

BENCHMARKING REPORT

University Artist-in-Residence Programs

October 2013

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Carnegie Mellon University
College of Fine Arts
5000 Forbes Avenue
Pittsburgh, PA 15213

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A survey of university-based artist-in-residence programs across the United States, with a particular focus on intellectual property policies and new-media arts.

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Alfred University - Alfred, NY
Dartmouth College - Hanover, NH
Drexel University - Philadelphia, PA
Georgia Institute of Technology - Atlanta, GA
Harvard University - Cambridge, MA
Lehigh University - Bethlehem, PA
Massachusetts Institute of Technology - Cambridge MA
Rensselaer Polytechnic Institute - Troy, NY
Stanford University - Stanford, CA
The University of the Arts - Philadelphia, PA
University of California, Berkeley - Berkeley, CA
University of Texas, Austin - Austin, TX
William Paterson University - Wayne, NJ
Yale University - New Haven, CT

Founded in 1989 within the College of Fine Arts at Carnegie Mellon University (CMU), the Frank-Ratchye STUDIO for Creative Inquiry is a flexible laboratory for new modes of arts research, production and presentation. For nearly 25 years, the Frank-Ratchye STUDIO for Creative Inquiry has prided itself on being at the forefront of creative exploration. This has been achieved largely through its efforts to support emerging and mid-career artists in an environment that encourages innovation, collaboration, and the open exchange of ideas. The STUDIO supports the work of CMU faculty, staff and students as well as visiting artists-in-residence.

From 1989 through 2008, the STUDIO frequently engaged visiting artists-in-residence as “Part-Time Special Faculty.” Persons engaged through the Part-Time Special Faculty category enjoyed the same liberal intellectual property (IP) rights as CMU faculty. In early 2009, this employment category was eliminated, amidst other adjustments to university policies, to improve the university’s compliance with state law. The STUDIO was advised to hire artists-in-residence as *staff* thereafter. (The STUDIO has also used a variety of other categories, including Faculty, Special Faculty, and Visitor, depending on funding and circumstances.) As a result, visiting artists subsequently engaged by the STUDIO became subject to CMU’s staff IP policy, which asserts that the copyrights of all works created during their “employment” are retained by the university. Exemptions to this staff IP policy were obtained, but only on a case-by-case basis, and only at the cost of many hours of negotiation and complex administrative procedures. This placed unnecessary burdens on both university staff and visiting artists. Both the STUDIO and the College of Fine Arts felt strongly that this policy was untenable for a university artist-in-residence program and would be detrimental to the STUDIO’s relationships with current and potential visiting artists.

The STUDIO and the College of Fine Arts determined that it was necessary to amend the policies to reflect the university’s ethical obligations to visiting artists, or else risk damage to the university’s reputation with artists, peer institutions, and funders. To facilitate this process, our supervising dean, Dan Martin, requested a study that surveyed our peer institutions’ various administrative approaches to engaging artists-in-residence. The study findings were to be used to develop recommendations for how our university could modify existing policies to better meet the needs of the STUDIO’s residency program, and potentially other residency programs within our College of Fine Arts. In all, we interviewed administrators from 14 universities, with a particular emphasis on new-media residency programs at private research universities.

The results of the study, along with the recommendations, were presented to Carnegie Mellon’s legal department to support the STUDIO’s argument that an immediate change in the IP policy for artists-in-residence was necessary, and to inform the creation of new policies that would be more favorable for the residency program in the STUDIO and (potentially) other units of the College of Fine Arts.

As a result of this study, we are pleased to report that CMU has (since June 2013) established a new category, “Resident Artist”. According to CMU’s legal department, this is a *“visitor who is paid via an honorarium, is not an employee of the university, is not eligible for employment benefits, and retains the intellectual property rights of all works produced during their residency.”* This new administrative structure has substantially simplified the process for engaging artists-in-residence at Carnegie Mellon University, and has created a much more welcoming and productive environment for our visiting artists.

I would like to thank the dean of our College, Dan Martin, for prompting this report, and the other members of our committee (Liz Fox, Marge Myers, Michael Nee, and Rachael Swetnam) for their contributions to our many phone conferences with the other universities. I would like to especially acknowledge Shanae Phillips, a graduate student in CMU’s Master of Arts Management program, who conducted all of the background research, organized all of the findings, and wrote the first several drafts of this report.

Finally, we would like to thank the many artist-in-residence program administrators who contributed their valuable time and insight to this study. We hope we can continue to work together to share best practices, and further improve the integration of arts-research into the context of higher learning.

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TABLE OF CONTENTS

About the Frank-Ratchye STUDIO for Creative Inquiry	1
About the CMU College of Fine Arts	1
Executive Summary	1
Key Findings	1
Recommendations	2
Purpose and Methodology	2
Background	2
Objective	3
Method of Analysis	3
About the Participants	3
The Results	4
AIR Programs: Benefits & Motivations	4
General AIR Program Practices	5
Intellectual Property Policies & Practices	5
IP Policy Justifications	6
Recommendations: Best Practices	7
Appendix	8
AIR Program Comparison Matrix	8
Universities with AIR Programs	9
Interview Questions	9
Limitations	10

University Artist-in-Residence Programs

ABOUT THE FRANK-RATCHYE STUDIO FOR CREATIVE INQUIRY

Founded in 1989 within the College of Fine Arts at Carnegie Mellon University (CMU), the Frank-Ratchye STUDIO for Creative Inquiry is a flexible laboratory for new modes of arts research, production and presentation. Through residencies and outreach programs, the STUDIO provides opportunities for learning, dialogue and research that lead to innovative breakthroughs, new policies, and the redefinition of the role of artists in a quickly changing world. Since its founding, the STUDIO has hosted more than 120 artists from around the globe, and has raised more than \$7 million in support of groundbreaking arts research projects.

The STUDIO's mission is to support atypical, anti-disciplinary and inter-institutional research projects at the intersections of arts, sciences, technology and culture. We specialize in supporting emerging artists in emerging fields who create,

adapt and employ new technologies, in quickly evolving forms such as new-media and computation arts, information visualization, biological and robotic art, network culture, critical software, and tactical media.

ABOUT THE CMU COLLEGE OF FINE ARTS

Carnegie Mellon University's College of Fine Arts is a community of nationally and internationally recognized artists and professionals organized into five schools, Architecture, Art, Design, Drama, and Music; and its associated centers and programs.

The College strives to expand its unique, multidisciplinary capabilities and distinctive pedagogical approaches, to promote visionary leadership, and to serve a vital role in melding the exceptional capabilities of a great university with society and culture.

EXECUTIVE SUMMARY

In February 2013, Carnegie Mellon University's College of Fine Arts established a committee to benchmark similar academic artist-in-residence (AIR) programs in an effort to evaluate its own administrative processes. The committee selected 14 universities and colleges with comparable artist-in-residence programs and interviewed their program directors and administrators about their practices. This report was compiled by the committee in response to changes in the way Carnegie Mellon's intellectual property (IP) policy was being applied to artworks created during a residency. Consequently, the IP policies and practices of the participating institutions are a core concern of this report.

KEY FINDINGS

General Practices

In selecting survey participants, preference was given to programs facilitating arts residencies in the areas of digital/new-media arts, due to their similarity to the STUDIO as well as the unique implications these art forms present for IP. Aside from new-media arts, the most common art forms supported by the programs were performing arts (at 7 of the 14 programs), sculpture & installation (4), painting & printmaking (3), graphic design (2), and photography (2).

Participants indicated that they typically host as few as one artist per year to as many as 15. On average, the programs

host four to five artists per year. Typical residency durations range from two days to one academic year. The average length of stay is about eight weeks, while the most common duration is slightly lower (approximately two to five weeks).

Of the eleven institutions who answered this question, none require their artists-in-residence to teach, although all either encourage or require AIRs to have significant interaction with students (through open studio hours, guest critiques, workshops, etc.).

Twelve out of 14 universities provide studio space for artists-in-residence, while nine provide living space. Only seven provide both. Twelve programs offer access to university resources, labs, or libraries.

Pay for artists-in-residence ranges from \$1,000 to \$100,000 across the participating schools. Compensation of \$15,000 – \$25,000 appears to be most common. At least half of the AIR programs pay their AIRs via honoraria.

Intellectual Property Practices

Participants' responses to questions about their intellectual property practices provided several key insights. Most notably, *all 14 of the university AIR programs which participated in the benchmarking study allow the artist to retain their intellectual property.* In at least five cases, this is explicitly articulated in their official contracts and letters of agreement with AIRs. The only exception to this was for

artistic works-for-hire, such as murals commissioned for campus buildings, or paintings of trustees. Instead of seeking to own the IP of AIRs' works, most universities merely sought non-exclusive rights to retain documentation images of the artists' projects for promotional purposes.

From a cultural and ethical perspective, the participants unilaterally and unanimously expressed that allowing artists to retain the IP of their own artworks was the "right thing to do" – and that this was the expected or assumed default for any AIR program. Quizzed about the alternative, the participants indicated that a university policy which retained AIRs' IP would be (to various degrees) "pitiable," "unwelcoming," harmful to the university's reputation, and detrimental to the objectives of any AIR program.

From a practical perspective, a common thread stated by multiple AIR programs was the determination that they did not think it was a valuable use of their institution's time and resources to retain the IP and/or to police enforcement of IP issues with their past or prospective AIRs.

All 14 participating schools allow artists-in-residence to retain their intellectual property.

From the majority of the university AIR programs with whom the benchmarking committee had conversations, the following points or themes lend to an argument for the AIR to retain the intellectual property of works created during a residency:

- Artist-in-Residence programs are founded on the belief that bringing in AIRs enriches the academic community from the perspective of all involved (students, faculty, and staff), and furthers the field of arts research and practice.

PURPOSE AND METHODOLOGY

BACKGROUND

Beginning in 2008-2009, the STUDIO began to encounter internal regulatory difficulties when engaging artists-in-residence at CMU, particularly when the residency was supported by external funding.

Owing to changes in employment policies, enacted to bring CMU into compliance with state law, the STUDIO had been advised to alter how it engaged AIRs, and (from 2009 on) hire them as *staff*. However, CMU's Staff IP policy asserts that any IP created by staff belongs to the university – thus defining their artworks, essentially, as work-for-hire. This condition was considered by the STUDIO and the College of Fine Arts to be in conflict with the purpose and goals of the residency program, and a deterrent to good relations with artists.

The STUDIO and the College determined that it was

- The goal of an Artist-in-Residence program is not the production of a finished work of art; the product created from a residency is ancillary to the educational process that creates it.

A university policy which retained AIRs' intellectual property would be "pitiable," "unwelcoming," and detrimental to the objectives of any AIR program.

- Focusing on owning the IP – or in basic terms, an end product or creation resulting from a residency – de-emphasizes the importance of the creative/ research process and the exposure to this process that ultimately enriches the university and broader community.

RECOMMENDATIONS

- Universities with artist-in-residence programs should establish a hiring classification of "Visiting Artist" (or equivalent), with associated IP protections.
- External funding often legally obligates a university to certain deliverables. Artist-in-residence programs should seek internal funding, such as endowments for AIRs, for administrative flexibility and financial stability.
- All proposals for externally funded residencies should avoid language that would cause restrictions under university policies or trigger IP issues.
- Universities should promote communication and relationship-building between AIR program administrators and legal counsel.

necessary to amend the policies to reflect the university's ethical obligation to visiting artists, substantially simplify the process of engaging AIRs, and allow the program to flourish.

The STUDIO's Objectives for Artist Residencies

The STUDIO hosts artists-in-residence at CMU with the primary objectives of:

- Enriching the cultural and intellectual environment of CMU and our region
- Providing formal and informal educational experiences for students
- Assisting other faculty and units (across CMU) in bringing collaborators or visitors to campus
- Advancing the field(s) of interdisciplinary arts research and practice
- Enhancing CMU's reputation and visibility as a generator of new culture

To this end, artists-in-residence contribute to the innovative culture at CMU through their practice, while also making a pedagogical contribution.

OBJECTIVE

The Artist-in-Residence Committee was established to benchmark similar artist-in-residence programs in an effort to evaluate CMU’s own administrative process.

The goal of the committee was to facilitate an administrative process which aligned better with the objectives of the Artist-in-Residence program (as described in the previous section), and ultimately to design an AIR program which could serve as a “gold standard,” combining the best aspects of all programs studied.

METHOD OF ANALYSIS

Our committee compiled a list of over 60 U.S. institutions of higher learning that featured an artist-in-residence program on their website. This list was filtered to 14 institutions which could reasonably be considered peers of CMU, *and* whose AIR programs appeared most similar to the STUDIO’s. This was determined by considering a variety of factors, including disciplinary focus, administrative structure, and funding sources. Schools were selected with a bias toward those which (like CMU) are research-oriented, private, and subject to Pennsylvania law. Over a four-week period, the Committee interviewed program directors and administrators from the 14 schools about their IP policy, payment methods, funding sources, and administrative logistics for AIRs.

Definitions

For the purposes of this report, the term “artist-in-residence” refers to an artist who is engaged by a university to **practice his or her craft** on campus for any duration (typically several days to a semester). This definition includes similar terminology (e.g. visiting artist), but is not intended to include artists or scholars who visit campus for a day or two simply to give a lecture, participate in a critique, etc.

ABOUT THE PARTICIPANTS

This report includes the input of 14 universities and colleges from nine states, including both public and private institutions (see Figures 1 and 2). At the time of this study, participating AIR programs had, on average, been in operation for approximately nineteen years, with a range of two to 81 years. Figure 3 further illustrates the program age distribution.

The Committee conducted phone interviews with

Figure 2: Public/Private Distribution



Figure 3: Approximate Age of AIR Program (in years)

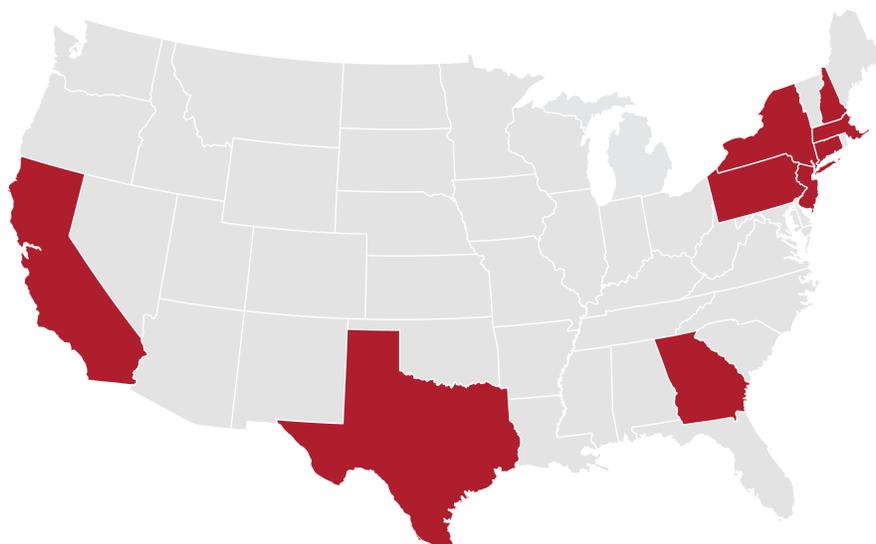


administrators from each school’s AIR program. The job titles of respondents are as follows:

- Associate Dean (2)*
- Program Director/Executive Director (6)*
- Associate Director (2)*
- Co-Director/Founder (2)*
- Deputy Director (1)*
- Interim Director (1)*
- Program Supervisor (1)*
- Theatre Operations Manager (1)*
- Artist Services Coordinator (1)*
- Producer (2)*

Of the 7 respondents for whom this information was available, the average years of experience with the AIR program was approximately 12 years. The range was 3 to 24 years.

Figure 1: States Represented in Final Report



THE RESULTS

The quotes below are compiled from notes taken during phone interviews and may not be verbatim.

WHY DO UNIVERSITIES HAVE ARTIST-IN-RESIDENCE PROGRAMS?

The participating schools were asked to provide their reasons, benefits, and motivations for having an artist-in-residence program. Their responses fell within the seven categories represented in Figure 4.

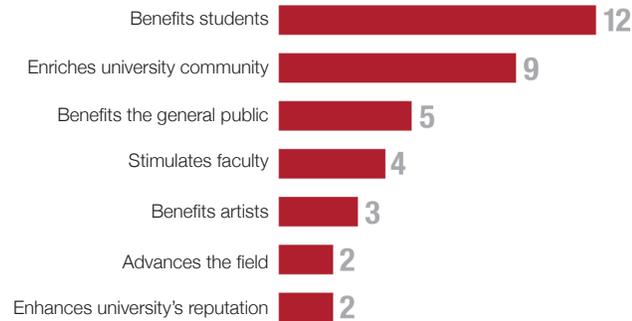


Figure 4: Motivations for Having an Artist-in-Residence Program

Twelve schools cited educational benefits for students as a primary reason for their artist-in-residence program.

"We make sure the **students are working directly with the artist**. They have the experience with the artists – not only their ideas, but their direct physical interaction...The way the artist reasserts and refocuses their primary values is probably one of the best things that the students could see."

“*Culture is more than the creation of knowledge... We are creating an environment where experience, which cannot be quantified, is equally valuable.*”

"To have an artist on campus creating new work and to have students involved in that process is really **beneficial to the students**; it exposes them to a practice in an intensive way. They build a relationship with a creative innovator in the field and can contribute to their own creative growth as well."

"We match artists as **mentors for undergraduates**, so they [the students] learn how to do research, make a film, or work on their projects. These undergraduates have extraordinary experiences for 9 months working with these Fellows."

Nine schools stated that their artist-in-residence program enriches the cultural and intellectual environment of the university.

"Our goal is to have artists of a high caliber who would not be willing to be faculty for an entire academic year but who we really want on campus because **they can model the types of work and types of engagement that we think are important.**"

"...There is something about **people witnessing the creation of culture in the context of the university** that is not about the financial transaction but is about the intellectual and cultural transaction."

"...One reason is just to engage with the artist on a deeper level and provide **opportunities for the campus community and the [city] community to engage with these artists.**"

"Culture is more than the creation of knowledge. There is a difference between knowledge, experience and wisdom. That needs to be understood. We are not peddling information at [our university]. We are **creating an environment where experience, which cannot be quantified, is equally valuable.**"

Five schools stated that their artist-in-residence program contributes to the public good.

"We pay them to come here and continue their creative work in a context that **benefits students, faculty and the general public.**"

Four schools said that their artist-in-residence program stimulates (and sometimes provides collaborators for) departments and faculty.

"The visitors and AIRs are involved in various student programs. It keeps everything fresh; it allows you to question what you value. **Even the faculty are challenged and interested** by having the artists at events."

"The goal of the program was to **inspire students, to stimulate faculty and invigorate the professional field**, and to increase the visibility of the work of the college."

"At [our university], many different departments, including those in the sciences and engineering, seek the assistance of the Office of the Arts in facilitating artist residencies in those departments. The residencies have been reconfigured to reach so many different departments and enhance different classes. The relevance of our artist-in-residence program to other departments is **more significant than it's been in its forty-year history.**"

Three schools stated that a primary goal of their artist-in-residence program is to benefit the artists.

“Contemporary artists are one of our major constituencies, and so this is an **important opportunity that we offer to contemporary artists.**”

“[Our university] believes that we **profit from the larger endeavor of contributing to the artist’s work and knowledge**, and we are not looking to reap material benefit from their work. That’s not what we’re about.”

Two schools indicated that their program helps advance the field of arts research and practice.

“We have one coming up this year where it’s actually not about a performance; it’s about **building demand for contemporary dance**. It goes beyond the basics.”

Two schools mentioned that their artist-in-residence program enhances the university’s reputation and visibility.

“It **enhances our cachet** to be able to say that we have world renowned artists working with students. Any university which doesn’t have the capacity to say that is missing something **integral to their reputation.**”

GENERAL PRACTICES

Artistic Disciplines

Due to the STUDIO’s current emphasis on new-media arts, the benchmarking committee was particularly interested in programs facilitating residencies in this area. Seven participating programs host residencies for artists working in new-media arts (including interactive multimedia, video/audio production, digital imaging, arts and science/technology, experimental media, and augmented reality). Other common disciplines were performing arts (in 7 programs), sculpture & installation (4), painting & printmaking (3), graphic design (2), and photography (2).

Number and Duration of Residencies

Participants indicated that they typically host as few as one artist per year to as many as fifteen. On average, the programs host four to five artists per year. Residency durations range from two days to one academic year. The average length of stay is about eight weeks, while the most common duration is slightly lower (approximately two to five weeks).

Student Interaction

Of the eleven institutions who answered this question, none require their artists-in-residence to teach. However, all 14 either encourage or require AIRs to have significant formal or informal interaction with students. At most universities, student interaction takes the form of open studio hours, guest critiques, and workshops. In some cases, students also participate in the installation process for AIR exhibitions,

work as assistants or collaborators on AIR projects, or perform in AIR-directed productions. Two universities pay students to assist artists-in-residence.

Resources Provided for AIRs

Twelve out of 14 universities provide studio space for artists-in-residence, while nine provide living space. Only seven provide both. Twelve programs offer access to university resources, labs, or libraries. Resources include printmaking facilities, video post production and imaging equipment, rapid prototyping machines, 3D scanners, computer labs, software, theater and rehearsal space, scene and costume shops, stage technology, and staff expertise.

Compensation and Classification

Pay for artists-in-residence ranges from \$1,000 to \$100,000 across the participating schools. The most common level of compensation falls approximately between \$15,000 and \$25,000. At least half of the AIR programs pay their AIRs via honoraria.

AIRs are most frequently classified as independent contractors (or equivalent) and are not considered employees.

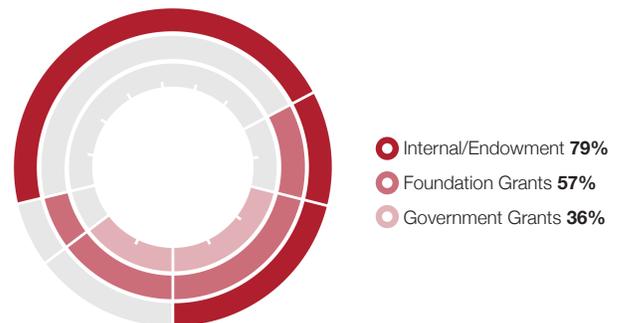
Funding Sources

Of the AIR programs contacted, 11 out of 14 are funded internally or through endowments. Eight receive external funding from foundations, while five receive state or federal government grants (see Figure 5). Only three programs (21%) receive funding from all three sources.

INTELLECTUAL PROPERTY POLICIES & PRACTICES

IP Ownership

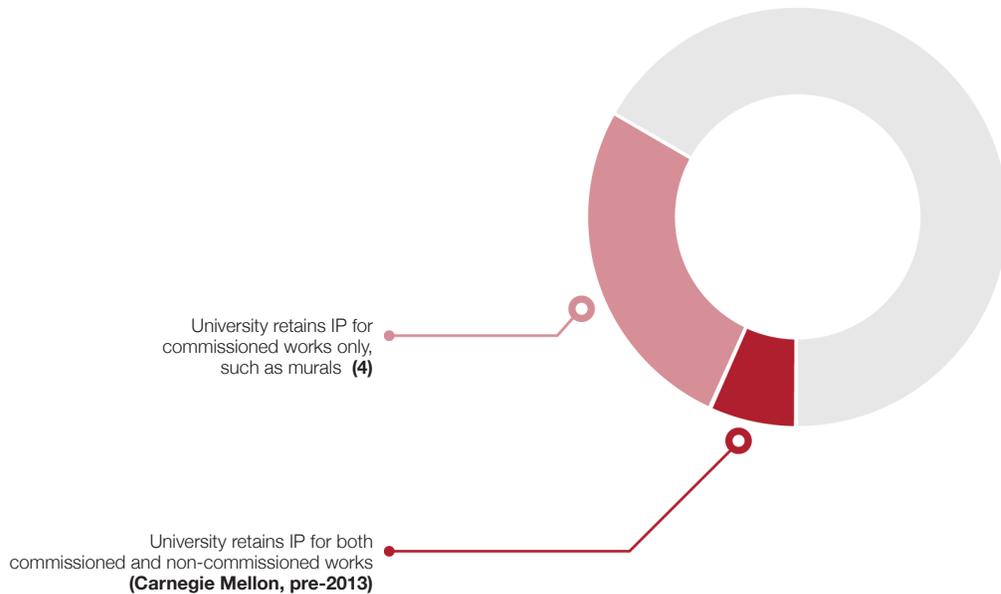
Figure 5: Funding Sources for AIR Programs



At the time of this study, Carnegie Mellon was the only school from the sample that retained the IP of all works (including non-commissioned works) created by artists-in-residence (see Figure 6). Four universities stated that they retain IP **only** for commissioned works (such as campus murals or paintings of trustees), while ten stated categorically that they **never** claim any rights to works by artists-in-residence.

Ten participating schools were willing to share copies of their official AIR contracts and letters of agreement with the benchmarking committee. Review of these documents confirmed that at least five schools explicitly articulate intellectual property ownership by and for the artists in their AIR agreements.

Figure 6: Schools Claiming IP Rights for Commissioned and Non-Commissioned Works by AIRs



Copyright and Licensing

Six universities indicated that they assert non-exclusive rights to retain documentation images (or video/audio recordings) of the artists' projects for promotional, educational, or archival purposes. In at least four cases, this is also explicitly stated in the university's AIR agreement.

WHY SHOULD ARTISTS-IN-RESIDENCE RETAIN THEIR INTELLECTUAL PROPERTY RIGHTS?

The participating universities were asked to explain why their artists-in-residence should be allowed to retain the IP rights for work created during their residencies. Their responses are categorized below.

Two schools indicated that allowing artists to retain their IP rights is a moral obligation.

"[Our letter of agreement states] 'the AIR will assert his or her **moral right** to be identified as the creator of the commissioned work. Copyright of the work remains at all times with the artist.'"

Six schools stated that allowing artists to retain their IP creates a supportive and welcoming environment, which helps attract top talent to the residency program.

"It makes them feel welcome. Even if it is new media art or software [art] – it is their business. If you want to have a really

vibrant, alive program that really, really and truly makes your students grow, then you let artists come and do whatever they want, and then they go. And none of that is a piece of yours, but it [the benefit] goes to the students."

"[If the program claimed IP,] it would have a negative impact. Why would we want to do that? Dramatically negative impact. The conception of this is not what [our university] can get out of these people. It's a program that **allows people to flourish in an environment that is supportive of their cutting edge work.** It's competitive to get into and we are in a sense encouraging them to flourish and that's what it's all about."

"Artists like it. They don't owe us anything."

"[We] get better results and commitments from artists, big ones, when they don't have to worry about giving over any rights to their material."

"It's about making them [the artists] as welcome as we can. If we're going to create these pieces and get the students to think more abstractly and increase their communication skills, **we need to be as welcoming as possible so the artists want to come.**"

“

It's a program that allows people to flourish in an environment that is supportive of their cutting edge work.

”

One school noted that many funders, especially in the arts, require or expect that artists retain their IP.

“The stipulation comes not from the University, but from these outside resources [foundation and government funders].”

Three schools stated that allowing artists to retain IP is consistent with the mission and policies of the university.

“Any public domain work conducted at the university is freely open and available. **The University deeply respects artists’ copyright**, for anything covered by copyright.”

Eight schools stated that visiting artists are not paid for their IP, nor to produce a finished product.

“When **the purpose is the engagement of the students with the process of creativity**, and failure is an option, then all we need is acknowledgement. We don’t need to own someone’s intellectual property. If we don’t commission the work, then we don’t keep it.”

“Our idea is that we are primarily contracting them to **provide an educational experience** for our students, which takes the form of an inside look into their productive practices as artists.”

“[We’re paying them] to practice their discipline in a cultural/ education environment **for the public good.**”

“They are artists, it’s their work – we are supporting their creative activity. We see ourselves as an incubator. We would argue that **what we purchased was some of their time, not the resulting work.**”

“We paid them to give the students the experience of helping them create the art.”

Three schools noted that it is costly and impractical for the university to retain an artist’s IP.

“In most cases the work isn’t finished while they are here. They worked on it in many places. **How would you divvy up what part relates to you** just because they worked on it here for a few months?”

“Following up on the artists’ IP would cost more than to just let it go.”

RECOMMENDATIONS: BEST PRACTICES

- Universities with artist-in-residence programs should establish a hiring classification of “Visiting Artist” (or equivalent), with associated IP protections. AIR programs should be governed by policies designed specifically for that purpose, rather than attempting to adapt existing policies to their needs (through complicated exemptions, waivers, and easements).

At one of the programs included in this report, artists-in-residence are referred to as “visiting scholars” and are administratively much more similar to faculty than staff. Their visiting scholars are governed by the visiting scholar program policies, as well as the university’s patent and copyright agreement. Visiting scholars have an IP relationship with the university which is the same as that of the faculty. Visitors must sign a patent and copyright agreement only if working on research projects on campus for one quarter or more. Under this system, artists-in-residence are not paid via payroll, but are offered a stipend or honorarium.

- Artist-in-residence programs should seek additional funding, such as named endowments for AIRs, for financial stability and flexibility.

External funding, particularly federal grants, can complicate IP issues. External funding presents more

challenges, yet there are granters who wish to support AIR programs. We should make it easier to obtain external funding and maintain the artist’s IP, given that there are sponsors (e.g. NEA) who intend for the artist to retain the IP.

- All proposals associated with artists-in-residence should be reviewed to avoid language that would cause restrictions to the university or to IP.

To ensure there is no expectation aside from telling the funder how the money is spent, funding proposals should be crafted in such a way that the university has no obligation for deliverables in the award.

- Universities should promote communication and relationship building between AIR program administrators and the legal department.

A few programs participating in the study indicated that their programs are “under the radar” administratively and that their contracts may not be legally sound. Open dialogue will help ensure that both the university and the artist-in-residence are legally protected. It will also enable legal counsel to become more familiar with the administrative practices of AIR programs - and the motivations behind them - so that appropriate policies can be established.

Universities have been randomized

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
University asserts ownership of IP	○	○	○	○	○	○	○	○	○	○	○	○	○	○
An IP contract is signed with the AIR	○	○	•	•	○	•	○	○	○	●	●	●	○	•
Have you ever had an IP 'problem'?	○	○	•	○	○	•	○	○	○	○	○	○	○	○
Provides document explicitly granting IP rights	○	○	○	•	○	●	○	●	●	●	●	○	○	●
Program is funded by endowment/internal funds	●	●	●	○	●	●	○	●	●	●	●	○	●	●
Program is funded by government funds	○	○	○	•	○	○	●	●	•	●	●	●	○	○
Program is funded by foundation funds	○	○	○	●	○	○	●	●	●	●	●	●	●	○
Artist must provide liability insurance or sign waiver	○	•	•	•	•	•	•	◐	○	◐	•	●	●	•
University requests royalties or licensing fees from the AIRs	○	○	•	○	•	○	○	○	○	○	○	•	○	•
University requires acknowledgment for its support of the AIR	○	•	●	●	●	•	●	●	●	●	•	●	●	●
AIRs are required to teach	○	○	○	○	•	•	○	○	○	○	○	•	○	○
AIRs are paid via honorarium	●	•	•	●	●	●	●	●	●	●	●	●	●	●
AIRs are paid via payroll	•	•	•	●	•	•	•	●	●	●	•	•	•	•
New work is created on campus	●	●	●	●	●	●	●	●	●	●	●	●	●	●
The AIRs' work is sometimes started elsewhere	●	●	●	●	●	●	●	●	●	●	●	•	●	●
The AIRs' work may involve collaboration with students	●	●	●	●	●	○	●	●	●	●	●	●	●	●
Students can be paid to assist AIRs	○	•	•	○	•	○	○	•	○	●	•	●	○	○
AIRs have access to university resources, labs, libraries	●	●	●	●	●	●	●	●	○	●	●	●	●	•
The university has a special title for the AIRs' employment category	various	contractor	•	other	contractor	contractor	•	various	various	visiting artist	sub-contractor	contractor/staff	contractor	contractor
AIRs' typical length of stay	9 weeks	5 days	up to 1 year	4-18 weeks	1-3 weeks	3-5 weeks	1-4 weeks	2-3 weeks	5-11 days	weeks-months	6 weeks	3-7 days	2-7 days	20 days
Studio space provided	●	●	●	●	●	●	●	●	○	◐	●	●	●	○
Living space provided	●	●	○	○	●	●	●	●	●	◐	•	○	○	●
Housing is taxable income	○	○	○	n/a	○	○	•	○	○	●	•	•	n/a	○

● yes ○ no ◐ sometimes • no information available

U.S. UNIVERSITIES WITH AIR PROGRAMS*

Albion College, MI
Alfred University, NY**
 American University, DC
 Arizona State University, AZ
 Bowdoin College, ME
 Brandeis University, MA
 Brown University, RI
 California Institute of the Arts, CA
 California Institute of Technology, CA
 Columbia University, NY
 Cornell University, NY
Dartmouth College, NH**
Drexel University, PA**
 Duke University, NC
 Emory University, GA
 George Washington University, DC
Georgia Institute of Technology, GA**
Harvard University, MA**
 Hollins University, VA
 Johns Hopkins University, MD
Lehigh University, PA**
Massachusetts Institute of Technology (MIT), MA**
 New York University, NY
 Northwestern University, IL
 Ohio State University, OH
 Oregon State University, OR
 Pennsylvania State University, PA
 Princeton University, NJ
Rensselaer Polytechnic Institute (RPI), NY**
 Rice University, TX
 Seattle University, WA
 St Mary's College of Maryland, MD
Stanford University, CA**
 Stony Brook University, NY
 Syracuse University, NY
 Texas A&M University, TX
University of the Arts, PA**
University of California, Berkeley, CA**
 University of California, Irvine, CA
 University of California, Los Angeles, CA
 University of California, San Diego, CA
 University of Chicago, IL
 University of Colorado, Boulder, CO
 University of Florida, FL
 University of Houston, TX
 University of Illinois, Urbana-Champaign, IL
 University of Maine, ME
 University of Maryland, Baltimore County, MD
 University of Michigan, MI
 University of Minnesota, MN
 University of Nebraska, Lincoln, NE
 University of New Mexico, NM
 University of North Carolina, NC
 University of Pennsylvania, PA
 University of Rochester, NY
 University of Tennessee, Knoxville, TN
University of Texas, Austin, TX**
 University of Washington, Seattle, WA
 University of Wisconsin, Madison, WI
 Vanderbilt University, TN
 Virginia Tech, VA

Washington University, St. Louis, MO
 Wesleyan University, CT
William Paterson University, NJ**
Yale University, CT**

*This list includes U.S. universities purporting to have artist-in-residence/visiting artist programs at the time of this study, from which the fourteen participants were selected. This list is not exhaustive.

**These universities were selected for inclusion in the benchmarking report based on their AIR programs' similarity to that of the STUDIO.

INTERVIEW QUESTIONS

1. Why does your institution have an AIR program? What are the reasons, benefits and motivations?
2. Are AIR's typically considered faculty, staff, contractor or something else? (If "something else," what?) Do faculty enjoy the greatest IP freedoms, and do your AIRs enjoy the full extent of those freedoms, or not?
3. If AIR's are on campus and producing their art, do they keep the resulting intellectual property (i.e., their artwork)? Under what circumstances would they not (e.g. collaboration with faculty, externally funded projects, etc.)? Has a "problem" (i.e. conflict over IP) ever arisen with an AIR over their art? If your university allows visiting artists to keep their IP, why would you do that?
4. Do AIR's sign any sort of IP agreement? If so, could you send us a copy of the applicable IP agreement contract and policy?
5. If your university does not guarantee that the AIRs will retain the IP rights in their work, does the AIR have an opportunity to seek a license back to their work? If so, have they ever not received this?
6. How would the ownership of the IP be complicated if a residency involved continuing an artwork initiated elsewhere?
7. How does or might interaction with students and faculty hinder their ability to keep the IP of their artworks? For example, does having a student assist their work complicate its ownership?
8. How do different funding sources play into your AIR policy? What kind of funding do you use for artists: private, foundation, federal?
9. What tangible returns does your university expect and collect from artworks developed through your residencies? For example: licensing fees, royalties, acknowledgement for support?
10. Are AIRs primarily brought in to educate? Are they expected or required to teach?

LIMITATIONS OF THIS REPORT

- A small handful of participants stated that their programs “fly under the radar” administratively, or that they anticipate further scrutiny in the future from their administration and legal counsel. For these universities, we cannot assume that their legal departments are in agreement with their IP policy.
- At the time of this writing, at least two programs are in the process of changing their own policies on how residencies are handled administratively.
- At least two program coordinators expressed the anxiety that they were doing it incorrectly and that their programs’ contracts might not be legally sound.
- It is not possible to confirm that other programs’ definitions of employment categories such as “contractor,” “staff,” or “faculty” correlate directly to CMU’s definitions for these terms.