

7-28-2015

Intellectual Property Policy Review and Recommendations

Lisa Bridges
Georgia Southern University

IP Committee

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Recommended Citation

Bridges, Lisa and IP Committee, "Intellectual Property Policy Review and Recommendations" (2015). *Faculty Senate Index*. 11.
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Approved by the Senate: 9/9/2015

Not Approved by the Senate

Approved by the President: 9/15/2015

Not Approved by the President

Intellectual Property Policy Review and Recommendations

Submitted by Lisa Bridges for the IP Committee

7/28/2015

Motion:

The Intellectual Property Committee makes this motion in writing for the Faculty Senate (and/or the appropriate committee thereof) to review and make recommendations to the revised Intellectual Property Policy. The Intellectual Property Committee is composed of faculty and staff representatives and has carefully considered and crafted the proposed policy. Once the whole Senate has reviewed and made recommendations to the document, it will be sent to the President for final approval.

Rationale:

Intellectual Property Committee Members:

Dr. Diana Cone

Mrs. Maura Copeland

Ms. Ele Haynes

Dr. Don McLemore

Dr. Marshal Ming

Dr. Marc Moulton

Mrs. Becky Rogers

Dr. Biswanath Samanta

Ms. Debbie Shaver (no longer with the University)

Dr. Mike Wiggins

Dr. Rebecca Ziegler (Faculty Senate Representative)

Dr. Charles Patterson (Ex-Officio)

Response:

9/9/2015: The motion “Approval of Proposed Revision to the Intellectual Property Policy” passed, with an amendment that corrected a significant typo.

Minutes: 9/9/2015: **1) Motion: Approval of Proposed Revision to the Intellectual Property Policy re: the IP Committee – Don McLemore, Interim VP Research:**

VP McLemore noted that last year we reinstated and reenergized the Intellectual Property Committee. That Committee is fairly broad and has many more members than are required by the policy of the Board of Regents. As Moderator Humphrey had just pointed out, the current policy on Intellectual Property was 17 years old and in need of serious revision. Our local policy must exist within the constraints of the University Regents Policy. The IP committee included many more definitions, and tried to reach clarity as they looked at different issues that would come from different parts of the University. For example, Arts and Performing Arts, and Sciences and Engineering have very different requirements. They made a concerted effort to provide clarity to the committee, which then has the responsibility for making decisions. Such decisions are rare, but arise in a couple of circumstances. One is when there is a desire to monetize a piece of work, be that Art or a scientific invention; or when there is a desire to capture the value of an invention in the form of a patent, and then dealing with the tension that arises between patent law, which has restrictions on publications and time and all sorts of things, and the desire of faculty to be able to publish. And so what is not in the policy and is not intended to be in the policy is the commitment from the Intellectual Property Committee to work rapidly to try to keep the faculty members out of those timelines where possible. McLemore noted that they looked at diverse similar policies across the System and found that of Georgia State seemed to be one that without a lot of revision would meet our needs, and so a lot of what is in the proposed GSU policy reflects the Georgia State University IP policy.

Jake Simons (COBA) pointed out what he suspected was a very significant typo at the bottom of page 6: He believed it should refer to section 4.A, not section 5.A. McLemore said Simons was probably right, and they’d re-check it to make sure that it was the correct reference.

Marc Cyr (CLASS) noted that McLemore had dwelt on the “tension” that can be created when publication is delayed. Cyr said that area of the policy was what had troubled him too because promotion and tenure decisions can hinge on publications. He wondered if provisions could be made to protect faculty when there is a delay in publication that is in no way their fault.

McLemore said that is a constant struggle. For example, they then had before them a couple of inventions that could well lead to reasonably valuable patents, and they wondered if the committee could work with the home department, the dean, the chair, to inform them that such is going on, to provide them perhaps with copies of the patent applications or whatever else might help keep that faculty member who's been creative and doing good work out of this bind. They had yet to come up with a good answer to that other than to say the committee is certainly willing to provide that kind of feedback on behalf of the faculty member. If there are good solutions to this that could be adopted in written policy they were open to hearing them.

Cyr said he understood that to mean that perhaps departments or colleges needed to generate their own policies to solve this problem. McLemore thought that was right, given that different colleges have different tenure and promotion criteria. The IP committee would love the opportunity to work with those departments on solutions, but had no authority to reach into those entities' policies uninvited.

Mark Edwards (COSM) said his reading of the revised policy was that there had been no change re: the allocation of equity, i.e. who gets what share of the money.

McLemore said that was correct, and noted "The one catchall phrase is . . . everything's negotiable."

Jake Simons (COBA) followed up on his earlier point about that important typo, and offered its correction as a friendly amendment. The amendment was voted on and accepted.

Someone called the question, but Moderator Humphrey pointed out that she had been on the verge of calling for a vote on the amended motion, so calling the question was moot.

The motion was approved