



Private Industry-University Partnership Guidelines

February 2012

Introduction

Through increased cooperation with private industry, IUP believes that it can combine its resources with those of the private sector to advance knowledge and solve problems. Public universities generate and disseminate knowledge for the benefit of society, and knowledge itself is considered to be a public good. IUP, as a public university, ascribes to the tenet of promptly making all research findings public so that the public may benefit from such knowledge. Private industry, by definition, is interested in profiting from its investments and in retaining rather than freely sharing new knowledge that has been acquired. Such new knowledge often is viewed as a competitive 'edge' that helps private industries compete.

This difference in outlook--sharing versus retaining knowledge--can at times be in conflict; however, IUP wishes to protect and preserve its academic traditions and values while working with industry. IUP seeks to collaborate and accommodate industry's unique needs whenever possible, without sacrificing its own commitments to free inquiry, education, and acting in the interests of the public good.

Submission of Concept Papers to Private Industry

The best method for engaging a potential private industry partner is to create a concept paper, which is defined as a short document that does not commit IUP to any particular course of action and does not contain a budget or timeline. Faculty are encouraged to develop concept papers. Concept papers do not undergo a formal review prior to submission to private industry. They should be submitted to private industry by a management representative of IUP such as a Dean, a member of President's Cabinet or other senior administrator.

A concept paper is not a proposal. The difference is that a proposal includes a budget, a timeline, and defined deliverables, and proposes to commit IUP to a specific course of action. Under no circumstances should the concept paper be considered a proposal submission.

Prior to submission of any external funding request, a proposal must go through a standard IUP review process and follow all IUP-RI proposal development guidelines. These guidelines can be found at <http://www.iup.edu/page.aspx?id=94529>



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Limits on the Sponsor's Power to Direct or Control Research

While private industry may define broadly the project they will support, IUP's principal investigators have wide discretion in designing and modifying their sponsored research. Although private industry may request or consult on matters of concern, generally it is not appropriate for private industry to specify how the work is to be done in detail. Private industry shall have the privilege to define broadly the topic of the research to be funded. IUP's principal investigators shall have final decision on accepting requested industry terms over the design and control of that research.

Limits on the Control of Sponsors Over Centers and Institutes

IUP may choose to establish, in cooperation with a private industry, an Institute or Center. In such a situation, private industry may seek a formal voice in how its committed funds are spent. The situation, while offering important opportunities, also poses certain risks. If inappropriate control over the unit's research program is provided to private industry, the academic freedom of the faculty involved may be diminished. IUP shall not create an Institute or Center that would restrict the academic freedom of the faculty.

Publication and Public Dissemination of Information

Academic tradition has long held that IUP's researchers must be free to publish their research results. This freedom is essential if IUP is to be the source of new knowledge for society. At the same time, good business practice requires that sponsors protect their proprietary rights, trade secrets, or other confidential information. These separate and legitimate interests may diverge on questions relating to publication and public dissemination of information.

Faculty members have intellectual property rights as defined in Article 39 of the Collective Bargaining Agreement. CBA Article 39 can be found at:

http://www.passhe.edu/inside/hr/syshr/Pages/unit_info.aspx?q=apscuf

The Technology Transfer and Commercialization Guide for PASSHE Faculty can be found at:

<http://www.passhe.edu/inside/asa/resources/technologytransfer/default.aspx>

SCUPA, AFSCME and other employees may also have intellectual property rights.

It should be noted that publication and dissemination interests between faculty and IUP may not always align. For example, a faculty member may wish to waive publication and dissemination rights because obtaining the funding is an overriding concern. IUP



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must weigh this valid and legitimate goal against possible consequences to the public good and to the reputation of IUP as a public university.

It is in both IUP's and private industry's best interests to find ways to protect academic freedom while meeting nondisclosure requirements. There are three ways in which private industry may affect the process of publication and dissemination of information:

- by reviewing materials prior to publication
- by delaying the date of publication
- by preventing publication

IUP may allow private industry to review materials prior to publication, but such review will be permitted only under certain circumstances and will be limited to a reasonable period of time. This practice will be allowed when it is important to prevent inadvertent disclosure of a sponsor's proprietary information and/or to allow the sponsor time to file proper proprietary protection on research-generated technology. Such a review may delay publication or public dissemination for no more than a brief period, typically less than one year. IUP retains final authority over publication rights, including the right to publish. The final determination of what may be published or not published normally will remain with IUP.

Next Steps

When a private industry expresses interest in an IUP concept paper, the author(s) shall work with IUP management and the Research Institute to develop a formal proposal for submission to industry through the normal IUP review and approval process. The proposal will be submitted by IUP management on behalf of the authors, and any issues identified will be resolved through negotiation if possible.

Resolution of Issues

The School of Graduate Studies and Research is responsible for maintaining and interpreting IUP's research policies and practices. As such, it shall advise the President and Provost on risks involved in any particular private industry research, and, if so, whether the level of risk is acceptable. It may obtain the opinions of PASSHE Legal Counsel and of the IUP Research Institute's Legal Counsel as needed. The goal shall be to promote increased cooperation and improved working relationships between IUP and private industry.

Guidelines Developed in Collaboration between the IUP Research Institute, the School of Graduate Studies and Research, and the Office of the President.