

FACULTY HANDBOOK, CHAPTER 4

Selected Policies & Resolutions

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A. POLICIES ON EQUAL OPPORTUNITY, NON-DISCRIMINATION, SEXUAL HARASSMENT, AND TITLE IX

The College of Wooster affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. This commitment extends to all rights, privileges, programs and activities, including housing, employment, admissions, financial assistance, and educational and athletic programs at the College. The Equal Opportunity, Harassment and Nondiscrimination policies are applicable regardless of the status of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators and/or staff. The College of Wooster reserves the right to act on incidents occurring on-campus or off-campus, when the off-campus conduct could have an on-campus impact or impact on the educational mission of The College of Wooster.

1. THE COLLEGE OF WOOSTER POLICY ON NONDISCRIMINATION

The College of Wooster adheres to all federal and state civil rights laws banning discrimination in private institutions of higher education. The College of Wooster will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, sex/gender, pregnancy, political affiliation, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability of a qualified individual, age, marital status, family responsibilities, sexual orientation, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any complaint process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

The College of Wooster will not request or require the disclosure of genetic information except as may be permitted under the Genetic Information Nondisclosure Act. This non-discrimination policy applies to all personnel actions, including, but not limited to, recruitment, selection, placement, training, advancement, transfers, demotions, or layoffs, and all matters involving compensation. The College prohibits discrimination which denies full and equal employment of, and opportunity to participate in and benefit from, the goods, services, facilities, privileges, advantages, and accommodations offered by the College, including, but not limited to, educational opportunities and access to facilities and other services by otherwise qualified individuals. The College will provide reasonable accommodations to qualified individuals with disabilities.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, and/or social access, benefits, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of The College of

Wooster's policy on nondiscrimination. When brought to the attention of the College, any such discrimination will be appropriately remedied by the College. The complete nondiscrimination policy is available at: <https://www.wooster.edu/info/nondiscrimination/> and the [Handbook of Selected College Policies](#).

2. THE COLLEGE OF WOOSTER POLICY ON SEXUAL HARASSMENT AND MISCONDUCT

Updated August 24, 2020 by Lori-Makin-Byrd, Title IX Coordinator and Director of Sexual Violence Prevention and Response

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Faculty should review the Interim Anti-Sexual Harassment, Discrimination, and Sexual Misconduct Policy found on the College's [Title IX website](#) for full understanding and the most current information about reporting requirements, confidentiality, and related policies.

3. CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student or supervisor and employee). Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party create real or perceived impropriety and may be unethical. These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy.

For these reasons, dating, romantic, or sexual relationships between students and faculty or students and coaches, including relationships that occur when the College is not in session or students are on leave, are prohibited.

Faculty and coaches who violate this prohibition are subject to appropriate College adjudication processes and disciplinary action. For the personal protection of members of this community, relationships in which power differentials are inherent (department chair-faculty, faculty-staff, staff-staff, staff-student, RA-students over whom they have direct responsibility) are generally discouraged. However, if a relationship does exist, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor. It will likely be necessary to remove the employee from the supervisory or evaluative responsibilities or to shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. While only faculty-student and coach-student relationships are prohibited by this policy, failure to self-report all

other such relationships to a supervisor as required can result in disciplinary action for an employee.

4. INCIDENT REPORTING PROCESS

Added August 2020 from the Chief Diversity, Equity, and Inclusion Officer.

The College of Wooster is committed to promoting its mission of inclusivity and equity in all aspects of the educational enterprise. This commitment extends to all rights, privileges, programs and activities, including housing, employment, admissions, financial assistance, and educational and athletic programs at the College. The College's Bias Incident Reporting Process is designed to effectively respond to bias concerns raised by faculty, students, staff, alumni and visitors to the College. If you or someone you know are the victims of bias, you can [file a report online](#) (where you may choose to identify yourself or not). For more information, visit [the Bias Reporting website](#).

5. RESOLUTION ON ANTI-RACISM TRAINING

Passed in August 2020 Faculty Meeting

Given the historic nature of this summer's protests relating to the murders of George Floyd and Breonna Taylor (among the countless other unarmed Black people who have died at the hands of police) and the larger call for accountability against racism and bias at all levels of power in the United States (including higher education), we propose the following:

To require all departments/programs at the College of Wooster to work with the Chief Diversity, Equity, and Inclusion Officer on the development of anti-racism training for all members of their departments/programs each year.

This vote by the faculty would help to uphold the public announcement made by President Bolton on Saturday, May 30, 2020:

"The College of Wooster stands against racism in all of its forms, and we will work together to redress it. Our community will stand up for those who are harmed, listen to those who are targeted, learn about and engage in anti-racist work, and act together to create safer and more equitable communities. This is urgent work that must happen everywhere – including at our college. Even though we are separate, we can begin it now."

In President Bolton's communication on July 2, she stated that the cabinet leadership team made a series of initial commitments, which include:

“Provide required training for all staff, students and faculty, focused on understanding structural racism and on the actions that create an inclusive equitable community. This work is beginning now with faculty, members of the board of trustees, the cabinet, and our teams in financial aid, student billing, security and protective services, and residential life, and will be completed by the end of the fall semester.”

It is imperative that departments and programs commit to annual trainings as one way of working to become a faculty committed to anti-racist work. This vote creates opportunities for us to become a more inclusive and equitable campus community for all students, staff, and faculty.

B. RESOLUTION ON FREEDOM OF EXPRESSION AND INQUIRY

Adopted by the Faculty, May 1, 2019

See also the [Freedom Of Expression And Inquiry/ Inclusive Community Policy](#) on the College of Wooster wiki (being piloted in 2020-21), which includes portions of the “Resolution on Freedom of Expression and Inquiry” (below) and the “Partisan Political Activity in College of Wooster Facilities” in the [Handbook of Selected College Policies](#), pp. 88-91

We, the members of the College of Wooster Community, are dedicated to the College’s mission to “...prepare (each and every one of its) students to become leaders of character and influence in an interdependent global community.” The College of Wooster exists with the express purpose of educating its students in the liberal arts tradition. This means, among other things, providing and sustaining the best possible structured, intentional educative experience that will play an optimal role in the intellectual and moral development of all of those who undertake that experience. As we are dedicated to this mission, we are thus dedicated to the conditions requisite for its success including both the value of freedom of expression and inquiry and the value of an inclusive and equitable environment in which all members of the community are full and equal participants granting mutual respect to one another.

The Value of Freedom of Expression and Inquiry

The robust protection of freedom of expression and inquiry is justified precisely because of its central importance to our mission. An inextricable part of the pursuit of knowledge, which is at the heart of this mission, involves people actively challenging beliefs in search of justification sufficient to make viable knowledge claims. But this means that we are, each and every one of us, perpetually asked to confront the possibility of being wrong—even regarding deeply held, foundational commitments. Consequently, we recognize no right to intellectual safety or, in

other words, to being insulated either from challenges to our own views or from the call to consider those views held by others with whom we disagree. We expect all members of our community to act in good faith, as coequal participants in the process of learning and growing. This does not, however, mean that anyone has a reasonable expectation that their ideas and opinions ought go unchallenged or ought not be met with any critical reply.

The Value of Inclusivity and Equitable Treatment of All Members of the Community and, Indeed, of all Persons

Through the public statement of our mission, our core values and our graduate qualities, The College of Wooster makes a promise to all prospective and incoming students and employees that they will be welcome and respected here. Further, because the College is explicitly and uncompromisingly committed to core values including social and intellectual responsibility as well as diversity and inclusivity, it binds itself to promoting these values by maintaining an environment in which they are maximally realized. Responsibility for the maintenance of this environment, however, falls to all members of the College of Wooster community and enjoins standing up for and defending the institution’s core values, perhaps especially in cases where they are being challenged from within. In addition to expressing content and ideas, we recognize that speech does things. For example, attacks—through speech or other forms of expression—on the dignity of members of our community undermine equity and inclusivity and compromise the educational prospects of the targeted individuals or groups. Thus, in some instances, what is said or expressed undermines the very mission of the College.

The demand to have all persons’ dignity recognized and respected is not a demand for intellectual safety but, rather, is a demand for dignitary safety, understood as one’s “sense of being an equal member of the community and of being invited to contribute to a discussion as a valued participant.” We do recognize, in the context of our community, a right to dignitary safety and hence recognize the corresponding duty we have to each other to not cause dignitary harm.

Living our values

Institutions such as The College of Wooster would hardly be needed if it were the case that all persons already knew all that is needed to know and acted fully justly all the time. Hence, in the student and broader campus community population, we recognize both the need and possibility for intellectual and moral growth. Consequently, we should not be surprised to encounter occasional unjust behavior amongst our community members. When we do, we commit to affirming this as justification for our existence and to responding in ways that are constructive, educative and aimed at mission success.

C. INTELLECTUAL PROPERTY

Approved by the Executive Committee of the Board of Trustees on May 29, 2009

This policy shall apply to all persons employed (either full- or part-time) by The College of Wooster, including faculty and staff of the College, to students enrolled at the College, and to any persons using the College's facilities and resources to any significant degree. Contracts for works for hire between the College and independent contractors should define the rights and responsibilities of the parties with respect to ownership of any Intellectual Property developed as a result of the contract.

1. POLICY

It is the policy of the College to: (1) encourage inventions and the production of copyrightable works by members of the College community; (2) facilitate the use of Intellectual Property for the benefit of the public and the College community; and (3) share equitably the proceeds derived from the commercial exploitation of Intellectual Property which the College owns in whole or in part pursuant to this policy.

Intellectual Property developed by persons to whom this policy applies shall be the sole and exclusive property of the College if the subject Intellectual Property is (1) developed within the person's scope of employment, (2) developed in the course of a project sponsored by the College, (3) developed with the significant use of the College's facilities, services, or equipment (personal office space, libraries, and personal computer provided by the College excluded), or (4) developed in the course of a project arranged, administered, or controlled by the College whether or not the project is sponsored by persons, agencies or organizations external to the College, absent prior written agreement to the contrary. With respect to students, unless otherwise specified by the College, use of resources and facilities typically available to students in their educational activities shall not be considered "significant."

Incidental Intellectual Property, developed outside an employee's scope of employment, on the employee's own time, and without the use of significant College resources, shall be the sole and exclusive property of the Inventor or Author. In consideration of the College's support in evaluating the Intellectual Property, seeking patent protection, and/or pursuing commercialization activities, the College and the Inventor or Author may agree to assign all or a portion of the ownership rights to his or her invention or work to the College. In addition, in recognition of the general contribution made by The College of Wooster as a whole in support of faculty research, Inventor(s) agree to grant to the College an irrevocable, perpetual, non-exclusive, royalty-free, world-wide right to use Incidental Inventions in the College's non-profit educational and research activities.

The College shall assert ownership of Copyrightable Works (listed at the end of this document), trademarks and wordmarks, but not Scholarly Works. Disclosure of Copyrightable Works is required. Nothing precludes the mutual written agreement between the College and persons to whom this policy applies wherein either party may waive rights under this policy. This policy supersedes all previous College of Wooster policies covering this subject matter.

2. RIGHTS AND OBLIGATIONS OF THE INVENTORS AND AUTHORS

Before the College provides support (for example, released time or funding) to a person to whom this policy applies, where that support could reasonably be expected to result in Intellectual Property with commercial value, the College and the person(s) receiving that support shall agree in writing whether any Intellectual Property potentially arising from the supported activities would qualify as a Scholarly Work and what obligations the person(s) receiving that support have for remuneration to the College for any funding released. Persons to whom this policy applies shall promptly and continuously disclose to the College in a timely way and in writing their Inventions or Work which could reasonably be expected to have commercial value. A disclosure document is available from the Office of the President for this purpose. The Inventor or Author shall fully cooperate with other College personnel in the disclosure process and in other subsequent activities associated with patenting and/or commercialization of the Intellectual Property.

If two or more persons are entitled to claim ownership of Intellectual Property, the Inventors or Authors shall agree between or among themselves regarding relative contributions for the purposes of distribution of Net Income from the Invention or Work. That agreement shall be in writing and notarized and will be required before the President's initial decision regarding whether to pursue patent protection or commercialization of the Intellectual Property.

Inventors should particularly note that certain acts (e.g., a lecture or an enabling disclosure of the Invention in an academic journal) can constitute a statutory bar to patent protection. An Inventor contemplating public disclosure activities before filing an Invention Disclosure Form should contact the Office of the President before engaging in those disclosure activities. Authors should note that there are advantages to registering Works with the U.S. Copyright Office within three (3) months of their publication.

Tangible Research Property should not be disseminated without prior written approval of the President of the College or designee, and such dissemination may require one or more preconditions: (i) limitation to non-commercial use of and/or prohibition on further transfer of the Tangible Research Property; (ii) recipient responsibility to cover the cost of shipping and handling for the Tangible Research Property; and (iii) the possibility of biohazard or other risk associated with transport, storage, or use of the Tangible Research Property.

3. RIGHTS AND OBLIGATIONS OF THE COLLEGE

The President is ultimately responsible for decisions regarding ownership of Intellectual Property and for the decision of whether to pursue patent protection or commercialization of any Intellectual Property. Decisions are to be made by the President based on the recommendations of The Wooster Technology Group, Ltd. (described below) and any additional counsel sought by the President from other sources. The President will inform the Inventor or Author of his or her decision in writing.

If the College decides neither to seek patent protection for, nor to pursue commercialization of any Intellectual Property, including cessation of ongoing activities in this regard, the President may decide to assign the College's ownership interest to the Inventor or Author.

For Inventions made in the course of a project funded in whole or in part by the Federal Government, the Bayh-Dole Act (37 CFR 401) imposes certain reporting requirements associated with the technology transfer process. The President shall designate the party responsible for ensuring that those reporting requirements are satisfied.

If an Inventor or Author disagrees with an initial decision of the President, he or she may request a re-evaluation by the President and may submit additional documents or other evidence in support of his or her position. If still dissatisfied, he or she may appeal decisions of the President to the Chair of the Board of Trustees, whose decision shall be binding and final. Any re-evaluation request or appeal must be received within thirty calendar days after notice of the previous decision.

4. WOOSTER TECHNOLOGY GROUP, LTD.

The College has created a separate legal entity, The Wooster Technology Group, Ltd. (hereafter called WTG), for the purpose of facilitating the potential commercialization of intellectual property in which the College has an interest as specified in this document. The activities of the WTG include, but are not limited to:

- Advising the President on the ownership, patentability, and/or commercial potential of the applicable Intellectual Property. WTG shall have the ability to interview the Inventor or Author and other persons as needed to make this evaluation. A patentability evaluation may include a thorough evaluation of acts by the Inventor or items of prior art which would bar patent protection. WTG shall provide the President with its recommendations as to ownership of the Intellectual Property, whether patent protection should be sought, and whether to seek commercialization opportunities. It shall conduct investigations, with outside assistance, as it deems necessary to prepare its recommendations to the President. WTG shall also generally advise the President on all matters relating to this policy.

- Resolving questions concerning the “significant use” of College facilities and resources by persons covered under this Policy in consultation with the Provost.
- Seeking patent protection, copyright registration, and/or commercialization for Intellectual Property in which the College is deemed to have an ownership interest. All direct costs associated with those activities shall be borne by the College through WTG.
- Negotiating license or royalty arrangements with third parties for Intellectual Property owned by the College and monitoring compliance with such arrangements
- Reporting annually to the President on the Intellectual Property activities at the College and to the Board of Trustees as requested.

5. INCOME FROM INTELLECTUAL PROPERTY

Gross Income derived from the commercialization of Intellectual Property in which the College has an interest shall be first applied toward any direct expenses incurred by the College (including WTG) in seeking patent protection or copyright registration or in pursuing commercialization of the Intellectual Property.

Net Income will be divided annually between the College and the applicable Inventors or Authors.

Annual Net Income will be distributed according to the following formula: (i) 33% to all the Inventors or Authors who created the Intellectual property that gives rise to the Net Income and (ii) 67% to the college.

Unless otherwise directed by the Board of Trustees of the College, the portion of the Net Income that The College of Wooster retains shall be distributed according to the following formula: 60% to the general institutional budget to support first the activities of WTG and as an offset to general support costs after that and 40% to the Provost to be used at his/her discretion to support the academic program of the College. Such support might include, but not be limited to, developing faculty research grants, support of academic departments, and equipment. The Provost shall report annually to the [Strategic Planning and Priorities Advisory Committee] and the Educational Policy Committee how these funds were distributed.

The College may, subject to the approval of the Board of Trustees, accept equity in lieu of cash in total or partial consideration for use of the College’s Intellectual Property rights. Dividend and other income received from the sale of equity shall be divided in accordance with the distribution rules adopted by the College as described above. The College shall not be required to distribute any equity to an Inventor or Author until the College disposes of such equity for cash or comparable consideration.

6. EXTERNAL SPONSORSHIPS AND CONSULTING

When Intellectual Property is developed under research sponsored by external sources (including federal and state agencies), the research agreement typically provides the sponsor with certain rights to that material and may impose other obligations, such as advance notice of publication. Persons covered by this policy shall consult the WTG prior to signing an external sponsorship agreement, and the WTG should be consulted for assistance in understanding and complying with terms of such agreements.

To avoid conflicts with third parties, persons covered by this policy should carefully examine the intellectual property provisions of any consulting agreements with third parties and should seek assistance from the WTG if problems arise or issues are not clear. Persons covered by this policy should avoid signing any agreement with a third party that is inconsistent with this policy. For instance, assigning ownership of inventions in a consulting agreement is problematic when the consulting services overlap with research conducted at the College.

Definitions

“Author” is the person(s) responsible for creation of a copyrightable work.

“College” is The College of Wooster and its constituent and affiliate institutions including the Wooster Technology Group (WTG).

“Copyrightable works” include original works of a single author or a group of authors, appearing in a tangible medium such as:

- Literary works, databases, computer programs and instructional materials;
- Computer software;
- Musical works;
- Dramatic works, choreographic works;
- Artistic works, video productions, sound recordings; and
- Any other copyrightable works

“Gross Income” is proceeds from the sale or licensing of Intellectual Property by Wooster, including the sale of equity received from exploitation of Intellectual Property.

“Intellectual Property” includes not only concepts, ideas, information, Inventions and Copyrightable Works, but also Tangible Research Property.

“Invention” is any discovery, invention, new use or application, process, composition of matter, article of manufacture, know-how, design, model, technological development, or biological material.

“Including,” “include,” or word of like import means including but not limited to.

“Inventor” is the person(s) responsible for conception of an idea(s) leading to an invention.

"Net Income" is Gross Income received minus the direct costs associated with patent prosecution, copyright registration, commercialization, defense, maintenance, and administration of Intellectual Property.

"Scholarly works" include articles written for publication in academic journals, textbooks, works of art, musical compositions, and literary works. Theses and dissertations are not, for the purposes of this Policy, scholarly works. Works by non-faculty employees shall not, for the purposes of this policy, be considered scholarly works.

"Scope of employment" refers to activities which have been assigned to an employee of Wooster by his or her supervisor or which are performed during normal working hours or which fall within the employee's job description.

"Significant use" means use of funds, personnel, facilities, equipment, materials or other resources resulting in a cost to Wooster (direct, indirect, or depreciative) of more than \$2,500 (in constant 2009 dollars).

“Tangible Research Property” means the physical or tangible embodiments of a technology or Intellectual Property. Examples include biological organisms, products or devices (including prototypes and drawings), plant varieties, and computer software.

"Work" is any copyrightable material, such as literary works; musical works, including any accompanying words; dramatic works; music; choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; sound recordings; architectural works; computer software or databases; circuit diagrams; architectural and engineering drawings; and lectures other than for normal classes.

Referenced Materials

Bayh-Dole Act (37 CFR 401)

Copyright Act of 1976

TBD Copyrightable Work Disclosure Form

TBD Invention Disclosure Form

TBD Student Confidentially Form

Purdue University Policy on Intellectual Property

Chronology

Nixon Peabody LLP; Revised May 2009 (version 1.0.1)