

Intellectual Property Policy

1. POLICY STATEMENT/PURPOSE

This policy clarifies the rights and responsibilities for Sonoran University of Health Sciences ("Sonoran") an Arizona non-profit corporation, its employees, non-employee students of Sonoran, and anyone who creates Intellectual Property with significant use of Sonoran resources in the development and use of educational materials and other intellectual property. In general, Sonoran provides its employees with broad rights to use educational materials they create as Sonoran employees, but with the exceptions as described in this Policy.

2. HISTORY/BACKGROUND

Creating and disseminating knowledge are fundamental to the mission of Sonoran. Sonoran reaffirms its commitment to the principles of academic freedom, and to encourage authorship, creation, development, and invention of Intellectual Property ("IP"). Because there is no standard practice in higher education regarding ownership of IP, this policy addresses these issues and applies them to Sonoran. This policy also addresses privacy and ownership concerns related to recorded classroom sessions and online course content. The former policy revision added specific language to accommodate forms of IP generated from work performed at the Ric Scalzo Institute for Botanical Research. It also acknowledged Co-Inventorship and clarified the revenue distribution structure related to IP. This latest policy revision updates the Responsibility for Implementation and the Policy Author/Contact to reflect current organizational structure. It further clarifies the definition of inventor and co-inventors. It also provides for the Ric Scalzo Institute for Botanical Research to maintain a departmental procedure for revenue distribution, and to maintain its own Intellectual Property Board to oversee Institute IP.

3. DEFINITION(S)

- a. **Authors:** developers of intellectual property, including authors, creators, researchers, and inventors.
- b. **Classroom Session:** any teaching and learning session led by Sonoran employees in all classroom, laboratory, and/or clinic settings. Methods of engagement may include, but are not limited to, lecture, team-based learning sessions, laboratories, online course format settings, or other experiential learning experiences.
- c. **Educational Materials:** educational materials include, but are not limited to, textbooks, electronic media such as PowerPoint files and audio/video recordings, syllabi, tests, assignments, monographs, papers, models, compositions, works of art, images, and unpublished manuscripts, including online course content.
- d. **Instructor:** the facilitator of any teaching and learning session in any environment.
- e. **Intellectual Property or IP:** all forms of legally recognized intellectual property including, but not limited to, patentable invention products, formulae, ingredients, patent disclosures, patent applications, structures, models, techniques, processes, compositions, compounds, and apparatus relating to the same, patterns, discoveries, devices, ideas, data, other compilations of information, records and specifications, concepts, techniques and services, including

information relating to research, development, inventions, manufacture, purchasing, accounting, engineering, marketing, merchandising, selling, pricing policies, financial information, employee files and other materials and information, whether or not reduced to writing or placed in any tangible medium of expression, which information Sonoran or any of its affiliates maintains as confidential copyrightable subject matter, including, without limitation, all educational materials created by Sonoran employees and instructors.

- f. **Invention:** any patentable discovery or related Intellectual Property item as indicated in the definition of IP and any associated technology including trade secrets developed or licensable products that are required for development or application of the discovery.
- g. **Inventor:** a person or any affiliate of the University who, individually or jointly with others, conceived, designed, developed, or otherwise contributed to the conception or creation of intellectual property. The inventor(s) is the person(s) who conceived of the invention, and who have “intellectual domination” over it, meaning who came up with the idea, and who pushed it to a useful invention, and who, in the context of a specific patent, should be listed as an inventor according to the established criteria used in United States patent law. Co-inventors exist when the invention is the result of inventive work of more than one inventor. Co-inventors may exist even where one inventor contributed a majority of the work.
- h. **Recording:** to cause (sound, visual images, data, etc.) to be registered permanently on something (such as a disc, magnetic tape, or cloud-based storage) in reproducible form.
- i. **Research Materials:** knowledge or products developed including, but not limited to, protocols, procedures, experimental data, botanical formulations, extraction methods, and concepts.
- j. **Substantial Sonoran Resources:** Sonoran resources above and beyond those that are customarily and currently provided to employees. Offices, office equipment, library access, and computers, which are customarily provided, would be excluded from determination of substantial use of Sonoran resources.

4. SCOPE/KEY STAKEHOLDERS

This policy applies to all Sonoran employees, including, without limitation, full-time and adjunct faculty, instructors, part-time employees, student employees, visiting scholars and scientists and employees on sabbatical who receive remuneration from Sonoran, employees on a leave of absence who are using substantial Sonoran resources and all others who receive remuneration from Sonoran. This policy also applies to non-employee students of Sonoran, and to anyone else who creates Intellectual Property with significant use of Sonoran resources, including full and part time employees, consultants, and visiting scholars or scientists working within any division of Sonoran. Also, as to the ownership and distribution of Educational Materials, this policy also applies to students and guests at Sonoran. The Ric Scalzo Institute Business Development leader is the Sonoran appointee who is authorized to assemble an Intellectual Property Board to approve exemptions to this policy.

5. POLICY ITEMS

- a. Works Made for Hire
 - i. Under U.S. copyright law, a “work made for hire” includes a work prepared by an employee within the scope of his or her employment or a work specially

ordered or commissioned for certain specific uses if the parties expressly agree in a written instrument signed by them that work shall be considered a work made for hire. If a work is made for hire, an employer is considered the author even if an employee actually created the work.

b. Copyright Ownership and Use of Educational Materials

- i. Ownership of Works Made for Hire at Sonoran: Sonoran owns copyrights of the works created by employees of Sonoran within the scope of their employment at Sonoran. Sonoran also own works specially ordered or commissioned for certain specific uses if the parties expressly agree in a written instrument signed by them that work shall be considered a work made for hire. Sonoran may, in its discretion, register and maintain registrations on all such copyrighted works.
- ii. Ownership Rights for Works Published by Third Parties: Employees are entitled to own the copyright and retain any revenue derived from books and other copyrightable works they create but that are published by third parties outside of Sonoran, except for works commissioned by contract or created as part of an explicitly designated assignment made in writing, other than normal employment expectations. In cases where it is not clear whether the foregoing exemptions apply, Authors are strongly encouraged to pursue a negotiated written agreement. Consistent with the terms of this policy, Sonoran assigns to the author(s) any interest and ownership claims on publication of research, scholarly materials and publication activities that typically occur in academic journals, books, and other professional resources published outside of Sonoran.
- iii. License to Employee Authors of Educational Materials: Unless otherwise stated in writing, Sonoran grants to employees, both during and after their employment with Sonoran, a royalty free, non-exclusive, world-wide license in perpetuity to reproduce, prepare derivative works, distribute copies, perform, or display works prepared by employees within the scope of their employment with Sonoran or created for use at Sonoran, including, but not limited to, textbooks, electronic media, syllabi, test, assignments, monographs, papers, models, compositions, works of art, images and manuscripts, including online course content.
- iv. Rights of Sonoran to Use Educational Materials: Nothing in this policy shall prohibit Sonoran from using employee-authored Educational Materials for educational and administrative purposes, including, for example, classroom/lab/clinic instruction, and satisfying requests of accreditation agencies for faculty-authored syllabi, assessments and course descriptions. Such usage shall extend beyond the author's employment with Sonoran. Additionally, in the event that a faculty member assigned to teach a course becomes unavailable to teach that course, Sonoran shall be permitted to use any and all Educational Materials.

c. Research Materials: Disclosure, Ownership and Licensing of Research Intellectual Property

- i. Disclosure. Sonoran recognizes its responsibility to produce and disseminate knowledge. Inherent in this responsibility is the need to encourage the production of creative and scholarly works and the development of new and useful materials, devices, processes, and other Inventions, some of which may have potential commercial value. Supervisors of Sonoran employees must be

promptly informed in writing about the existence of potential commercially valuable research-related Inventions or other forms of IP.

- ii. Ownership. Except as provided otherwise by this or other Sonoran policies, Sonoran shall own all Inventions, and all IP associated with such Inventions, made or invented with the direct or indirect support of funds administered by Sonoran as long as there exist no other co-inventors, institutions and/or companies outside of Sonoran involved in the development of the Invention. If co-inventors, institutions and/or companies outside of Sonoran are involved in Invention development, ownership rights will be negotiated based on resources, funds, and support utilized. Inventions created by Sonoran employees, students, visiting scientist or adjunct faculty with the use of Sonoran resources should be appropriately managed in the best interest of Sonoran, Inventor(s) and all entities. All Research Materials shall be owned by Sonoran. If students or visiting scientists contribute significantly to the intellectual aspects of IP developed, they may be considered as a co-inventor by the Principal Investigator or Lead Creator of the work.
 - iii. Patents and licensing. Sonoran may license or assign Inventions or patents within a reasonable time and in its sole discretion. Researchers who engage in research projects at Sonoran that may lead to patentable discoveries are encouraged to negotiate an agreement with Sonoran about ownership of patents and/or licensing agreements. If Sonoran opts to maintain ownership of the Invention or patent, Sonoran is responsible for all costs involved in obtaining and maintaining a domestic and/or foreign patent for intellectual property for which Sonoran holds an interest. Additionally, Sonoran will pay all reasonable costs for marketing, promoting, or maintaining the licensing of intellectual property for which Sonoran holds an interest. If the IP is assigned to another party, all costs for obtaining and maintaining a patent will be the responsibility of the party to whom the IP was conveyed.
 - iv. Publication rights for the protection of intellectual property. Peer-reviewed publications and presentations of results are major objectives of academic research. This policy does not impede an Sonoran employee's ability to publish. However, public disclosure of a patentable invention prior to filing a patent application may preclude patent protection. Upon disclosure of the existence of potential commercially valuable research, the Inventor shall appropriately delay publication/presentation of the results until sufficient time as to complete an internal evaluation process and pursue opportunities to protect the intellectual property.
- d. Trademarks and Trade Secrets
- i. Trademarks. Sonoran owns all common law and registered trademarks and service marks associated with its name and logo and retains all rights to register, manage, and license such marks and is entitled to retain all revenue generated from the licensing or use of such marks.
 - ii. Trade Secrets. Sonoran owns all trade secrets developed by Sonoran and its employees during the course of their employment. Sonoran employees shall be bound by the terms of Sonoran's Non-Disclosure/Confidentiality Agreement.
- e. Commercialization and Revenue Distribution Related to Intellectual Property
- i. Commercialization. Following disclosure of potentially commercially valuable IP and/or potential patents, the Authors and/or Inventor(s) should enter into negotiations with Sonoran concerning commercialization of any such IP.

Written agreements should be created that cover commercialization issues such as royalty sharing.

- ii. Revenue Distribution. Except as provided in this policy and absent any agreement to the contrary, an employee, Inventor or Author who creates any IP as the result of work for which he/she is paid by Sonoran or which resulted from using Sonoran facilities and resources will receive a minimum of 33.3% of the net income received by Sonoran related to the sale, licensing, or royalties received for such IP. This royalty-revenue sharing is not to be construed as wages or salary compensation to the employee, Inventor or Author from Sonoran, but rather as separate income derived from commercialization activities involving the IP. If more than one employee, Inventor or Author is involved in the development of the IP, they collectively will share the employee percentage (33.3%) of net income. In these cases, the percentage is to be divided based on each employee's, Inventor or Author's contribution and documented in a written sharing arrangement executed by the Inventors. The Principal Investigator or Lead Creator has final decision-making authority as to the relative employee contribution and corresponding revenue distribution. The Ric Scalzo Institute for Botanical Research maintains a standard procedure that conforms with this policy and should be followed for revenue distribution within the Institute to encourage team collaboration. An employee's, Inventors or Authors rights that have accrued shall continue beyond employment with Sonoran. The remaining 66.7% of net income received by Sonoran related to the sale, licensing, or royalties received for IP shall be equally distributed: 33.3% to the division in which it was created, (e.g. Sonoran University Medical Center, Ric Scalzo Institute, College of Nutrition) and 33.4% for Sonoran University.
- f. Process for Documenting Exceptions and Dispute Resolution
 - i. Designation of Responsible Authority for Educational Materials: The chief academic officer (or designate) shall be responsible for undertaking an initial assessment of any matters relating to exceptions or disputes for Educational Materials, including making a determination as to whether substantial Sonoran resources have been used, and whether a negotiated agreement is necessary. This party shall also be responsible for developing any such written agreement. The chief academic officer shall retain written agreements and related documentation indefinitely.
 - ii. Designation of Responsible Authority for All Other IP: The Ric Scalzo Institute Business Development leader (or designate) shall be responsible for undertaking an initial assessment of any matters relating to exceptions or disputes for all other IP not related to Educational Materials, including making a determination as to whether substantial Sonoran resources have been used, and whether a negotiated agreement is necessary. This party shall also be responsible for developing any such written agreement. The Ric Scalzo Institute Business Development leader shall retain written agreements and related documentation indefinitely.
 - iii. Negotiated Written Agreements: Negotiated written agreements are required when Substantial Sonoran Resources are used. It is the responsibility of the Author or Inventor to seek clarification as to whether the resources being used in the development of Educational Materials or other Intellectual Property constitutes use of Substantial Sonoran Resources. Use of Substantial Sonoran Resources, depending on the

terms of the negotiated written agreement, may result in an obligation to share revenues, reimburse Sonoran, or confer a license.

- iv. Modifications to Written Agreements: Any negotiated written agreement made in connection with the creation of IP may be modified at any time upon the agreement of all signatories. Such modifications will normally be necessary with changes to:
 - 1. Participation of Author(s) in a continuing project;
 - 2. Sonoran's contribution of Substantial Resources;
 - 3. Dispute resolution by the Intellectual Property Board.
- v. Intellectual Property Board: As needed, the chief academic officer or the Ric Scalzo Institute Business Development leader shall establish an Intellectual Property Board comprised of one faculty, one administrator, and one staff member to hear and recommend resolution of disputes related to Educational Materials and other Intellectual Property to the chief academic officer or to the Ric Scalzo Institute Business Development leader with final recourse if needed to the Sonoran President. The Intellectual Property Board may also interpret, oversee the implementation of this policy, and advise the chief academic officer or Ric Scalzo Institute Business Development leader about exemptions under this policy. Furthermore, the Ric Scalzo Institute for Botanical Research may maintain its own Institute Intellectual Property Board to oversee IP within the Institute insofar as the actions of Institute IP Board conform with this University policy.
- g. Recording of Classroom Sessions
 - i. Prohibited Recordings: Photography and video recording are not allowed in the gross anatomy lab. While Sonoran supports and facilitates the recording of most classroom and laboratory sessions, permission to record any session remains at the discretion of session instructors with final determination by the program Dean.
 - ii. Recording by the Instructor. Any time an instructor intends to record instructional content during a classroom session, students must be informed in writing before the recording is made. For courses, all planned recordings of classroom sessions will generally be indicated on the syllabus. If it is the intent of an instructor to record students during a class session such as a lecture or a lab (example: using a student as a model in order to demonstrate a medical procedure), then the recorded student(s) shall sign a release form in order to document their consent to be recorded. Instructors should make every effort to make sure that personal information is not recorded and if Sonoran becomes aware that personal information is accidentally recorded; it must be removed from any copy uploaded to Sonoran course sites. Uploaded recordings on MySonoran or the learning management system will be for internal educational use only, not for public distribution.
 - iii. Photographs and Images. In order to promote all Sonoran departments through various media (including television, the Sonoran website, magazines, journals, newspapers, online presentations and internally developed publications and advertisements) faculty, staff, visiting scholars/scientists and students may be photographed and/or video recorded. Sonoran retains ownership and reserves the right to publish these photographs and videos.
 - iv. Recordings by Students. Students must obtain written permission from the classroom instructor(s) before recording by audio, video or any other

electronic means any classroom session, by completing the Sonoran Classroom Recording Permission Form. Sonoran only allows students to record classroom sessions for their personal educational use. Students are explicitly prohibited from posting recordings online or publicly sharing recorded classroom sessions.

- v. Classroom Recordings by Others. Anyone wishing to record an educational session must obtain written permission from the instructor(s) before recording the session by completing the Sonoran Classroom Recording Permission Form. Instructors must inform attendees of a session where such recordings are made.
- vi. Descriptions of Classroom Recordings in Course Syllabi. Recording of any educational session is at the discretion of the instructor(s). Course syllabi must specify intention, recording date(s) and usage of classroom recordings. If a course syllabus does not specifically state if recordings will be made, students should assume that no recordings will be made and are not allowed. If the decision to make such recordings is made after the start of the quarter, the instructor must send an email notifying all enrolled and auditing students, and an updated version of the syllabus describing the nature of these recordings must be posted to the course site.
- vii. Recording of Events. Anyone wishing to record any Event occurring at any Sonoran affiliated site in person or virtual, must obtain permission from the Event Organizer in advance.
- viii. Classroom Recording Permission Form. A copy of the form is attached to this policy as an appendix.

6. RESONSIBILITY FOR IMPLEMENTATION

Ric Scalzo Institute Business Development leadership

7. RELATED DOCUMENTS

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8. NEXT REVIEW DATE

Three years from the date of implementation and every three years thereafter.

9. POLICY AUTHOR/CONTACT

Ric Scalzo Institute Business Development leadership

10. REFERENCES

11. VERSION CONTROL AND CHANGE HISTORY

Version	Approved by	Date Approved	Date Effective	Amendment Information
1	President's Council	10/22/2014	10/22/2014	
2	President's Council	5/24/2017	10/9/2017	
3	President's Council	3/24/2021	3/24/2021	Updated to include work at the Ric Scalzo Institute for Botanical Research and to expand the overall scope.
4	President's Council	2/28/24	2/28/24	Update SCNM to Sonoran. Update Responsibility,

				Author/Contact. Clarify definition of Inventor. Provide for Ric Scalzo Institute for Botanical Research to maintain department procedure that conforms to this policy.
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