

AUTM Policy: Taking a Position

Initially approved by the AUTM Board of Directors on July 9, 2015



*This AUTM Policy was amended by the AUTM Board of Directors on the following date(s):
May 19, 2016; May 4, 2017; February 2019*

Background

AUTM is the leading international organization dedicated to strengthening the field of technology transfer. AUTM provides a variety of programs and services to support the professional development of individuals involved with the licensing of innovations made in universities, teaching hospitals and nonprofit research institutions.

AUTM members, who represent both academia and industry, facilitate the movement of these innovations from academic laboratories to the commercial marketplace to benefit the public. The complexity of this process is reflected in the diversity of AUTM membership; because of this diversity, members' views about any particular issue often vary significantly.

Much of AUTM's work in the public arena focuses on educating decision makers about technology transfer as well as about the potential impact of certain legislative, regulatory or legal activity. AUTM typically aims to inform and communicate effectively with public officials rather than lobby according to the wishes of any particular segment of the overall AUTM membership. AUTM also seeks to keep its members regularly informed about key issues, so these individuals can respond in a way appropriate to their particular circumstances.

However, AUTM recognizes that certain issues can emerge that challenge the entire field of technology transfer. During these times, AUTM is justified to move beyond the role of educator and communicator and to become a strong advocate for a specific position. These rare instances require AUTM to act in a decisive, effective and timely manner.

This document is intended to guide decision-making when taking a formal organizational position may be appropriate. AUTM will use the following guidelines to identify and guide such actions.

Guiding Concepts

1. As an international individual membership organization, AUTM does not represent academic institutions but does represent the academic technology transfer profession and its individual practitioners.
2. AUTM recognizes that its members are diverse and hold a variety of opinions, and it cannot presume to speak unilaterally for all members on any issue.
3. AUTM is dedicated to providing its members with information to assist them in assessing issues and/or proposed legislation.
4. The general criteria for all AUTM actions is that they:
 - Benefit members and the profession
 - Advance AUTM's mission and goals in its current 2018-2020 Strategic Plan
 - Be economically sound.

If these general criteria can be met, AUTM may consider taking a position.

Considerations for Taking a Position

AUTM should consider taking a position if there is a thorough understanding of the issue by the Board AND any of the following conditions exist:

1. There are individuals or organizations taking a position inconsistent with the general criteria above and it is consistent with the general criteria (above) for AUTM to take a different position; or
2. There are no individuals, universities, or other organizations taking a position on the issue, consistent with the general criteria (above); or
3. There are no other viable options for the support of the profession other than taking a position; or

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4. The consequences of AUTM's lack of action or response would affect AUTM's ability to carry out its mission and/or would negatively affect the AUTM brand, identity or reputation; or
5. The issue directly affects the university technology transfer profession; or
6. AUTM's lack of action or response would allow decisions to be made based on misinformation to or misunderstanding by policy makers or others, resulting in a serious diminution of the reputation of AUTM, the individuals in the profession, the environment in which AUTM members carry out their work, or the ability to continue to make a positive impact through academic technology transfer.

In formulating a position, AUTM will strive to understand the views and sensitivities of affected academic institutions employing AUTM members.

Taking a position may include testimony on behalf of AUTM to policy makers and/or signing of position statements by AUTM alone or in conjunction with other organizations.

Role of the CEO in Taking and Communicating AUTM Positions

In order to allow for rapid and consistent messaging of AUTM positions, the Board hereby provides authority for the CEO, with input from the Office of the Chair, to take formal AUTM positions that do not:

- 1) Significantly harm a Member's institution; nor
- 2) Inhibit the Bayh-Dole Act; nor
- 3) Reduce the scope or strength of intellectual rights; nor
- 4) Provide a formal AUTM position on specific pending legislation (for example, the CEO is allowed to state that AUTM believes that compulsory licensing is detrimental to the technology transfer ecosystem, but not that AUTM is averse to a specific pending bill that might include a compulsory licensing provision).

Process for Considering Issues/Taking Action

For those positions that are not delegated to the CEO by the Board as above, there are three distinct processes for considering issues and taking a position, depending on previous Board discussion and decision-making timeframe: Standard, Framework-approved and Expedited Processes.

1. Standard Process for Considering Issues and Taking Action

- a. This Standard Process is expected to be utilized for non-urgent issues and decisions such as in response to a request for AUTM to join an amicus brief.
- b. The CEO, an AUTM member, or other interested party will present a detailed overview of the issue to the Chair and Executive Committee (EC) who will be the initial filter. The overview, addressing the general criteria, must include the following:
 - i. A thorough description of background information pertaining to the proposed legislation or regulation.
 - ii. A rationale explaining why AUTM should adopt a position on the issue.
 - iii. A motion to be voted on by the Board of Directors, describing the action being requested of the Board of Directors.
 - iv. An implementation plan, if required, to be voted on by the Board of Directors describing actions to be carried out in the name of AUTM.
- c. If it is the opinion of the Chair and Executive Committee that the issue should be raised to the next level and the paper fully addresses the issue, they will present the position paper to the Board of Directors.

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- d. At any step in the process, the reviewing person or group may request additional information, clarification or modification from the originator.
- e. A decision to take a position requires approval of the Board of Directors.
- f. When necessary or appropriate, such approval may be obtained by electronic vote after allowing time for email discussion or notification by individual Board members that they do not intend to request such discussion.

2. Framework-approved Process for Considering Issues and Taking Action

- a. This Framework-approved Process is expected to be used for Letters of Opposition/Support that support previous Board positions, when the time available to make a decision (potentially a few days or less) will not allow for use of the Standard Process described above.
- b. From time to time, circumstances may require that AUTM take actions which are reasonably consistent with a position or action previously considered and approved by the Board (“Framework”). In such cases, the following procedure may be used:
 - i. A previous position or action must be identified that is reasonably consistent with the current proposed position or action.
 - ii. The CEO, the Chair, the Executive Committee, the Chair of the Public Policy Advisory Committee or an individual formally designated to represent AUTM’s public policy positions may take such action and report such action to the Board within a reasonable time.
- c. Frameworks are defined as (a) public statements to which AUTM is already a signatory or (b) Board-approved positions approved and recorded in either: Board Meetings; via an electronic voting process; or, in the course of a vote taken during a teleconference of the Board.

3. Expedited Process for Considering Issues and Taking Action

- a. This expedited process may be used only in rare circumstances and only when the time available to make a decision is significantly less than would be required to implement any other decision-making process as described above.
- b. From time to time, circumstances may require that AUTM take action in a time frame that is not sufficient for the Board to follow the previous procedures. In such cases, the following procedure may be used:
 - i. Pursuant to Article 5.6.4 (Executive Committee) of the Bylaws (current as of 09/27/2017), the Chair may convene a meeting of the Executive Committee “... when in his or her judgment an urgent and serious circumstance requires a timely decision and/or action on behalf of the Board or Directors and in the interest of the Association”.
 - ii. Such decision or action will require unanimous consent of the Executive Committee and will be promptly communicated to the Board.
- c. The CEO will promptly inform the Board of use of the Expedited Process.

Approved
APPENDIX A
2018-2020 Strategic Plan