research and Innovation before entering into such contractual relationships and before commencing any University project that may pose such conflicts.

Research data ownership is addressed in the *Research Data Ownership, Retention, and Access* policy.

## II. COPYRIGHTS

For the purposes of this policy, a copyrightable work is anything so defined under the U.S. Copyright Statute, 17 U.S.C. Section 101. A summary definition is also found in this policy.

### ***Ownership of Copyrightable Works***

#### ***A. Faculty***

Consistent with academic traditions and in deference to the rights of its faculty, the University treats faculty Authors as the copyright owners of works that are created independently and at the faculty member's own initiative for traditional academic purposes. Further, the University recognizes that Copyright interests need not be exclusive, and that the goals inherent in Copyright protection afford opportunities for collaborative sharing of Copyright interests as well as enabling open access in support of the public good.

As used in this section addressing faculty rights in copyrightable works, the following are important:

- **Artistic Works:** Creative works such as works of fiction, novels, lyrics, musical compositions/arrangements and recordings, poems, architectural drawings, visual works of art or design, and sculpture.
- **Course and Teaching Materials:** Works authored as part of or in connection with University teaching. Common examples include syllabi, lecture notes, case examples, examinations, audio or visual recordings, and similar instructional or testing materials.
- **Scholarly and Academic Works:** Works authored in conjunction with academic or intellectual specialties, such as journal articles, scholarly papers, textbooks, conference presentations, and books.

Faculty authors of artistic works, course and teaching materials, and scholarly and academic works created independently and at the faculty member's own initiative for traditional academic purposes shall be treated as the copyright owners of those works, with the following exceptions and conditions:

#### ***Exceptions***

1. When a copyrightable work is specifically commissioned by the University or is subject to a development agreement with the University, the University retains ownership of the Copyright. For example, if the University asks (and a faculty member agrees) to Author a specific work needed by the University, write an exhibition catalogue, or create an online course, the University will own the Copyright. Such projects must be commemorated in a written exchange or formal agreement between the faculty member and the commissioning department, school or other University entity.
2. When a copyrightable work results from Significant Use of University Resources, the University retains ownership of the Copyright. For example, where faculty members create digital projects that require significant University technology and staff resources, the University will typically own or at least share in, the Copyright. Such projects must be

commemorated in a written exchange or formal agreement between the faculty member and the commissioning department, school or other University entity. When work results from Significant Use of University Resources due to sponsored research or grant funding, the resulting works will be handled in accordance with Exception No. 3 below.

3. When sponsored research, services, or other activities are subject to an agreement between the University and a third party that contains obligations or restrictions concerning Copyright or the use of copyrightable materials, resulting works must be handled in accordance with the agreement. If the agreement does not contain copyright ownership terms, faculty authors own the copyright to any Artistic, Course and Teaching and Scholarly and Academic Works as defined in this policy.

### *Conditions*

1. Unless otherwise agreed to in writing, where the University owns the Copyright in a work as outlined above, the faculty member retains permanent rights of acknowledgement and attribution thereto, and retains a non-exclusive, perpetual, royalty-free right to use the underlying intellectual content in other teaching and scholarly activities at their discretion.
2. The University reserves a perpetual, royalty-free, non-exclusive right to use Course and Teaching Materials for non-commercial educational purposes on campus and for institutional purposes such as accreditation.

Faculty are strongly encouraged to deposit copies of artistic, scholarly, and academic works in the University's institutional repository(ies) for preservation, archiving, and public access as considered appropriate by the individual faculty member. Similarly, the University encourages its faculty to explore initiatives aimed at broadening public access to research, scholarship, and the arts, and to consider open access initiatives when appropriate.

### ***B. Joint Works***

When University members collaborate to author a copyrighted work, the result can be joint ownership or nonexclusive rights in the work. Collaborators are encouraged to discuss and describe (ideally in writing), the intended disposition of Copyright prior to engaging in collaboration that will result in joint works. Disputes regarding joint ownership are resolved by the University's Vice President for Research and Innovation according to the procedures established by that office.

### ***C. Students***

Students hold the Copyrights in original works they author unless they have authored such works in their scope of employment as University employees, through Significant Use of University Resources, or have transferred their ownership rights in writing to the University or to another entity. With the growing importance of externally sponsored capstone and related projects, student assignment of Copyrights may, however, be a condition for participation in a course project or capstone, especially where sponsors are sharing confidential data or information needed for completion of the project. In such situations, responsible faculty must ensure that there are one or more comparable projects available for student selection that do not require such assignment and will satisfy the course requirement. Faculty are not permitted to assert ownership of student Copyrights as a condition of student participation in a course, nor

are they permitted to claim personal ownership over or control of student Copyrights created in courses they teach.

#### ***D. Works of University Employees Who are Not Faculty Engaged In Teaching or Research***

Copyrightable works created within the scope of University employment by individuals who are not faculty engaged in teaching and research are considered works “made-for-hire” under the Copyright Act, and the University owns the Copyright. In cases where University employees, within the course and scope of their employment, create Artistic Works, Course and Teaching Materials, or Scholarly and Academic Works as defined in the section on Faculty, the University will work collaboratively with the individual to ensure that fair and equitable treatment of rights to attribution and reuse are reasonably addressed. If the works are to be owned by the individual author, such projects must be commemorated in a written exchange or formal agreement between the employee and the commissioning department, school or other University entity.

### **III. COMPUTER SOFTWARE**

The University owns all patents, Copyrights and other Intellectual Property rights in Computer Software that is developed by University faculty, staff or students (1) subject to a sponsored research agreement between the University and a third party; (2) authored by or invented by individuals while acting within the scope of their University employment, or (3) authored or invented with Significant Use of University Resources. In such circumstances, Computer Software must be disclosed through submittal of an Invention Disclosure pursuant to this policy, regardless of whether the Computer Software is subject to patent protection, Copyright protection or another form of Intellectual Property protection.

Open source software is Computer Software that is available in source code form, for which the rights normally reserved for Copyright owners have been granted to others to encourage open development and improvement. Faculty, staff and students are responsible for knowing and complying with the terms and conditions of applicable software licenses prior to using open source software. The University supports the use and development of open source software and the contribution of such software to the open source community. However, before undertaking such contributions, University members are expected to ensure they have the rights to share the software, and that the sharing of the software complies with University policies, laws, and any licenses for underlying software. Prior to utilizing open source software as part of a sponsored program or research project, university members must consult with the Office of Sponsored Programs to ensure compliance with sponsored project agreements.

### **IV. OWNERSHIP DISPUTE RESOLUTION**

When there is a dispute between the University and Inventor(s) over ownership of Intellectual Property, the Author or Inventor may request that the dispute be resolved by the Vice President for Research and Innovation according to the procedures established by that office.

### **V. RESPECT FOR THE INTELLECTUAL PROPERTY RIGHTS OF OTHERS**

The University expects students, faculty and staff to respect the Intellectual Property rights of others and comply with applicable laws in their teaching, learning, research, creative, and other University activities. “Use” of a work includes using, adapting, copying, distributing, displaying, or performing a work, including making a work available to others through online or other media. The University also supports principles of



Fair Use in teaching, learning, research and creative activities consistent with U.S. laws regulating Intellectual Property and judicial interpretations thereof. University community members are expected to seek guidance from VCU Libraries and/or the Office of University Counsel when questions regarding Copyright compliance and Fair Use arise.

## **VI. UNIVERSITY MANAGEMENT OF INTELLECTUAL PROPERTY**

### ***A. Invention or Authorship Reporting***

University members who have created an Invention or original work of Authorship in which the University may claim an interest, must disclose the Invention or work to VCU Innovation Gateway **prior to disclosure to the public**. Failure to disclose an Invention in a timely manner may result in loss of value of the Invention.

Employees who believe that they have created Intellectual Property not owned by the University (because, for example, they believe the work was not created within the scope of employment or using Significant University Resources), are not permitted to commercialize such Inventions or file (or assist others to file) patent applications for such works, without providing at least 30 days' notice and a brief written summary of the Inventions and the circumstances of the Inventions to VCU Innovation Gateway. Such disclosures are not required in situations where an Employee has a reasonable belief that the Intellectual Property is a work of authorship (Copyrightable Work) as defined herein.

### ***B. Protection and Commercialization***

To provide maximum benefit to the University, the public, and the Inventors or Authors, the University will evaluate each work of authorship and Invention disclosed to VCU Innovation Gateway for potential commercial value. In consultation with the Inventors and where it is deemed appropriate, the University will seek to protect and commercialize that work or Invention. The University is permitted to license or assign the University's rights and select and use outside resources for commercialization of Intellectual Property in the University's best interest. Any revenue arising from commercialization will be shared with the Authors and Inventors according to the Royalty Sharing provisions of this policy.

### ***C. Royalty Sharing Formula***

The University employs and publishes a royalty-sharing formula to distribute revenues from licensing or other distribution of its Intellectual Property covered by this policy. Net revenues generated from commercialization of Intellectual Property are to be distributed according to the formula below:

The University is to pay semi-annually forty percent (40%) to the Contributor(s), or their heirs, successors, or assignees, ten percent (10%) to the Contributor's department(s), and ten (10%) percent to the Contributor's school(s) of the net revenues received by the University.

Net revenue is calculated as follows:

Sixty-seven percent (67%) of the gross revenues received is to be applied to the reimbursement of non-reimbursed direct costs and expenses incurred by the University or its designated licensing entity. The remaining thirty three percent (33%) is to be treated as net revenues and distributed as specified above. After the direct costs and expenses incurred by the University or its designated

licensing entity have been fully reimbursed, all subsequent income from that Intellectual Property is to be treated as net revenues, and distributed as above.

Individual Contributors are to receive their portion of the Contributor share as indicated and agreed in writing by all Contributors listed on the Invention Disclosure. In the absence of an agreement between the Contributors, and unless a dispute has been filed with Office of the Vice President for Research and Innovation prior to acceptance of the Invention Disclosure, revenues will be distributed equally among all listed Contributors.

#### ***D. Release of Intellectual Property***

When the University determines that it will not commercialize University-owned Intellectual Property, that releasing the Intellectual Property to the Inventor(s) or Author(s) will not violate the terms of an external funding agreement, and that it is in the best interests of the University and the public, the University will agree to a release and in such cases will assign all interest it holds or has the right to hold in the Work or Invention to the Author(s) or Inventor(s) in shares equivalent to the percentage of contribution listed on the Invention Disclosure, or such other shares as the Authors or Inventors agree in writing. The University is not required to market, protect or license any Intellectual Property released to the Authors or Inventors.

Release of works may be conditioned upon agreement by the Author(s) or Inventor(s) to the following:

1. To reimburse the University for costs incurred by the University if and when the Author(s) or Inventor(s) receive revenue from that Intellectual Property.
2. To grant back to the University an irrevocable, perpetual, royalty-free, nonexclusive, worldwide right and license to use the Intellectual Property for its research and education purposes and a right to grant the same rights to other non-profit institutions.
3. To share a percentage of future revenues received by the Author(s) or Inventor(s) for the work with the University.
4. To other terms or conditions reasonably requested by the University.

Assignments of Intellectual Property may be subject to University conflict of interest and conflict of commitment policies, which may present limitations to the assignee, including limiting the assignee's use of the Invention at the University. Faculty and staff are responsible for ensuring their actions related to Invention, commercialization, or assignment of Intellectual Property adhere to law and University policy regarding conflicts of interest and outside professional activities.

***This policy addresses Inventions and original works of authorship. The University Trademarks and Licensing policy, the Outgoing Sponsorships, Advertising and Endorsement policy, as well as VCU's brand standards provided by the Office of University Relations address use of the University's trademarks.***

Noncompliance with this policy may result in disciplinary action. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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## Who Should Know This Policy

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All University faculty, staff, and students are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

## Definitions

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### **Author**

A person who creates an original work of authorship qualifying for protection under U.S. Copyright law.

### **Computer Software**

A computer program (including, without limitation, microcode, subroutines, and operating systems), regardless of form of expression or object in which it is embodied, together with any users' manuals and other accompanying explanatory materials and any computer database.

### **Copyright**

A form of protection provided by the laws of the United States (U.S. Copyright Statute, 17 U.S.C. Section 101) to "original works of Authorship" including literary, dramatic, musical, artistic and certain other intellectual works, whereby Copyright owners may claim, for a limited time, certain exclusive rights to specified works. This protection is available to both published and unpublished works and gives the Copyright owner the exclusive right to reproduce, distribute, sell, perform, display or prepare derivatives of the work, and to protect a Copyright against infringement. Copyright protection does not extend to an idea, procedure, process, slogan, principle or discovery.

### **Intellectual Property**

Any new and useful process, machine, composition of matter, article of manufacture, software, or any original work of Authorship subject to Copyright protection.

### **Invention**

Any new and useful process, machine, composition of matter, life form, article of manufacture, software, or tangible property.

### **Invention Disclosure**

A document submitted to VCU Innovation Gateway by which an Author or Inventor reports creation of an original work of Authorship or Invention in which the University may claim ownership pursuant to this policy.

### **Inventor**

A person covered by this policy who individually or jointly with others makes an Invention.

### **Outside Professional Activity**

This term shall have the same definition as in the *Outside Professional Activity and Employment, Research, and Continuing Education* policy - Outside professional activity is understood to mean any service rendered by a faculty member to persons or organizations external to the university, without university sponsorship, for the purpose of advancing, applying, or transferring knowledge in a field of endeavor related to the faculty member's employment at the university. Such activity is beyond or in addition to the faculty member's university responsibilities; it generally occurs off-campus and requires only the time and special capabilities of the individual, without significant use of university facilities or supporting services.

### **Significant Use of University Resources**

For the purpose of this policy, this means substantial and dedicated support of the University, including sponsored research, other grants received by the University, or materials subject to a material transfer agreement. Utilization of University laboratories or special instrumentation, dedicated services provided by University employees, special financial assistance or extensive use of shared facilities constitutes significant use. In contrast, the use of a computer in a faculty office, other commonly used equipment for teaching and learning activities, use of incidental supplies, and nominal use of University personnel or shared facilities are not considered significant use.

### **University Resources**

University resources include but are not limited to facilities, personnel, equipment, confidential information, supplies, and time designated to perform tasks and obligations in the scope of University employment. Funds and facilities provided by governmental, commercial, industrial, or other private organizations which are administered and controlled by the University shall be considered University resources for purposes of this policy.

### **VCU Innovation Gateway**

The office tasked with commercializing University Inventions within the Office of Research and Innovation

### **Contacts** \_\_\_\_\_

The Office of Research and Innovation and the Office of the Provost officially interpret this policy. The Office of Research and Innovation is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to the Office of Research and Innovation.

### **Policy Specifics and Procedures** \_\_\_\_\_

1. **Procedure for Disclosing Inventions and Original Works of Authorship:** In order to protect the rights of Inventor(s), Author(s) and the University, prior to public disclosure, Authors and Inventors are required to report all works of Authorship and Inventions in which the University may claim an interest to the VCU Innovation Gateway in the Office of Research and Innovation. Special procedures relevant to these processes are posted on the website of the Office of Research and Innovation.
2. **Cooperation with the University in Defending and Prosecuting Patents:**  
Upon request, Inventors must execute appropriate assignments conferring ownership rights to the University. Further, they must cooperate with the University in patent prosecution(s), and any defense against patent infringement. Special procedures relevant to these processes are posted on the website of the Office of Research and Innovation.
3. **Dispute Resolution (Copyright):** If a dispute arises regarding application of this policy related to works of Authorship that are not works owned by faculty, the Author may present the dispute to the Office of the Vice President for Research and Innovation for resolution according to policies or procedures established by that office. Special procedures relevant to these processes are posted on the website of the Office of Research and Innovation. The decision of the Vice President for Research and Innovation is final in resolving such disputes.
4. **Dispute Resolution (Inventions):** If a dispute arises regarding application of this policy relating to Inventions (including Computer Software) that cannot be resolved, the Inventor may present the dispute for resolution by the Office of the Vice President for Research and Innovation as described herein or according to policies or procedures established by that office. Special procedures relevant to these processes are posted on the website of the Office of Research and Innovation. The decision of the Vice President for Research and Innovation is final in resolving such disputes.

## Forms

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The following forms are associated with this policy and procedures:

1. [Invention Disclosure Form](#)

## Related Documents

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1. VCU Policy: [Research Data Ownership, Retention, and Access](#)
2. VCU Policy: [Conflict of Interests in Research](#)
3. VCU Policy: [University Trademarks & Licensing](#)
4. VCU Policy: [Outgoing Sponsorships, Advertising and Endorsement](#)
5. VCU Policy: [Outside Professional Activity and Employment, Research, and Continuing Education](#)

## Revision History

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This policy supersedes the following archived policies:

05/21/2010	Intellectual Property
05/15/2009	Intellectual Property

## FAQ

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- 1. I have made/discovered an Invention (that can be protected under patent law) in connection with other individuals at VCU who have contributed to the Invention over time. Who owns this Invention?**

If you have made the Invention within the scope of employment or using Significant University Resources, the University likely owns the Invention. Under this policy, Inventors must report to the University and must make an honest and good faith effort to properly credit all those who have significantly contributed to the Invention so that these individuals may also fairly share in any revenue obtained by the University.

- 2. I am a faculty member and have recorded my lectures. Who owns the Copyright in the recordings?**

You own the recording. Rights to course and teaching materials are defined in this policy. Unless subject to an exception resulting from the University's special investment in development of a course, if you are a teaching or research member of the faculty, you own the Copyrights in your lectures, subject to the limited institutional rights reserved in this policy.

- 3. I authored a scholarly work arising out of research conducted under a sponsored project grant. Who owns the Copyright in the work?**

Sponsorship agreements can include Intellectual Property clauses that stipulate alternative ownership arrangements from this policy in which case the grant terms govern. Absent such requirements, if you are a teaching or research faculty member, you own the copyright to any scholarly work you author as defined in this policy.

- 4. I created an Invention (that can be protected under patent law) while on sabbatical or during Outside Professional Activity. Who owns the rights in the Invention?**

The University generally retains ownership of Inventions discovered or reduced to practice by employees while participating in sabbatical or other external activities if they receive salary from the University during or for such activity. Exceptions to this rule may be approved in advance by the Vice President for Research and Innovation. All employees must be careful when engaging in outside professional activity that may involve an external request for ownership of Inventions. If Inventions are solely produced and funded by a third party during approved outside professional

activity, the University will not assert ownership. Prior consultation with the VP for Research and Innovation is strongly encouraged to avoid future conflicts or misunderstandings.

**5. May I assign a course project that uses a social media platform, software or data that in turn requires students to assign their resulting Intellectual Property to the platform provider or a third party?**

A course project may require assignment of student ownership rights. However, the University expects faculty to ensure that there are one or more comparable projects available for student selection that do not require such assignment and will allow the student to satisfy the course requirement.

**6. Who owns a graduate student's thesis project undertaken under the guidance of a Principal Investigator ("PI") and whose research funding sponsored the research?**

Graduate students own the Copyrights in their theses/dissertations as Authors of those works. The data and any Inventions created through the laboratory's funded research is owned by the University or as determined by relevant grant terms. Graduate students are expected to seek and accept appropriate guidance from their PI(s) with respect to the timing of theses or dissertation-related publications that involve laboratory research, joint research, or in cases where multiple Authors have rights to acknowledgement and attribution.

**7. Are all works that result from VCU funding always subject to VCU ownership?**

An exception to this policy's Intellectual Property terms for University ownership may be detailed in a writing approved by the Office of Research and Innovation. If the grant terms or related written terms do not specify ownership of resulting intellectual property, then Intellectual Property ownership is determined according to this policy.

**8. What happens to Copyrights when a faculty member leaves the university?**

Copyright ownership would remain the same as outlined in the policy; however, individuals leaving the University are expected to work with their department chair and/or the Office of Research and Innovation to take steps to ensure appropriate rights for all interested parties are retained and documented.

**9. I am an affiliate faculty, adjunct faculty, or I have another designation other than teaching and research faculty, and I have authored Course and Teaching Materials as part of traditional teaching duties or Scholarly and Academic Works as part of traditional research or scholarly duties. Who owns the Copyrights?**

All individuals engaged in traditional teaching or scholarly activities will be considered faculty authors as described in Section II.A. of this policy. Any other employees who anticipate authoring Artistic Works, Course and Teaching Materials, or Scholarly and Academic Works as part of their assigned duties at VCU should work with their department, school, or other university entity to

commemorate copyright ownership in a written agreement prior to commencing authorship of a work.