

# University of West Georgia Faculty Senate Meeting Minutes

Minutes distributed by email and declared approved by unanimous consent May 14, 2013 by Chair Jeff Johnson with one correction of the spelling of Boldt's name.

**April 19, 2013**

1. Meeting convened in room 1-303 of the Technology-enhanced Learning Center and called to order by Jeff Johnson, Chair
2. Call to Order
3. Roll Call

*Present*

Basu-Dutt, DeFoor, Deng, DeNie, DeSilva, Geisler, Gezon, Halonen-Rollins, Hasbun, Haynes, Boldt (substitute for Kassis), Keim, Kilpatrick, Kramer, Leach, Lloyd, Mayer, Moffeit, Thrasher (substitute for Morris), Noori, Packard, Parrish, Penco, Pitzulo, Ponder, Popov, Robinson, Rutledge, Samples, Sanders, Schroer, Skott-Myhre, Smith, Thompson, Van Valen, Vasconcellos, Welch, Willox

*Absent*

Banford, Blair, Erben, Farmer, Gant, Hooper, Jenks, Riker, Ringlaben, Yeong

4. Approval of the minutes of the March 8<sup>th</sup> meeting

Approval of minutes moved to item following Old Business

5. New Business

- A) Resolution in thanks and recognition of Dr. Sethna's leadership in service to the university as well as his initiative, guidance and support of efforts to improve faculty salary equities. Presentation by Javier Hasbun

**Resolution to Recognize the Service of President Beheruz N. Sethna**

Submitted to Faculty Senate April 19, 2013 by Dr. Javier Hasbun and Dr. Paul Rutledge

WHEREAS, Dr. Beheruz N. Sethna has provided excellent service to the University of West Georgia diligently and successfully in his capacity as President; and

WHEREAS, he has provided the University with outstanding leadership in carrying out his duties; and

WHEREAS, while being president, he has taught an undergraduate course every year for the past 19 years, was elected Honors Professor of the Year by the Honors Students, has been

nationally recognized for instructional innovation, has been involved as an undergraduate research adviser throughout his tenure, continued to pursue publishable quality research while at UWG, has been an invited speaker at numerous events nationally and internationally; and

WHEREAS, he enabled the autonomous operation of the faculty senate in his vision of shared governance; and

WHEREAS, he has taken the initiative to improve faculty salary equities at UWG;  
NOW, THEREFORE BE IT RESOLVED, that Dr. Beheruz N. Sethna be formally commended for these efforts by the Faculty Senate, and that these words be permanently entered into the minutes of The University of West Georgia Faculty Senate.

*Motion made and seconded to approve resolution.*

*Motion approved unanimously by voice vote.*

B) Resolution to Recognize the Outstanding Contributions of Dr. Paul Rutledge and the Faculty Senate Budget Committee

WHEREAS, a major institutional priority was stated by the leadership to begin to address salary equity, and

WHEREAS, the president asked the Faculty Senate Budget Committee to be the steering committee on a comprehensive national study using a national consultant, and

WHEREAS, the tasks involved were many, varied, and potentially controversial, including selection of a national consultant, working with them to design a national peer group, frequent consultations with the faculty at large, working with the administration and the consultant on implementation plans, and being available to respond to concerns expressed by colleagues, and

WHEREAS, the task was completed on time and on budget, and

WHEREAS, the actual implementation occurred two months *ahead* of schedule,

NOW, THEREFORE IT BE RESOLVED, that the Faculty Senate and the administration join forces in commending the Faculty Senate Budget Committee on their outstanding service, and reserves special commendation for Dr. Paul Rutledge, its Chair, for his outstanding leadership through the 2012-13 academic year, and that these words be permanently entered into the minutes of The University of West Georgia Faculty Senate.

*Motion made and seconded to approve resolution.*

*Motion approved unanimously by voice vote.*

6. Committee Reports

**Committee I: Undergraduate Programs (Chair, Jim Mayer)**

**Action Items:**

C) College of Arts and Humanities

- 1) Art Department
  - a) ART 3704  
Request: Add  
Action: Approved
  - b) ART 4703  
Request: Add  
Action: Approved
  - c) ART 4708  
Request: Add  
Action: Approved

Items C.1.a-c presented together

*Items approved unanimously by voice vote.*

- 2) Department of English and Philosophy
  - a) Minor in Creative Writing  
Request: Modify (change required courses and number of credit hours)  
Action: Approved

*Item approved unanimously by voice vote.*

- 3) Department of Foreign Languages
  - a) Bachelor of Arts with Major in Foreign Languages and Literatures  
Request: Modify (Add track--Spanish w/ cert. in Early Childhood Ed)  
Action: Approved

*Item approved unanimously by voice vote.*

- 4) Department of History
  - a) HIST 4251  
Request: Add  
Action: Approved

*Item approved unanimously by voice vote.*

D) College of Science and Mathematics

- 1) Department of Geosciences
  - a) Bachelor of Science with a Major in Geology  
Request: Modify (change course requirements)  
Action: Approved
  - b) GEOL 4604 Economic Geology  
Request: Add

Action: Approved

Items D.1.a-b presented together

*Items approved unanimously by voice vote.*

E) College of Social Sciences

1) Department of Anthropology

a) ANTH 4203 Indigenous Anthropology

Request: Add

Action: Approved

*Item approved unanimously by voice vote.*

F) Richards College of Business

1) Department of Management

a) MGNT 4616

Request: Add

Action: Approved

*Item approved unanimously by voice vote.*

G) School of Nursing

a) NURS 4000

Request: Add

Action: Approved

b) NURS 4300

Request: Add

Action: Approved

c) NURS 4521

Request: Add

Action: Approved

d) NURS 4523

Request: Modify

Action: Approved

e) NURS 4525

Request: Add

Action: Approved

f) NURS 4527

Request: Add

Action: Approved

Items G.a-f presented together

*Items approved unanimously by voice vote.*

**Information Items:**

**XIDS Core Review Committee**

A) UPC approved by voice vote the following interim procedure:

Until XIDS Core Subcommittee is established, XIDS course approval will be handled by an interim committee consisting of Director of Interdisciplinary Studies, Dean of Honors College and Transdisciplinary Programs, and UPC Chair.

B) Courses approved by XIDS Core Interim Committee:

a) XIDS-2002 Sustainable Cities

Action: approved by interim XIDS Core committee

b) XIDS-2002 Globalization

Action: approved by interim XIDS Core committee

c) XIDS-2002 What Do You Know About Early Childhood Education

Action: approved by interim XIDS Core committee

d) XIDS-2001 What Do You Really Know About Being a College Student in Transition?

Action: approved by interim XIDS Core committee

**Committee II: Graduate Programs (Chair, Mark S. Parrish)**

**Action Items:**

A) School of Nursing

a) Program: Master of Science in Nursing

Request: Modify

Action: Approved

*Item approved unanimously by voice vote.*

**Information Items:**

A) The Graduate Programs Committee (GPC) nominated and approved Mark S. Parrish to serve as Committee Chair for AY 2013/2014.

**Committee IV: Academic Policies Committee (Chair, David Leach)**

**Action Items:**

A) Modifications to Faculty Handbook Section 208.03 on Admission Appeals.

**208.03 Appeals of Admission to the University**

A. **Undergraduate Student Applicants.** Undergraduate applicants to the university who have been denied admission or readmission may appeal that decision by submitting an

appeal to the Admission Appeals Subcommittee. Applicants are advised to communicate with the Office of Admissions for instructions.

- B. Graduate Student Applicants.** Graduate applicants who are denied admission to a graduate program may appeal that decision by submitting an appeal to the relevant College or School. As appeal procedures vary by program, the applicant is advised to communicate with the College or School for instructions.
- C. The Subcommittee for Admission Appeals.** The Admission Appeals Subcommittee hears appeals made by undergraduate applicants for admission or readmission to the university.
1. **Comments.** After a student has petitioned the appropriate administrative officials in the Office of Admissions, he or she has the right to appeal an adverse decision by such officials in cases of admission or related matters. Appeals must be made in writing with supporting evidence, as determined by the Admissions Appeals Subcommittee.
  2. **Responsibilities of the Admission Appeals Subcommittee.** The Admission Appeals Subcommittee hears appeals made by undergraduate applicants for admission or readmission to the university.
    - a. **Appeal(s) Hearing.** Appeal(s) hearings may be scheduled regularly or as needed.
      - i. The Director of Admissions (or designee) will be responsible for distributing appropriate materials to subcommittee members and for scheduling each appeal(s) hearing.
      - ii. The Admissions Appeals Subcommittee chairperson will be responsible for chairing the hearing and for conveying recommendations of the subcommittee in writing to the Director of Admissions.
    - b. **Electronic Polling.** At the discretion of the chairperson, an electronic poll of the subcommittee will suffice in lieu of an appeal(s) hearing.
  3. **Admission Appeals Subcommittee Membership.** The subcommittee shall consist of seven faculty members (one from each college, the School of Nursing, and the Library) and four university officials. The university officials are: the Associate Vice President for Enrollment Management (voting), the Registrar (voting), the Director of the Excel Center (voting), and the Director of Admissions (non-voting).
    - a. **Chairperson.** The Associate Vice President for Enrollment Management shall serve as the chairperson of the Admission Appeals Subcommittee.
    - b. **Faculty Members.** Each Dean, in consultation with the chairperson of the Admission Appeals Subcommittee, will appoint a faculty member to the subcommittee. Appointments shall be made in May to replace faculty members whose terms have expired. An appointment to fill a vacancy should be made when the vacancy occurs.
      - i. **Length of Service.** Faculty members serve two-year (staggered) terms starting with the summer semester.
      - ii. **Timing of Appointment.** Deans shall make appointments in May to replace faculty members whose terms have expired. An appointment to fill a vacancy shall be made when the vacancy occurs.
      - iii. **Reappointment.** Consecutive terms are not permitted, although reappointment is acceptable after a two-year break in service.

- c. **Quorum.** Any five members of the subcommittee, at least three of whom must be faculty, shall constitute a quorum. In the case where a quorum is not available and the appeal(s) hearing cannot be delayed, the chairperson may request that the Provost or Associate Vice President for Enrollment Management appoint substitutes to serve on a temporary basis.

D. Ultimately, final authority for all student appeals rests with the president of the institution. (See Section 4.7.1 Student Appeals, BOR Manual).

*Item approved unanimously by voice vote.*

B) Modifications to Faculty Handbook Section 208.04 on Grade Appeals.

### **Section 208.04 Grade Appeals**

D. **Membership of the Grade Appeals Subcommittee.** The subcommittee shall consist of seven faculty members (one from each college, the School of Nursing, and the Library), one University official, and one student.

1. **Chairperson.** The University official shall serve as the chairperson of the Grade Appeals Subcommittee.
2. **Faculty Members.** Each Dean, in consultation with the chairperson of the Grade Appeals Subcommittee, will appoint a faculty member to the committee each year. One faculty member must be a member of the Academic Policies Committee.
  - a. **Length of Service.** The length of service on this subcommittee shall be for one full year (12 calendar months) starting with summer semester.
  - b. **Timing of Appointment.** Deans shall make appointments in May to fill expired terms. An appointment to fill a vacancy shall be made when the vacancy occurs.
3. **Quorum.** Any five members of the subcommittee, at least three of whom are faculty, shall constitute a quorum. In the case where a quorum is not available and the appeal(s) hearing cannot be delayed, the chairperson may request that the Provost appoint substitutes to serve on a temporary basis.
4. **Role of the Chief Judicial Officer.** For Academic Dishonesty Grade Appeals, the Chief Judicial Officer of the University will be invited to sit on the committee to ensure that all due process requirements are met.

*Item approved unanimously by voice vote.*

C) Modifications to the Admission Requirements for Dual-Enrollment Students ([See Addendum I](#))

*Item approved unanimously by voice vote.*

D) Modifications to Faculty Handbook Section 201, Common Language on Syllabus ([See Addendum II](#))

*Item approved unanimously by voice vote.*

E) Adoption of a Limited Course Withdrawal Policy ([See Addendum III](#)).

The policy will be added to the Student Handbook, the Undergraduate Catalog for 2013-2014 and will become Section 205.02 in the Faculty Handbook.

*Item approved unanimously by voice vote.*

### **Information Items:**

#### **A) Plus-Minus Grades**

The Academic Policies Committee decided to not move forward with pursuing a plus-minus grade system at this time. The committee sought feedback from many areas that would be impacted by such a change. The Academic Policies Committee conducted a survey from March 1, 2013 to March 16, 2013 on the all-faculty listserv asking for feedback on this issue. Findings are reported below.

The campus does not overwhelmingly favor the +- system, nor do most faculty think it is an important issue at this time. Even among those who strongly favor the change, only 20% think making the change is very important.

There will also be significant costs and work involved:

- The Registrar would have to reprint transcript paper and produce inserts that explain the process.
- Banner preparation - all reports and processes that include information from the grade tables would have to be updated including Wolf Watch. Most would require ITS support
- Course grade minimums would have to be reviewed ( i.e. if a grade of C is now acceptable, would that change to C- or if a D is considered passing, would that change to a D-)

*Senate Discussion:* Concern was expressed over the committee's decision to table this for a time when 60% expressed interest. Committee members had discovered that there were unexpected costs associated with this and this did not seem the time to request funds for this. They also restated that even though there was interest, the faculty did not rate this item as important. John Head, Dir. Of Enrollment Services, said that the impact on financial aid still needs to be explored. There was a request that the committee continue study on this topic in FY14.

#### **B) Modification of UWG's Intellectual Property Policy. ([See Addendum IV](#))**

This policy was drafted by Dr. Charles Maris, Associate VP for Research and Sponsored projects.

### **Committee IX: Facilities and Services (Chair, Shelley Smith)**

Presenters: Ely Elefante and Mark Reeves

A) Motion: The Facilities and Services Committee recommends, and seeks the Senate's approval of the changes to the UWG Parking Code.

*Item approved unanimously by voice vote.*

### **7. Old Business**

Presenter: Robert Sanders

A) Follow-up on results on the deactivation of the COSS Planning Program.

Motion made and seconded requesting that Pres. Sethna reconsider the deactivation of the COSS Planning Program.

*Item approved unanimously by voice vote.*

Motion made and seconded to approve the March 8, 2013 minutes.

*Item approved unanimously by voice vote.*

8. Announcements

Newly elected senators were asked to let Chair Johnson know if they have any standing committee preferences.

9. Meeting was adjourned at 3:45

Respectfully submitted,

Dawn Harmon McCord

Executive Secretary of the Faculty Senate and General Faculty

# **Addendum I**

## OPPORTUNITIES FOR STUDENTS DURING HIGH SCHOOL

West Georgia offers multiple options for students seeking to begin college early. These opportunities are:

- Dual Enrollment (enrolling in both high school and college during the junior and/or senior year)
- Early-Entrance-to-College (enrolling solely in college courses during a student's senior year in order to graduate from high school while living at home)
- The Advanced Academy of Georgia (please see the description below)

Dual Enrollment and Early-Entrance-to-College <http://www.advancedacademy.org/>

### 1. **Requirements for Admission:**

- Combined SAT of 970 (or ACT 20)
- SAT Critical Reading 430 (or ACT English 17)
- SAT Math 410 (or ACT Math 17)
- High School Academic GPA of 3.0

To be admitted as a dual enrolled student, applicants must also have successfully completed the following full-year units of the Required High School Curriculum (RHSC): English-2, mathematics-2, science-2, and social sciences-1. Early-Entrance to College students must, in addition, have successfully completed one additional unit of each curriculum area. Both student groups must be recommended in writing by the high school principal or guidance counselor and must have the written consent of a parent or guardian (if the student is a minor). Students wishing to participate while a member of a home school program are exempt from submitting the high school principal/guidance counselor consent. Both Dual-Enrollment and Early-Entrance-to-College students are not eligible to live in campus residence halls.

*Note: Students with a combined SAT score in the upper 5% of national college-bound seniors are eligible for full admission to the university as an "Outstanding Student" regardless of high school course completion. Contact the Office of Admissions for further details.*

To apply for admission, students should contact the West Georgia Admissions Office or their high school guidance counselor and complete the University of West Georgia's application for admission. No student required to participate in screening for learning support courses will be admitted. More information regarding the Advanced Academy is available from the Director of The Advanced Academy, Gunn Hall, 678-839-6249.

Students who attend UWG prior to graduating from high school must reapply for admission to the Office of Admissions should they wish to continue their enrollment at West Georgia following high school graduation. This reapplication for admission process should be completed prior to February 1st to be eligible for Fall Semester freshman academic scholarship consideration.

### **The Advanced Academy of Georgia**

<http://www.advancedacademy.org/>

The Advanced Academy of Georgia is designed for exceptional high school-aged students who wish to participate in a full time, residential college experience. This program provides the opportunity to enroll in regular university course work for credit while simultaneously completing high school requirements (in absentia). All students in The Academy are required to live in a designated campus residence hall and purchase a meal plan. The Academy offers an enriched residential component with academic advising tailored to the needs of its students.

#### **Requirements for Admission:**

- Combined SAT 1150 (or ACT 25)
- SAT Critical Reading 580 (or ACT English 25)
- SAT Math 530 (or ACT Math 22)
- High School Academic GPA 3.5

Students admitted to The Advanced Academy must have completed the necessary coursework to be considered on track in the Required High School Curriculum. Also required is a completed application <http://www.advancedacademy.org/> that includes the written recommendation of their high school principal or guidance counselor, and the written consent of a parent or guardian, and two teacher recommendations.

No student who is required to participate in screening for learning support courses may be admitted. For more information or to apply for admission, contact the Director of The Advanced Academy, Gunn Hall, 678-839-6249.

### **THE HOPE Accel Program**

Funded by State appropriations and administered by the Georgia Student Finance Commission, Accel helps fund early-entrance course work. Courses pursued by students in the Accel Program must come from the approved course directory available at [www.gacollege411.org](http://www.gacollege411.org).

Complete Accel Program Regulations and eligibility rules can also be found at [www.gacollege411.org](http://www.gacollege411.org).

For more detailed information regarding Accel at the University of West Georgia, visit: [www.westga.edu/admiss](http://www.westga.edu/admiss).

# **Addendum II**

**201.01** Early in the semester, each faculty member should introduce each course clearly in terms of objectives, topics to be covered, types of learning activities, number and nature of tests and reports, absence policies, and the system of evaluation and grading. In general, he or she should cover the course content described in the catalog and syllabus. Additionally, all syllabi at the University of West Georgia should include the following information:

Course title, course objectives, course description, course number and section, term, number of credit hours earned for successful completion, in-class and out-of-class time requirements to earn course credit, method and mode of delivery (e.g., percentage online versus face-to-face instruction), instructor information (name, office location, contact information, and office hours), required reading(s), software, hardware, and other materials (if applicable), and the system of evaluation and grading.

A syllabus will be made available to each student on the first day of class, and access to all course syllabi will be provided to the appropriate department office.

**The following paragraph provides suggested language for insertion in all course syllabi. Faculty may wish to adjust the language, but the link to required information must be in each syllabus.**

Students, please carefully review the following information at this link [\[insert webpage link when ready\]](#). It contains important material pertaining to your rights and responsibilities in this class. Because these statements are updated as federal, state, and accreditation standards change, you should review the information each semester.

\*\*\*\*

**NOTE: Students will access the following information at the link that is inserted in the syllabus. Thus, the following information will NOT be included in the actual syllabus.**

Americans with Disabilities Act

Students with a documented disability may work with UWG Disability Services to receive essential services specific to their disability. All entitlements to accommodations are based on documentation and USG Board of Regents standards. If you need course adaptations or accommodations because of a disability or chronic illness, or if you need to make special arrangements in case the building must be evacuated, please notify your instructor in writing by the end of the second full week of class and include a copy of your Student Accommodations Report (SAR), which is available only from Disability Services. Students are entitled to accommodations if they deliver the SAR to the instructor no later than the end of the second full week of class.

### UWG Email Policy

University of West Georgia students are provided a MyUWG e-mail account. The University considers this account to be an official means of communication between the University and the student. The purpose of the official use of the student e-mail account is to provide an effective means of communicating important university related information to UWG students in a timely manner. It is the student's responsibility to check his or her email.

### Credit Hour Policy

The University of West Georgia grants one semester hour of credit for work equivalent to a minimum of one hour (50 minutes) of in-class or other direct faculty instruction AND two hours of student work outside of class per week for approximately fifteen weeks. For each course, the course syllabus will document the amount of in-class (or other direct faculty instruction) and out-of-class work required to earn the credit hour(s) assigned to the course. Out-of-class work will include all forms of credit-bearing activity, including but not limited to assignments, readings, observations, and musical practice. Where available, the university grants academic credit for students who verify via competency-based testing, that they have accomplished the learning outcomes associated with a course that would normally meet the requirements outlined above (e.g. AP credit, CLEP, and departmental exams).

### University of West Georgia Honor Code

At the University of West Georgia, we believe that academic and personal integrity are based upon honesty, trust, fairness, respect, and responsibility. Students at West Georgia assume responsibility for upholding the honor code. West Georgia students pledge to refrain from engaging in acts that do not maintain academic and personal integrity. These include, but are not limited to, plagiarism, cheating, fabrication, aid of academic dishonesty, lying, bribery or threats, and stealing.

*The University of West Georgia maintains and monitors a confidential Academic Dishonesty Tracking System. This database collects and reports patterns of repeated student violations across all the Colleges, the Ingram Library, and the School of Nursing.*

*Additionally, you are responsible for safeguarding your computer account. Your account and network connection are for your individual use. A computer account is to be used only by the person to whom it has been issued. You are responsible for all actions originating through your account or network connection. You must not impersonate others or misrepresent or conceal your identity in electronic messages and actions.*

# **Addendum III**

### Limited Course Withdrawals

Undergraduate students may withdraw from courses with a grade of “W” (Withdraw Passing) a maximum of six times during their entire undergraduate enrollment at the University of West Georgia. Students must withdraw from courses during the Withdrawal “W” Period, as noted on the Registrar’s Calendar in [The Scoop](#). Retroactive withdrawals for prior terms are not permitted. The Withdrawal “W” Period typically begins after Drop/Add and closes at mid-term. Grades of “W” do not count toward the grade point average.

It is recommended that students consult with the instructor, academic advisor, [Financial Aid, Bursar](#), and [International Services and Programs](#) (if applicable) before making the decision to withdraw from a course, since undesirable consequences may follow. For example:

- Students who fail to complete 67 percent of their class schedule *each term* jeopardize their eligibility for both federal and state financial aid.
- Student athletes must maintain full-time status to retain athletic eligibility.
- International students on an F1 or J1 visa must maintain full-time status to protect their immigration status.
- Withdrawing from a course will delay progress toward graduation.

Students who attempt to withdraw from a course after reaching their maximum of six withdrawals will continue to be enrolled and will receive a grade at the end of the term, unless the Dean (or Dean’s designee) approves the exception. See Petition for Exceptions below.

#### *Automatic Exceptions*

The following exceptions do not count toward the maximum of six course withdrawals:

- Grades of W placed on the transcript prior to Fall 2013
- Grades of W included in transfer work
- Withdrawals from courses taken during Summer terms
- [Hardship withdrawal](#)
- [Military withdrawal](#)
- [Administrative withdrawal](#)
- [Formal withdrawal](#) from the university

#### *Petition for Exceptions*

After the limit of six withdrawals is reached, students are permitted to request exceptions only for circumstances beyond their control. Students appeal in writing to the Dean (or Dean’s designee) of the college or school that houses their major. Undeclared students should appeal in writing to the Dean of the Honors College (or Dean’s designee). The written request (typewritten) should include the following: (1) description of the exact nature of the appeal, (2) reason for the appeal, and (3) supporting documentation, if applicable. Appeals are not heard unless the student has reached the maximum number of withdrawals allowed.

# **Addendum IV**



## **402 Intellectual Property Policy**

The University of West Georgia, hereinafter referred to as the "University," or "UWG," is dedicated to teaching, research, and the extension of knowledge to the public. Members of the UWG faculty, staff, and student body recognize among UWG's major objectives the production and dissemination of knowledge. Inherent in these objectives is the need to encourage the production of creative and scholarly works and the development of new and useful materials, devices, processes, and other inventions, some of which may have potential for commercialization. Such activities contribute to the professional development of the individuals involved, enhance the reputation of the University, provide additional educational opportunities for participating students, and promote the general welfare of the public at large.

Such creative and scholarly works and inventions that have commercial potential may be protected under the laws of various countries that establish rights called "Intellectual Property" (IP), a term that includes patents, copyrights, trade secrets, trademarks, plant variety protection, and other rights. Such Intellectual Property often comes about because of activities of University Personnel who have been aided wholly or in part through use of facilities of the University. It becomes significant, therefore, to insure the use of such Intellectual Property for the public good and to expedite its development and marketing. The rights and privileges, as well as the incentive, of the authors, creators, or inventors, hereinafter referred to as the "Originators," must be preserved so that the use of their abilities and the abilities of others at the University may be further encouraged and stimulated.

In order to establish the respective rights and obligations of the University, its faculty, students, and other employees in Intellectual Property of all kinds now and hereafter existing and of all countries, regions or other political entities, the University has established the following Intellectual Property Policy.

### **402.01 Applicability**

The University of West Georgia (UWG) Intellectual Property (IP) Policy relates both to individual and University IP rights, and applies to all full-time or part-time members of the faculty, staff, or student body of the University and extends to anyone receiving compensation or funding from the University, or funds administered by the University. This UWG IP Policy is in compliance with the University System of Georgia Board of Regents' Intellectual Properties Policy which can be found in its entirety [here](#).

### **402.02 Background**

The Board of Regents of the University System of Georgia has established an [Intellectual Properties Policy](#), which stipulates that: "Each institution of the System is required to develop policies and

procedures for the administration of this Intellectual Property Policy” (Board of Regents Policy Manual, section 6.3). In many instances, IP may become, in whole or in part, the property of the Board of Regents. When this IP Policy speaks to ownership of IP by UWG, the Board of Regents is the owner, unless the Board of Regents has transferred ownership to an affiliated nonprofit organization of UWG.

### **402.03 Definitions**

**“Biological Materials”:** Materials that include, but are not limited to, chemical compounds of biological origin, drugs, mutants, genetically engineered organisms, antibodies, hybridomas, cell lines, sera, supernatants, vectors, antigens, cDNAs, ESTs, and SNPs, and chemical compounds including enzymes and derivatives thereof.

**“Copyrighted Materials”:** Includes the following, regardless of their medium of storage or presentation: (1) books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and proposals; (2) lectures, musical, dramatic, or multimedia compositions, unpublished scripts; (3) films, charts, transparencies, electronic presentations, and other visual aids; (4) video and audio recordings in any form; (5) live video and audio broadcasts, and recordings thereof; (6) programmed instructional materials, including materials for on-line or otherwise electronically distributed instruction; (7) mask works; (8) research notes, research data reports, and research notebooks; and (9) other materials or works other than software which qualify for protection under the copyright laws of the United States (See 17 U.S.C. § 102 *et seq.*) or other protective statutes whether or not registered thereunder.

**“Originator”:** The creator, author, inventor, or similar person and that person’s executor, heirs, successors, and assigns.

**“Faculty Member, Staff Member, and Student”:** For purposes of this IP policy, students are persons who are enrolled in any course at UWG (or who were so enrolled at any time in connection with the production of the intellectual property in question). A faculty or staff member is any person who is employed on a full-time or part-time basis by UWG (or who was so employed at any time in connection with the production of the intellectual property in question).

**“Intellectual Property” (IP):** Patentable materials, biological materials, copyrighted materials, trademarks, software, and trade secrets, whether or not formal protection is sought.

**“Incidental use of University Resources”:** Use of university resources that is customary or usual given the employee’s appointment and academic assignments. For example, use of office, computer, photocopier, telephone, office supplies, library, and other assigned resources in the ordinary support of university educational, scholarly or creative responsibilities is considered to be “incidental.” University personnel may make such incidental use of university resources and devote office time in carrying out a range of professional activities. [See “Significant Use of University Resources.”]

**“Mask Work”:** A series of related images, however fixed or encoded: (1) 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, (2) 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 (See Title 17 U.S.C. § 901).

**“Net Equity”:** The value of the equity received by UWG as a result of transferring rights in the IP less UWG’s out-of-pocket expenditures (including legal fees) directly attributable to protecting, developing, and transferring that IP.

**“Net Income”:** The gross monetary payments UWG receives as a result of transferring rights in the IP less UWG’s out-of-pocket expenditures (including legal fees) directly attributable to protecting, developing, and transferring that IP.

**“Novel Plant Variety”:** A novel variety of sexually reproduced plant (See Title 7 U.S.C. § 2321 *et seq.*).

**“Patentable Inventions,” also known as “Patentable Materials”:** Items (a new, nonobvious, useful process, machine, manufacture, composition of matter or improvement thereof) which reasonably appears 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 patentable thereunder.

**“Patentable Plant”:** An asexually reproduced distinct and new variety of plant (See Title 35 U.S.C. § 161).

**“Scholarly Work”:** Books, articles, and other publications, artistic creations, literary manuscripts, visual and auditory creations, and musical works, irrespective of their medium of storage or presentation. These items include software, computer programs, and databases but only if they are accessory to or part of a scholarly text. Textbooks and related software developed as a *Specific University Assignment* are not considered *Scholarly Work* for the purpose of this definition.

**“Significant Use of University Resources”:** Use of university facilities, library resources, clerical help, other support services, equipment, and an employee’s paid time that is beyond incidental (or customary) as described above. Significant use of resources occurs when creation of the work or intellectual property in question requires use of university resources beyond those normally allocated to employees in support of assigned responsibilities and activities within their respective departments, colleges, or other administrative unit. Such significant usage may occur as a result of actions of the personnel involved, may occur when specific assignments are given to personnel, or may occur in situations where contracts or other obligations are involved.

**“Software”:** Includes 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” means 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.

**“Specific University Assignment”:** IP specifically ordered or commissioned pursuant to a written, signed, agreement between UWG and the Originator.

**“Trade Secrets”:** Information including, but not limited to, 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 customers or suppliers which: (a) 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 (b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy (See Code of Georgia Annotated § 10-1-761).

**“Trademarks”**: Includes all trademarks, service marks, trade names, seals, symbols, designs, slogans, or logotypes developed by or associated with UWG (See Title 15 U.S. Code § 1127).

**"University Resources"**: means any support administered by or through the University, including but not limited to University funds, facilities, equipment or personnel, and funds, facilities, equipment, or personnel provided by governmental, commercial, industrial, or other public or private organizations which are administered or controlled by the University. University Resources are to be used solely for University purposes and not for personal gain or personal commercial advantage, nor for any other non-University purposes. Intellectual Property that is developed with *Significant Use of University Resources* rather than *Incidental Use of University Resources* shall be considered to have been created through use of University Resources. The application and interpretation of the above terms in any particular situation rests with the Intellectual Property Officer and the IPO's determination shall be final, subject to the review procedures set forth herein.

#### **402.04 The Policy**

- A. Subject to the limitations and qualifications enumerated in this document, all potentially patentable inventions or copyrightable material conceived or first reduced to practice in whole or in part by members of the faculty or staff (including student employees) at UWG in the course of their University responsibilities with significant use of University resources is the property of UWG.
- B. UWG shares royalties from inventions and other intellectual property assigned by UWG to the Originator.
- C. The Originators, acting collectively where there is more than one, and with the agreement of UWG, may place their inventions in the public domain if they believe that would be in the best interest of technology transfer and if doing so is not in violation of the terms of any agreements that supported or are related to the work.
- D. If any course material is developed for use at UWG, regardless of whether it involves significant use of University resources, UWG retains a non-exclusive, royalty-free license to use such material for educational purposes for up to twelve months following the termination of the Originator's employment at UWG;

#### **402.05 Determination of Rights and Equities in Intellectual Property**

Ownership in IP is determined in accordance with the following categories:

##### **A. Individual Effort/Scholarly Work**

Except as required by funding agreements or by the University's Intellectual Property Policy, the University does not claim ownership rights in the intellectual property generated during research by its faculty, staff, or students. This policy has proven beneficial to the University, the public, and the creators of such property. Copyrightable and patentable materials produced by

UWG faculty, staff, or students are the exclusive property of the Originator of such IP provided that:

1. There is no use, except in an incidental way, of University resources in the creation of such IP;
2. The IP is not prepared in accordance with the terms of an institution contract or grant;
3. The IP is not developed by faculty, staff, or students as a specific institution assignment. The general obligation to produce scholarly and creative works does not constitute a specific assignment for this purpose;
4. The IP was created by a student, not employed by the University, solely for the purpose of satisfying a course requirement. Students are subject to the requirements for participation in such a course, such as the transfer of ownership. Students will be made aware of their rights and obligations prior to course participation.

The IP is considered a *Scholarly Work*, and therefore belongs to this category unless:

- a) The *Scholarly Work* was developed by the Originator as a specific University assignment (see section B below); or
- b) The *Scholarly Work* was developed with significant use of University resources (see section C below).

#### B. Institution-Assigned Efforts

In accordance with BOR policy, ownership of IP developed as a result of *Institution-Assigned Efforts* resides with UWG, and sharing of royalty income with the Originator is authorized, subject to UWG policies and regulations, as an incentive to encourage further development of IP. The faculty's general obligation to produce scholarly and creative works does not constitute a specific assignment for the purpose of defining this category of work. Works of faculty members are assumed not to be "*Institution-Assigned Efforts*" unless written agreements with the involved faculty member(s) explicitly designate specific works as such.

#### C. Institution-Assisted Individual Effort

A work is considered to be generated by Institution-assisted individual effort if it involves ***Significant Use of University Resources*** rather than only ***Incidental Use of University Resources***.

1. ***Incidental use of University Resources*** means that use is customary or usual given the employee's appointment and academic assignments. For example, use of office, computer, photocopier, telephone, office supplies, library, and other assigned resources in the ordinary support of university educational, scholarly or creative responsibilities is considered to be incidental. University personnel may make such incidental use of university resources and devote office time in carrying out a range of professional activities. Furthermore, the University recognizes that ownership of any intellectual property resulting from such activities rests with the Originator(s) along with the rights to any income generated, as long as university resources are used in this incidental (or customary) fashion, and the time involvement of the developer(s) of the intellectual property does not compromise the Originator's core responsibilities in teaching, research, and service.

2. ***Significant Use of University Resources*** refers to use of university facilities, equipment, personnel, and an employee's paid time that is beyond incidental (or customary) as described above. Significant use of resources occurs when creation of the work or intellectual property in question requires use of university resources beyond those allocated to individuals in support of assigned responsibilities and activities within their respective departments, colleges, or other administrative unit. Such usage may occur as a result of actions of the personnel involved, may occur when specific assignments are given to personnel, or may occur in situations where contracts or other obligations are involved. The university will retain title to all intellectual property that involves significant use of university resources subject to the conditions set forth herein.

When in support of a revenue-producing work, the following are examples of significant use:

- a) In the creation or promotion of a work, extended use of the Originator's time and energy results in a reduction in levels of teaching, scholarship, or other assigned university activities, and the developer's anticipated workload in these areas is at a level significantly lower than normal;
- b) Greater than incidental use of university facilities such as laboratories, studios, specialized equipment, production facilities, or specialized computing resources in direct support of development of the work in question;
- c) Extraordinary or specifically designated university funds to support the work's creation, publication, manufacture or production;
- d) Direct assignment or commission from the university to undertake a creative project as a part of the developer's regular appointment;
- e) Significant use of funding from gifts or grants to the university to support creation of the work(s) involved; and/or
- f) Production of the works under specific terms of a sponsored research grant or contract.

The nature and extent of Originator participation in royalty income is subject to UWG regulations. Written agreements between the employees and the University should be executed in advance of the use of University personnel, facilities, or resources. In the absence of such written agreement, the rights of ownership and royalties shall be determined by the Intellectual Property Committee subject to the UWG Intellectual Policy and the *Board of Regents Policy Manual* of the University System of Georgia.

#### D. Sponsor-Supported Efforts

The grant or contract between the Sponsor and UWG, under which IP is produced, may contain specific provisions with respect to disposition of rights or interests in the IP. When the sponsored project agreement is silent on the matter, all rights in IP rests with UWG. The Office

of Research and Sponsored Projects (ORSP) is responsible for reviewing the terms and conditions of UWG's grants and contracts for compliance with UWG policies on IP rights and openness in research.

#### E. Consulting

Consulting for outside organizations as a part of UWG effort may be performed by UWG personnel pursuant to UWG policies on consulting and to this IP Policy. Any consulting agreement or contract must include a statement that the faculty member has obligations to the University as described in this Intellectual Property Policy, and this Intellectual Property Policy should be attached to the consulting agreement. In the event that there is any conflict between the consultant's obligations to this Intellectual Property Policy and their obligations to the entity for whom they consult, the language of the consulting agreement shall prevail.

#### F. Research notes, data reports, and notebooks

Copyright protection subsists in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Research notes, research data reports, research notebooks, and software created during research are included within the definitions of copyrighted materials and software. Their ownership is determined as with other forms of intellectual property, with ownership vested in the University if the research is supported by significant use of university resources as defined herein, or if so determined by the sponsored project agreement.

#### G. Declined Intellectual Property

Whenever UWG chooses not to administer IP or chooses to cease administering IP, such IP, subject to any obligations to a Sponsor, may be released to the Originator to dispose of as the Originator sees fit. The decision to release such IP is made by the Intellectual Property Officer (IPO), in consultation with the IP Committee, the University General Counsel, and the President.

### **402.06 Revenue Distribution**

Net revenue is defined as gross receipts received by UWG from license activity minus contract amounts due to Sponsors, if any, and the out-of-pocket costs incurred by UWG in protecting and licensing the IP. At UWG, net revenue is distributed as follows:

- First \$10,000 of accumulated net revenue 100% to Originator
- Over \$10,000:
  - 25% to Originator
  - 10% to Department/Unit
  - 40% to Office of Research and Sponsored Projects
  - 25% to Office of the Provost and Vice President for Academic Affairs

#### **402.07 Intellectual Property Oversight**

The chief research officer<sup>1</sup> serves as the Institution's Intellectual Property Officer (IPO) and chairs the UWG Intellectual Property Committee.

**402.071 Intellectual Property Officer (IPO).** The IPO is responsible for and active in all matters related to copyright/patent policies and procedures of UWG. The IPO provides advice and assistance in copyright/patent related matters to the faculty, staff, and students; to the President and administration of the University; and to Sponsor and Partner agencies bound to UWG by contract or grant obligations. The IPO works with the Office of Research and Sponsored Projects (ORSP) and the UWG Intellectual Property Committee to develop and monitor institutional IP policies and procedures. The IPO maintains records, executed copyright/patent/royalty agreements, and official correspondence of the office and of the IP Committee.

**402.072 Intellectual Property Committee (IPC).** The *Intellectual Property Committee* is a standing body and reports to the Provost through the IPO. The IP Committee consists of ex-officio members and members appointed by the President: the IPO (*ex officio*, non-voting except to break ties), and the UWG General Counsel (*ex officio*, non-voting), the Vice President for Business and Finance or designee (*ex officio*, voting), and one voting member from each college and the School of Nursing. The President solicits nominations for the IP Committee from the Provost and Vice President for Academic Affairs in consultation with the Academic Deans. Members are appointed by the President, serve three-year (staggered) terms, and may serve up to two consecutive terms. The IPO serves as the Chair of the IP Committee.

Should any seat on the IPC be vacated prior to the expiration of the normal term, the President appoints a successor to fill the remaining term in accordance with the procedures above.

Any appointed member may be removed at any time by the President, with or without cause.

The IPC meets as necessary.

#### **402.08 Procedures**

##### **402.081 Disclosure of Intellectual Property**

Originators of IP shall promptly provide the IPO with a disclosure describing their creative and scholarly works and new material, devices, processes, or other inventions which they consider may have commercial potential, be they either Individual Efforts, Institution-Assigned Efforts, Institution-Assisted Individual Efforts, or Sponsor-Supported Efforts, using the *Intellectual Property Disclosure Form* provided by the IPO. University Personnel shall cooperate with the IPO and sign all papers deemed necessary to protect and commercialize Intellectual Property covered by this Intellectual Property Policy.

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<sup>1</sup> That officer is at the time of this policy adoption the Associate Vice President for Research and Sponsored Projects. Should that position be redefined or retitled, the designation of IPO would either follow the position or become attached to different person or position designated by the President.

Disclosures are not required for works of authorship, such as articles for publication in scholarly or professional journals, or instructional or research material for internal use where there is no intent to commercially exploit the intellectual property, even though the ownership of the copyright may reside in the University as determined by this policy. In such cases of University ownership, the author is granted a license for the limited purpose of the particular non-commercial publication.

It is the responsibility of the Originator to disclose IP to the University, through the Intellectual Property Officer (IPO), and demonstrate that this classification applies, in accordance with the Disclosure section of this IP Policy.

#### **402.082 Review of Disclosure**

- A. When the IPO receives an *Intellectual Property Disclosure Form* from an Originator, UWG's interest in patenting and/or licensing the disclosed IP must be determined in a timely fashion. After preliminary evaluation of the *Disclosure* by the IPO, one or more of the following actions are initiated within forty-five business days of receiving the *Disclosure*:
1. Initiate an external evaluation of the disclosed IP;
  2. Develop and manage the disclosed IP through the ORSP;
  3. Submit the disclosed IP to the IP Committee for its evaluation and recommendation;
  4. If rights in the disclosed IP are subject to the terms of a grant or contract, comply with the terms of the grant or contract; and,
  5. Assign title to the disclosed IP to the Originator, if the University chooses not to administer or to cease administering the IP.
- B. If the *Disclosure* is referred to the IPC for a recommendation, the Committee reviews the *Disclosure* and, if appropriate, hears an oral presentation by the Originator, supported by any visual material as may be required. Use may be made of appropriate *ad hoc* members, including external agencies, who can best assist in evaluating the IP. The IPC then recommends whether UWG should exert an interest in the IP, based on a determination that the disclosed IP is novel, useful, non-obvious, and/or has commercial potential.
- C. Within thirty-five business days of the *Disclosure* being submitted to the IPC, the IPC will make a recommendation to the IPO as to whether UWG should pursue development of the IP. If the IPC requires additional time, it requests such additional time from the IPO, in writing, including a justification for the request. Any additional time must be at the agreement of the involved parties and in no case will exceed an additional thirty-five business days.
- D. The IPO will consider the recommendation of the IPC and respond to the Originator, in writing, whether UWG intends to pursue development of the IP. The IPO's determination will be due to the Originator no later than thirty-five business days from the IPO's receipt of the IPC's report.
- E. If the IPO, in consultation with the University General Counsel, decides that UWG will not pursue development of the IP, or such agreed upon decisions are not made or responded to in writing during the specified time period, or a mutually agreeable extended time period, UWG waives its rights to pursue development of the IP, except that UWG will retain royalty-free license rights to the IP.

In general, the IPC is responsible for:

1. Advising the IPO regarding UWG's and the Originator's rights and equities in IP in accordance with the *Procedures* section of this policy;
2. Recommending UWG policies and procedures pertaining to copyrights and patents to the President for action;
3. Recommending changes to UWG copyright and patent policies and procedures to the President for action;
4. Reviewing all IP matters submitted to it by the IPO, sponsor agencies, and UWG officials for compliance with UWG policy, Board of Regents Policy, and contractual/grant-based obligations.

#### **402.08 Right of Appeal**

In the event of a disagreement as to the ownership of IP or to the recommended distribution of royalties, the UWG employee (faculty, staff, or student) has the right to appeal, in writing, to the IPO, who will refer the appeal to the IPC. The IPC will then make a recommendation to the IPO within thirty business days of its receipt of the appeal. The IPO will then make a final decision concerning the appeal no later than forty-five business days of receipt of the appeal. If an individual wishes to appeal the decision of the IPO, or if a decision is not made within the time specified above, the individual may appeal to the Provost, in writing, within forty-five business days of the IPO's decision. The Provost will make a decision no later than forty-five business days of receiving the appeal. If the individual wishes to appeal the decision of the Provost, or if the decision is not made within the specified time period, the individual may appeal to the President, in writing, within forty-five business days of the Provost's decision. The President will make a decision no later than forty-five business days of the President's receipt of the appeal. If the individual wishes to appeal the decision of the President, or if the decision is not made within the specified time period, then the individual may appeal to the Board of Regents in accordance with BOR Bylaws.

#### **402.09 Publication**

Nothing in this IP Policy should be construed as affecting the rights of the Originator to publish the results of scientific work, except that the Originator must agree to observe a period of delay in publication or external dissemination if UWG so requests, and such a delay is necessary to permit UWG to secure protection for IP disclosed to it by the Originator.

#### **402.10 Prevailing Policy**

In the event of a conflict between this UWG IP Policy and any policy of the Board of Regents of the University System of Georgia, the latter will prevail.

#### **402.11 Heirs and Assigns**

The provisions of this IP Policy will endure to the benefit of and be binding upon the heirs and assigns of those individuals covered by this IP Policy.

**402.12 Changes in Policy**

This IP Policy will be reviewed and amended, as appropriate, by the IPC at least every two (2) years. This IP Policy may be changed by the President, on the recommendation of the IPC, and the approval of the Provost.

**402.14 Compliance**

Failure to comply with the provisions of this IP Policy is a violation of UWG policy, and may result in the discipline of the violator(s) in accordance with applicable UWG policies and procedures.

**POLICY ADMINISTRATION**

Short Title: Intellectual Property Policy

Effective Date: May, 2013

Cancels/Supersedes: Current policy in the Faculty Handbook

Revision Dates: April, 2013

Oversight: Academic Affairs

Authority and Purpose: To establish a clear policy concerning ownership of material, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property. The policy will apply to students, faculty, and staff.