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Intellectual Property Policy (10/20/1997)

Submitted by Harry Carter

10/20/1997

Question:

Rationale:

Response:

Minutes: 10/20/1997: Dr. Carter directed attention to the GSU Intellectual Property Policy and the Board of Regents' Intellectual Property Policy, both distributed with the agenda. He said that a committee had modeled the GSU policy after the University of Georgia's. He added that there had been concern expressed about the way the policy was transmitted, in particular that faculty members were asked to sign and return the policy. This, he said, is not necessary as all employees of the System are bound by BOR policies.

Dr. Clara Krug (CLASS) said that she preferred the BOR policy to the one formulated for GSU. In particular, she objected to an added statement, "significant use of University resources shall include, but not be limited to, use of research funding, use of University pay time within the employment period, use of support staff, use of telecommunications services, and the use of facilities other than office or library resources." (It was later clarified that this statement has been moved from its place in the original policy, not added). She also called attention to the statement "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" She stated her concern for colleagues in positions whose main responsibility is teaching, not research.

Dr. Harry Carter suggested that individual faculty members submit in writing the revision that they would like to see made to the policy. The Committee will then determine what can be changed in accordance with the BOR guidelines.
Dr. George Shriver (CLASS) agreed that the BOR policy is superior. He said that the GSU document is verbatim that produced by UGA, whose faculties' research activities and profits are not like those of GSU faculty. He said he was sure that faculty would submit revisions. Specifically, he suggested that the phrase "significant use of University resources" (emphasis mine) needs to be defined.

Dr. Barbara Hendry (CLASS) determined that the GSU policy has been approved by the BOR, but may be revised. Dr. Carter said that revisions in line with BOR guidelines could be approved by a Chancellor or Vice-Chancellor without a full meeting of the BOR. Dr. Hendry also asked that the following statement be removed: "the University shall require as a condition of employment that all University personnel agree in writing." She also asked how the revenue distribution table had been developed.

Dr. Howie Kaplan, who had chaired the committee which developed the policy, named the other members: Julius Ariail, John Averett, John Humma, Connie Palfy, Anne Pierce, Buddy Rabitsch, and Jane Rhoads-Hudak. In the reconstituted committee, Kaplan, Rabitsch, and Ariail will not serve and Dr. Lane Van Tassell will serve as chair. Mr. Kaplan said that the distribution table had been adapted from the Medical College of Georgia and in each case the GSU table provided that more revenue go to the originator and the originator's department or program. He also tried to clarify the difference between University assisted versus University assigned grants.

Dr. John Brown (COBA) suggested that the committee should have Senate representation. He also said that the document might diminish incentives and so discourage effort. On the issue of royalties, Dr. Kaplan pointed to the statement "regularly scholarly works are all 100 percent originated as an individual effort," and argued that according to the table, lowest amount that an originator and his or her unit can retain is 75%.

Dr. Marc Cyr (CLASS) cited the line "that it shall be the responsibility of the Originator of the Intellectual Property" to demonstrate that he or she has not engaged in "significant" use of University resources. He said it would be an enormous burden for a faculty member to attempt to prove a negative and that the document seems to assign all the responsibilities and few of the rights to faculty.

Dr. Candy Schille (CLASS) wondered if, for instance, use of research assistants in researching a book would preclude a faculty member's claiming individual effort. Dr. Henry said not in his opinion and that the document would be enforced locally. He said that our central administration has no interest in collecting monies such as royalties.
Dr. John Brown (COBA) said that he was sure of Dr. Henry's and Dr. Carter's faculty-friendly intentions, but that the document should be clearer to protect faculty under future administrations. Dr. Henry said that the revision process might ensure that and that no president or provost in his or her right mind is going to give him-or herself problems over this document.

It was moved and passed that Senators solicit revisions of the Policy from their constituencies for submission to the committee.

Minutes: 11/19/1997: Approved with a clarification: Dr. Krug asked that, in relation to the discussion of the Intellectual Property Policy, she was concerned that the phrase stating that the "nature and extent of the use of institution resources . . . shall be determined by the institution" appeared in the BOR policy but not in the Georgia Southern proposal.