



2.8.1 Intellectual Creativity

1. The University of San Diego strongly encourages the intellectual creative efforts of all its employees.
 - a. The intellectual creative efforts of university employees include the creation of such diverse products as books, compilations and collections, articles, sound recordings, audio-visual materials, works of art and music, computer programs, and dramatic interpretations. Typically these efforts require only routine support on the part of the university and its other employees. In some instances, however, these efforts require substantial university support.
 - b. For purposes of this statement, university employees are those who may engage in intellectual creative efforts in the course of their employment with the university. They include not only employees who are university faculty members, but also non-faculty employees such as those of the Copley Library, the Legal Research Center, the Media Center, Academic Computing, and the Print Shop.
2. In addition to its interests in encouraging its employees to engage in intellectual creative efforts, the university expresses the following interests in those efforts and their products:
 - a. **Acknowledgment:** The university expects that an employee who produces intellectual creations will suitably acknowledge the general and/or specific support provided to him or her by or through the university or other university employees.
 - b. **Routine support:** The university expects that employees' intellectual creative efforts and products will require routine support by the university, including but not limited to use of secretarial time, university property (such as computers, office space, supplies, etc.) and non-substantial intellectual support from other university employees. Aside from its general interests in encouragement and acknowledgment, the university asserts no interest in its employees' creations produced with such routine university support.
 - c. **Reimbursement:** The university asserts a reimbursement interest where non-faculty employees of its library, Media Center, Academic Computing, and Print Shop units participate in a substantial manner with regard to their time in the production of other employees' works of intellectual creativity.

These university units will define "substantial manner with regard to time" and describe the university's interest in reimbursement as pertains to them, and will publish these matters to the university community.

When the university has identified a reimbursement interest as set forth in the published statements of these units, it may expect funding to be arranged in advance to permit the replacement of the work hours of the employees of these units who are involved in a substantial manner, with regard to time, in the intellectual creative efforts of other university employees.

- d. Pecuniary and/or participation interest: In certain situations involving substantial non-faculty employee time and effort, the university may wish to share in pecuniary gains or losses deriving from the intellectual creative efforts of its employees. Normally, the university will identify these situations in advance of the intellectual creative effort undertaken by the employee or employees.

Units of the university may be of assistance to its employees in identifying, clarifying, and developing pecuniary gain possibilities with respect to employees' intellectual creative efforts.

All arrangements in which the university expresses a pecuniary or participation interest in the intellectual creative work of its employee or employees will be identified in advance of the university's assertion of its interest. Each such arrangement will be made on an ad hoc basis with the university and its employee or employees.

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