Kennesaw State University

October 2018 Faculty Senate Meeting Agenda

Faculty Senate Executive Committee Meeting: Monday, Oct 22nd 12:30-1:45pm KH4427
Faculty Senate Meeting: Monday, Oct 29th 12:30-1:45pm KSU Center Room 300

I.   **Call to Order**
1. Welcome – Dr. Jennifer Purcell
2. President's Update – President Pamela Whitten
3. Provost's Update – Interim Provost Linda Noble

II. **Approval of the Agenda**

III. **Approval of Minutes**

IV. **Reports**

V.   **Old Business**
A. Intellectual Property (IP) Policy – Dr. Jonathan McMurry
B. Conflict of Interest and Commitment – Andrew Newton
C. Overload Approvals – Dr. Humayun Zafar
D. Faculty Salary Studies – Dr. Humayun Zafar
E. Elections
   1. Parliamentarian
   2. KSURF Faculty Representative
   3. FSEC Past-President (Spring 2019)

VI. **New Business**
F. Policy Process Council Updates – Dr. Kevin Gwaltney
   1. Cellular, Wireless Communications Devices, and Services Policy
   2. Technology Purchasing, Relocation, and Surplus Policy
G. Faculty Workload Recommendations – Drs. Linda Noble and Ron Matson
H. Elsevier Subscription – Dr. David Evans

VII. **Informational Items**
I. General Education Updates – Dr. Kristen DuRocher

VIII. **Announcements**

IX. **Adjournment**

KENNESAW STATE UNIVERSITY

September 2018 Faculty Senate Meeting Agenda

Attendance

September 24, 2018

Role	Name	
LIAISONS		
Staff Senate	Angela Beam	Y
Student Government Association		
Part-Time Faculty Council	Joanne Lee	Y
Chairs and Directors Assembly	Robbie Lieberman	Y
Deans Council		
EX-OFFICIO		
President	Pamela Whitten	Y
Provost and VP for Academic Affairs	Linda Noble	
Senior Associate VP for Academic Affairs	Ron Matson	Y
Associate VP for Academic Affairs	Val Whittlesey	
SENATORS		
Faculty Senate President	Jennifer Purcell	Y
College of the Arts		
Art and Design, School of	Craig Brasco	Y
Dance	McCree (David) O'Kelley	Y
Music, School of	Jana Young	
Theatre and Performance Studies	Jim Davis	Y

College of Architecture and Construction Management

Architecture	Tim Frank	Y
Construction Management	Charner Rodgers	

College of Computing and Software Engineering

Computer Science	Ken Hoganson	Y
Information Technology	Ming Yang	Y
Software Engineering	Allan Fowler	Y

Coles College of Business

Accountancy, School of	Cristen Dutcher	Y
Economics, Finance and Quantitative Analysis	Abhra Roy	Y
Information Systems	Humayun Zafar	Y
Management, Entrepreneurship, and Hospitality, Leven School of	Doug Moodie	Y
Marketing and Professional Sales	Sandra Pierquet	Y

Bagwell College of Education

Educational Leadership	Nik Clegorne	
Elementary and Early Childhood Education	Marrielle Myers	Y
Inclusive Education	Joya Carter-Hicks	Y
Instructional Technology	Anissa Vega	Y
Secondary and Middle Grades Education	Bryan Gillis	Y

WellStar College of Health and Human Services

Exercise Science and Sport Management	Laurie Tis	Y
Health Promotion and Physical Education	Peter St. Pierre	Y
Social Work and Human Services	Rene McClatchey	Y
Nursing, WellStar School of	Mary Beth Maguire	

College of Humanities and Social Sciences		
Communication and Media, School of	Justin Pettigrew (proxy: Laura Beth Davis)	Y
Conflict Management, Peacebuilding and Development, School of	Heather Pincock	Y
English	Jeanne Bohannon	Y
Foreign Languages	Noah McLaughlin	Y
Geography and Anthropology	Paul McDaniel	Y
History and Philosophy	Marianne Holdzkom	Y
Interdisciplinary Studies	May Gao	
Government & International Affairs, School of	Steve Collins	Y
Psychological Science	Daniel Rogers	Y
Sociology and Criminal Justice	Brian Starks for Darina Lepadatu (Fall)	Y
Technical Communication and Interactive Design	Uttam Kokil	Y
College of Science and Mathematics		
Chemistry and Biochemistry	Michael Van Dyke	Y
Ecology, Evolution, and Organismal Biology	Joe Dirnbeger	
Mathematics	Josip Derado	
Molecular and Cellular Biology	Jerald Hendrix	Y
Physics	Russell Patrick	
Statistics and Analytical Sciences	Josip Derado	
Southern Polytechnic College of Engineering and Engineering Technology		
Civil and Construction Engineering	Matthew Wilson	

Computer Engineering	Scott Tippens	
Electrical Engineering	Walter Thain	Y
Engineering Technology	David Stolberg	Y
Mechanical Engineering	Simin Nasseri for Mohammed S. Mayeed (Fall)	Y
Mechatronics Engineering	Ying Wang	
Systems and Industrial Engineering	Lin Li	
University College		
Culinary Sustainability and Hospitality, Michael A. Leven School of	Jonathan Brown	Y
First-Year and Transition Studies	Richard Mosholder	
Leadership and Integrative Studies	Ginny Boss	Y
Honors College		
Horace W. Sturgis Library	Barbara Wood	Y
VISITORS		
Office of Undergraduate Research (NCUR)	Amy Buddie	Y
Internal Audit	Lesley Netter-Snowden	Y
Museums, Archives and Rare Books	Mariel Fox	Y
Museums, Archives and Rare Books	Amber Smith	Y
Distance Learning Center	Tamara Powell	Y
Office of Institutional Effectiveness- Policy Process Council	Kevin Gwaltney	Y
General Education	Kris DuRocher	Y
Legal Affairs	John Marshall	Y
Legal Affairs	Andrew Newton	Y
Office of Diversity and Inclusion	Nathalia Jaramillo	Y

Faculty Senate Meeting: Monday, Sept 24th 12:30-1:45pm KSU Center Room 300

I. **Call to Order**

The meeting was called to order by Jennifer Purcell at 12:31pm.

1. **Welcome – Dr. Jennifer Purcell**

Dr. Purcell welcomed everyone to the meeting.

2. **President's Update – President Pamela Whitten**

President Whitten provided the following updates:

First, progress continues on the Provost Search. The deadline for applications is coming up. We will conduct airport interviews in October. Finalists will visit campus in early November.

Second, Academic Learning Center—really pushing to make this a priority this year. Capital budget 39+million. It is one of the projects going forward out of the BOR budget request. 140K square foot building for classroom space and space for students and faculty to interact. Pushing forward with that.

Third, rankings news. UG Engineering are in top 100 in the nation for first time. Second year in a row we are a National U not a Regional U. Business School in top 150 of US. Diverse Magazine rankings place KSU 17th in nation with Bachelors to African Americans nationwide (up from 24). Combining all MA, ranked 90 in the US for most African American graduate degrees. 80th in the nation to all minorities in all disciplines.

Fourth, growth in the Grad College. 3200 students enrolled (8.5% increase, 14%+ increase since consolidation). An important trend. Bureau of Labor statistics show jobs requiring grad degrees are growing faster than those requiring UG degrees. Top 5 graduate programs by enrollment, MSIT, MBA, WebMBA, EDD and MED Instructional Tech.

Fifth, inaugural class of the Coca-Cola scholars. Gift of 1.25 million from Coca-Cola foundation. Scholarships and wrap around funding for first generation students. 35 scholars at KSU this year, one of the larger programs in GA. A 5K award to each student. 3.55 GPA average. Declared majors in 10 colleges across KSU.

Sixth, College of Arts, Dept. of Dance received 350K gift. Funds to support Dance students.

Seventh, gap work we did this year. Trustees meeting early this year. We featured students at these meetings. Financial Aid (Ron Day, Director) reported numbers of those who can't finish degrees at KSU in their last semester due to a shortfall of funds. We called an emergency conference call and asked the Trustees to release funds for top up/gap funds this fall when there are students in their last semester a bit short. We will be tracking it and we are grateful to the Trustees for acting so quickly.

Eighth, National Conference for Undergraduate Research (NCUR), we will hear more from Amy Buddie later in the meeting. We have a real opportunity to step up for the event on campus. She asks that faculty look for ways to build this in to your classes.

3. **Provost's Updates – Interim Provost Linda Noble (represented by Ron Matson).**
Dr. Noble planned to join virtually but technology didn't allow for this. She asked Dr. Matson to give updates on her behalf.

First, regarding the pause on new curriculum. We are still looking at that. No timeframe at the moment as to when that will be lifted.

Second, workload is also an ongoing project. Administration has heard faculty about the "pile on". Working team (Dean, Chair, Jennifer Purcell, Ron Matson) is looking at best practices with workload (not P&T). No details or conclusions yet.

Third, she intends to start searches for Deans for Arts, CHSS, and Engineering this semester starting in October. That process will be starting fairly soon. She will start forming the committees and go through the normal search processes that we follow.
   a. A Senator asked what the tentative deadline for the workload working group' report is. Dr. Matson responded that they are aiming for a report at the end of October but that there is no official deadline.
   b. A Senator asked about the timeline for the Deans searches. Dr. Matson said they are aiming to start in October, interviews in the Spring, and July 2019 start dates.
   c. A Senator asked if the workload group will be engaging in an iterative process where they will invite feedback from Senate or other bodies? Dr. Matson said the recommendations of the group will go through the shared governance process.

II.   Approval of the Agenda
Agenda approved.

III.   Approval of Minutes
Request that the minutes be amended to indicate that Peter St. Pierre was present at the August meeting. Noted and amended. Minutes approved.

IV.   Reports
1. Part-time Faculty Council – Dr. Joanne Lee
   Circulated to Senators with the Meeting Agenda.
2. Staff Senate – Dr. Cristen Dutcher
   Distributed in hard copy at the meeting.
3. SGA - Dr. Heather Pincock
   Distributed in hard copy at the meeting.

   Reports approved.

V.   Old Business
A. Intellectual Property (IP) Policy – Dr. Jonathan McMurry
Dr. McMurry (Associate Vice President for Research, Office of Research) was unable to attend and John Marshall (Part-Time Associate General Counsel, Legal Affairs) spoke in his place.

He explained that he and Don McGarey (Interim Vice President for Research) visited back in May (sic—April), discussed the policy, posted a proposed revision to the policy to the website as a draft and solicited comments. He stated they have tried to incorporate comments received into the current draft. He would be outlining the differences between the old and new policy and take further questions because they would love to see this eventually adopted.

He identified three broad areas of concern in the current policy that they have sought to address in the proposed policy:

1) <u>Disclosure and Definitions</u>
   Current policy:
   If you google it, you find multiple versions. There is one in the University Handbook which we assume is the official current policy.
   Issues: not much clarity in defining University support to determine what is a University assisted effort. Not clear on how student rights are protected. Biggest

problem, there is no requirement for disclosure of inventions. Disclosure avoids problems down the line with IP that the University has a claim to. Disclosure allows us to determine if it was University assisted and enables the University to protect IP (patent protections).

Proposed policy:

Contains a disclosure requirement.

Does not cover traditional academic works (ex. textbook)—and this is hopefully clearer in the new version. You are only required to disclose traditional academic works if you received obvious University support (ex. course release) in which case the work is now considered University assisted. The new policy seeks to clarify what exempts something from being University assisted. Students and staff are more clearly addressed in the new policy (it does cover their IP).

2) <u>Sharing of royalties</u>

In many cases no royalties are accrued so sharing of 0 remains 0.

Current policy:

100% for individual effort to the creator.

For University Assigned effort 50% (Creator)/30% (Creator's Dept.)/10% (Office of Sponsored Programs)/10% (Faculty Development budget- but nobody is sure what this refers to).

Proposed policy:

100% for individual effort to the creator.

University Assigned or Assisted: 50% (Creator)/25% (KSURF)/25% (Creator's Dept. or College)

He showed a slide with sampling of the royalty sharing formula from other institutions' IP policies and highlighted that 50/50 is fairly generous when compared to many of the other institutions in the sample.

3) <u>IP Committee Composition</u>

Current policy:

Composition of IP Committee refers to some areas of the university that don't exist anymore. There is a committee functioning that was appointed by the President and it has met a few times to address a few issues.

Proposed policy:

Similar to the old but it does not have a student (this did not seem like a good idea for an IP Committee). We hope those on the committee will have some experience with IP from across the disciplines. Students serving just one year

would not have required expertise. There will be seven committee members and they will serve three-year terms.

Mr. Marshall said he will make PowerPoint available to Faculty Senate for distribution with the minutes. Questions or additional feedback should be forwarded to: Don McGarey at dmcgarey@kennesaw.edu

a. A Senator asked about the comparison institutions shown on the slide and noted that one of our peer institutions, Georgia Southern has a 70/30 royalty sharing policy. Why isn't KSU modeling our policy after theirs?
   Mr. Marshall stated that Georgia Southern's model is an outlier. They have had 0 patents filed generating royalties, and only a couple of patents. He noted that 50% for the creator is significant and generous compared to other examples.
b. A Senator noted that stimulating research is the broader goal of a University and that compensation is part of the motivation. She asked what research or study might exist to identify the optimal balance?
   Mr. Marshall said he does not know and has not seen such as study and what tends to make a difference is getting more disclosures. He said they are also concerned with generating funds to support their work to protect patents.
c. A Senator noted that in his experience at Florida State the University's royalty share on patents went directly to research grants for junior faculty. It doesn't seem like the policy addressed specifics about where the funds captured will be directed. That should be part of the discussion.
   Mr. Marshall said this was a fair point and stated that the intent of those running the research foundation in past is to use funding to both support protection of IP and to provide research initiative grants to keep stimulating more research.
d. A Senator pointed out that in her discipline patents and significant royalties are not part of the kind of work they do. She asked if manuscript completion grants would make the journal article or book manuscript produced "university assisted" under the policy?
   Mr. Marshall said the IP Committee would have to look at that on a case by case basis. It would depend if the grant were thousands of dollars or a very small amount.
e. A Senator asked about adding a lower threshold amount in the policy so that the royalty sharing doesn't kick in unless the work generates a certain amount of revenue. This would allow for the cases where a work

might qualify as University assisted but the amount of royalties we are talking about, from a University Press book for example, are so insignificant they are really not the reason for the policy. It had been suggested last time we discussed this that having a clause where 100% of the royalties go to the Creator for the first X thousand might be a good way to draw a distinction between traditional academic work vs. the kind of work the policy is really aimed toward.

Mr. Marshall said they do have language cued up for a threshold minimum but haven't added it because not many people have brought it up. The thing they are still wrestling with is a scenario where a 5K grant supports the creation of a book that generates 5K in royalties and whether the University should first subtract that 5K before any royalties go to the individual creator. If a threshold minimum would make the policy more acceptable it is something they are open to. They would love feedback on whether that is an issue that would make folks feel better about the policy.

f. A Senator asked for a point of clarification about the last comment made. He noted that this was a significant new element if the idea was to claw back any kind of assistance provided from royalties generated.
Mr. Marshall stated that the existing policy has language that probably allows for that.

g. A Senator asked who is on the Committee that was referred to because the Senate has been trying to get that information since last year.
Mr. Marshall said that those who have been working on the policy are Don McGarey, Jonathan McMurry, with assistance from him and that it has been run through the Policy Process Council on a few occasions. Dr. McGarey has personally solicited faculty for comments and has incorporated that into revisions. There is an existing IP Committee that is there to address disputes that arise (but it is not the seven member committee outlined in the revised policy- it sort of conforms to the committee outlined in the current policy). There has only been one dispute for this committee to address in recent memory.

h. A Senator asked whether the IP policy allows for tracking down students who publish games/apps to get the money back?
Mr. Marshall stated that students likely own the IP they create under the new policy even if they develop it as part of class assignments.

i. A Senator asked about the next step with the policy given that there are still a number of concerns being raised and it was mentioned that some changes that could still be made so what is the next step?
Mr. Marshall said he hopes the next step will be that faculty will send suggestions for changes and that they will bring it back to the October Faculty Senate meeting.

Dr. Purcell noted that one concern raised last Spring and then reiterated last Monday was about discrepancies on the website regarding what was current vs. proposed policy and that it was corrected within 24 hours. She thanked Mr. Marshall and his team for addressing that and for speaking with us today and to all Senators for sharing their feedback.

B. Elections – Parliamentarian
Dr. Purcell announced that Faculty Senate is still seeking a Senator to serve in the role of Parliamentarian.

VI. **New Business**
C. Conflict of Interest and Commitment – Dr. Cristen Dutcher
Dr. Dutcher shared three primary concerns raised by her colleagues in the School of Accountancy, regarding the Sept. 5 Legal Affairs email about the Conflict of Interest and Commitment policy:

1) How do faculty define normal working hours since we do not work a 9-5 job?
2) What is the reason for uncompensated outside activities to be reported? What is the scope of this and how are we to know when our responsibility to the University ends and where our personal lives begin?
3) Confidentiality—public disclosure. What is the depth or detail of the disclosures and how much will be shared?

Dr. Purcell welcomed Andrew Newton (Acting Vice President and Chief Legal Affairs Officer) to respond to Dr. Dutcher's questions and noted that we have received many similar questions from across multiple Departments.

Mr. Newton said they are working on a set of FAQs and hope to post those to the web soon. They have run some of their answers past the USG and are waiting for approval before they post. He noted they have received the three questions Dr. Dutcher asked before and that he would address each in turn.

1) In response to the first question about normal working hours he stated that normal working hours only comes into play for uncompensated outside activities. You need approval for an uncompensated activity that will take place during your normal working hours. So, for uncompensated activity—what are normal working hours? FAQs will address this. People

have different hours and it depends on your job. Advice he has given so far: working hours are something between your supervisor and you. For example, you may teach late in the evenings and that could affect what your normal working hours are at other times.

2) Regarding why we are reporting uncompensated activities and what the scope of that is, he noted this is also a common question and that a simple answer is simply that the BOR policy requires it. But the reason they ask for this is that you are missing work to do something that isn't work and it is therefore reasonable for the employer to have oversight over that. Regarding scope, what many people ask about are service activities or normal scholarly and professional activities that are not for KSU specifically but are valued by KSU (ex. professional service or community engagement) and these are even described often in the FPA and in some ways approved there so how much of those are covered by the policy. He stated that his answer today is that they are covered but they are seeking clarification from the USG if they really want one by one approval from KSU and all USG institutions. He stated it is important to address concerns about conflict of commitment and to be clear about how much time people are spending serving the profession vs. time spent on their core KSU duties. The point many have made is that the two circles overlap.

   a. Dr. Dutcher asked where does BOR policy address uncompensated activities. Mr. Newton replied it is in section 8.2.18.2.4.

   b. A Senator asked that he talk more about the approval process in terms of who will approve requests?
   Mr. Newton replied that it will be the Provost for faculty requests. UITS is working to make it into an electronic workflow system where faculty could view a dashboard of all requests and hoping to make it live next year. He acknowledged the current process is a bit clunky where faculty generate a pdf, send it up chain, and it comes back to faculty. Legal Affairs maintains a spreadsheet that is currently updated manually and they are working to automate it. For non-faculty it is the President who approves requests.
   The Senator followed up to clarify that it is only the Provost and no committee?
   Mr. Newton said yes and that they will propose for consideration a Conflict of Interest committee who would not be involved in pre-approval but for review of conflicts and advice on "management plans".
   The Senator followed up with her concern that some activities are very specific by discipline and raised the prior controversy with the

term "social justice" and that the current policy leaves approval of activities entirely at the Provost's discretion. What if some activities are rejected based on personal beliefs?

Mr. Newton said that if that is an actual rather than a hypothetical concern to take it up with your management, or with Legal Affairs, or the Ombuds to try to resolve that. The policy does not include any appeals at this point. If you think people misunderstand the dynamics then you should talk about that.

c. A Senator asked about the timeline for approval and about pre-approval vs. approval. Should faculty put action on hold until approved especially when it concerns ongoing activities? How long can we expect to wait?

Mr. Newton said yes pre-approval is required but there isn't current data on the average approval time during the current process. For faculty it could take a week or more. Put requests in as soon as you can and let people know if there is an urgent deadline.

The Senator followed up to say that in his case an ongoing activity he was told to resubmit was requested at least two weeks ago and have not heard back.

Mr. Newton said he would raise this with Provost and suggested the Senator raise it up their chain of command. Another commonly asked question is about ongoing activity and the FAQ will address this. Faculty have asked about one request for a similar activity that occurs on reoccurring basis. For now, each instance should be reported but they are working on a possible ongoing approval with possibility of backwards reporting.

d. A Senator asked how the COI Policy affects Part-Time Faculty for whom work for KSU is their "outside activity" or almost uncompensated activity?

Mr. Newton stated that the BOR does not distinguish between different types of employees- the policy applies to all employees. The current policy would require reporting of uncompensated activities during normal working hours (but these would be much less for a Part-Time faculty member who perhaps teaches one course). For compensated activities, yes under the current policy Part-Time Faculty are required to get approval for their other paid work. They are seeking clarification about this from the USG because it is right to call KSU the "outside activity" for many Part-Time employees.

e. A Senator asked if the policy then also applies to Graduate Research Assistants?

Mr. Newton said yes if they are compensated. If HR lists them as employees then yes if, for compensated activities, it is related to what they do at KSU. For compensated outside activities, the policy applies for outside work that is compensated and related to KSU duties. For uncompensated activities, the policy applies to work that is uncompensated but during normal working hours. He acknowledged that as for faculty it may be difficult for GRA's to delineate their normal working hours.

f. A Senator asked if his freelance business, related to the subject he teaches, needs to be disclosed?

Mr. Newtown replied yes because it is compensated and related to your KSU duties. He clarified that the form does not ask for any client information or a detailed description of the work. He also shared that if there are concerns about the information being requested then faculty should contact Legal Affairs to discuss. They need enough information to apply the policy but are willing to discuss concerns and work with individual faculty.

g. A Senator noted that the form does not ask faculty to report the amount they are being compensated. She noted that one Dean emailed his faculty that this may be developed for 2019 and asked if Mr. Newton could comment on this.

Mr. Newton stated that it has not been brought up with him but that the Dean may be looking at that in his particular College. He said the reason it is sometimes included in similar policies is because it could be an indicator of whether or not KSU has your full-time effort. Specific case by case details would matter a lot to assess that. That is just to give an example for why it could be included. No one has brought it up with me but there are places it is included.

The Senator followed up to inquire about the overlap and interplay between the COI and IP policies and whether there may then be an expectation of revenue sharing for consulting practices for both Faculty and Part-Time faculty?

Mr. Newton replied that is why there are some specific IP and Research Sponsored Project questions on the form because we do need to tease those out. KSU's policy (and the general rule/law concerning most employers) is that if you create a work in the scope of your employment then it is owned by your employer—our policy creates many nuances on that stating that individual works are owned by you for example but yes the policies are very related. One of the reasons to ask for approval is to coordinate that and avoid scenarios where two or three people are claiming ownership for the same work.

h. A Senator followed up on the comment about earning 2X your KSU salary. She stated that this could be the case and not interfere with one's KSU performance and asked if this would be considered? She noted this makes faculty feel like property and that this relates to faculty morale and the question of "are you giving KSU your all" is tough to accept for faculty who are spending 80-90 hours per week on KSU work at the expense of their personal lives.

Mr. Newton said that people do appreciate the important and hard work that KSU faculty do and are here to listen to faculty concerns.

i. Dr. Whitten stated that this is not a new policy but something we were supposed to be doing all along and that we are out of compliance. She stated that if we do not address that faculty are at great risk for the security of their job and that we are making sure this policy is being followed and that work is pre-approved to protect faculty. She noted that with regard to the focus on outside pay—from her perspective there is no plan to include that. She went on to say that the pressing piece of this is the issue conflict of interest and perceived conflict of interest. It is about the perception that a faculty or staff member is doing work elsewhere with someone who is a vendor of the institution or seeks to be a vendor. The other piece of Conflict of Interest, she said, is the push back from industry that faculty have unfair competitive advantage because they rely on infrastructure of University (ex. office support) when those competing with them for contracts don't have that infrastructure.

Mr. Newton reiterated that these rules are based on maintaining our integrity and to protect faculty. He noted that when you discuss resources and the 50/50 split in the IP policy, keep in mind all the contributions the University makes to the work faculty complete. In that context he said he thinks it's very reasonable.

j. Dr. Lieberman (CDA Liaison) said her question picks up on that and also relates to the IP policy. She said she had been asked by several faculty who were completing the form what "making use of KSU resources" and reimbursing the University refers to? For those in the Humanities this is confusing, for example if we are writing an article on our KSU computers is that a use of KSU resources?

Mr. Newton replied that it is but we are looking at whether there is a minimum and advised answering the question for now as "normal office support".

k. A Senator asked how the Provost and President are going to approve all these requests in a timely way given the number of employees at KSU? Could a reoccurring activity go through expedited approval?

Mr. Newton answered that he has faith in the President and Provost to do their task but noted that about 4 or 5 days ago they had a total

of 300 entries. He said some of them could be approved quite quickly and that others may require more back and forth. He said he would leave it up to the President and Provost to determine whether it is feasible for them.

l. A Senator stated he would second the earlier comment about faculty morale and understands the process was not generated by KSU and that it was a BOR policy. He said that we know the attention to the policy was all generated by 1-2 egregious cases at GA Tech. He asked that a "reasonable person standard" apply to this and not to burden faculty with trivial matters in its implementation. He also asked about Mr. Newton's comment about work done in the scope of work being property of the employer. He asked if this was intended to apply to every lesson plan or recorded lecture, or power point by KSU faculty? He said we have always been told that these things are our intellectual property and asked for clarification.

Mr. Newton stated that the phrase he used "anything created in the scope or course of your employment", that's a matter of law, what governs us here is the BOR policy. Keep in mind that you create all those things and you are also paid to do these things. And we do have carve outs for individual efforts and traditional academic works and carve out different rules for those but frankly the idea that you "own" your syllabus is not reasonable— if KSU wants to use that with the next person who teaches the class after you leave KSU, I do not think the policy would prevent KSU from doing that.

The Senator responded that it would come as a surprise and would fly in the face of what we have been told before. It has been the practice and understanding that the opposite is true.

Mr. Newton responded that faculty could certainly take those materials with them and use them elsewhere in a new position at another University but that yes KSU does have rights to that work.

Dr. Purcell called for a motion to table the discussion and return to it in October. Moved, seconded and approved.

Dr. Purcell called for a motion to extend the meeting by 5 minutes. Motion, seconded, and approved.

D. QEP Updates – Dr. Amy Buddie

Dr. Buddie said the QEP update could wait until next time and moved on to NCUR.

E. National Conference on Undergraduate Research – Dr. Amy Buddie (Office of Undergraduate Research). She introduced Chris Cornelison (Associate Director of OUR) accompanying her.
NCUR is taking place on April 11-13. There will be 5000 people on campus for the event. Campus will be at capacity. She highlighted the following:
1) Classes will be redirected to the Conference. Thursday, Friday, Saturday week after Spring Break. There will be workshops, career fairs, and presentations/proposals etc. She encouraged faculty to have their students go to the conference and create an assignment they can complete while participating in the conference.
2) We expect 4000 abstracts. Abstracts are reviewed by host institution faculty. The deadline is December 4th and decisions will be made by mid-late January. Hoping that faculty from all departments will pitch in to review abstracts. Biology, Chemistry, Psychology are big departments but we need everyone to pitch in.
3) Encourage students to submit abstracts by the Dec. 4th deadline. There will be workshops for students to create the abstracts. They can be at a proposal stage. January 28th, decisions are due.
   a. A Senator asked if she can have Spring semester students apply to present.
   Dr. Buddie explained that they would unfortunately miss the Dec. 4th deadline to submit. Students in your classes now can definitely apply.
4) Open houses for departments. Link to sign up. Deadline Sept. 28. Committee will review and you will hear within 2 weeks. Michael Sanseviro is chairing.
5) Faculty will be asked to volunteer as panel moderators.
   a. A Senator asked if presentations can be done in languages other than English.
   Dr. Buddie answered yes, they can but abstracts need to be submitted in English.
6) Student registrations for KSU student presenters will be paid by KSU. Non-presenters can attend all sessions for free but cannot eat without registering.

VII. **Informational Items**
   F. Academic Affairs Shared Governance Workshop
      1. Wednesday, October 10, 2018, 1:30-3:30pm – Kennesaw Campus, HS1105
      2. Thursday, October 11, 2018, 1:30-3:30pm – Marietta Campus, Q202

VIII.   Announcements
None.

IX.   Adjournment
The meeting was adjourned at approximated 1:55pm.

PROPOSED IP POLICY- DRAFT 2
OFFICE OF RESEARCH
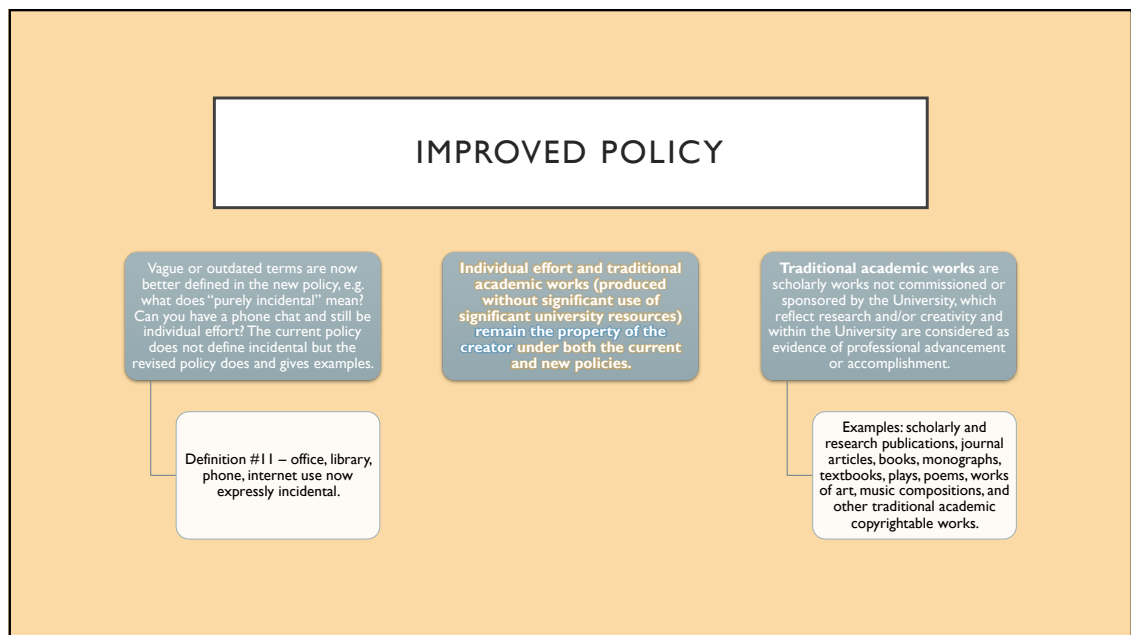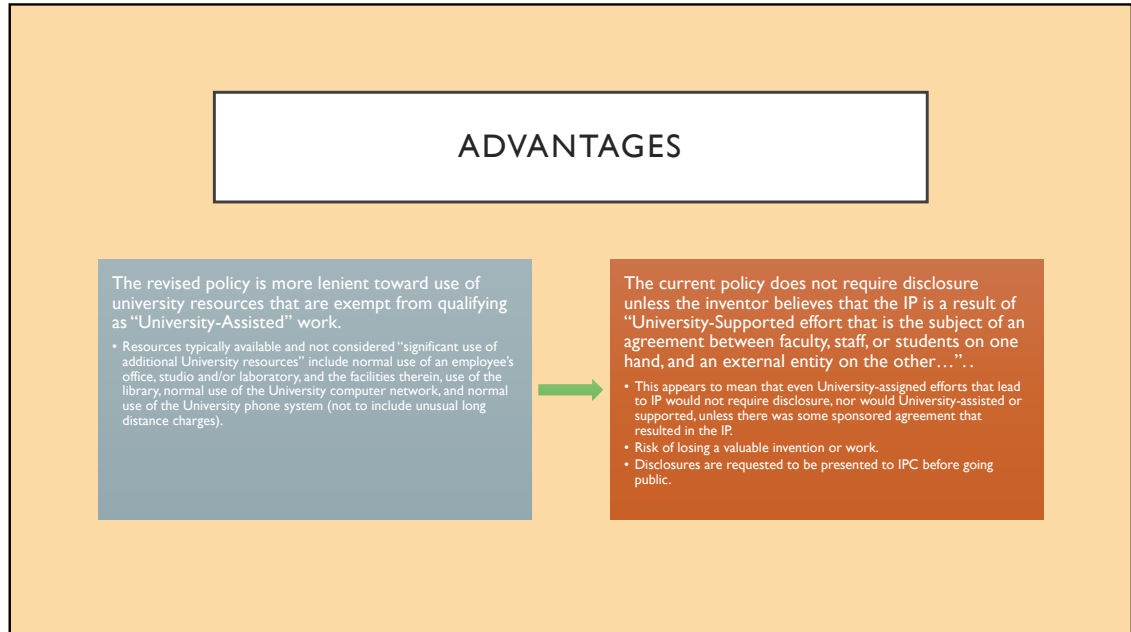# LEGAL AFFAIRS

http://research.kennesaw.edu/docs/Intellectual%20Property%20Policy%20DRAFT%202%2003062018.pdf

BoR Policy

https://www.usg.edu/policymanual/section6/C352/

WHY REVISE THE CURRENT POLICY?

- The current policy is available in the current University Handbook (2018-19 University Handbook, Section 5.2.2) and on the Office of Research web-site under **Intellectual Property (IP)**.
    - http://research.kennesaw.edu/docs/Current_IP_Policy.pdf
- Current policy has not changed much since it was written before 2004, but KSU has.
    - Very little changes were made to the policy with consolidation.

- The revised policy, called *Second Draft Revised Intellectual Property Policy*, is available on the Office of Research web-site under **Intellectual Property**.
    - http://research.kennesaw.edu/docs/Intellectual%20Property%20Policy%20DRAFT%202%2003062018.pdf
- New policy offers advantages to KSU employees and students who develop IP that the current policy does not.
- Enhances support and better clarifies ownership.
- Proposed revised policy has incorporated feedback from the Policy Process Council and Individuals, mainly the faculty from across KSU.
- Proposed revised policy is in-line with other USG Institutions and Board of Regents Intellectual Properties policy.
    - IP Policies from 12 institutions (R1, R2, R3) were reviewed and used to guide some revisions.
- Proposed revised policy fixes problems and omissions within the current IP policy.

ADVANTAGES

The revised policy is more lenient toward use of university resources that are exempt from qualifying as "University-Assisted" work.

- Resources typically available and not considered "significant use of additional University resources" include normal use of an employee's office, studio and/or laboratory, and the facilities therein, use of the library, normal use of the University computer network, and normal use of the University phone system (not to include unusual long distance charges).

The current policy does not require disclosure unless the inventor believes that the IP is a result of "University-Supported effort that is the subject of an agreement between faculty, staff, or students on one hand, and an external entity on the other…"..

- This appears to mean that even University-assigned efforts that lead to IP would not require disclosure, nor would University-assisted or supported, unless there was some sponsored agreement that resulted in the IP.
- Risk of losing a valuable invention or work.
- Disclosures are requested to be presented to IPC before going public.

IMPROVED POLICY

Vague or outdated terms are now better defined in the new policy, e.g. what does "purely incidental" mean? Can you have a phone chat and still be individual effort? The current policy does not define incidental but the revised policy does and gives examples.

Individual effort and traditional academic works (produced without significant use of significant university resources) remain the property of the creator under both the current and new policies.

Traditional academic works are scholarly works not commissioned or sponsored by the University, which reflect research and/or creativity and within the University are considered as evidence of professional advancement or accomplishment.

Definition #11 – office, library, phone, internet use now expressly incidental.

Examples: scholarly and research publications, journal articles, books, monographs, textbooks, plays, poems, works of art, music compositions, and other traditional academic copyrightable works.

ADVANTAGES

- The new IPP protects KSU employees and students in several instances not covered in old IPP:
  - Inventors retain interests after leaving university.
  - Inventors retain interests for heirs.
  - Can steer revenue back into research or scholarship through KSURSF to avoid taxation.
  - Inventors probably own IP if IPC/KSURSF declines to pursue; disclosure process turns rights back to inventor to develop on own and enjoy all revenues if KSURSF uninterested (not true under current policy).
  - All costs for patent development and filing or other protection are borne by KSURSF. The creator bears zero risk.

COMPARISON OF REVENUE SHARE

Proposed Policy Revenue Share
- Corrects errors, and is updated
- Net income distribution, not revenue distribution.
- Distribution to Dept. revised.
- Changes net revenue share for University-Assisted IP to 50/50 instead of 75/25.

Current Policy Revenue Share
- Duplication of University-Assigned
- No Office of Sponsored Programs
- "Faculty Development Budget" is not defined in policy.

REVENUE DISTRIBUTION	Originator	Originator's Department	Office of Sponsored Programs	Faculty Development Budget
Individual Effort	100%	-	-	-
University-Assigned	50%	30%	10%	10%
University-Assigned	75%	10%	5%	10%

NET INCOME DISTRIBUTION	Originator	Originator's Department/School & College/Division	KSURSF, Inc.
Individual Effort or Traditional Academic Work	100%*	0%	0%
University-Assigned or Assisted Efforts	50%	25%	25%

*Individual effort and Traditional Work IP is owned by the individual, who also bears the costs of development and protection. Where the individual creator wants KSURSF to manage or assist in the commercialization of the IP, revenue distribution will be a matter for negotiation.

THE NET ROYALTY SPLIT: INVENTOR/INSTITUTION VARIES

- The listed split is for the net royalty split (investment costs are recovered first) as **Inventor-originator portion/University portion**.
- The University portion is split further between academic units and research foundation or office, but the split is not shown below.
- KSU new IP Policy proposes **50%/50% of net profits for both University-Assisted and University Assigned IP**
  - Louisiana Tech (R3): 40%/60%
  - Indiana State University (R3): 35%/65%
  - Georgia Southern (R3): 70%/30% (University-Assisted) or 50%/50% (University-Assigned)
  - Lamar University-Texas (R3): 50%/50%
  - Florida Atlantic University (R2): 50%/50% after first $5K net (100% of first net $5K to creator), then 35%/65% after $100K net is reached.
  - University of Alabama-Huntsville (R2): 60%/40% after first $5K (100% of first net $5K to creator) and up to $50K, then 50%/50% after $50K net is reached.
  - University North Carolina-Charlotte (R2): 50/50% first $100K; 40%/60% between $100-500K; 25%/75% over $500K
  - University of California System (R1-R3): 35%/65%
  - Harvard (R1): 35%/65%
  - University of Georgia (R1): 25%/75% after first 10K of net revenue (100% of first net $10K to inventor)
  - Georgia Tech (R1): 33%/67% after first $2.5K of gross income (100% of first net $2,500 to inventor)
  - Georgia State (R1): 33.3%/66.7% after first $20,000 of accumulated net ($20,000 to creator or split between creator/college)

IP COMMITTEE
BOR POLICY- IPC IS A MINIMUM 3 AND MAXIMUM 9 MEMBERS. MANDATES ONLY ONE *EX OFFICIO* MEMBER- REPRESENTATIVE FROM FISCAL SERVICES. REMAINING 2-8 MEMBERS ARE PRESIDENT-APPOINTED.

Current

- The IPC will consist of **eight members**. Six of these members shall be appointed by the President and two are members *ex officio*.
- The VP of finance or his or her designee shall be an *ex officio*, voting member. The **Vice President for Research/Dean of Graduate Studies shall serve as an *ex officio*, nonvoting member**.
  - Vice President for Research/Dean of Graduate Studies now two separate positions.
- **The President shall appoint two (2) faculty members, one (1) staff member, one (1) student, one (1) academic department chair, and one (1) academic dean** all based on recommendations from the appropriate constituent groups.
- IPC members appointed by the President shall serve **two-year, staggered terms**.
- The President shall designate, from among the appointed members, one member as chair of the IPC.

Revised

- The IPC will consist of **seven (7) members**.
- Three (3) are members *ex officio*, who will be **voting members**, are as follows: 1) The administrator from the Office of Research who oversees Technology Transfer operations on behalf of KSURSF, 2) The Graduate Dean, or his/her designee, and 3) One member of the Division of Fiscal Affairs, whose duties are to advise and consult on IP matters.
- **Four (4) presidential-appointed members**, it is recommended that academic field, level of scholarship activity and knowledge of intellectual property issues be considered in the selection process. The IPC membership should be able to address the variety of IP originating from different academic fields and units at KSU.
- IPC members appointed by the President shall serve **three-year, staggered terms**.
- The chairperson of IPC shall be appointed by the President.

Policy Title	Intellectual Property Policy
Issue Date	[month/day/year]
Effective Date	[month/day/year]
Last Updated	[month/day/year]
Responsible Office	Office of Research
Contact Information	Office of Research
Phone: (470) 578-6046
Email: sponprog@kennesaw.edu

1. Policy Purpose Statement

The purpose of the Intellectual Property Policy (IPP) is to establish guidelines for how intellectual property created by the faculty, staff, and students at Kennesaw State University is to be protected and developed while preserving the rights of the USG Board of Regents through Kennesaw State University (University) and the rights, privileges, and incentives of the inventor(s) and creator(s) (hereafter referred to as Originators). This policy is intended to support faculty, staff, and students in identifying and protecting intellectual property, defining the rights and responsibilities of all involved, administering intellectual property matters, and establishing a support committee to provide guidance and assistance. It also stipulates how income generated should be distributed to the originators and to the University. Kennesaw State University's Intellectual Property Policy is found in its entirety below and meets the University System of Georgia (USG) Board of Regents Policy directive: "Each USG institution is required to develop policies and procedures for the administration of this Intellectual Property Policy." Additional information regarding intellectual property policy as set by the USG Board of Regents is available in the Board of Regents Policy Manual, Official Policies of the University System of Georgia in the section Intellectual Properties.

2. Background.

In the Carnegie Classification of Institutions of Higher Learning 2015 update, Kennesaw State University was elevated from "M1" status (Master's Colleges and Universities) to "R3", which are doctoral research institutions with moderate research activity. Also in that year, Kennesaw State University and Southern Polytechnic State University began operating as a consolidated Kennesaw State University. Prior to achieving R3 status and prior to consolidation, there was an increase in faculty, staff, and students seeking more support from KSU to protect and develop intellectual property. Intellectual property (IP) refers to creative products including literary works, artistic works, designs, processes, software, inventions, materials, symbols, and images used in commerce. The requests to protect IP continue to grow, therefore a new IP policy is needed to provide University guidelines and information concerning IP developed by faculty, staff, and students at KSU.

Kennesaw State has rapidly increased the quality of its graduate instructional program and the level of faculty and student research, scholarly, and creative activities. Research, scholarship, and creative activities should be encouraged without regard to potential gain from licensing fees, royalties, or other such income; however, the University also recognizes that intellectual property with commercial potential may be produced as a result of these activities. Should such IP arise, one of the main functions of the KSU Research and Service Foundation, Inc. on behalf of KSU is to manage intellectual property and perform technology transfer functions for the University, taking assignment of inventions; obtaining patent, trademark, and copyright or other intellectual property protection; working with faculty and students to patent discoveries that have commercial and economic potential; and licensing inventions to the private sector in return for sharing royalty income with the faculty, staff and/or student inventors to further the research mission of the University and support expanded faculty and student scholarship opportunities. KSURSF may also secure venture capital to support

incubators and startups for relevant intellectual property development by KSU faculty and staff
(http://research.kennesaw.edu/ksursf/). It is the University's intent to protect the rights of the
individual, the University and the sponsoring entity (if involved), and to set reasonable and appropriate
sharing of the profits of the enterprise in the event these creations have commercial value.

3. Scope (Who is Affected)

This policy has the potential to affect all KSU employees and students, but is more likely to impact
those employees and students actively developing novel intellectual property.

4. Exclusions or Exceptions

There are no exclusions or exceptions.

5. Definitions and Acronyms

See policy section below.

6. Policy

Kennesaw State University Intellectual Property Policy (IPP)

Introduction

Kennesaw State University is a comprehensive university and as such is committed to becoming a
world-class academic institution. To do so requires maintaining and expanding high-quality
undergraduate and graduate program offerings, expanding research and grant activity, and elevating
the University's global profile. In regards to grant activity, the University averages about $10 million
annually in external funding awards to support research and creative activities. These grants, coupled
with internal funding programs, have led to new discoveries and production of creative works by
Kennesaw State faculty and staff while providing students with opportunities to gain hands-on
experience as inventors, producers and creators. The University's research, scholarship, creative
activities, and public service initiatives expand and apply knowledge, contribute to economic
development, and improve the quality of life in local communities, Georgia, and the nation.

A collateral benefit of the University faculty, staff, and student research, scholarship, and creative
activities is the development of new and useful materials, devices, processes, computer software, and
artistic and literary works; and the publication and creation of scholarly works. Such activities:

1. contribute to the professional development of the faculty, staff, and students involved;

2. enhance the reputation of the University;

3. provide additional educational and commercialization opportunities for participating students;
   and

4. promote the general welfare of the public at large.

The University recognizes that research, scholarship, and creative activities of faculty, staff, and
students should be encouraged without regard to potential gain from licensing fees, royalties, or other
such income; however, the University also recognizes that intellectual property with commercial
potential may be produced as a result of these activities. The policies governing the administration of

such works should provide adequate recognition and incentive to authors, inventors, and creators and at the same time ensure that the University will share in the rights pertaining to intellectual property in which it has an investment. Any income accruing to the University shall be used in the furtherance of the University's mission.

As a matter of policy, the University has determined that it is in its best interest to manage its licensing of intellectual property through the Kennesaw State University Research and Service Foundation, Incorporated (KSURSF), which will bear the costs of and expedite the development, marketing, and utilization of the intellectual property while at the same time, recognizing and rewarding the rights and incentives of the originator(s). This approach encourages and stimulates further creativity from University faculty, staff, and students. The University will transfer its ownership interest in intellectual property to KSURSF to facilitate this process.

With this in mind, the University establishes the following policy with respect to the development, protection, and transfer of rights to Intellectual Property resulting from the work of its faculty, staff, and students, whether full-time or part-time.

I.   Definitions:

1. "**Copyright Materials**" includes but is not limited to books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, proposals, lectures, musical or dramatic compositions, works of art, unpublished scripts, films, filmstrips, charts, transparencies, and other visual aids, video and audio tapes or cassettes, live video and audio broadcasts, programmed instructional materials, software, and mask works.

2. "**Creator**" and "**Originator**," which are used interchangeably in this Intellectual Property Policy, shall mean the creator, author, inventor, or similar person and that person's executor, heirs, successors, and assigns, as defined under applicable law.

3. "**Disclosure**" for this policy is defined as the process where the inventor discloses details about his/her invention/creative work. An Intellectual Property Disclosure provides information that the Intellectual Property Committee and Kennesaw State University Research and Service Foundation, Inc. need to evaluate an invention/creation before making an informed decision on how to proceed with the disclosure.

4. "**Faculty Member, Staff Member, and Student**" For purposes of this policy, students are individuals who are enrolled for any course at the University. A faculty or staff member is any person who is employed on a full-time or part-time basis by the University. Collectively the faculty, staff, and students are referred to as the **"University Community"**.

5. "**Intellectual Property**" (IP) includes but is not limited to all patentable materials, copyrighted materials, including software, processes, and other creative or artistic works of value. IP includes that which is protectable by law, such as patents, copyrights, trademarks, trade secrets, service marks, mask works, and plant variety protection certificates. It also includes the tangible products of intellectual effort such as models, instrumentation, devices, designs, circuitry, software, and visualizations, modified and non-modified biological materials, chemicals, engineered materials, and records of research.

6. "**Mask Work**" means a series of related images, however fixed or encoded: (i) having or representing the predetermined, three-dimensional pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product; and (ii) in which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.

7. **"Net income"** are the proceeds from royalties, licensing, sale or other disposition of IP less the costs incurred to develop and market the IP. Examples of costs include legal fees for patent application development, application fees, funds to develop prototypes, etc.

8. "**Novel Plant Variety**" means a novel variety of sexually reproduced plant.

9. "**Patentable Materials**" includes but is not limited to compounds, compositions, formulations, methods of use, methods of synthesis, devices, software, and business methods that appear to qualify for protection under the patent laws of the United States or other protective statutes, including Novel Plant Varieties and Patentable Plants, whether or not a patent is actually obtained.

10. "**Patentable Plant**" means an asexually reproduced distinct and new variety of plant.

11. "**Significant University Resources"** are defined as those not typically available to employees for the development or production of traditional works. Examples would include but are not limited to: reduction in normal teaching workload for the purpose of developing a patentable or copyrightable product, the assignment of additional teaching or graduate research assistants, use of specialized production facilities and personnel, use of multimedia labs and associated personnel, clerical support that exceeds what is typical, the purchase of additional supplies or equipment, the allocation of specific additional travel or other funds, internal grants, and funds awarded by the University's Office of Research/KSURF (unless specified otherwise) and the assignment of additional space or facilities. Resources typically available and not considered significant use of additional University resources include use of an employee's office, studio and/or laboratory, and the facilities therein, use of the library, normal use of the University computer network and other facilities, normal use of the University phone system (not to include unusual long distance charges).

12. "**Software**" shall include one or more computer programs existing in any form, or any associated operational procedures, manuals or other documentation, whether or not protectable or protected by patent or copyright. The term "computer program" shall mean a set of instructions, statements or related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions.

13. "**Technology transfer"**, in academic settings, refers to bringing technologies to the marketplace usually through licensing intellectual property (IP) to companies that have the resources and desire to develop and produce the technology for specific applications. In return, universities receive payments (in the form of cash fees and/or equity and/or royalties on earned revenues) for the products or services that were licensed.

14. "**Trade Secrets**" includes but is not limited to any information, that both (I) derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (II) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Trade Secrets may include any patentable or copyrightable material but also includes any non-patentable or non-copyrightable material meeting the two-part definition. Non-limiting examples are technical or nontechnical data, a formula, a pattern, a compilation, a program, a device, a method, a technique, a drawing, a process, financial data, financial plans, product plans, or a list of actual or potential students, customers, or suppliers.

15. "**Trademarks**" includes but is not limited to all trademarks, service marks, trade names, seals, symbols, designs, slogans, colors, sounds, or logotypes developed by or associated with the University.

16. "**Traditional Academic Copyrightable Works**" shall be defined as a subset of copyrightable works created independently and at the creator's initiative for traditional academic purposes. Examples include class notes; books, theses, and dissertations; educational software (also known as courseware or lessonware); articles; non-fiction, fiction, and poems; musical works, dramatic works including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; or other works of artistic imagination that are not created as an institutional initiative.

II.   Determination of Rights and Equities in Intellectual Property

A. Individual Effort and Traditional Academic Works

1. Intellectual Property developed as a result of individual effort occurs when the IP is generated through efforts unrelated to job responsibilities and where only incidental use of institution resources usually and customarily provided has occurred.

2. Traditional academic works are scholarly works not commissioned or sponsored by the University, which reflect research and/or creativity and within the University are considered as evidence of professional advancement or accomplishment. Examples of such works include scholarly and research publications, journal articles, books, monographs, textbooks, plays, poems, works of art, music compositions, and other traditional academic copyrightable works. Unless the development or production of these works involved the significant use of University resources (as defined in the section **Definitions**), they are considered the property of the author(s) (or the publisher) who would hold all copyright ownership and accrue all responsibility for compliance with copyright law and regulation. For some of these works, documentation of copyright compliance assurance may be requested by the academic or administrative unit of the authors(s). Additionally, if the copyrighted material is coursework that is being used by a faculty member for instructional purposes, the faculty member agrees to grant the University a perpetual and royalty-free License to use the course materials for instructional purposes should the copyright owner leave the University.

3. It is up to the faculty, staff, or student disputing Individual Effort or Traditional Works ownership to prove, at his or her own expense, each of the following:

   a. there is no use of Significant University Resources (as defined in this document) in the creation of such Intellectual Property;

   b. the Intellectual Property is not prepared in accordance with the terms of an institution contract or grant; and

   c. the Intellectual Property is not developed by faculty, staff, or students as a specific institution assignment.

   d. The general obligation to produce scholarly and creative works does not constitute a specific assignment for this purpose. The nature and extent of the use of institution resources shall be subject to institution regulations and shall be determined by the institution with input from the Intellectual Property Committee. Intellectual Property produced by a student who did not produce the intellectual property as an assignment for a paid University position or as part of a contract between a third party and the University related to the course in which the student is enrolled (e.g., a student applied learning

experience with a company where the intellectual property rights, if any, of the student will be governed by the contract) shall be considered traditional academic work and belong to the student.

4. Revenue distribution for individual effort and traditional academic works IP is outlined below in Table 1.

B. University-Assigned or –Assisted Efforts

1. University-Assigned or –Assisted works are scholarly works or other intellectual property commissioned or sponsored by the University or those produced with the use of Significant University Resources.

University-Assisted or Assigned Textbooks or Course Materials---Ownership of these materials shall be jointly held by KSURSF and the Creator. The first $5000 of net revenue ("**net revenue**" is gross receipts received by the KSURSF from license activity minus the out-of-pocket costs incurred by KSURSF in protecting and licensing the Intellectual Property) received by KSURSF or the Creator from licensing or sale of University-Assisted Textbooks or Course Materials (if the creation was disclosed to the University and KSURSF in accordance with these procedures), shall belong to and paid to the Creator. After $5000 is received, all remaining income shall be split 50%-50% between KSURSF (25% KSU—25% KSURSF) and the Creator until KSURSF has recovered the value of the University's Assistance to the Creator (as determined by the IP committee) and from that point forward, the Creator shall receive 95% of net income and KSURSF shall receive 5%.

2. Ownership of Intellectual Property (other than University-Assisted Textbooks or Course Materials) developed as a result of institutional assigned effort resides with the University; ownership of institutional assisted effort shall be shared by the KSURSF and the Originator. Under both circumstances, the Originator as an employee or student of the University agrees to execute all necessary documents to facilitate this ownership arrangement. However, net income will be shared with the originator(s) and/or certain units of the university (e.g., the Originator's department and college), as provided for in this policy (see Table 1).

C. Sponsor-Supported Efforts

1. The grant or contract between the sponsor and the University under which Intellectual Property is produced may contain specific provisions with respect to disposition of rights or interests in the Intellectual Property. Where the Originator(s) or the University retains any portion of these rights or interests, the classification of such portion of the rights or interests in the Intellectual Property may be deemed to be Individual-Effort or Traditional Academic Works or University-Assigned or –Assisted Effort, per parts A and B above on or before the date on which the authorized University representative(s) execute the grant or contract.

TABLE 1

NET INCOME DISTRIBUTION	Originator	Originator's Department/School & College/Division	KSURSF, Inc.
Individual Effort or Traditional Academic Work	100%*	0%	0%
University-Assigned or Assisted Efforts	50%**	25%	25%

*Individual effort and Traditional Academic Work IP is owned by the individual, who also bears the costs of development and protection. Where the individual creator wants KSURSF to manage or assist in the commercialization of the IP, revenue distribution will be a matter for negotiation.

** Traditional Academic Work which is University-Assisted will be subject to the distribution rules set forth in section B. 2. above.

D. Net Income Distribution.

Net income on intellectual property owned by the University shall be divided into an Originator's Share, a share for the Originator's Home Department, School or like Unit, a share for the Originator's Home College, Division, Office or like Unit, and KSURSF's Share.

1. The percentage allocations of the various shares of intellectual property income shall be calculated as follows: Originator's Share shall be 50%; College/Division Share shall be 10%, Inventor's Home Department's/School's Share shall be 15%; and KSURSF share shall be 25%.

2. The Originator's Share is the portion of net income paid directly to the inventor(s)/creator(s) as a group for his/her/their personal income. The Originator's Share will be shared equally among all inventors, unless he/she/they agree otherwise.

   a. Originator(s) may also arrange for his/her/their personal share(s) to be retained by the University, e.g., to support his/her/their research.

   b. The Originator's Share will continue even though he/she/they may have left the University.

   c. When an Originator leaves the University, the Department and College's Shares shall remain with the original Department and College.

   d. When none of the Originators has a home Department (for example student inventors), the Originator's Home Department's and College's shares are added to the KSURSF share.

   e. Originator's shares shall pass to the Originator's heirs and assigns in the event of the originator's death.

III.   Policy Implementation and Procedures

A. Intellectual Property Committee (IPC) - Duties

The Intellectual Property Committee shall function as an advisory committee in the University and shall have the following responsibilities:

1. Advise the President, the Vice President for Research, and University Community on institutional intellectual property policies, the implementation of policies, and the status and conduct of the institution's technology transfer efforts.

2. Assist KSU in the conduct of the technology transfer program by performing the following duties:

   a. Evaluate Intellectual Property proposals from University personnel and students, and determine if the Intellectual Property has sufficient potential and sufficient value to warrant expenditure of protection costs, and proceed with commercialization, or otherwise derive compensation or consideration for the value of the patent.

      In the event the IPC decides the IP does not have commercial value, the intellectual property rights (for University Assigned or Assisted Effort) will be relinquished to the originator(s);

   b. Determine if the University has intellectual property rights based on the use of University resources in the development of the IP (see section D Intellectual Property Committee (IPC)- Disclosure Policy & Procedures for additional details).

   c. Recommend the equity of the University and of the originators(s) within the limits specified in this policy.

   d. Recommend how the intellectual property of KSU shall be assigned.

   e. Review intellectual property disputes and make a recommendation to the President related thereto; and provide the University Office of Legal Affairs with any requested assistance so that the Office can advise on IP-related disputes.

B. Intellectual Property Committee (IPC) – Composition

The IPC will consist of seven (7) members. Three (3) are members ex officio and four (4) members shall appointed by the University President. The chairperson of IPC shall be appointed by the President. The ex officio members, who will be voting members, are as follows: 1) The administrator from the Office of Research who oversees Technology Transfer operations on behalf of KSURSF, 2) The Graduate Dean, or his/her designee, and 3) One member of the Division of Fiscal Affairs, whose duties are to advise and consult on IP matters.

For the four (4) presidential-appointed members, it is recommended that academic field, level of scholarship activity and knowledge of intellectual property issues be considered in the selection process. The IPC membership should be able to address the variety of IP originating from different academic fields and units at KSU. IPC members appointed by the President shall serve three-year, staggered terms. Of the original appointed members of the Committee, one shall be appointed for a term of one (1) year, one shall be appointed for a term of two (2) years, and two shall be appointed for a term of three (3) years. Members of the Committee may be appointed to serve successive terms. In the event any seat on the Committee is vacated prior to expiration of

the normal term, the Chair may appoint a successor to fill the unexpired term of the seat vacated.

C. Intellectual Property Committee (IPC) – Meetings.

Five members of the committee shall constitute a quorum. The IPC shall meet at least once per academic term (Fall and Spring). Outside of regularly scheduled meetings, the Chair and available members will have the authority to make recommendations to expedite time critical actions such as meeting IP disclosure deadlines and other activities that cannot be delayed for handling at a regular or specially called meeting of the IPC.

The IPC will have an appointed secretary to perform clerical functions such as keeping minutes, scheduling meetings, and coordinate committee communication.

D. Intellectual Property Committee (IPC) - Disclosure Policy & Procedure

1. Disclosures to the IPC and KSURSF are not required for works of authorship, such as abstract submissions, internal or external presentations, manuscript submissions for publication in scholarly or professional journals, poster presentations, platform presentations, or instructional or research material for internal use for Independent Effort and Traditional Academic Works, especially where there is no intent to commercially exploit the intellectual property. Faculty, staff, and students may voluntarily submit work to the IPC prior to presentation for review and recommendation in regards to protection and potential commercial value. The IPC can then advise the best course of action.

   KSURSF is unlikely to pursue IP protection and subsequent commercialization opportunities on behalf of the Originator and the University for intellectual property that was not disclosed prior to presentation in a public setting or publication.

2. Disclosures to the IPC and KSURSF should be made for University-Assisted and University-Assigned efforts prior to internal or external dissemination (e.g. abstract submissions, presentations, manuscript submissions for publication in scholarly or professional journals, poster presentations, platform presentations, or pursuit of patent or copyright protection) where there is commercial potential in the IP. If uncertain as to the IP's commercial potential, submission of the work to the IPC is highly recommended for evaluation prior to presentation.

3. Faculty, students, and staff are encouraged to agree internally on their relative ownership or role in the creation of the IP, and collectively disclose the potential IP to both their department chairs and the IPC using the University Invention Disclosure Form. If the Originators cannot agree, then the Intellectual Property Committee shall recommend a determination on these issues.

4. Any potential IP resulting from a University-Supported effort that is the subject of an agreement between faculty, staff, or students on one hand, and an external entity on the other, must be disclosed within 5 business days after completing the Agreement and before dissemination to the external entity.

5. If possible, disclosures should be made on the Invention Disclosure form. If there are time constraints, other disclosures will be accepted.

6. The IPC will recommend to the President: (1) whether any disclosed Intellectual Property should be properly classified as an Individual or Assisted/Assigned Effort; and, (2) a determination of the relative contribution of the Originator(s) of Intellectual Property. The IPC's recommendations shall be shared with the Originator(s) at the same time they are provided to the President. Should any Originator dispute the IPC's recommendations, then they shall notify

the President within five working days. The President shall appoint an ad hoc committee of three persons to advise the President on the appeal. The ad hoc committee should not include current members of the IPC and may include a faculty member from another institution or from the relevant industry (subject to the execution of an appropriate non-disclosure agreement). The ad hoc committee will consult with the IPC and the Creators and make their recommendation to the President, who shall make the final institutional decision.

7. The IPC will consult with at least one Originator submitting the Invention Disclosure form to determine whether or not to recommend pursuing formal protection and/or commercialization of the IP, consulting if necessary with the appropriate faculty and/or department chair. The VP of Research/COO KSURSF will make the final determination whether or not to pursue the IP within 90 days. If the decision is made to not pursue the IP, then all ownership rights in the IP will be returned to the Originators for disposition as they see fit and at their own expense.

E. Management of University IP

The University has elected, through the IPC and with the approval of the University President, to release the management of IP to which the University has title or an interest to the Kennesaw State University Research and Service Foundation, Inc., (KSURSF) subject to the provisions of this IPP.

Preemption by Board of Regents' Policy

In the event of conflict between any provision of this Policy and any policy of the Board of Regents, the latter shall prevail.

IV. Associated Policy(ies)/Regulations

University System of Georgia BOARD OF REGENTS POLICY MANUAL
Official Policies of the University System of Georgia: Intellectual Properties

V. Procedures associated with this policy

See 6., above

V.   Forms associated with this policy

Invention Disclosure Form http://research.kennesaw.edu/intellectual-property.php

VI.   Violations

Violations of this Policy, like all University policies, is subject to sanctions, including those set forth in the *KSU Faculty Handbook*, *KSU Employee Handbook*, and *KSU Codes of Conduct*. In such cases, the matter will be referred to the disciplinary process for faculty, staff, or students, as the case may be. In student cases, the appropriate process will depend upon whether the violation arose out of the student's work as a teaching assistant, research assistant or other compensated position. No such disciplinary action will preclude the University from pursuing the matter through legal action when warranted.

VII.   Review Schedule

The Intellectual Property Policy is reviewed annually by the Vice President for Research or his/her designee.

Action Log [for Policy Process Council action]

Date	Action	Name

Responsible Office - Required Review and Approval Actions:

Vice President Sign off	[name]		[date]

KSU Governance Body	1st Reading- Date	2nd Reading - Date	Concurrence - Date
Administrators' Senate			
Chairs' and Directors' Assembly			
Deans' Council			
Faculty Senate			
Staff Senate			
Student Government Association†			
University Council			

President's Cabinet			
Presidential Approval	Date:		

† SGA review and comment if students are included in the policy scope statement.

Kennesaw State University
Frequently Asked Questions Related to
Outside Activities and Conflicts of Interest

These are answers to some frequently asked questions on these topics.

I.   *FAQs for all employees (faculty and staff).*

Q: **Do these rules apply to part-time, temporary and occasional employees?**

A: Yes. The rules requiring disclosure and management of conflicts of interest apply to everyone. The rules requiring prior approval for outside activities also apply to everyone, though part-time faculty and staff whose KSU assigned work effort is less than half-time may engage in outside activities under specific conditions laid out in our guidelines posted at: http://coi.kennesaw.edu/.

Q. **Do I need to take leave to engage in outside activities?**

A. Yes, if you earn leave, and the outside activity will take place during your normal working hours. For employees who do not earn leave, your approval to engage in the outside activity would be your approval to miss any KSU work. For academic-year faculty, such approvals can only be granted up to a maximum of one day per month, on average.

Q. **How will conflicts of interest be managed?**

A. The default management plan for a conflict of interest will be to avoid it. In other words, for the faculty and staff member to arrange their affairs so that there is no conflict of interest. However, with KSU's prior written permission, certain conflicts may be able to be managed in other ways. This depends greatly on the individual facts of each case, but management plans can include elements such as:

- o   disclosure and transparency to everyone affected by the conflict;
- o   monitoring of the conflict by an impartial party;
- o   limiting an employee's involvement in certain decisions (i.e., recusal);
- o   requiring additional approvals before certain actions can be taken;
- o   obtaining informed consent from affected parties;
- o   reporting and auditing of facts surrounding the conflict;
- o   divestiture of certain assets, or the use of blind trusts.

Q: **Do I have to share confidential information through this process, and what information that I disclose will be made public?**

A: You need to share enough information for the university to approve the request, or to manage the conflict. If you are unsure whether you need to share certain information, you may verbally discuss the issue with your supervisors and/or the ethics office to determine how much needs to be included in the written request. Typically, KSU will not require details of compensation or trade secrets belonging to an outside party. KSU will normally need to know the identity of the person or organization you propose to work with, in order to determine if there are conflicts of interest. The information that you submit becomes a record of the university, which means that it becomes a public record under Georgia law, unless there is a specific exemption. For more information on the Open Records Act, see: https://law.georgia.gov/open-government. By 2019, KSU intends to make information regarding approved outside activities available to the public via a database or similar resource on our website.

Q. **I have a relative who also works at KSU. Is this a conflict of interest?**

A. It can be, depending on the facts. If one of you reports to the other in the supervisory sense, then that structure would violate our policy against Nepotism (see 8.2.3: https://www.usg.edu/policymanual/section8/C224/#p8.2.3_employment_of_relatives). However, even without a direct reporting relationship, there can still be a conflict of interest if one of you can influence the other's work, or if a particular event creates a conflict. For example, if one employee's job duties involve oversight or influence over the assignments, compensation, working conditions or other aspects of their relative's work, then there is a conflict of interest, even if they are in different chains of command. For a more specific example, an employee in fiscal services should not approve payroll changes or expense reimbursements for their spouse who works in a different department at KSU. And, two faculty members who are related and who work in different colleges would not normally have a conflict of interest, but they would if one of them is up for promotion and the other serves on the university-wide promotion and tenure committee.

Q. **How quickly will my request be approved?**

A. As of October 2018, we are currently working through a large backlog of submissions. Once those are addressed, we expect that a week will be the normal turnaround time. This may vary if you have several layers of management between you and the final approver. Since approval is required in advance, you should always submit your approval as soon as you are able to do so.

Q. **Is there an appeal process if my request is denied?**

A. No. The current final approvers are the Provost and the President. You may request that they reconsider your request, if you have good cause.

Q. **I am active in politics. Do I need approval for that?**

A. Only if this, or another, policy applies. Specifically, if the work is both compensated and related to your KSU duties, or if the work is uncompensated and will take place during your normal KSU work time. Your request will never be approved or disapproved based on which political cause or candidate you wish to support. These activities must always be consistent with the USG policies on Political Activities (see 8.2.18.3 here: https://www.usg.edu/policymanual/section8/C224/#p8.2.18_personnel_conduct), and KSU's guidance on government relations (see: http://gr.kennesaw.edu/index.php).

Q. **Do I need KSU's permission to serve in the U.S. military?**

A. No, but see section 8.2.7.5 (Military Leave with Pay) in the Board of Regents Policy Manual (https://www.usg.edu/policymanual/section8/C224/#p8.2.7_leave), and other related policies.

Q. **Outside of my KSU working hours, I volunteer in the community and with charitable organizations. Do I need approval for that?**

A. Uncompensated outside activities only require approval if they will take place during your normal KSU working hours, or if they will otherwise interfere with your KSU work. Remember that if these activities create a conflict of interest with KSU, then you will always need to disclose that. So, if these activities are unpaid, and are performed outside of your KSU work hours, and do not use KSU resources, and do not create a conflict of interest, then approval is not required.

Q. **Am I exempt from this process (i.e., "grandfathered") if KSU was aware of my outside activities when they hired me?**

A. No, the policies still require you to obtain approval now, and in the future.

    II.   *FAQs for faculty only.*

Q: **What are "normal working hours" for faculty?**

A: Full-time faculty are expected to devote their full professional efforts to their faculty position. As you know, this can involve work on all days, at all hours. Nonetheless, your supervisor can define your normal working hours, taking into consideration all of your KSU commitments. Remember that your normal working hours will always be subject to change. For example, a faculty member may teach a class that takes place all day on a Saturday and a Sunday. In light of that, a chair or dean may allow some day or time during Monday through Friday to be outside normal working hours. This is similar to the "flex time" used with staff

employees. Such accommodations are not a right, and must not interfere with KSU activities (e.g., your other teaching obligations, required departmental meetings, etc.).

Part-time faculty are also professionals who work at different times, but for the purposes of this policy, they may consider their normal working hours to be the times when they have a specific commitment to a KSU activity (e.g., a class, a meeting, or an event).

It is important to remember that the concept of normal working hours is only relevant for uncompensated activities. If an outside activity is compensated and related to your KSU duties, then it does not matter when the activity takes place – it requires pre-approval under this policy.

Q. **Do I need to take leave when I engage in outside activities?**

A. Yes, if you earn leave. Faculty on an academic-year contract do not earn leave, but their approval (if granted) to engage in an outside activity is their approval to do so during normal working hours (if applicable). Such approvals should not be given for outside activities which will take more than one day a week of the faculty member's time.

Q: **Can I engage in an outside activity that will take two days during a week?**

A: Yes, if the activity is otherwise appropriate and approved, and if the time spent on the outside activity does not exceed one day a week on average. It is important to remember that the rule allowing faculty on academic year contracts to engage in outside activities for up to one day a week sets a maximum limit, and does not create an entitlement to work up to that amount.

Q: **Do these rules apply when I am off-contract?**

A: The conflicts of interest rules always apply. The rules requiring approval for outside activities do not apply during the summer gap between academic year contracts. These rules do apply throughout the effective dates of the academic year contract (i.e., there is no exception for holidays or weekends). Also, if a faculty member has a summer contract, then the rules apply during the effective dates of those contracts.

Q. **I teach at another institution. Do I need approval for that?**

A. Yes, if you are being paid, or if you will have to miss KSU work. However, if you teach at another USG institution, you should use the USG's standard Dual Appointment Agreement, and that will be sufficient approval (i.e., you do not need to submit that activity through the KSU outside activity system). That standard agreement is available here: https://www.usg.edu/assets/hr/benefits_docs/USGDualAppointmentAgreement.pdf

appointed representative on KSURSF Board

Donald McGarey

Mon 10/22/2018 10:30 AM

To:Jennifer W. Purcell <jpurce10@kennesaw.edu>;

Hi Jennifer,

As you are aware, the Kennesaw State University Research and Service Foundation (KSURSF), Inc. is the contracting entity for externally funded projects at KSU. KSURSF also manages the fiscal affairs for special purpose institutes and centers affiliated with the University. And, KSURSF manages intellectual property and performs technology transfer functions for the University. (http://research.kennesaw.edu /ksursf/). Recently, I was looking at the By-laws for the KSU Research and Service Foundation and its Board of Directors. We are to have a member serving on the Board who is appointed by the Faculty Senate: "(5) The Faculty Senate of Kennesaw State University shall appoint one faculty member who shall, at the time of appointment to the Board of Directors, be a tenured member of the Corps of Instruction holding the rank of associate professor or professor, and shall have full voting power."

So, the KSURSF Board is in need of an appointee from Faculty Senate to fill the position. The term is one year beginning in the Fall, with a limit of two terms total per individual. The Board meets quarterly, and there is some business that occurs through e-mail. Our next meeting will be in January, then April and again in July (have Web-X or conference call capability). Would you ask the Faculty Senate to identify a person to sit on the Board? Technically, the person does not need to be a senator, but can. If you can identify an appointee from the Faculty Senate, the appointment would be from retroactive from the beginning of this Fall 2018 through the summer 2019. We will contact the Chair of Faculty Senate in late spring to identify the next year's appointee (if that seems the best approach), and continue to do so in the future.

Sincerely,

Don

KENNESAW
STATE UNIVERSITY

Donald J. McGarey, Ph.D.
Interim VP Research, Office of Research
Interim Chief Operating Officer, KSU Research & Service Foundation, Inc.
Professor, Department of Molecular and Cellular Biology
585 Cobb Ave, MD 0111
Kennesaw, GA 30144

Ph. 470-578-6668

Policy Title	Cellular, Wireless Communications Devices, and Services Policy
Issue Date	[Date Policy Signed By President]
Effective Date	[Date Policy Posted On Policy Portal]
Last Updated	[Effective Date Or Date Of Most Recent Update]
Responsible Office	Office of Chief Information Officer (CIO) and Vice President of Information Technology
Contact Information	Office of the CIO Phone: 470-578-6620 Email: [Contact KSU Email Address]

1. Policy Purpose Statement

Kennesaw State University (KSU), at its discretion, may provide wireless voice and data services (e.g., cellular services) and associated devices, where doing so would enhance job performance, in accordance with specific criteria, including being the most appropriate and cost-effective method of achieving business needs.

2. Background

The Georgia Technology Authority Office of Planning and Budget policy memorandum No. 4 states:

It shall be the responsibility of each State agency to manage and minimize the costs of using telecommunications services and equipment. This policy applies to all State departments, institutions, boards, bureaus, agencies, authorities, colleges and universities (all are which hereinafter referred to as "agency" or collectively as "agencies"). Each agency shall develop a telecommunications policy based upon the guidelines established in this statewide policy. Agencies will be responsible for maintaining adequate documentation to ensure that these guidelines and criteria have been met.

3. Scope (Who is Affected)

This policy covers anyone who uses University wireless devices and voice/data services or approves and supervises the use of wireless devices and voice/data services. The scope of wireless devices and voice/data services are as follows.

- Wireless devices, such as cellular and satellite phones, hotspots, tablets, laptops, or other devices capable of using paid voice and/or data services.

- Voice and data services that are not provided as part of the standard campus telecommunications infrastructure and incur additional cost to the University (e.g. cellular services, satellite phone services, or other services which incur charges based on a per-unit measure, such as minutes consumed, or data transferred).

4. Exclusions or Exceptions

The Cellular, Wireless Communications Devices, and Services policy may be exempted only via approval from the CIO and VP for Information Technology, or his/her designee.

This policy makes no explicit or implied restrictions on the purchase of devices that are not capable of connecting directly to paid voice and/or data services, including most laptops and tablets.

5. Definitions and Acronyms

Wireless Device	Devices (often mobile) that receive and/or transmit using wireless technology, such as cellular, satellite, or radio frequency (RF) communications
Wireless Voice and Data Service	Communications services that are not provided as part of the campus telecommunications infrastructure and incur additional cost to the University (e.g. cellular services and satellite phones)
Tethering	Allowing one or more device to receive data services by sharing the data service provided by another device

6. Policy

University provided wireless devices and wireless voice and data services may be allowed, when it can be justified based upon a business need, such as a requirement to perform job functions or resulting in a significant improvement in job performance that enhances the University mission.

a. Supervisor/Unit/Department Responsibilities

The employee's unit head (or designee) should evaluate the business need (see Section 6a) and submit a request with justification through the UITS Service Desk. Upon approval by the CIO, the unit head (or designee) will work with UITS to select an appropriate wireless device and/or wireless voice and data service level to meet the business need.

The employee's supervising unit or department is responsible for:

- Evaluating the business need, submitting justifications (see Section 6b), and maintaining record of approval;
- Maintaining an inventory of devices and active services for each employee or unit;
- Monthly monitoring of appropriate use, including call activity and data plan usage that may be personal, excessive, inappropriate, or incur unnecessary cost to the University;
- Discontinuing service and recovering devices in a timely manner (30 days) when an employee separates or the business need can no longer be justified; and
- Performing an annual review of active devices, services, and service levels.

To effectively manage costs of wireless communication devices and services, only the CIO or their designee is authorized to approve devices and services. The CIO or designee may review or conduct spot checks of devices and services to ensure that units and departments are executing their responsibilities.

Inventory of devices and services must include the assignee (individual or organizational unit in the case of a shared device/service), any assigned telephone numbers, and serial numbers of University-owned devices associated with the service. This inventory must be current and made available upon request by KSU administration.

b. <u>**Criteria for Determining Need**</u>

Departments may request a wireless device and/or wireless voice and data service for any employee where communication needs cannot be met by less expensive alternatives. Approval is based on evaluation of the most appropriate and cost-effective method of achieving business needs.

Examples of conditions under which services and devices may be approved are:

- Directly enhances an employee's job responsibility of protecting the lives of others;
- Is required for an employee to respond to environmental emergencies;
- Is required for the protection of the employee in potentially hazardous working conditions;
- Regular requirement for two-way real-time communication where stationary voice and data communications cannot be made available (e.g. construction areas);
- Frequent travel requirements (e.g. >25%) across a large geographic area where a considerable amount of time is spent away from the institution or in transit and the employee is required to have access to the Internet and/or stay in contact with the institution or institutional affiliates;
- Required to participate in a Wireless Priority Service (WPS) as a part of their job responsibilities;
- Required for individuals who play a critical role in campus emergency and disaster response operations; and
- Directly supports the institution's need to remediate disruptions to critical (24x7) campus services.

c. <u>**Employee Responsibilities**</u>

Employees in possession of a University provided wireless device and/or wireless services are responsible for:

- Promptly notifying their department when a device or service is no longer necessary to support the business need;
- Promptly notifying their department when a device is lost, stolen, or damaged;
- Limiting personal use of University provided wireless services and reimbursing for costs associated with personal use; and
- Minimizing costs associated with the use of University provided wireless services.

Devices supplied by the University remain the property of the University and must be returned upon termination of employment or upon request. If an employee fails to do so, he/she will be charged for replacement equipment at the time of separation.

d. <u>**Personal Use of University Provided Mobile Voice and Data Services**</u>

Mobile voice and data services are provided for official business use. Incidental personal use is allowed, as long as it does not incur additional costs for the University and does not violate University usage policies. If personal use results in additional service charges, the employee is to notify their unit/department and reimburse the University for overages. An annotated copy of the invoice, noting all personal usage and costs, should be provided to the Bursar, along with payment.

e. <u>**Use of Personally-Owned Wireless Devices or Services for Business Purposes**</u>

Departments may choose to have the University provide mobile voice and data services for use on an employee's personally owned device. Under no circumstances will the University buy out personal service contracts. The employee is responsible for meeting all personal contract obligations.

Occasional use of personally-owned voice and data services, in line with the criteria outlined in Section 6a may be approved for reimbursement by the unit/department at the unit/department head's discretion. Reimbursements are limited to the total overage charges shown on the employee's monthly invoice; in excess of minutes and metered services included in the employee's personal service plan. The employee is responsible for making personal payment to the provider, as per employee/service provider agreements.

f. <u>**Obtaining a Mobile Wireless Device for Business Use**</u>

A department/unit has the following options when determining the most appropriate solution for meeting business needs.

- A department may select from any of the lowest cost wireless devices being offered by the University. In this scenario, the device remains the property of the University and must be surrendered on separation or at the request of KSU administration.

- A department may allow an employee to receive University mobile voice and data services on their personally owned device. It is recommended that an employee purchasing a device for this purpose consults with UITS to ensure compatibility. Devices must be carrier unlocked and be models that are currently offered and supported by University service providers. Activating University voice and/or data services on a personally owned device will be done on a best-effort basis.

g. <u>**International Roaming and Usage Charges**</u>

In order to manage and minimize mobile voice and data service costs, employee's using either University provided services or seeking reimbursement for business use of non-University services, must temporarily adjust their service plans or purchase calling cards, in anticipation of international travel. Reimbursement for international roaming charges may be denied if no action is taken on the part of the employee to minimize costs. Employees who travel internationally with high frequency may receive approval for a continuous international service level on their University provided mobile voice and data services. Departments are responsible for roaming and overage charges their employees incur during international travel.

h. <u>**Tethering Devices and Services**</u>

Where a business need exists, departments may allow employees to tether laptops and other devices to their University provided data service. This is preferred over providing an employee with multiple data services that incur a higher cost.

i.   **Security of Mobile Voice and Data Communications**

Security of sensitive University information is paramount. Sensitive communications should be conducted through the most secure means possible. This includes using the most secure device, service configurations, and protocols. Use of the University VPN is highly recommended. Units are responsible for determining the level of security required to meet their business objectives and bear the risks associated with security related decisions.

7. Associated Policies/Regulations

a.   All usage is governed by KSU policy
b.   Georgia Technology Authority – Rules, Regulation and Procedures Governing the Acquisition and Use of Telecommunication Services and Equipment
c.   USG Information Technology Handbook: Asset Management and Protection Standards

8. Procedures associated with this policy

There are no procedures associated with this policy.

9. Forms associated with this policy

Mobile Request Form

10. Violations

Individuals and KSU employees who are found to be in violation of this policy are subject to a range of sanctions, including but not limited to denial of services covered by this policy, disciplinary action, dismissal from the University, and/or legal action.

11. Review Schedule

The CIO or his/her designee, in collaboration with the chief business officer or his/her designee, will review the Cellular, Wireless Communications Devices, and Services Policy annually.

Kennesaw State University
Policy: Technology, Purchasing, Relocation, and Surplus Policy
KSU Policy Category: Information Technology

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Policy Title	Technology Purchasing, Relocation, and Surplus Policy
Issue Date	February 1, 2007
Effective Date	TBD
Last Updated	TBD
Responsible Office	Office of Chief Information Officer (CIO) and Vice President of Information Technology
Contact Information	Office of the CIO / Office of Cybersecurity Phone: 470-578-6620 Email: ocs@kennesaw.edu

1. Policy Purpose Statement

The Board of Regents (BOR) of the University System of Georgia (USG) requires that the CIO and VP for Information Technology, or his/her designee, approve all computer, telephone, hardware/software, or audio-visual purchases.

The purpose of this policy is to detail the appropriate methods of acquisition to minimize the risks of exposing electronic data to individuals unauthorized to view this data and transferring software to those not licensed to use it. This policy is essential to the inventory of University technology assets and the appropriate destruction of storage media and is essential to compliance with state and federal data privacy statutes and software licensing agreements.

2. Background

The KSU Technology Purchasing, Relocation, and Surplus Policy was created to comply with the University System of Georgia information technology policies. Pursuant to the USG *Information Technology Handbook*, Section 5.1.2, KSU is required to establish and maintain "appropriate internal policies, processes, standards, and procedures for preserving the integrity and security of each automated, paper file, or database."

3. Scope

The Technology Purchasing, Relocation, and Surplus Policy applies to all employees of the University and users of University-owned/controlled electronic equipment, irrespective of funding source. Examples of such equipment include, but are not limited to, data projectors, desktop computers, telephones, digital cameras, firewall hardware, laptops, mobile devices (mobile devices – relocation not applicable), printers, routers, servers, switches, system controllers, video cameras, etc.

4. Exclusions or Exceptions

The KSU Technology Purchasing, Relocation, and Surplus Policy may be exempted only via approval from the CIO and VP for Information Technology or his/her designee.

5. Definitions

Definitions are available via the Information Technology Glossary associated with this policy on the KSU Policy Portal (https://policy.kennesaw.edu).

6. Policy

a. KSU Purchasing Card (P-Card) Use for Telephone, Computer Hardware, and Software Purchases

1) The use of a KSU P-Card is **PROHIBITED** for the purchase of computer hardware, software, and equipment listed below.
   - Computers
   - Laptops
   - Mobile devices
   - Servers
   - Software orders $5,000 and above

   The above items must be purchased using the KSU eProcurement (ePro) System. All supporting order documentation (including quotes) must be sent to the Office of Finance and Accounting, with the ePro number noted on the top.

2) University Information Technology Services may process the below types of purchases utilizing an Office of the CIO employee P-Card. All others are prohibited from using the KSU P-Card for the following items.
   - Telephones/Cellular Phones
   - Monitors
   - Printers (networked or local, desktop, or stand-alone)
   - Printer Combinations (printer/fax/scanner/copier or any combination)
   - Scanners

3) Examples of acceptable individual use computer expenditures on a P-Card WITHOUT written approval before purchase are listed below. These items do not require Office of the CIO approval regardless of the method of procurement.
   - Mouse (USB, wired, or wireless)
   - Keyboard (standard USB or Wireless)
   - USB Flash drive, memory key, etc.
   - Cases for Laptops and iPads (including keyboard functionality)

b. UITS Approval (via **http://uits.kennesaw.edu/techpurchases/**)

The P-Card may be used for some computer parts and software provided that written approval is obtained before ordering. Written approval is obtained by completing the web form found at http://uits.kennesaw.edu/techpurchases/. The approval email must be attached to the P-Card documentation.

Examples of acceptable computer expenditures on a P-Card WITH written approval before purchase are listed below.
   - Keyboard with card reading capabilities, such as magnetic, near-field communication

Kennesaw State University
Policy: Technology, Purchasing, Relocation, and Surplus Policy
KSU Policy Category: Information Technology

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(NFC), etc.
- Internal hard drive*
- Network Attached Storage (NAS) or similar storage device
- Internal CD/DVD, CD-RW/DVD-RW, or CDRW/DVD-R combo*
- Software orders under $5,000.00 (Note: All Software must have written approval from Office of the CIO prior to purchase.)

Parts annotated with an asterisk (*) must be installed by an Office of the CIO hardware technician. The Office of the CIO Help Desk (470-578-6999 or service@kennesaw.edu) should be contacted to request installation after the department receives the parts.

An Office of the CIO Equipment Receipt Form is required for receipt of all laptops and tablet computers. Questions regarding computer hardware or software purchases should be directed to the Office of the CIO (470-578-6620 or UITSapproval@kennesaw.edu).

c. **Audio-Visual Equipment Purchases (via UITS Approval)**

1) The KSU P-Card may be used for audio-visual purchases (total purchase under $5000.00) provided that written approval is obtained before ordering. The use of the KSU P-Card to purchase individual items of more than $2,999.99 is explicitly prohibited. Written approval is obtained by completing the form found at http://uits.kennesaw.edu/techpurchases/.
2) Examples of acceptable Audio-Visual expenditures on a P-Card WITH written approval before purchase are listed below.
    - Data projectors and large-format visual displays (LCD, LED, etc.) are a mandatory Office of the CIO specified purchase. (All data projector purchases require the additional procurement of an extra lamp.)
    - Wireless microphone or audio/visual systems
    - Audio-visual equipment that uses IR (infrared), RF (radio frequency), IP (networking), or RS-232 protocols for its sole control capabilities
    - Audio/visual equipment that requires permanent or temporary installation
    - Equipment intended to integrate into an existing or planned audio-visual installation
    - Audio-visual equipment that requires the use of consumables (examples are lamps, batteries, media, etc.) or proprietary auxiliary devices (examples are cables, controllers, expansion cards, etc.) as part of its performance or functionality
    - All individual pieces of audio-visual equipment $1000.00 and above must be delivered to Office of the CIO for inventory purposes.
    - All equipment purchased through the state's procurement process, regardless of funding source, must be used for the expressed academic or administrative business of KSU or the USG.

d. **Relocation of IT Equipment**

KSU policy stipulates that only Office of the CIO employees or designees are authorized to move computer, printer, or telephone equipment. Requests for computer, printer, or telephone relocation or moves should be made via the form found at http://campus.kennesaw.edu/forms/ (Under "Facilities," click "Campus Moves Forms," complete the form, and email it to the address indicated on the form.)

e. **Technology Surplus**

The process for IT surplus is a collaborative effort between the Office of the CIO and Facilities Services, who follow Section 15.4 of the Electronic Disposal Options of the DOAS Georgia *Surplus Property Manual* and Section 11.7.5 of the Board of Regents *Business Procedures Manual*. The Office of the CIO Help Desk (470-578-6999 or service@kennesaw.edu) should be contacted to request the surplus of technology.

Removable media (floppy disks, USB drives, CDs, DVDs, etc.) that contain University-confidential data should be dropped off at the Office of Cybersecurity for destruction. Send all requests to service@kennesaw.edu to coordinate destruction of media with confidential data.

Users are responsible for reporting stolen assets assigned to them to the appropriate law enforcement authority. After a police report is obtained, it must be submitted to the Office of the CIO Service Desk.

7. **Associated Policies/Regulations**

   a. BOR Business Procedures Manual
   b. DOAS Georgia Surplus Property Manual

8. **Procedures Associated with this Policy**

As required by information in Section 7.

9. **Forms Associated with this Policy**

As required by information in Sections 7 and 8.

10. **Policy Violations**

Individuals in violation of this policy are subject to a range of sanctions, including but not limited to disciplinary action, dismissal from the University, and/or legal action.

11. **Review Schedule**

The Technology Purchasing, Relocation, and Surplus Policy is reviewed annually by the CIO and VP of Information Technology or his/her designee.

FACULTY WORKLOAD WORKING GROUP

RECOMMENDATIONS

Rationale: Faculty workload varies widely across academic colleges and departments. Specific expectations in teaching, scholarship and creative activity (S/CA), and professional service are not written using clear and measurable metrics in all units. Unclear written expectations impede faculty's ability to understand what is expected of them and hinders effective faculty performance review by academic administrators and colleagues. Therefore, the following recommendations are being made to ensure equity, accountability, and transparency across the academic colleges as KSU moves to become the best R3 Carnegie-designated institution in the country:

Teaching

- KSU will establish a university-wide standard faculty workload baseline. All tenure-track faculty and tenured faculty seeking promotion in rank will be expected to start from the following workload model:
    - Annual teaching load of 6 three-credit hour courses or the equivalent for courses with less than or greater than 3 credit hours (60% of total workload)
    - Assignment of S/CA and professional service will consist of the remaining 40% of workload, with the norm being 30% in S/CA and minimum expectations of 20% in S/CA and 10% in professional service
    - Tenured faculty who are not seeking promotion, not sustaining a robust research agenda, or not engaging in significant service commitments and non-tenure track full-time faculty will be assigned an annual teaching load of 9 three-credit hour courses (90% teaching). For those with a 90% teaching load, the remaining 10% of their workload typically will be assigned in professional service as articulated in the KSU Faculty Handbook and in accordance with departmental guidelines.
    - Chairing of master's theses and doctoral dissertations will be part of faculty workload expectations or accrued for future course reassignment. Faculty chairing three doctoral dissertations or five master's theses to completion will be eligible for one course release. Service of faculty members on thesis or dissertation committees in a non-chair role will not be eligible for course reassignment accrual. Credit for the supervision of undergraduate research and delivery of a credit-bearing independent study will be determined at the college level and approved by the Provost or their designee.
    - Exceptions to the baseline model may be determined necessary at the college level with approval from the Provost or their designee as these exceptions impact resource distribution.

- Further faculty and administrative review of KSU's Teaching Load Policy is needed to consider course enrollment metrics and number of sections taught. Any change in teaching load policies should allow for flexibility in class type, pedagogy, and disciplinary accreditation standards.
- Approval by the Provost or their designee is required for all college Teaching expectations

Scholarship and Creative Activity (S/CA)

- Colleges will define specific S/CA expectations within their respective departments. These definitions must include the quantity and quality of S/CA expectations and the specific time in which these expectations will be met. Progress will be reviewed during the annual review of faculty. Failure to meet expectations in the stated timeline will result in a below expectations rating on the annual review and an adjustment of workload expectations to reduce time assigned to S/CA.
- Approval by the Provost or their designee is required for all College S/CA expectations

Professional Service

- Colleges will define specific professional service expectations within their respective departments. These definitions must include the quantity and quality of service expectations and the specific time in which these expectations will be met. The minimum 10% service workload assignment equates to approximately 120 hours per academic year, with colleges and departments determining the expected type and indicators of quality. Progress will be reviewed during the annual review of faculty. Failure to meet expectations in the stated timeline will result in a below expectations rating on the annual review and an adjustment of workload expectations to reduce time assigned to professional service. The examples below are taken from KSU's comparator R3 institutions.
- Approval by the Provost or their designee is required for all College professional service expectations

Implementation Timeline:

- October 2018 – Recommendations shared with Dean's, Chairs & Directors, and Faculty Senate
- October 2018 – February 2019: College-level expectations in S/CA and professional service defined and approved by Provost
- Second week of March 2019 – Faculty submit ARD/FPAs.
- Second week of April 2019 - ARD/FPAs completed by Department Chairs. Workload assignments for 2019 will be based on the standard baseline workload model and approved college expectations in S/CA and professional service. For faculty with currently reduced teaching loads for S/CA and professional service expectations, their average productivity over the past two years will be used to assign workload for 2019. Workload assignments for faculty who failed to meet productivity targets in S/CA or service over the past two years will be adjusted to increase teaching load.
- April 2019 - Changes in Department and College P&T Guidelines reflecting the above changes in workload models/expectations approved by the Provost
- Second week of May 2019 – Dean returns ARD/FPAs to faculty
- May 2019 – Salary recommendations made (if merit raises are available)

General Education Update:

This semester the General Education Council is reviewing the learning goals and outcomes for general education. It is important that our goals and outcomes are meaningful, relevant, and measurable. Due to this review, there will not be any general education assessment at the course level for this year. The process has just started and updates will be shared regularly. All GEC meetings are open to anyone. The next meeting will be on November 28th on the Marietta Campus, Atrium Building J, Room J152 at 3:30pm. In addition, and there will be a General Education retreat in January to engage more deeply in this process. When that date and time is confirmed I will also share that with Faculty Senate.