

# John Jay College of Criminal Justice Policy for Online Programs and Courses

*April 11, 2013*

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### **A. Introduction**

A.1 This Policy for Online Programs and Courses applies to all existing and new online courses and programs offered for academic credit by John Jay College of Criminal Justice.

A.2 It is developed in accordance with guidelines and best practices of the Middle States Commission on Higher Education (Appendix A) and the New York State Education Department (Appendix B).

### **B. Definitions**

B.1 A fully online course is a course in which 80% or more of the content is delivered online, typically requiring no face-to-face class meetings.

B.2 A hybrid (or blended) online course is a course in which 30% to 79% of the content is delivered online, typically requiring face-to-face class meetings.

B.3 A traditional course is a course in which 0% to 29% of the content is delivered online. Some traditional courses may not use any online technology at all, while some may use online technology, such as a learning management system, to support teaching and learning.

B.4 Distance education (online education) programs are for-credit, degree and certificate programs in which students can complete 50% or more of the requirements through distance education.

B.5 Online courses in this document refer to all for-credit, fully online and hybrid (or blended) online courses; online programs refer to all for-credit, distance education (online education) programs.

B.6 One credit hour requires the equivalent of approximately 15 hours of instruction time and a minimum of 30 hours of additional student work, “regardless of teaching and learning formats or delivery mode”.<sup>1</sup>

B.7 In this document, guidelines, as distinguished from policy, are included in Appendix C.

### **C. Instructional Design Standards**

C. 1 The purpose, scope, assessments, learning outcomes, and academic rigor of any online course are expected to be equivalent to those of its traditional counterpart, as students earn the same course credits regardless of its delivery mode.

C.2 All courses, whether envisioned for online or traditional instruction, are subject to the same academic governance structures and processes.

C.3 Evaluations of instruction, by students and by faculty peers, are conducted in online courses in the same or equivalent manner as for traditional courses. The evaluation instruments, and the guidance for the administration and use of subsequent reports, are developed and approved by the College Council pursuant to section 9.h of the College Charter.

C. 4 The following design standards apply to all online courses:

C.4.a Use of CUNY’s official learning management system (currently Blackboard) is required for course delivery but may be supplemented with other systems or technologies.

C.4.b Use of up-to-date teaching methods is required to promote student learning (e.g., interactions among the students, faculty, and content).

### **D. Academic Services and Syllabi Requirements**

D.1 Academic services to students taking online courses shall be comparable in both scope and quality to those provided for students who take courses on campus.

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<sup>1</sup> This is specified in the Credit Hour Policy of the Middle States Commission on Higher Education in Appendix D

D.1.a All academic services, materials, and forms shall be accessible through appropriate technologies, such as the Web, email, and phone.

D.1.b Virtual office hours or appointments shall be regularly scheduled and publicized by all service offices.

D.1.c Planning, delivery, assessment, evaluation, and on-going improvement of academic services shall be based on best practice standards of online education embraced by the Middle States Commission on Higher Education and recognized academic professional organizations that set national standards for online education.

D.2 The syllabus for an online course shall include all required elements of the College's current official undergraduate or graduate Model Syllabus, including but not limited to course title and section, instructor contact information, course description, learning outcomes, course pre-requisites or co-requisites, course requirements, required texts, grading policy, course calendar, and college-wide policies on plagiarism, ADA, incomplete grade.

D.2.a Each syllabus of online courses shall also cover the following components, if applicable:

- Expectations for student participation and interactions
- Technology requirements
- Procedures (e.g., time, communication tools) for faculty contact hours
- Administration of exams and other assessments, and any associated costs
- Submission of course assignments
- Access to course materials

D.2.b Each instructor of online courses shall provide students with at least a printable, full version of the syllabus, such as a PDF document available for download as a link on the course Blackboard site.

## **E. Identity Verification, Cheating and Assessment Integrity**

E.1 Each online course and program shall adopt and implement effective procedures to ensure that the student who registers in the course or program is the same student who participates in and completes the course or program, including the writing assignment and examinations, and who receives the academic credit.

E.2. Each online course shall adopt several appropriate assessment strategies, which may include:

- E.2.a Use of multiple assessment techniques
- E.2.b Frequent written assignments and threaded discussions
- E.2.c Use of test banks, and timed test delivery
- E.2.d Plagiarism detection software and browser lock-downs

- E.2.e Remote proctoring devices
- E.2.f Student identity verification technologies
- E.2.g Individual faculty-student audio or video communications concerning assignments and assessments

E.3 Each online program shall adopt several appropriate assessment strategies, which may include:

- E.3.a Proctoring or equivalent identity verification for program-wide examinations
- E.3.b Maintenance of digital student portfolios to compare work across courses and examinations
- E.3.c Program-wide convening event including face-to-face instructional and assessment activities

E.4. The CUNY policy with regard to cheating shall be followed in all courses (See <http://johnjay.jjay.cuny.edu/bulletins/undergraduatebulletin20112012.pdf>, pp. 316-317 and <http://johnjay.jjay.cuny.edu/bulletins/graduatebulletin20122013.pdf> p. 83.)

## **Faculty Development and Support**

F.1 Faculty development in online teaching is crucial to ensure student learning, academic success, and the overall quality and academic integrity of online education at the College. All instructors shall fulfill the following requirements prior to teaching any assigned online courses.

- F.1.a Demonstrate proficiency in using the College's official learning management system (currently Blackboard)
- F.1.b Complete a faculty development program focused on effective design principles and pedagogy in online teaching

F.2 Alternatively, instructors shall fulfill the above requirements by demonstrating to their respective Chairs or Program Directors, and the Provost's designee, their competency in online teaching through up-to-date online teaching portfolios that provide evidence of effective course design, academic integrity, development, and delivery in their most recent online courses.

## **G. Course Enrollment**

### **G.1 Class Size**

- G.1.a The class size policy for online courses shall conform to the College's current Class Size Policy.
- G.1.b All undergraduate online course sections shall have a Primary Enrollment Limit of 16-28 and Secondary Enrollment Limit of 18-30, which were originally established in the College's Class Size Policy for "intensive undergraduate, such as remedial, English composition, ESL, speech, foreign languages, and writing intensive" classes.

G.1.c All graduate online course sections shall have a Primary Enrollment Limit of 20 and Secondary Enrollment Limit of 23, as specified in the College's Class Size Policy.

## G.2 Course Cancellation

G.2.a The course cancellation policy for online courses shall conform to the College's current Course Cancellation Policy except references to classroom space utilization. Online course sections may be cancelled, following the same cancellation schedule as on-campus courses, when enrollment is less than one-third of the Primary Enrollment Limit. However, the required minimum enrollment shall be one-quarter of the Primary Enrollment Limit for a course section that is the only open scheduled section during the semester of a required course of general studies, a major, or a graduate program.

## H. Student Services

H.1 Online students shall have sufficient and reasonable access to the range of student support services necessary to support online learning and successful matriculation, such as admissions, registration, accounts payable, course catalog, academic advising, tutoring, library resources and services, career services, financial aid information, student records, disability services, and technical support.

H.2 Student support services shall be delivered by the departments and offices responsible for such services for campus-based students, unless, for the program involved, alternative assignments for service delivery are defined in a memorandum approved by the Provost, and the appropriate department or office.

H.3 Orientation: Upon enrollment in an online education program, new students shall complete an online orientation that covers topics such as relevant college policies, program expectations, student support services, library services and resources, essential campus contacts, and introduction to the learning management system.

H.4 Accessibility issues and disability services: All online courses shall comply with the Americans with Disabilities Act (ADA). The College provides resources and training to faculty for ADA compliance in their courses. To receive accommodations, students with disabilities shall contact the Office of Accessibility Services.

H.5 Computer Literacy: Students are required to achieve basic computer literacy prior to enrolling in an online course.

H.6 Library Services and Resources: In accordance with the guidelines set forth by the Middle States Commission on Higher Education, online students shall have sufficient access to library services comparable to those offered to on-campus students.

H.6.a The library provides 24/7 access to a wide range of online resources, including journal databases, ebooks, and streaming videos. All students and faculty can access these resources off-campus after authentication using a proxy server. Librarian liaisons to academic departments are also available to suggest relevant materials.

H.6.b Librarians shall be available to provide library instruction in selected online courses at the instructor's request, in accordance with relevant library policy.

H.6.c The Distance Services Librarian shall coordinate and promote library services to online students and faculty.

H.6.d Reference librarians shall be accessible to students during library hours both by telephone and online.

H.6.e The library shall make available online research tutorials designed for students.

## **I. Compensation, Incentives, and Intellectual Property**

I.1 Ownership of course materials and any other intellectual property created during the development of online courses shall be determined by the CUNY Intellectual Property Policy (Appendix E) as it is written at the time when the materials are created. (Note: Course materials refer to any original work created during the development of the course, such as the syllabus, assignments, audio recordings, video recordings, and activity instructions.)

I.2 The CUNY Intellectual Property Policy specifies that:

“Courses designed to be delivered over the internet, by computer, or through similar technologies, may involve both copyrightable works and other intellectual property. Consistent with its intent to recognize the creator as the owner of scholarly or pedagogical works, the University claims no ownership rights in either the intellectual content of such courses, or the tools and technologies used to present them, unless the work was the result of sponsored research or is commissioned work.”<sup>2</sup>

I.3 Online courses shall not infringe copyright, violate property or other rights of third parties, or contain libelous or unlawful material.

I.4 Students shall retain ownership of the intellectual property they create, such as forum posts, audio recordings, video recordings, and peer evaluations. Course instructors shall ask permission from students to use their work (e.g. as a good example of a forum post or essay) outside of the course or after the completion of the course.

I.5 Consistent with the above, the University may contract with faculty members for the use of course materials previously developed by such faculty members, by means of license or assignment, provided that the faculty member also retains the right to future use of the material

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<sup>2</sup> CUNY Intellectual Property Policy, Section 6.3.4.5

involved for all purposes other than online course delivery outside of the City University of New York.

**I.6 Instructional Workload:** Instructional workload credits for online instruction shall be comparable to classroom-based instruction.

**I.7 Program Leadership:** Reassignment time for chairpersons or program directors of online programs shall follow the following protocol:

- Six credits of total reassignment time to compensate for faculty work on the development of a new online degree program, or three credits of total reassignment time for the development of a new online certificate program
- Six credits of reassignment time annually to compensate for faculty work on the academic administration of an online degree program, or three credits of reassignment time annually for the academic administration of an online certificate program, that enrolls 150 or fewer full-time-equivalent (FTE) students; three additional credits of reassignment time annually when the FTE count exceeds 150 in the online degree or certificate program.

**I.8 Revenue Sharing:** A percent of net tuition revenue from each online program shall be reinvested to support the enhancement of the program, professional development of its faculty, and other initiatives contributing to the strategic goals of the College's current Master Plan, subject to the final approval by the Provost. The Budget and Planning Committee will annually recommend the percentage of the net revenue involved, and the method for calculating net revenues.

## **APPENDICES**

Appendix A. Middle States Commission on Higher Education: Interregional Guidelines for the Evaluation of Distance Education (Online Learning)

Appendix B. New York State Education Department: Principles of Good Practice for Distance Education Programs

Appendix C. John Jay College of Criminal Justice: Guidelines for Online Program and Courses

Appendix D. Middle States Commission on Higher Education: Credit Hour Policy (08/23/2012)

Appendix E. CUNY Intellectual property policy

Appendix A. Middle States Commission on Higher Education: Interregional Guidelines for the Evaluation of Distance Education (Online Learning)

# DISTANCE EDUCATION PROGRAMS

*Interregional Guidelines for  
the Evaluation of Distance  
Education (Online Learning)*



**Middle States Commission on Higher Education**

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This publication replaces *Distance Learning Programs: Interregional Guidelines for Electronically Offered Degree and Certificate Programs* (2002).

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## Overview

The *Interregional Guidelines for the Evaluation of Distance Education (Online Learning)* were developed by the Council of Regional Accrediting Commissions (C-RAC) to assist institutions in planning distance education and to provide an assessment framework for institutions already involved in distance education. The *Guidelines* are also intended for use by evaluation teams. They are based on two documents: a 2006 report prepared by the U.S. General Accounting Office, *Evidence of Quality in Distance Education Drawn from Interviews with the Accreditation Community*, and *Best Practice Strategies to Promote Academic Integrity in Online Education*, prepared by the Western Interstate Commission for Higher Education Cooperative for Educational Technologies (WCET). These *Guidelines* replace the C-RAC *Statement of Best Practices for Electronically Offered Degree and Certificate Programs*, published by MSCHE in 2002, and are intended to be used in conjunction with the relevant standards and policies of each accreditor.

While MSCHE institutions should address the requirements of distance education as defined in Standard 13 of *Characteristics of Excellence in Higher Education: Requirements of Affiliation and Standards for Accreditation*, these *Guidelines* provide a further resource by which an institution can evaluate itself. The *Guidelines* comprise nine hallmarks of quality for distance education. In their discussions of how their distance education programming fulfills MSCHE's accreditation standards, institutions are asked to include evidence of the extent to which they meet these hallmarks. Examples of the types of evidence that institutions might use are provided in this booklet. These lists are not meant to be exhaustive; it is likely that institutions will include additional types of evidence in their reports.

## The Hallmarks of Quality

### 1. Online learning is appropriate to the institution's mission and purposes (MSCHE Standard 1).

#### Analysis/Evidence:

- The mission statement explains the role of online learning within the range of the institution's programs and services;
- Institutional and program statements of vision and values inform how the online learning environment is created and supported;
- As appropriate, the institution incorporates into its online learning programs methods of meeting the stated institutional goals for the student experience at the institution;
- The recruitment and admissions programs supporting the online learning courses and programs appropriately target the student populations to be served;
- The students enrolled in the institution's online learning courses and programs fit the admissions requirements for the students the institution intends to serve;
- Senior administrators and staff can articulate how online learning is consonant with the institution's mission and goals.

**2. The institution's plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes (MSCHE Standard 2).**

**Analysis/Evidence:**

- Development and ownership of plans for online learning extend beyond the administrators directly responsible for it and the programs directly using it;
- Planning documents are explicit about any goals to increase numbers of programs provided through online learning courses and programs and/or numbers of students to be enrolled in them;
- Plans for online learning are linked effectively to budget and technology planning to ensure adequate support for current and future offerings;
- Plans for expanding online learning demonstrate the institution's capacity to assure an appropriate level of quality;
- The institution and its online learning programs have a track record of conducting needs analysis and of supporting programs.

### **3. Online learning is incorporated into the institution's systems of governance and academic oversight (MSCHE Standard 4).**

#### **Analysis/Evidence:**

- The institution's faculty have a designated role in the design and implementation of its online learning offerings;
- The institution ensures the rigor of the offerings and the quality of the instruction;
- Approval of online courses and programs follows standard processes used in the college or university;
- Online learning courses and programs are evaluated on a periodic basis;
- Contractual relationships and arrangements with consortial partners, if any, are clear and guarantee that the institution can exercise appropriate responsibility for the academic quality of all online learning offerings provided under its name.

**4. Curricula for the institution's online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats.**

**Analysis/Evidence:**

- The curricular goals and course objectives show that the institution or program has knowledge of the best uses of online learning in different disciplines and settings;
- Curricula delivered through online learning are benchmarked against on-ground courses and programs, if provided by the institution, or those provided by traditional institutions;
- The curriculum is coherent in its content and sequencing of courses and is effectively defined in easily available documents including course syllabi and program descriptions;
- Scheduling of online learning courses and programs provides students with a dependable pathway to ensure timely completion of degrees;
- The institution or program has established and enforces a policy on online learning course enrollments to ensure faculty capacity to work appropriately with students;
- Expectations for any required face-to-face, on-ground work (e.g., internships, specialized laboratory work) are stated clearly;
- Course design and delivery supports student-student and faculty-student interaction;
- Curriculum design and the course management system enable active faculty contribution to the learning environment;
- Course and program structures provide schedule and support known to be effective in helping online learning students persist and succeed.

**5. The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals.**

**Analysis/Evidence:**

- Assessment of student learning follows processes used in onsite courses or programs and/or reflects good practice in assessment methods;
- Student course evaluations are routinely taken and an analysis of them contributes to strategies for course improvements;
- Evaluation strategies ensure effective communication between faculty members who design curriculum, faculty members who interact with students, and faculty members who evaluate student learning;
- The institution regularly evaluates the effectiveness of the academic and support services provided to students in online courses and uses the results for improvement;
- The institution demonstrates the appropriate use of technology to support its assessment strategies;
- The institution documents its successes in implementing changes informed by its programs of assessment and evaluation;
- The institution provides examples of student work and student interactions among themselves and with faculty;
- The institution sets appropriate goals for the retention/persistence of students using online learning, assesses its achievement of these goals, and uses the results for improvement.

**6. Faculty responsible for delivering the online learning curricula and evaluating the students' success in achieving the online learning goals are appropriately qualified and effectively supported.**

**Analysis/Evidence:**

- Online learning faculties are carefully selected, appropriately trained, frequently evaluated, and are marked by an acceptable level of turnover;
- The institution's training program for online learning faculty is periodic, incorporates tested good practices in online learning pedagogy, and ensures competency with the range of software products used by the institution;
- Faculty are proficient and effectively supported in using the course management system;
- The office or persons responsible for online learning training programs are clearly identified and have the competencies to accomplish the tasks, including knowledge of the specialized resources and technical support available to support course development and delivery;
- Faculty members engaged in online learning share in the mission and goals of the institution and its programs and are provided the opportunities to contribute to the broader activities of the institution;
- Students express satisfaction with the quality of the instruction provided by online learning faculty members.

## 7. The institution provides effective student and academic services to support students enrolled in online learning offerings.

### Analysis/Evidence:

- The institution's admissions program for online learning provides good web-based information to students about the nature of the online learning environment, and assists them in determining if they possess the skills important to success in online learning;
- The institution provides an online learning orientation program;
- The institution provides support services to students in formats appropriate to the delivery of the online learning program;
- Students in online learning programs have adequate access to student services, including financial aid, course registration, and career and placement counseling;
- Students in online learning programs have ready access to 24/7 tech support;
- Students using online learning have adequate access to learning resources, including library, information resources, laboratories, and equipment and tracking systems;
- Students using online learning demonstrate proficiency in the use of electronic forms of learning resources;
- Student complaint processes are clearly defined and can be used electronically;
- Publications and advertising for online learning programs are accurate and contain necessary information such as program goals, requirements, academic calendar, and faculty;
- Students are provided with reasonable and cost-effective ways to participate in the institution's system of student authentication.

**8. The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings.**

**Analysis/Evidence:**

- The institution prepares a multi-year budget for online learning that includes resources for assessment of program demand, marketing, appropriate levels of faculty and staff, faculty and staff development, library and information resources, and technology infrastructure;
- The institution provides evidence of a multi-year technology plan that addresses its goals for online learning and includes provision for a robust and scalable technical infrastructure.

## 9. The institution assures the integrity of its online offerings\*.

### Analysis/Evidence:

- The institution has in place effective procedures through which to ensure that the student who registers in a distance education course or program is the same student who participates in and completes the course or program and receives the academic credit. The institution makes clear in writing that these processes protect student privacy and notifies students at the time of registration or enrollment of any projected additional costs associated with the verification procedures. **(Note: This is a federal requirement. All institutions that offer distance education programs must demonstrate compliance with this requirement.)**;
- The institution's policies on academic integrity include explicit references to online learning;
- Issues of academic integrity are discussed during the orientation for online students;
- Training for faculty members engaged in online learning includes consideration of issues of academic integrity, including ways to reduce cheating.

\*Institutions are encouraged to consult *Best Practice Strategies to Promote Academic Integrity in Online Education*, prepared by WCET and available at <http://www.wcet.wiche.edu>

Appendix B. New York State Education Department: Principles of Good Practice for Distance  
Education Programs

# NYSED Principles of Good Practice

<http://www.highered.nysed.gov/ocue/ded/practice.html>

## Principles of Good Practice

- [Preamble](#)
- [Organizational Commitment](#)
- [Learning Design](#)
- [Learner Support](#)
- [Outcomes and Assessment](#)
- [Program Evaluation](#)

## [Examples of Good Practice](#)

We gratefully acknowledge our debt to the American Council on Education, for their Principles of Good Practice for Distance Learning in a Learning Society, and to the Middle States Association of Colleges and Schools for their Principles of Good Practice.

Last Updated: March 9, 2011

## Preamble

In this document the Task Force on Distance Higher Education specifically addresses the fastest growing segment of US higher education, distance education or distance learning. In part because of the rapid changes in the technological platforms and because institutions are launching new programs without substantial experience base, there remain wide variations in the quality of distance education programs. In response to this concern, the Task Force has established principles and standards of good practice that can be used to evaluate an institution's capability to design and deliver quality distance programs mediated through technology.

At the same time, the Task Force recognizes that the increased use of technologies in site-based courses and the growing interest in alternate approaches to distance learning have created a convergence of distance and on-site learning that some refer to as distributed learning. Increasingly we see distributed learning environments in which students on site and students at a distance have much the same learning experience. As this convergence continues, the new forms of education that emerge are likely to resemble distance education in their flexibility, interactivity, and use of innovative pedagogical approaches.

These principles and criteria address only the distance education aspects of programs, not their content or the academic preparation of their faculty. The standards of academic quality remain the same for all programs regardless of the delivery system used.

Last Updated: October 22, 2009

## **Organizational Commitment**

### **Principle**

- Distance learning must be backed by an organizational commitment to quality and effectiveness in all aspects of the learning environment.

### **Discussion**

- To be effective distance learning programs must be backed by a commitment on the part of the institution or organization to include distance learning in its planning and goal-setting, to treat distance education and on-campus education equitably in its policies and procedures, and to provide the necessary resources – human, fiscal, programmatic and technical --- to support those programs.

### **Operational Criteria**

1. The institution's distance learning activity is consistent with the institutional mission.
2. The institution shows evidence - through its priorities, goals, strategic plans, policies, procedures, faculty recognition, and infrastructure - that it values distance learning.
3. The institution's distance learning programs show evidence of careful planning, including identification of the need, the nature and size of the intended audiences, provisions for serving those audiences, and a plan for adding resources (financial and human, including instructional staffing and support functions) to accommodate future program growth ("scalability").
4. The institution has committed sufficient resources to its distance learning programs and services to ensure their effectiveness.
5. The institution has clearly identified a single office or officer with responsibility for assuring the quality of all distance education across the institution.

6. The institution ensures that the administration of its distance learning programs by knowledgeable personnel with adequate time and resources to accomplish this task.
7. The institution has developed and implemented a process for sustaining faculty professional development in distance learning. This process recognizes that teaching in the distance learning environment requires different pedagogical and communication strategies to function effectively, and that the faculty member and the institution share responsibility for assuring effectiveness.
8. If the institution uses courses, programs, or academic support services from another provider, it has an adequate process in place (with faculty participation) for evaluating their quality, academic rigor, and suitability for the award of college credit and a degree or certificate.
9. The institution has in place a comprehensive, viable technology plan for distance learning.
10. The institution has a clear policy on ownership of course materials developed for its distance education courses; this policy is shared with all faculty and staff involved in distance education at the institution.

Last Updated: October 22, 2009

## **Learning Design**

### **Principle**

- The institution's distance learning programs are designed to fit the specific context for learning.

### **Discussion**

- All programs the institution offers in a distance learning format must have quality, integrity, and consistency, and must fit the specific context for learning. That context includes the nature of the subject matter, the intended learning outcomes, the needs and goals of the learner, the learner's environment, and the instructional technologies and methods.

### **Operational Criteria**

1. The same academic standards and requirements are applied to programs offered on campus and through distance learning.

2. Distance learning programs are coherent, complete, and offered in a sequence or configuration that allows timely completion of requirements.
3. The same faculty qualifications are applied to distance education programs as all other academic programs.
4. Faculty are responsible for the initial and ongoing development and delivery of instruction in distance programs.
5. Distance learning programs provide clear statements of learner responsibilities and expectations of student participation and learning.
6. Distance learning programs provide for appropriate and flexible interaction between faculty and students and among students.
7. The technologies selected for a specific distance learning opportunity are appropriate for the intended learning outcomes, content, relevant characteristics of the learning and the learner, and student cost.
8. Distance learning programs include adequate verification of learners' work.
9. Faculty and program administrators determine the appropriate enrollment that can be supported in the distance learning program and in individual courses based upon the content and learning activities, the nature of the learners, the technologies used, and the support available to faculty.

Last Updated: October 22, 2009

## **Learner Support**

### **Principle**

- Distance learning activities are effectively supported for learners through fully accessible modes of delivery and resources.

### **Discussion**

- Distance learners often must assume greater responsibility for their own learning. They must understand and address their own learning needs; take initiative in asking questions and obtaining help; interact with faculty and other students as appropriate; and be prepared to deal with technical difficulties in the two-way flow of information. At the same time, institutions must develop and provide the necessary information and learner support systems to assist learners in carrying out their learning activities and using the available resources. Learner support must be appropriate to the distance learning modes used.

## **Operational Criteria**

1. The institution provides distance students with detailed information on admissions and program graduation requirements.
2. Distance program materials clearly and accurately represent the program, including detailed program completion requirements, the nature of the learning experience, program and faculty responsibilities, and the nature of faculty-student, student-faculty, and student-student interaction opportunities, techniques, and requirements. They define any specific student background, knowledge, or technical skills needed to undertake and successfully complete the distance program, and describe in layman's terms any technical equipment and/or software required or recommended.
3. The institution provides distance learners adequate academic support, including academic advisement, technical support, and other student support services normally available on campus. Program materials clearly describe how students obtain these support services.
4. The institution provides adequate library and information resources, services, and support for academic programs, including training in information literacy. These resources and services are accessible at a distance on a timely basis.
5. Administrative processes such as admissions and registration are readily accessible to distance students, and program materials clearly describe how access is obtained.
6. The institution provides orientation opportunities and resources for distance learners that are appropriate to the technologies used, the content, and the learners.

## Outcomes and Assessment

### Principle

- Distance education programs organize learning activities around demonstrable outcomes (often expressed in learning objectives), assist the learner to achieve these outcomes, and assess learner progress by reference to these outcomes.

### Operational Criteria

1. Distance learning programs are expected to produce the same learning outcomes as comparable classroom-based programs. These learning outcomes are clearly identified -- in terms of knowledge, skills, or credentials -- in course and program materials.
2. All aspects of the distance learning program are consistent with and shaped to achieve the demonstrable learning outcomes.
3. The means chosen for assessing student learning are appropriate to the content, learning design, technologies, and characteristics of the learners.

Last Updated: September 18, 2009

## Program Evaluation

### Principle

- The institution evaluates the effectiveness of its distance learning programs and uses the findings to improve the programs and services.

### Operational Criteria

- The institution has a process in place to monitor and evaluate the effectiveness of all aspects of its distance learning programs on a regular basis.
- The evaluation results are used for continuous program improvement.
- Program evaluation procedures include a determination that distance learning programs result in learning outcomes appropriate to the rigor and breadth of the college degree or certificate awarded.

Last Updated: October 22, 2009

## Examples of Good Practices

### Organizational Commitment

Distance learning must be backed by an organizational commitment to quality and effectiveness in all aspects of the learning environment.

- Importance of Distance Learning:

Monroe Community College (MCC) demonstrates organizational commitment to alternative instructional delivery systems that is evident by its cross divisional impact. Both administration and staff are enthusiastically involved in distance learning. The Vice Presidents for Academic Affairs and Educational Technology Services strongly support these initiatives, and over fifty faculty members are interested and involved. The overarching philosophy at MCC is that all courses (on-campus, off-campus or online) are the same in terms of academic rigor and faculty and learner support needs. The college's President, who teaches distance courses himself, is particularly articulate in stating Monroe Community College's commitment to integrating distance learning into the everyday operational activities of the institution.

- Oversight/Quality Assurance:

The State University of New York at Albany has designated the Provost and Vice President of Academic Affairs as the person responsible for oversight of and quality assurance for distance education across the institution. The following information was provided in a letter to the March 9, 2011sident of Academic Affairs, Carlos E. Santiago.

To support the Provost in this task, the University has:

- a. Added a person dedicated to the support of courses in distance learning to its Center for Excellence in Teaching and Learning (CETL). This individual has prior experience in online teaching and demonstrated knowledge of pedagogy related to an online environment.
- b. Institutionalized training and technology support for video-teleconferencing in CETL.
- c. Added faculty from the School of Education to the CETL Advisory Board.

- d. Identified funding sources in order to increase CETL's professional development opportunities for those interested in and already involved in distance learning.
- e. Created a Provost's Advisory Committee consisting of the Directors of CETL and Extended Learning as well as faculty members to provide a mechanism and process to assure the quality of our extended learning offerings and to review programmatic offerings before they are submitted through the standard governance process.
- f. As a result of the site review, the University has integrated the activities of CETL and the Office of Extended Learning. The Director of CETL and the Director of Extended Learning are members of the Council of Deans and participate in meetings of this body. They will periodically report on progress in their areas to the Council of Deans and work with the deans and Provost's Office to assist in efforts to promote quality distance education.

At New York University, the President sent a memorandum to all Deans establishing a process by which all distance education activity (described as "Internet activity") will be cleared through the Special Assistant to the President who is also the Dean of the School of Continuing and Professional Studies (SCPS). This assignment is based in part on the fact that most existing distance education at NYU was developed and administered by SCPS.

"As we develop our potential in this area, it is clear that it has enormous positive applications for us in this world of instant global communication and we must be careful to use this tool effectively to advance our goals and protect our product. Conversely, if we are not careful in our management, the Internet also holds the power to do us harm with misstatements or inaccurate representations of NYU. Therefore, as we move ahead on this important project, I believe it is important to have a process in place that helps each of us develop innovative uses for the Internet while also having the appropriate system of oversight in place to avoid mistakes that could easily have large consequences. I have asked the Special Assistant to the President to coordinate discussions and activities related to how we can most effectively use the Internet to benefit the University."

Under the direction of the Vice President for Educational Technology Services, the Monroe Community College Distance Learning Advisory Committee provides

advisory review and guidance for MCC's distance learning initiatives. Comprised of faculty members, department chairs, academic affairs staff, educational technology staff, marketing staff and others, the committee meets regularly to discuss current and future alternative instructional delivery options. Although advisory in nature, the committee reviews distance learning operational details and recommends changes or enhancements as necessary. A core group of members from this committee worked with the VP of Educational Technology Services to develop the materials needed for the SED Distance Learning capacity review process.

- Mission:

At New York University there is not a separate mission for distance education; the University views it only as one of the several tools to help it fulfill its core mission. Academic excellence is the core of NYU's mission and drives the University's entire on site and online activities. NYU also views distance education as a means to help it further its international mission of making NYU's opportunities available to a broader audience.

- Professional Development:

At the New School University faculty who teach online are provided with an intensive training program and ongoing pedagogical and technical support by the staff of DIAL, the New School's online delivery system. All instruction staff who teach online through the DIAL program are required to complete a specially designed five-week faculty development workshop during the semester before their course is offered online. This online workshop, conducted under the supervision of DIAL's Manager of Academic Services, and with support from other distance learning staff and divisional coordinators is designed both for faculty who are new to Internet communication as well as those who already have a good deal of experience working online. The faculty development workshop engages faculty in a pedagogical discussion of the similarities and differences between teaching online and in the classroom. Successful completion of the workshop requires a commitment of three to five hours a week of online interaction in addition to a set of required readings selected to introduce faculty to the pedagogy of online education.

After the faculty development workshop is successfully completed, faculty enter a two-week "Start Up" conference in which they bring together all the elements of

their online course. In the first week, each faculty member is given a class "shell"- the empty classroom into which the faculty member will post his/her instructional and resource items-and during the second week, which overlaps with the student Orientation week, students will begin to enter the "classroom" to greet each other and the faculty member. All technical support is offered through the DIAL office for both faculty and students 24-hours a day, seven days a week on a toll-free ("800") telephone number.

Monroe Community College (MCC)utilizes a two-pronged approach to support its faculty members who teach in a totally asynchronous mode via the SUNY Learning Network (SLN). To date, MCC/SLN faculty members have developed over one hundred courses and deliver approximately twenty percent of all SLN courses each semester. SLN provides the course template, server and help-desk support, three training sessions for faculty and offers a wide variety of online support through their web site. The MCC/SLN team (which consists of Instructional Designer, an Academic Coordinator, a Collaborative/Distance Learning librarian, an Instructional Support coordinator and a Training coordinator) provides operational assistance and on-site wrap around training sessions to supplement SLN's instruction. All team members have other full-time responsibilities at the College, so a distributed, collaborative team approach was chosen as the best way to operationalize SLN at MCC.

### **Learning Design:**

The institution's distance learning programs are designed to fit the specific context for learning.

- Verification of Learner's Work:

Pace University, through a grant provided by the Fund for the Improvement of Postsecondary Education, developed the Pace/NACTEL Proctoring Program. The proctoring system allows designated proctors to supervise and administer any major examinations throughout the distance education course. It is the distance learner's responsibility to choose a proctor in his or her community that meets the criteria outlined by Pace/NACTEL. The proctor must submit an application to the university, and the student will be notified by e-mail once their selection has been approved. Prior to the day of the examination, the student receives a copy of the Proctored Exam Information via e-mail. The student then contacts his or her proctor to arrange to take the exam and prints out a copy of the Student/Proctor

Verification Form. The exam is sent to the proctor via mail, fax or computer and administered to the student after a valid photo I.D. is presented and the Student/Proctor Verification Form is completed by both the student and proctor. The exam, with the attached Student/Proctor Verification Form, is then mailed to the university. Once the course instructor receives the examination, the student is notified by e-mail. After the exam has been graded and the grade recorded, the student will receive another e-mail and will have access to the grade through CourseInfo, software developed by Blackboard for online course assessment.

- Cost / Benefits of Distance Education:

The State University of New York Learning Network (SLN) offers a distance learning calculator for students to determine how much they would save by taking an online course rather than commuting to a campus. Variables, such as distance, gas mileage, childcare, commuting time, personal worth, and miscellaneous expenses are calculated and the savings for both classes that meet once a week and classes that meet twice a week over a fifteen week semester are given to the prospective student.

### **Learner Support:**

Distance learning activities are effectively supported for learners through fully accessible modes of delivery and resources.

- Academic and Administrative Support:

Mercy College offers a method of academic advising to distance learners that helps students identify their academic and career goals, and monitors student's academic performance. This monitoring system is called the Early Alert System. Faculty notify academic advisors when they feel concerned about a student's academic performance so that the advisor may then offer the student assistance or recommendations that would enable the student to successfully complete the course. The advisors are available Monday through Thursday from 9am to 7pm, Friday from 9am to 5pm and Saturday from 9am to 1pm.

In addition to offering solid academic advising to distance students, Mercy College also offers online tutorials in writing and math, as well as one-on-one assistance for those needing help with papers related to their courses or specific math problems.

- Student Orientation:

Monroe Community College is developing a video on the Ten Myths of Online Learning from the student's perspective. This video will supplement information already on the web site and will directly address student concerns and misperceptions regarding asynchronous course delivery. MCC is utilizing the collaborative efforts of an English department faculty member and a Counselor from the Counseling Center to develop this product. A completion date of spring, 2001 is anticipated.

Also in development for spring, 2001 release is a module for students on the evaluation of learning styles within the context of distance learning. An MCC Counselor, who also teaches an online Career Orientation seminar, is researching and developing the module. The module will be reviewed by MCC colleagues and will become a part of MCC's enhanced online Student Services presence.

#### **Outcomes and Assessment:**

Distance education programs organize learning activities around demonstrable outcomes (often expressed in learning objectives), assist the learner to achieve these outcomes, and assess learner progress by reference to these outcomes.

- Program Outcomes: The State University of New York at Albany has developed a model, known as the Albany Outcomes Assessment Model, that is used across the institution. This model takes into account factors such as pre-college characteristics, college experiences, both academic and personal outcomes of the educational process, and alumni outcomes. Since programs offered at a distance by the University have the same content and characteristics as those offered on campus, the application of this assessment model to on-campus programs covers their distance education counterparts as well.

#### **Program Evaluation:**

The institution evaluates the effectiveness of its distance learning programs and uses the findings to improve the programs and services.

Appendix C. John Jay College of Criminal Justice: Guidelines for Online Programs and Courses

## **John Jay College of Criminal Justice: Guidelines for Online Programs and Courses**

### *C. Guideline for Instructional Design Standards*

*C.01) Interactions are crucial to online learning. Although online interactions may occur in various forms, it is the instructor's responsibility to design and teach an online course that ensures adequate interactions, including student-to-student interactions, student-to-instructor instructions, as well as interactions between students and course content.*

*C.02) Specifically, instructors should 1) respond to student inquiries in a timely manner, usually within 24 hours but rarely over 48 hours, unless otherwise scheduled; 2) facilitate interactions with students and among students using tools or pedagogical approaches, such as discussion forums, video conferencing, online chat, and collaborative learning projects; 3) identify or provide adequate learning materials and resources, whether from textbooks, online library resources, or other relevant sources.*

### *D. Guideline for Syllabi Requirements*

*D.01) The syllabus may be accompanied by a course guide or other course materials that provide an explanation of the instructor's grading criteria, pedagogical approach, the design of the course, course expectations, etc. Instructors are encouraged to allocate time for regular face-to-face and/or virtual faculty contact hours.*

### *E. Guideline for Identity Verification and Assessment Integrity Strategies*

*E.01) Use of multiple assessment techniques: Assessments are designed to be frequent, varied, and authentic to the application of learning. Instructors may rely on interactive discussions, writing assignments, quizzes, capstone projects, group work, online exams, etc. Assessments are often modified from semester to semester.*

*E.02) Frequent written assignments and threaded discussions: Students may demonstrate learning outcomes through written assignments and interaction with the instructor via discussions. Instructors become familiar with students' writing styles through online discussions.*

*E.03) Use of test banks, and timed test delivery: Test questions are randomly drawn from banks of questions, so each student gets a different set of questions. Most tests are designed to be open-book, but once a student begins a test, they have a limited amount of time to complete it, and usually only one attempt.*

*E.04) Plagiarism detection software and browser lock-downs: Assignments can be submitted via tools such as Turnitin.com and Safe-Assign.*

*E.05) Remote proctoring devices and techniques: Proctoring may be implemented through live video monitoring or other technologies as the student completes an examination.*

*E.06) Student identity verification technologies: These include biometric, video, writing pattern recognition and other technologies.*

*E.07) Individual faculty-student audio communications concerning assignments and assessments. The instructor interviews the student about assignments, asking questions designed to ascertain the student's understanding of the content of the submitted work.*

*E.08) Proctoring or equivalent identity verification for program-wide examinations. Students would be required to come to campus to take their exams on the predetermined date and time if living or working within commuting distance (60 miles or shorter) to the College. Students outside the commuting distance may take their exams either on campus or in a proctored setting. Students taking a proctored exam off campus must 1) present to the proctor an official government-issued photo identification or College-issued official student identification card; 2) complete the proctored exam within 24 hours of the predetermined examination period.*

*E.09) Maintenance of digital student portfolios to compare work across courses and examinations. The portfolios would be periodically reviewed by the Program Director to assess whether there are suspicious inconsistencies in submission style, quality, or content.*

*E.10) Program-wide convening event including face-to-face instructional and assessment activities. Students are required to attend a face-to-face event where traditional classroom approaches to identity verification can be applied.*

*E.11) Guideline for Exam Proctoring*

*E.11.01) The following is a list of eligible proctors:*

- Any service providers and individuals pre-approved by the College's administration for administering proctored exams*
- An administrator or full-time faculty member of a regionally accredited institution of higher education*
- A senior administrator (Principal or Assistant Principal) within a K-12 school system*
- A head librarian of a public library*
- An administrator of a professional testing center*
- A commissioned military officer (for military personnel located outside of the United States)*

*E.11.02) Anyone with a potential conflict of interest to a student is not eligible to be a proctor for the student's exams, such as co-workers, personal friends, relatives, tutors, neighbors, and student advisors.*

*E.11.03) Instructors and students should follow operating procedures established by the College administration for administering proctored exams.*

## *F. Guideline for Faculty Development and Support*

*F.01) Instructors who teach online courses are expected to participate in the College's ongoing online teaching faculty development program that covers functions and uses of the learning management system; design, development, delivery, and maintenance of online courses; and other essential quality attributes of online teaching. Instructors are encouraged to consult with the College's online education support staff whenever questions arise.*

## *H. Guideline for Students*

### *H.01) Technology Requirements and Access*

*Students are expected to ensure the equipment (including both hardware and software) is in good working order, prior to the start of an online course. The following are recommended technology requirements for online students.*

#### *Hardware Requirements*

- *A relatively new computer (PC or Macintosh, less than three years old).*
- *High speed Internet connection (cable modem, DSL, LAN, etc.)*

*Note: A mobile device may be used as a supplemental device to the computer, rather than a full substitute, for completing the requirements of online courses.*

#### *Software Requirements*

- *A Blackboard account (provided)*
- *A College computer account (provided)*
- *Productivity software (e.g., Microsoft Office, Google Drive, Apple iWork)*
- *A Web browser compatible with the Blackboard system (e.g., Internet Explorer, Firefox)*
- *Relevant plug-ins (e.g., Flash player, QuickTime Player)*

### *H.02) Technical Support*

*The College provides technical support for all students to complete their online courses and programs, in areas such as email, learning management system, and general computer problems. All students have access to the Help Desk support and various online technical support resources.*

*Note: Given the variety of hardware manufacturers and versions of hardware, the College cannot offer technical support for hardware related problems. Students are advised to purchase a sufficient warranty plan for coverage of hardware issues.*

*H.03) Student Training on the Learning Management System*

*Prior to enrolling in an online course for the first time, students are expected to complete a short training session to learn relevant major features of the learning management system and to test the computer equipment and Internet connection needed to access the system.*

*I. Guideline Concerning Compensation for Completion of Professional Development Programs*

*I.01) Instructors may receive compensation from professional development programs on online teaching.*

*I.02) CUNY School of Professional Studies (CUNY SPS) offers each instructor a stipend after the instructor completes all the requirements of its professional development program on online teaching.*

*I.03) John Jay College offers each instructor a stipend after the instructor completes the requirements of the College's faculty development program on online teaching, with a focus on the principles and best practices for the design, development, and implementation of online courses.*

Appendix D. Middle States Commission on Higher Education: Credit Hour Policy (08/23/2012)



## Middle States Commission on Higher Education

3624 Market Street, Philadelphia, PA 19104-2680

Phone: 267-284-5000 Fax: 215-662-5501 www.msche.org

### Credit Hour Policy

Effective August 23, 2012

#### Context

The Middle States Commission on Higher Education expects all candidate and accredited institutions to demonstrate that they use acceptable and consistent methods for assigning credit hours to all courses and programs of study. The credit hour is defined by the U.S. Department of Education as a basic institutional measure of the level of instruction and academic rigor that establishes eligibility for federal funding.<sup>1</sup> Both within and between institutions, consistency in credit hour determinations has implications for the transferability of credit and for demonstrating that all courses and programs—regardless of teaching and learning formats or delivery mode—are of sufficient academic rigor, content, and depth.

The purpose of this document is to guide institutions in assigning credit hours in ways that are consistent with U.S. Department of Education credit hour regulations and that allow for flexibility.

#### Definition

The U.S. Department of Education defines “credit hour” as:

“...An amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than:

(1) one hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or,

(2) at least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution, including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.”

<sup>1</sup> U.S. Department of Education Office of Post-Secondary Education, “Guidance to Institutions and Accrediting Agencies Regarding a Credit Hour as Defined in the Final Regulations Published on October 29, 2010.” This policy also reflects regulations specified in 34 CFR §600.2, §602.24 and §668.8

The U.S. Department of Education establishes the credit hour as the basis for measuring an institution's eligibility for federal funding. The Carnegie unit, represented in point (1) above, has served as the traditional unit of measure, but the Department also recognizes that institutions are developing other measures of educational content and credit equivalency. The purpose of the credit hour policy is to ensure that credit hour measures are reasonably equivalent regardless of how institutions award credit hours to courses and programs in various modes of instruction and teaching and learning formats.

### **Policy**

The Commission recognizes that institutions may use one or both of the options identified in the definition of credit hours when assigning credit hours.

Institutions must provide the following information to the Commission's evaluators at appropriate points of accreditation review so they can verify compliance with the credit hour regulations:

1. Written policies and procedures used to assign credit hours;
2. Analyses demonstrating that these policies and procedures are consistently applied across programs and courses, regardless of delivery mode or teaching/learning format;
3. A selection of course syllabi that are representative of courses in all programs, teaching and learning formats, and modes of delivery.
4. An explanation of how the institution's assignment of credit hours conforms to commonly accepted standards of higher education.

The Commission must take appropriate action if evaluators find deficiencies as part of their review processes. If the Commission concludes that there is evidence of systematic non-compliance with the credit hour policy, it is obligated to notify the U.S. Department of Education.

### **Procedures**

Further details regarding the procedures to be used by institutions and Commission evaluators with regard to verifying compliance with this policy can be found in the document *Credit Hour Procedures for Evaluation*.

Appendix E. CUNY Intellectual property policy



JOHN JAY COLLEGE  
THE CITY UNIVERSITY OF NEW YORK  
OF CRIMINAL JUSTICE

JOHN JAY COLLEGE POLICY HR.039  
Office: Finance and Administration  
Department: Human Resources  
Contact:  
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## CUNY INTELLECTUAL PROPERTY POLICY

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### **Policy or Procedure Description:**

HR.039 provides the City University of New York's intellectual property policy.

### **Related Links, Documents and Forms:**

<http://policy.cuny.edu/text/toc/mgp/6/3/>

### **Contact:**

**POLICY HR.039**

**JOHN JAY COLLEGE POLICY HR.039**  
**Office: Finance and Administration**  
**Department: Human Resources**  
**Contact:**  
**Last Modified:**

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**CUNY INTELLECTUAL PROPERTY POLICY****6.3 Intellectual Property**

The following policy regarding ownership, management and distribution rights associated with intellectual property created or developed by members of The City University of New York community is adopted by the University Board of Trustees. ([BTM,2002,11-18,005, B](#))

**6.3.1 Purpose**

The purpose of this policy is to ([BTM,2002,11-18,005, B](#)):

- a) Serve the public good by promoting and facilitating the dissemination of the products of research, authorship and invention by the University community
- b) Recognize and encourage research, authorship and invention by the University community by providing for the sharing of tangible rewards resulting from the commercialization of such research, authorship and invention
- c) Define the ownership, distribution and commercialization rights associated with the products of research, authorship and invention by the University community, and to define the policies and procedures for managing such products

**6.3.2 Definitions*****6.3.2.1 Chancellor***

The "Chancellor" means the Chancellor of the University or his or her designee. ([BTM,2002,11-18,005, B](#))

***6.3.2.2 College***

"College" means a "senior college" or "community college" of the University, or a component thereof, as such terms are defined in the New York Education Law. ([BTM,2002,11-18,005, B](#))

***6.3.2.3 Commissioned Work***

"Commissioned Work" means work commissioned by the University in writing from a member of the University, outside the scope of his or her employment. ([BTM,2002,11-18,005, B](#))

***6.3.2.4 Copyrightable Work***

"Copyrightable Work" means an original work of authorship including any scholarly or pedagogical work that has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, and may include, but is not limited to, books, journals, musical works, dramatic works, multimedia products, computer programs or codes, videos, films, sound recordings, pictorial and graphical works and sculpture. ([BTM,2002,11-18,005, B](#))

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**POLICY HR.039**

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**CUNY INTELLECTUAL PROPERTY POLICY***6.3.2.5 Creator*

"Creator" means a member of the University whose creative activity results in the development of intellectual property. As used in this policy, the term "Creator" also includes groups of researchers, authors or inventors whose joint efforts produce intellectual property. ([BTM,2002,11-18,005, B](#))

*6.3.2.6 Designated Individual*

"Designated Official" means the College officer who has been appointed by the College President to be in charge of intellectual property matters. ([BTM,2002,11-18,005, B](#))

*6.3.2.7 Intellectual Property*

"Intellectual Property" means all forms of intellectual property, including but not limited to inventions, copyrightable works, trade secrets and know-how, and tangible research property, but excluding trademarks. ([BTM,2002,11-18,005, B](#))

*6.3.2.8 Invention*

"Invention" means a process, method, machine, manufacture, discovery, device, plant, composition of matter or other invention that reasonably appears to qualify for protection under the United States patent law, whether or not actually patentable. "Invention" shall also include computer programs and codes, but only to the extent they are patentable. ([BTM,2002,11-18,005, B](#))

*6.3.2.9 Member of The University*

"Member of the University" means a full-time or part-time faculty member, staff member, or graduate student engaged in faculty-directed research, whether paid or unpaid, or an individual compensated by grant funds made available to the University by or through the Research Foundation. Any other person who develops intellectual property while making extraordinary use of University resources shall also be deemed a "Member of the University," unless there is an agreement providing that such person shall not be subject to this policy. ([BTM,2002,11-18,005, B](#))

*6.3.2.10 Office of the General Counsel (OGC)*

"Office of the General Counsel" means the Office of the General Counsel and Vice Chancellor for Legal Affairs. ([BTM,2002,11-18,005, B](#))

*6.3.2.11 Research Foundation*

"Research Foundation" the Research Foundation of the City University of New York. ([BTM,2002,11-18,005, B](#))

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**CUNY INTELLECTUAL PROPERTY POLICY***6.3.2.12 Scholarly or Pedagogical Works*

"Scholarly or Pedagogical Works" means copyrightable works created for traditional academic purposes. Examples include scholarly books (including text books), instructional materials including lecture notes, classroom presentations, research articles, research monographs, student theses and dissertations, novels, poems, films, videos, musical compositions and performances, dramatic works and performances, visual works of art including paintings, drawings, sculpture, installations and performance art, and other scholarly publications or works of artistic imagination, whether such works are disseminated in print, electronically or through some other tangible medium. ([BTM,2002,11-18,005, B](#))

*6.3.2.13 Significant Interest*

As used herein, significant interest shall include ([BTM,2002,11-18,005, B](#)):

- a) The positions of director, officer, partner, employee, or agent, or other managerial position
- b) Anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria), equity interest (e.g., stock, stock options or other ownership interests), and intellectual property rights and royalties from such rights

The term does not include ([BTM,2002,11-18,005, B](#)):

- a) Income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities
- b) Income from service on advisory committees or review panels for public or nonprofit entities
- c) Financial interests in business enterprises or entities that, when aggregated for the member and the member's spouse and dependent children, meet both of the following tests ([BTM,2002,11-18,005, B](#)):
  - (i) Do not exceed \$10,000 per year in value, as determined through reference to public prices or other reasonable measures of fair market value
  - (ii) Do not represent more than a five percent ownership interest in any single enterprise or entity
- d) Salary, royalties or other continuing payments that, when aggregated for the member and the member's spouse and dependent children, are not expected to exceed \$10,000 per year in value

*6.3.2.14 Sponsor*

"Sponsor" means an organization, agency, or individual, providing funding, equipment, or other support, for the University—directly or through the Research Foundation—to carry out a specified project in research, training, or public service, pursuant to a written agreement (Sponsored Research as discussed in this policy). Sponsors include Federal, State, local and other governmental entities, as well as private industry, individuals, educational institutions and private foundations. ([BTM,2002,11-18,005, B](#))

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**CUNY INTELLECTUAL PROPERTY POLICY***6.3.2.15 Substantial Use of University Resources*

"Substantial Use of University Resources" shall mean un-reimbursed use of university resources at a level not ordinarily used by, or available to, all or virtually all, faculty, staff or graduate students, as the case may be. Ordinarily, available university resources include ([BTM,2002,11-18,005, B](#)):

- a) Assigned office, laboratory, and studio space
- b) Standard office, laboratory and studio equipment
- c) Office computer workstations
- d) Library and other general use information resources and the means of network access to such resources

The University does not construe the payment of salary in the form of release time or sabbatical leaves as constituting substantial use of university resources, except in those situations where the release time or sabbatical is granted specifically to support the development of commissioned work. The use of ordinarily available university resources for private, commercial purposes is considered substantial use. ([BTM,2002,11-18,005, B](#))

*6.3.2.16 Tangible Research Property*

"Tangible Research Property" means tangible items produced in the course of research—including, but not limited to ([BTM,2002,11-18,005, B](#)):

- a) Biological materials
- b) Research notes and reports
- c) Laboratory notebooks
- d) Computer databases and software
- e) Circuit chips
- f) Equipment
- g) Engineering drawings

*6.3.2.17 Trade Secrets and Know-How*

"Trade Secrets and Know-How" means facts, information, data, designs, business plans, customer lists, and other secret knowledge, that give the owner a competitive edge. ([BTM,2002,11-18,005, B](#))

*6.3.2.18 Trademark*

"Trademark" means a distinctive word, design or graphic symbol, or combination of the same, that distinguishes and identifies the goods and services of one party from those of another. The term "Trademark" shall include service marks. ([BTM,2002,11-18,005, B](#))

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**POLICY HR.039**

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**CUNY INTELLECTUAL PROPERTY POLICY***6.3.2.19 University*

"University" means The City University of New York. ([BTM,2002,11-18,005, B](#))

*6.3.2.20 University Resources*

"University Resources" means any resources available to a member of the University as a direct result of his or her affiliation with the University and which would not otherwise be available to a non-University-affiliated individual, including but not limited to ([BTM,2002,11-18,005, B](#)):

- a) Funds and financial support
- b) Facilities
- c) Equipment
- d) Supplies
- e) Services
- f) Non-faculty University personnel
- g) Students
- h) Release time and sabbaticals

6.3.3 Applicability

This policy shall apply to all forms of intellectual property created or developed, in whole or in part, by members of the University ([BTM,2002,11-18,005, B](#)):

- a) Making substantial use of university resources
- b) As a direct result of University duties
- c) Pursuant to the terms of an agreement to which the University is a party
- d) In the course of, or related, to activities on grants or contracts administered by the Research Foundation

6.3.4 Ownership Of Intellectual Property*6.3.4.1 General Rule*

- a) The Creator shall own all rights in copyrightable works. ([BTM,2002,11-18,005, B](#))
- b) The University shall own all rights in other intellectual property. ([BTM,2002,11-18,005, B](#))

*6.3.4.2 Sponsored Research*

Ownership of intellectual property resulting from sponsored research shall be determined pursuant to the terms of the agreement between the University or the Research Foundation, as the case may be, and the sponsor, or as otherwise required by applicable law. If ownership is not defined in the agreement, intellectual property shall be owned pursuant to the general rule. ([BTM,2002,11-18,005, B](#))

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The University shall normally own intellectual property resulting from commissioned work. In all cases of commissioned work, ownership and royalty rights shall be specified in a written agreement, a copy of which shall be submitted to the OGC for review and approval as to form. Any such agreement that provides for ownership by other than the University shall also provide the University with a royalty-free, non-exclusive license to use the intellectual property for internal educational and research purposes. ([BTM,2002,11-18,005, B](#))

*6.3.4.4 Copyrightable Work Created Within the Scope of Employment*

Copyrightable work, other than scholarly or pedagogical work, prepared by an employee of the University or the Research Foundation within the scope of his or her employment, shall be owned by the University or the Research Foundation, as the case may be. Examples of copyrightable work subject to this provision include, without limitation ([BTM,2002,11-18,005, B](#)):

- a) Personnel manuals
- b) Written policies
- c) Administrative handbooks
- d) Public relations materials
- e) Archival audio and video recordings of College events
- f) Official college and University web pages

*6.3.4.5 Electronically Published Course Materials*

Courses designed to be delivered over the internet, by computer, or through similar technologies, may involve both copyrightable works and other intellectual property. Consistent with its intent to recognize the creator as the owner of scholarly or pedagogical works, the University claims no ownership rights in either the intellectual content of such courses, or the tools and technologies used to present them, unless the work was the result of sponsored research or is commissioned work. ([BTM,2002,11-18,005, B](#))

*6.3.4.6 Negotiated Agreements*

A member of the University who wishes to conduct work making substantial use of university resources under terms different from those set forth in the General Rule above, may enter into an agreement for the use of such resources with the college(s) where such work shall be conducted. Such agreement shall be negotiated by the president(s) of the college(s) with the advice of the OGC, and must be approved by the Chancellor. The agreement shall specify who shall own any intellectual property resulting from such work, any arrangement as to equity-sharing, royalty-sharing, and/or the amount of the fee, if any, to be paid for use of the University resources. ([BTM,2002,11-18,005, B](#))

*6.3.4.7 University Media*

Copyrightable work prepared for publication in official University and college media, such as television and radio stations, newspapers, magazines and journals, shall be owned pursuant to the

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individual policies of such media or as defined in their contracts with creators. In the absence of a policy or contract, copyright shall be owned by the University. ([BTM,2002,11-18,005, B](#))

*6.3.4.8 Creator's Non-Commercial Use*

Where the University owns the intellectual property under this policy, the creator is permitted to continue to use the work for his or her own non-commercial purposes. Any distribution by the creator to academic colleagues outside the University beyond the limits of "fair use", as defined in Section 107 of the Copyright Act of 1976, shall be permitted pursuant to written agreement from the University through the Chancellor or designated individual at each college. ([BTM,2002,11-18,005, B](#))

6.3.5 Administration of this Policy

Authority and responsibility for this policy shall reside with the Chancellor. The Chancellor may seek the advice and assistance of the Intellectual Property Committee. The responsibility for administration of the policy at the college level is delegated to the designated individual at each college. ([BTM,2002,11-18,005, B](#))

6.3.6 Management of Intellectual Property

This provision does not apply to commissioned work or copyrightable work created within the scope of employment, or to negotiated agreements to the extent that this provision conflicts with the terms of the negotiated agreement. ([BTM,2002,11-18,005, B](#))

*6.3.6.1 Disclosure of Intellectual Property*

Creators shall disclose to the Chancellor any intellectual property that is owned by the University under this policy, including improvements and reductions to practice and intellectual property created under sponsored research. ([BTM,2002,11-18,005, B](#))

Disclosure shall be made prior to submission of the intellectual property for publication, other release to the public domain, or attempt to license, distribute or manufacture the intellectual property commercially. ([BTM,2002,11-18,005, B](#))

Where more than one member of the University has participated in the creation of intellectual property, all participants must sign the disclosure notice. ([BTM,2002,11-18,005, B](#))

*6.3.6.2 Determination of Ownership Rights*

The Chancellor shall determine whether the University has reason to exercise ownership rights over intellectual property disclosed to it and, if the University has such rights, whether it desires to obtain protection for or pursue licensing of such intellectual property. ([BTM,2002,11-18,005, B](#))

The Chancellor shall promptly notify the creator of his or her determination to disclaim or assert ownership of the intellectual property. ([BTM,2002,11-18,005, B](#))

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The University shall make every reasonable effort to act expeditiously under the circumstances in arriving at all decisions and taking all actions under this policy. ([BTM,2002,11-18,005, B](#))

*6.3.6.3 Legal Protection and Commercialization*

Intellectual property determined by the Chancellor to be owned by the University may be patented, registered with the U.S. Copyright Office or otherwise legally protected by the University. ([BTM,2002,11-18,005, B](#))

The creator of such intellectual property shall cooperate with the University in the application for legal protection of the intellectual property, including executing appropriate assignments, declarations and/or other documents required to set forth effectively the ownership and rights to the intellectual property pursuant to this policy. In the event of any dispute between the creator and the University, the creator's obligations under this provision shall be without prejudice to the creator's rights regarding resolution of disputes. ([BTM,2002,11-18,005, B](#))

All costs involved in obtaining and maintaining legal protection of University-owned intellectual property shall be borne by the University unless the University disclaims, releases, or waives, its ownership rights or unless a licensee accepted by the creator agrees to bear such costs pursuant to the terms of a written license agreement. ([BTM,2002,11-18,005, B](#))

The creator has primary responsibility for identifying parties having an interest in using, developing or commercializing University-owned intellectual property. ([BTM,2002,11-18,005, B](#))

The Chancellor shall regularly inform the creator of the progress of the University's protection efforts and licensing of University-owned intellectual property disclosed by such creator. ([BTM,2002,11-18,005, B](#))

*6.3.6.4 Request for Release*

The creator may request assignment to the creator of some or all of the University's rights in intellectual property (a "release") under the following circumstances ([BTM,2002,11-18,005, B](#)):

- a) If the University notifies the creator that it elects not to protect or commercialize University-owned intellectual property, or that it has decided to abandon protection or commercialization. ([BTM,2002,11-18,005, B](#))
- b) If, within ninety calendar days of disclosure to the Chancellor, the creator has not received notice from the Chancellor that the University ([BTM,2002,11-18,005, B](#)):
  - (i) Disclaims ownership of the intellectual property
  - (ii) Has taken steps to protect or commercialize University-owned intellectual property

Such request shall disclose the date of any publication of the intellectual property. ([BTM,2002,11-18,005, B](#))

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Within thirty calendar days of the date of a request from a creator for a release, the University shall take one of the following actions:

- a) Disclaim ownership of the intellectual property. ([BTM,2002,11-18,005, B](#))
- b) Execute a release. ([BTM,2002,11-18,005, B](#))
- c) Document that the University has exercised and continues to exercise due diligence in attempting to protect or commercialize the intellectual property. ([BTM,2002,11-18,005, B](#))

*6.3.6.6 Form of Release*

The University may condition the granting of a release on the assignment to the University of a share, not to exceed ten percent, of net proceeds. For purposes of this section, "net proceeds" shall mean earnings to the creator from the intellectual property over and beyond reasonable costs incurred in the process of legal protection and management. The University shall retain a royalty-free, non-exclusive license to use any intellectual property released to the creator under this policy for internal educational and research purposes. Pursuant to federal regulations, the U.S. government shall also retain certain rights. ([BTM,2002,11-18,005, B](#))

*6.3.6.7 University Waiver*

The University shall be deemed to have waived its rights in the intellectual property if it fails to either ([BTM,2002,11-18,005, B](#)):

- a) Meet the deadline specified in this policy, or a mutually agreeable extended time period
- b) In the case of a patentable invention, file a patent application within ninety calendar days of the date of publication as set forth in this policy

*6.3.6.8 Creator's Right to Protect*

If the University disclaims, releases, or waives ownership of intellectual property, the creator shall have the right to obtain protection for, or pursue licensing of, such intellectual property in his or her own name and at his or her own cost. ([BTM,2002,11-18,005, B](#))

*6.3.6.9 Intellectual Property Committee.*

An Intellectual Property Committee shall be established to advise the Chancellor on disclosures made to him or her, to make recommendations for updates and changes to this policy, and to consider such other matters as may be described in this policy or may be referred to the Committee by the Chancellor. ([BTM,2002,11-18,005, B](#))

The Intellectual Property Committee shall consist of at least nine members. The Executive Vice Chancellor for Academic Affairs—who shall serve as chair of the Committee—and the President of the Research Foundation or designee, shall be members. The Chair of the University Faculty Senate, or a person designated by the Chair, shall select the remaining members of the Committee, taking into account the recommendations of the Chancellor. Membership of the Committee shall, insofar as possible, consist of individuals who have generated copyrighted or

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patented materials and should collectively represent a diversity of types of such materials—, textbooks, biotechnology, software, etc. The General Counsel of the Research Foundation shall serve as staff to the Committee. ([BTM,2002,11-18,005, B](#))

The Chair of the Intellectual Property Committee shall appoint, from among the membership of the Intellectual Property Committee, a Copyright Subcommittee responsible for the review of disclosures of copyrightable works, and a Patent and Technology Subcommittee responsible for the review of disclosures of inventions, trade secrets and know-how, and tangible research property. Each subcommittee shall, insofar as possible, consist of at least five members, a majority of whom shall have generated copyrighted materials, in the case of the Copyright Subcommittee, or patented materials, in the case of the Patent and Technology Subcommittee. ([BTM,2002,11-18,005, B](#))

Intellectual Property Committee members are appointed for three-year terms with non-concurrent expiration dates and may serve successive terms. ([BTM,2002,11-18,005, B](#))

*6.3.6.10 Sponsored Research Requirements*

The Research Foundation shall monitor disclosure and reporting requirements and other obligations to sponsors regarding University-owned intellectual property developed under a sponsored research agreement or grant—including, but not limited to, obligations to the U.S. government. ([BTM,2002,11-18,005, B](#))

*6.3.6.11 Management Organizations*

The University may make an agreement with one or more intellectual property management organizations to undertake the legal protection and/or, with the permission of the creator, commercialization activities, described in this policy. Any such management organization shall be required to abide by the time limits set forth in this policy. ([BTM,2002,11-18,005, B](#))

6.3.7 Distribution of Income from Intellectual Property

A creator of University-owned intellectual property is entitled to share in the income, including royalties, equity interests—subject to any University conflict of interest policy—and dividends, earned from the commercialization of that intellectual property. ([BTM,2002,11-18,005, B](#))

Subject to the terms of any sponsored research agreement and unless otherwise agreed by the University and the creator, gross income created from commercialization of University-owned intellectual property shall be distributed as follows ([BTM,2002,11-18,005, B](#)):

- a) First, to pay for any out-of-pocket expenses incurred by the University or the Research Foundation in connection with the administration, protection and commercialization of such intellectual property, including, but not limited to, fees paid to outside legal, consulting, marketing and licensing organizations and any other out-of-pocket costs incurred by the University or the Research Foundation. ([BTM,2002,11-18,005, B](#))
- b) Then, ten percent applied to a fund at the University for payment of costs related to patent filing, prosecution and maintenance fees. ([BTM,2002,11-18,005, B](#))
- c) The resulting "net proceeds" shall be distributed as follows ([BTM,2002,11-18,005, B](#)):

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- (i) Fifty percent to the creator. ([BTM,2002,11-18,005, B](#))
- (ii) Twenty-five percent to the University for the support of research and scholarly activity. ([BTM,2002,11-18,005, B](#))
- (iii) Twenty-five percent to the creator's College(s), with Fifty percent of such amount going to the creator's academic or research unit(s) for the support of research and scholarly activity. ([BTM,2002,11-18,005, B](#))

Where two or more members of the University contributed to the creation of intellectual property, the creators' shares of revenues shall be divided among them equally, unless the members of the University agree upon a different distribution among themselves and notify the University in writing of their agreement. ([BTM,2002,11-18,005, B](#))

**6.3.8 Issues Relating to Ownership of Equity and Conflict of Interest***6.3.8.1 University's Equity Interest*

Subject to the review and approval of the Chancellor, and after a diligent effort to identify prospective sponsors or licensees, the University is permitted to take an equity interest in sponsors or licensee companies under the following terms and conditions ([BTM,2002,11-18,005, B](#)):

- a) Sponsors and licensees shall demonstrate management and technical capability and have the financial resources necessary to meet their development objectives and their obligations to the University. ([BTM,2002,11-18,005, B](#))
- b) License agreements shall include measures of performance that must be met in order to maintain the license granted by the University. ([BTM,2002,11-18,005, B](#))
- c) Equity shall not be held in an amount sufficient to confer management power, which generally would limit ownership to less than twenty percent of equity. ([BTM,2002,11-18,005, B](#))
- d) Equity shall represent a fair valuation for the intellectual property. ([BTM,2002,11-18,005, B](#))
- e) The University shall not accept a position on the board of directors of a licensee, but may accept and exercise observer rights on such boards. Exceptions to this policy require the approval of the Chancellor. ([BTM,2002,11-18,005, B](#))
- f) Licensees shall pay for out-of-pocket patenting and related expenses. ([BTM,2002,11-18,005, B](#))

*6.3.8.2 Member's Significant Interest*

Conflicts of interest may arise when a member of the University has a significant interest in an entity ([BTM,2002,11-18,005, B](#)):

- a) To which the University has granted a license of intellectual property created by the member
  - b) With whom the University has entered into a sponsored research agreement
  - c) That has contracted with the University for use of the member's University office or laboratory or other university resources
  - d) That employs or otherwise involves the member's student advisees
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A member of the University with a significant interest in an entity as described in this policy shall [\(BTM,2002,11-18,005, B\)](#):

- a) Disclose the significant interest to the University prior to the execution of any agreement between the entity and the University
- b) Not represent the University in negotiating the agreement
- c) Not employ or otherwise involve such member's student advisees at the entity unless they are paid at market rate

A member's significant interest in a licensee shall not prohibit the member from receiving creator's royalties pursuant to this policy. [\(BTM,2002,11-18,005, B\)](#)

Nothing in this Section shall lessen the obligation of a member to comply with the requirements of state and federal law, the Research Foundation and any other University policy, regarding the disclosure of conflicts of interest. [\(BTM,2002,11-18,005, B\)](#)

#### *6.3.8.3 Consulting Agreements*

Conflicts involving intellectual property may arise when a member of the University enters into a personal consulting or other agreement with a third party. Such agreements may include provisions as to the licensing or assignment of intellectual property and may come into conflict with this policy. Prior to signing any consulting or other agreement that deals with intellectual property owned by the University pursuant to this policy, a member of the University shall have the agreement reviewed by the Chancellor to be certain such agreement does not inappropriately assign University rights to third parties. If the agreement is in conflict with this policy, the Member must either obtain from the Chancellor a waiver of any University rights, or otherwise modify the consulting agreement to conform to this policy. This requirement is in addition to, and does not eliminate the necessity for, any approval required by any University conflict of interest policy. [\(BTM,2002,11-18,005, B\)](#)

#### 6.3.9 Exceptions to and Waiver of Policy

Any member of the University is entitled to request an exception or waiver to the provisions of this policy, including in the event that a publisher or other outside organization proposes terms that are exceptions to this policy. [\(BTM,2002,11-18,005, B\)](#)

A member of the University wanting an exception or waiver shall, in the first instance, send a written request to the Chancellor, who shall circulate the request to the member's College President, the University Dean for Research and the President of the Research Foundation. If these three individuals agree, the Chancellor shall notify the member that the request is granted. [\(BTM,2002,11-18,005, B\)](#)

In the event that a request for exception or waiver is not granted, the member of the University shall have the right to appear, accompanied by representatives of such individual's choice, before the Intellectual Property Committee for further consideration of the request. This hearing shall occur no later than thirty calendar days from the date of the request for such hearing. The Intellectual Property Committee shall prepare a report of its findings and submit an advisory recommendation to the Chancellor for review within thirty calendar days of the hearing. The decision of the Chancellor on

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the findings and recommendations of the Intellectual Property Committee shall be rendered within thirty calendar days and shall be final. ([BTM,2002,11-18,005, B](#))

Parties to the process described in this policy—including, without limitation, the University Dean for Research, the College President(s), the President of the Research Foundation, the Chancellor, and the members of the Intellectual Property Committee—shall maintain the confidentiality of any intellectual property contained in documents submitted as part of this process. ([BTM,2002,11-18,005, B](#))

**6.3.10 Resolution of Disputes**

This policy constitutes an understanding that is binding on the University and members of the University for the use of university resources and for participating in research programs at the University. Any questions of interpretation or claims arising out of or relating to this policy, or dispute as to ownership rights of intellectual property under this policy, shall be settled by the following procedure. The issue must first be submitted in the form of a letter setting forth the grievance or issue to be resolved, to a review panel of five members, including a representative of the creator, and designees of the Executive Vice Chancellor for Academic Affairs, the President of the Research Foundation, the Chair of the Faculty Advisory Council of the Research Foundation, and the Provost of the creator's College. The panel shall review the matter and then advise the parties of its decision within 30 calendar days of submission of the letter. The decision of the panel may be appealed by either side to the Chancellor. The decision of the Chancellor shall be final. ([BTM,2002,11-18,005, B](#))

**6.3.11 Trademarks**

The University owns all right, title and interest in trademarks related to an item of intellectual property owned by the University, or to a program of education, service, public relations, research or training program of the University. ([BTM,2002,11-18,005, B](#))

**6.3.12 Role of the Research Foundation**

The University hereby assigns its ownership rights in inventions resulting from sponsored research to the Research Foundation. The Research Foundation may file patent applications, as named assignee, for such inventions, subject to the terms of this policy, including the distribution provisions set forth in this policy with respect to income earned from the commercialization of such inventions. Furthermore, nothing in this policy shall prevent the Chancellor from appointing the Research Foundation as the Chancellor's designee for performance of the functions assigned to the University in general or to the Chancellor in particular, or to retain distribution of income from commercialization of intellectual property. ([BTM,2002,11-18,005, B](#))

**6.3.13 Effective Date**

This policy is effective from the date of approval by the University Board of Trustees with respect to intellectual property created after that date and shall remain in effect until modified or revoked. ([BTM,2002,11-18,005, B](#))