

2-16-1987

Use of SUNY College at Brockport by emerging enterprises

The College at Brockport, College Senate

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TO: President John E. Van de Wetering

FROM: The Faculty Senate Meeting on February 16, 1987
(Date)

RE: X I. Formal Resolution (Act of Determination)
 _____ II. Recommendation (Urging the fitness of)
 _____ III. Other (Notice, Request, Report, etc.)

SUBJECT: The use of SUNY College at Brockport Facilities by Emerging Enterprises



Signed Roger M. Weiss Date Sent 2/23/87
(For the Senate)

.....

TO: The Faculty Senate

FROM: President John E. Van de Wetering

RE: I. Decision and Action Taken on Formal Resolution

a. Accepted. Effective Date _____

b. Deferred for discussion with the Faculty Senate on _____

c. Unacceptable for the reasons contained in the attached explanation.

II., III. a. Received and acknowledged

b. Comment:

DISTRIBUTION: Vice Presidents: (see attached list)

Others: _____

Distribution Date: 2/26/87 Signed: [Signature]
(President of the College)

Date Received by the Senate: _____

Introductory Statement

The use of SUNY College at Brockport Facilities by Emerging Enterprises

SUNY Brockport is seeking to join the NYS and SUNY initiative to foster relationships which would lead to a mutual benefit between colleges and emerging businesses. The SUNY Board of Trustees in 1/86 issued guidelines concerning the use of on-campus space by emerging industries. "The purpose of incubator facilities is to provide low cost commercial space for start up companies... simultaneously providing such companies with access to university instruction, research, and public service resources and university staff and students access to learning and employment opportunities."

President Van de Wetering noted the potential of this relationship for Brockport at the Faculty/Staff Convocation last month when he stated that "we must identify those strengths at Brockport that can be used to contribute to the State's economic development. This has become a national movement in higher education and a theme of the SUNY Trustees. It is generally believed to be an essential commitment if we are to receive continued strong state support in this time of major economic adjustments in the United States. I am not talking about a so-called high tech thrust for Brockport of the sort more appropriate for technical schools than for colleges. In contrast, I have used the phrase "mid-tech" on other occasions, meaning the skills necessary to manage, operate and maintain businesses regardless of the product or service they offer, as well as the application of talents for research and development short of the massive sustained efforts usually associated with high technology."

One of the most currently prominent activities involving the interaction between academia and the private sector is the nurturing (e.g. "incubation") of fledgling enterprises using campus-owned or affiliated facilities, personnel, and allied resources. Many universities have chosen to participate in this process, some with great success. The motivations are many: retaining outstanding faculty, providing unique educational opportunities for graduate and undergraduate students, creating higher visibility for the research activities of the institution, and helping to satisfy the public service role of the college by providing a unique form of economic development.

The attached guidelines are submitted to provide the College with an appropriate mechanism and review process for the implementation of this economic development initiative.

The last meeting of the Committee was held Dec. 10, 1986. Present were Adams, D'Agostino, Farley, R. Marx, Stewart, Dusen, Halley, Huston, F. Marx, Papandrea, and Parsons.

Bob McLean, Chair of the Research Committee, and Horace Becker, of the Development Center for Business, attended the meeting to discuss the Proposed Guidelines for the Use of SUNY College at Brockport Facilities by Emerging Enterprises. There was lengthy discussion during which McLean and Becker responded to several issues raised by the Committee members, e.g. liability, changes to exterior of Stage XVI, delivery truck traffic, parking, and the overall justification of use of liberal arts educational facilities for the encouragement of business. At the conclusion of the meeting, the Committee was left with two strong concerns that it wanted conveyed to the Senate.

The Committee voted to support the Proposed Guidelines with the following stipulations:

- 1) Because the main mission of the College is to provide education for its students, steps should be taken to insure that administrative time will be focused primarily on meeting student and faculty needs rather than allowing the focus to shift to the use of campus facilities and resources by outside groups.
- 2) Because we are all concerned with matters that affect the College community, steps should be taken to insure that the faculty are kept apprised of agreements under consideration for the use of campus facilities and resources by groups other than students and faculty and that this be done on a timely and regular basis. It is further recommended that one college administrator be designated through whom communication between faculty and outside groups can be established and encouraged as the need arises.

The Chair will report the Committee's action to the Executive Committee at its next scheduled meeting, Jan. 26th.

xc: R. Weir

Proposed Guidelines :

The Use of SUNY College at Brockport
Facilities by Emerging Enterprises

1.0 The President shall assign to the Development Center for Business Incubator Review Committee, with representatives from regional development agencies, corporations and industry, and the campus, the responsibility to review applications from entrepreneurs wishing to occupy authorized campus incubator facilities. Recommendations will be made to the President for approval.

1.1 For SUNY College at Brockport, "Authorized Incubator Facilities" shall be taken to mean College owned, rented, or leased facilities. In lieu of new construction or renovation, existing campus facilities (laboratories, offices, etc.) may be designated by the President, on the advice of the Incubator Review Committee and others [see 1.3.1 below], for a limited term, as an authorized incubator zone.

1.2 The Incubator Review Committee shall receive, from each applicant seeking permission to establish and use a temporary incubation zone, a detailed business plan that describes the proposed entrepreneurial venture. Each business plan and incubation application must demonstrate that the new enterprise will substantially meet one or more of the following criteria:

1.21 The proposed new enterprise must engage in application and commercialization of research that is closely related to campus-based or affiliated research activity, and /or can establish a clear mutual benefit to the emerging industry and the college by this creative relationship.

1.2.2 The proposed new enterprise must develop, use or produce products, processes, or services that will benefit from research, facilities, or interactions with faculty on the Brockport campus, thereby warranting permission to locate on campus for a limited period of time.

1.2.3 The proposed new enterprise should stimulate employment opportunities for students, and consulting and collaborative research activities with faculty.

1.2.4 The business plan should indicate the potential for future employment.

1.2.5 The business plan must offer evidence of the potential contribution by the new enterprise to the economic development of New York State.

1.2.7 The business plan must demonstrate the capacity of the new enterprise to meet facility user fees [see 2.0, inter alia, below]. The College, through the Brockport Foundation, is willing to consider an equity position in the new enterprise in exchange for facilities use.

1.3 The Incubator Review Committee will evaluate the enterprise potential and the appropriateness of its location on College-owned or controlled property. Further, they will assess the reasonableness of the space requirements and weigh them against the widespread space pressures on campus.

1.3.1 The Incubator Review Committee will consult with, and obtain approval for space use from, the Department chair(s), Dean(s), and Vice President(s) and pertinent SUNY administrative authorities (i.e., Dormitory Authority) who are charged with managing the space desired by the incubating enterprise.

1.3.2 Department chairs(s) and Dean(s) will receive the assurances of the Incubator Review Committee and the President that if they approve an incubator application request for temporary use of space, this approval will be construed as support of an important campus initiative and not as an indicator that the space in question is surplus or less than critical. Any space temporarily approved for an incubator zone will automatically revert to previous department or college control (whichever initially applied) at the conclusion of the incubation period.

1.4 Appointments to the Incubator Review Committee shall be made by the President.

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1.4.1 The Incubator Review Committee will be convened by, and act as an advisory body to, the Executive Director of the Development Center for Business who reports directly to the President.

2.0 Each application to the Incubator Review Committee shall contain detailed descriptions and justifications for the College space required by the proposed new enterprise, and costs associated with the use of designated facilities shall be paid from User Fees.

2.1 The User Fee will be a cost per square foot assessment. The fee is designed to fully reimburse the College for all costs associated with the incubator activity.

2.1.1 A formula will be established by a working group composed of the Incubator Review Committee in consultation with the Vice President for Administrative Services, that will derive a fair cost recovery rate (i.e. square foot user fee) for each requested incubation zone.

2.1.2 The square foot cost recovery formula will include such variables as cost of heat, light, janitorial services, depreciation, and administrative costs, if such are provided by the College.

2.1.3 The square foot fee will not include services such as machine, mechanical or electrical shops; computer center; secretarial support; access to word processing or photocopying; conference room; etc. Such additional support services may be contracted for, at the discretion of the resource manager (i.e., chair, director, dean), on a fee for service basis.

2.1.3.1 Additional support services will be made available only when their use by an incubating enterprise will not interfere with provision of services to campus academic, research, and administrative units.

2.2 The Incubator Review Committee will be responsible for assessing incubating enterprises, the User Fee, and dispensing funds to appropriate University accounts.

3.0 In the event that the university constructs, rents, or renovates facilities authorized specifically for the use under the SUNY Provost's incubation policy, such facilities will be managed by the campus. The Development Center for Business is available to be used as a facilities management company.

4.0 Incubating enterprises, including their employees and consultants from outside the University, who utilize College incubator facilities under this set of guidelines, will retain ownership of all patentable inventions and discoveries that result from work independent of the College research program.

4.1 Patentable inventions and discoveries based directly on University sponsored research will undergo normal patent review. The use of exclusive license provisions in the University Patent Policy is recognized as an appropriate mechanism to protect the rights of associated incubator companies.

4.2 SUNY Central has proposed a modification to the University's Patent Policy. Guidelines 4.0, above, will become active in the event that the University's Patent Policy is altered.

5.0 When implementing these proposed guidelines, other applicable College and SUNY guidelines shall be in compliance, including those governing cooperative use by industry of College research equipment, the professional obligations of faculty, and conflicts of interest.

5.1 Incubator companies must abide by the policies of the College.

6.0 Incubator companies will sign a contract in the form of a revokable permit with the College for permission to occupy incubator zone space.

6.1 This incubator contract will include stipulations concerning termination for violation of College policies; insurance; liability; indemnification; use of name; laws, rules, and regulations; nondiscrimination; notice; assignment.

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7.0 The Brockport Incubator Review Committee will propose revision of these guidelines for the operation of incubator facilities to the Executive Director of the Development Center for Business and Faculty Senate Research Policy Committee and Faculty Senate as needed, and provide periodical evaluations of the success of the program.