



Texas Tech University

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OSU to pay Texas Tech \$40,000 for software use

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TULSA, Okla. (AP) - Oklahoma State University will pay Texas Tech University \$40,000 to license software former OSU employees had used without authorization for months, a Texas Tech official said Thursday.

Texas Tech Chancellor Dr. David Smith signed the agreement Wednesday afternoon after previous approval from Oklahoma State officials, said Mike Phillips, Texas Tech's chief information officer.

The agreement allows OSU five years' use of three software programs designed at Texas Tech but used without authorization at the Stillwater university for months, Phillips said.

Oklahoma State's chief information officer, Gary Wiggins, said a preliminary agreement reached earlier required only Texas Tech's approval. But he said he could not confirm the deal's completion because he hadn't yet spoken with Phillips.

"If so, that's good news," Wiggins said.

The settlement does not address OSU's past use of the programs - one, creating OSU's online events calendar; another, a security application; and the last, a tool for developing software code.

"There's not a lot that can be done about what's already occurred," Phillips said. "We were trying to protect our intellectual property issues moving forward."

A June 25 report from OSU's General Counsel's Office said two employees "more likely than not" gained unauthorized access to Texas Tech computers to copy programming code used for OSU's online events calendar.

Wiggins has said the university used the software for months under the assumption the code was "open source," available for free to any user.

The employees, Brandon LaBonte, OSU's director of software services, and his assistant, Michael Hewett, led the team that designed the software while the pair worked under Wiggins at Texas Tech.

Wiggins, LaBonte and Hewett came to Oklahoma State when OSU President David Schmidly left the Lubbock, Texas, University for Stillwater.

LaBonte and Hewett have been forced to resign over the flap, and payments totaling almost \$30,000 in their resignation agreements have prompted protest from faculty members in Stillwater.

Schmidly was meeting Thursday morning with Faculty Council leaders who have called for his resignation, provided he knew of the payments, and that of Wiggins, who oversaw the resignations.

Schmidly told the Tulsa World in a story Thursday that neither he nor Wiggins should resign because he'd seen no evidence of wrongdoing.

LaBonte and Michael Hewett were paid \$16,083 and \$12,883 respectively - two months severance pay - in agreements requiring them not to make adverse comments about the university and voiding their right to sue.
