

FRANCIS MARION UNIVERSITY FACULTY HANDBOOK

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from the primary employing agency while in a leave-with-pay status, to include all designated paid State holidays and compensatory leave.

The maximum compensation that an employee will be authorized to receive for dual employment shall not exceed 30 percent of the employee's annualized salary for the fiscal year. The rate of compensation for summer employment for those employees whose base period for employment is less than twelve months is covered under Summer Compensation and is not considered dual employment.

If duties to be performed constitute service by the employee on a board, commission, or committee for which per diem allowance is to be awarded, the employee is not eligible to receive such per diem allowance.

Travel and subsistence paid to a State employee by the requesting agency shall be in compliance with provisions in the *Policies and Procedures Guide for Faculty and Staff*.

The maximum compensation which can be earned during the summer months for teaching regular and contract courses is 40 percent of the previous academic year's salary.

A member of the University faculty may be permitted to do professional work of an expert character outside the University and to receive pay therefrom when the work in question contributes to the professional development of the individual. Outside employment shall be undertaken on the prior approval of the chair or dean concerned and prior authorization of the Provost. The University reserves the right to declare a conflict of interest at any time. For further information see the *Outside Employment Policies*.

No member of the teaching staff shall receive compensation for tutoring students in any course for which the faculty member is empowered to grant the student credit or over which the member has any authority. This regulation shall not be interpreted as prohibiting tutoring for remuneration in subjects over which the tutor has no control.

Employment by other State agencies or departments of the University occurring during an employee's base period and for which there is compensation in excess of the employee's regular salary for temporary, part-time contractual, or consultative service or for honoraria is considered dual employment and must be approved in advance following the dual-employment guidelines. See the *Dual Employment Policy* for further information on dual employment.

Intellectual Property Policy

Francis Marion University supports the development, production, and dissemination of Intellectual Property, including copyrights, patents, trademarks, and any intellectual creation by its faculty, staff, and, if significantly involved in the creation of Intellectual Property, its enrolled students. Furthermore, the University seeks to encourage and reward creativity and innovation while still retaining for the University, when appropriate, reasonable access to, and use of, the Intellectual Property for whose creation the University has provided assistance.

Francis Marion University, faculty, and staff acknowledge that the mutual obligations of trust, good will, equity, and fair dealing are indispensable foundations and the guiding principles of this policy.

The creator/inventor of Intellectual Property must play the active role in any process to license and protect Intellectual Property. The creator/inventor assumes the responsibility of complying with all processes involved with the licensing and protection of Intellectual Property consistent with State and Federal laws, State and Federal conflict of interest regulations, as well

as University policy. Nothing set forth in this policy shifts this obligation from the faculty member, staff member, or student to the University.

It is the intent of the University that each faculty member, staff member, or student shall be the copyright owner of works created by the individual and at the individual's own initiative for academic purposes. These works would include, but not be limited to, scholarly works, class notes, class syllabi, books, articles, literary compositions of any discipline, artistic works, scientific works, dance, sculpture, visual arts, audiovisual works including any interactive or educational programs, sound recordings, as well as courseware development for distance education programs. Revenue derived from Intellectual Property owned by individuals belongs to the individuals.

Clarification of ownership and/or rights to Intellectual Property may be necessary. The University, faculty, staff, and/or students may enter into a memorandum of agreement regarding Intellectual Property rights at any time. If the Intellectual Property is commissioned by the University or one of its components pursuant to a signed contract or is created as a specific requirement of employment or as an assigned duty by the University, the Intellectual Property is owned by the University unless prior agreement has been made otherwise. Revenue derived from Intellectual Property owned by the University is credited to the University's general funds.

Intellectual Property that results from substantial use of University resources or facilities may create a joint ownership of the Intellectual Property between the University and the individuals who contribute to the creation of the Intellectual Property. The University and the individuals may agree to such an arrangement in writing.

Any disagreements, conflicts, and/or special requests for development of Intellectual Property shall be submitted to the Provost for further action as may be deemed necessary.

The Faculty Life Committee shall have general oversight of Intellectual Property issues. At the request of the Provost, the Committee shall review any matters relating to disagreements, conflicts, and/or special requests for development of Intellectual Property. The Committee shall make determinations and recommendations to be transmitted to the Provost. Further, the Committee shall review on a regular and ongoing basis University policy as to Intellectual Property. Any recommendations and/or concerns shall be transmitted to the Provost of the University.

The mutual obligations of trust, good will, equity, and fair dealing create the opportunity for an early and amicable resolution of any matters relating to Intellectual Property. If a mutually acceptable resolution cannot be obtained, the Provost shall advise the University President. The President shall make the final determination.

Required Courses: Policy and Procedures

When it is deemed necessary and appropriate, Francis Marion University permanent faculty and staff may be required to take certain job-related courses. When such a requirement is made, the employee will not be responsible for any costs associated with the course(s), which will be borne by the University. The employee will be responsible for any program application fees. The employee being required to take a course completes the application form available from Human Resources and obtains the necessary approvals. See the *Required Course Policy* for further information.