

Items from the Statutes Committee for Discussion

Academic Faculty Senate

October 25, 2022

These items (and possibly others) will be brought before the GT Faculty meeting on November 29, 2022.

They are brought to the Academic Faculty Senate to allow a longer, broader discussion.

5.4 IP Policy (approved by Statutes Committee as a motion to the GT Faculty meeting)

4.4 Academic Program Reviews (approved by Statutes Committee as a motion to the GT Faculty meeting)

3.3.8 RPT committee definitions (approved by Statutes Committee as a motion to the GT Faculty meeting)

3.1.9 Grievance: Process and Procedures (the Statutes Committee requests discussion by the Academic Senate before it takes action)

Statutes Committee Items – October 25, 2022

- 5.4 IP Policy (approved by Statutes Committee as a motion to the GT Faculty meeting)
- 4.4 Academic Program Reviews (approved by Statutes Committee as a motion to the GT Faculty meeting)
- 3.3.8 RPT committee definitions (approved by Statutes Committee as a motion to the GT Faculty meeting)
- 3.1.9 Grievance: Process and Procedures (the Statutes Committee requests discussion by the Academic Senate before it takes action)

Reasons for changes

- 5.4 – USG BOR required it
- 4.4 – Provost's office requests it to make the process more efficient and effective
- 3.3.8 – To explicitly require that RPT committee be a combination of elected members (by unit faculty) and appointed members (by unit head)
- 3.1.9 – To clarify appeals process within GT and to the USG BoR. The old language is outdated and incorrect.

Current Policy	Notes	New Policy
<p>5.4 Intellectual Property Policy</p> <p>5.4.1 Introduction</p> <p>This policy shall be applicable to all full or part-time faculty, staff, and students of the Georgia Institute of Technology.</p> <p>The Georgia Institute of Technology (GIT) is dedicated to teaching, research, and the extension of knowledge to the public. Its personnel recognize as two of their major objectives, the production of new knowledge and the dissemination of both old and new knowledge. Inherent in these objectives is the need to encourage the development of new and useful devices and processes, the publication of scholarly works and educational materials, the development of computer software, and other forms of Intellectual Property. Such activities</p> <ol style="list-style-type: none"> 1. Contribute to the professional development of the faculty, staff, or students involved; 2. Enhance the reputation of GIT; 3. Provide additional educational opportunities for participating students, and 4. Promote the general welfare of the public at large. <p>Patentable inventions and materials often come about because of activities of GIT faculty, staff, or students who have been aided wholly or in part through the use of GIT resources. It becomes significant, therefore, to insure the utilization of such inventions for the public good and to expedite their development and marketing. The rights and privileges, as well as the incentive, of the inventor must be preserved so that his or her abilities and those of other GIT faculty, staff, and students may be further encouraged and stimulated.</p> <p>GIT recognizes and encourages the publication of scholarly works as an integral part of the processes of teaching, research, and service. GIT encourages faculty, staff, and students to regularly prepare for publication, usually through individual effort and initiative, articles, pamphlets, books, and other scholarly works which may be subject to copyright and which may generate royalty income for the author. Publication may also result from work supported either partially or</p>	<p>Rephrased to clarify scope of application. See 5th paragraph under introduction.</p> <p>Double strikethrough portions were deleted due to duplication with USG IP policy, instead, USG IP policy is referenced at the beginning of the new policy. This will allow GT policy to adopt the most recent versions of the USG policy.</p>	<p>5.4 Intellectual Property Policy.</p> <p>5.4.1 Introduction</p> <p>The Board of Regents (“BOR”) requires each University System of Georgia (“USG”) institution to develop policies and procedures for the administration of BOR Policy 6.3 Intellectual Properties.</p> <p>Georgia Institute of Technology (“GIT”) values the creativity and entrepreneurial attitude of members of the GIT community and encourages the protection and licensing of GIT Intellectual Property for commercialization. GIT hereby establishes the following policy, and addendums thereof, on intellectual property that may result from the activities of GIT employees in the course of their duties or through the use of GIT resources. GIT, through the Office of Technology Licensing (“OTL”), also maintains and updates an Intellectual Property Administration Guidebook (“IP Guidebook”) in observance and furtherance of this policy and its interpretations and applications.</p> <p>In the event of conflict between this policy and BOR Policy 6.3, BOR Policy 6.3 shall govern. In the event of a conflict between the IP Guidebook and this policy, this policy shall govern. This policy shall supersede any previous GIT IP policy.</p> <p>Georgia Tech Research Corporation (“GTRC”), an affiliated organization of GIT, is the assignee and owner of all intellectual property rights create at GIT.</p> <p>All GIT employees, including faculty, staff, affiliates, adjuncts, and students, who are obligated to sign an intellectual property Assignment Agreement, updated Assignment Agreement, and Appendixes (collectively as “Assignment Agreement”) as part of employment are subject to this policy.</p> <p>Students shall be required to execute an Assignment Agreement only:</p> <ol style="list-style-type: none"> 1. When working on a research project funded by an entity other than GIT, the Georgia Tech Foundation, or the Board of Regents; 2. When employed by GIT; 3. In the case when the student anticipates or engages in more than incidental use of GIT equipment and/or resources that are not available to the general public; or

Commented [WB1]: Draft as of September 27, 2022

Commented [WB2]: USG does not need to review and approve GT’s policy just needs to have a copy on file. See B.O.R. Policy **6.3.6 Filing of Institutional Policies** “Each institution shall file its Intellectual Property policy with the Office of Legal Affairs in the University System Office.”

Commented [WB3]: See: B.O.R. Policy **6.3.4 Institutional Procedures** “Each USG institution is required to develop policies and procedures for the administration of this Intellectual Property Policy.”

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Commented [WB4]: IP Guidebook is the responsibility of OTL. This Guidebook intends to serve as a living document recording how this policy is applied and operationalized. The Guidebook can also have a FAQ section.

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<p>completely by the institution. With the advent of innovative techniques and procedures, the variety and number of materials that might be created in a university community have increased significantly, causing the ownership of such copyrightable materials to become increasingly complex.</p> <p>GIT aims to be at the forefront of teaching and to provide diverse high-quality learning environments. To achieve these purposes, GIT wishes to encourage and provide incentives for innovators in the development of improved educational materials. Through the efforts of faculty and staff, digital and other storage and transmission media will have an increasing role in expanding educational effectiveness and accessibility. When such materials are used to expand programs outside the traditional campus, they require and deserve Intellectual Property protection.</p> <p>GIT recognizes the need for enhanced development and dissemination of software technology as a means of expressing both old and new knowledge. Inasmuch as GIT is aware of the dynamic nature of Software and that the value of Intellectual Property comes from the ability of its owner to control its use and that such value is directly related to the degree of protection it enjoys under the law, GIT encourages the protection of such expressions of knowledge by the utilization of appropriate Intellectual Property laws and the creation of comprehensive software technology transfer policies and procedures.</p> <p>The Board of Regents has, by contract, granted rights to Intellectual Property created at GIT to the Georgia Tech Research Corporation (GTRC). When this policy speaks to ownership of Intellectual Property by GIT, GTRC shall be the owner.</p> <p>The foregoing considered, the Georgia Institute of Technology does hereby establish the following policy with respect to the development, protection, and transfer of rights to Intellectual Property resulting from the work of its faculty, staff, or students.</p>	<p>This paragraph was deleted for simplification and readability.</p> <p>Rephrased to clarify the role of GTRC. See 4th paragraph under introduction.</p> <p>Rephrased for clarification. See 2nd paragraph under introduction.</p>	<p>4. When required by the Office of the Provost. Such requirement may be recommended by a faculty member who has students working in faculty-directed research.</p> <p>For the purpose of this policy, this assignment requirement does not apply to students who participate in entrepreneurship activities, such as senior design, CREATE-X, InVenture Prize, or use equipment obtained by Student Tech Fees.</p>
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5.4.2 Definitions

~~"Intellectual Property" shall be deemed to refer to Patentable Materials, Copyrighted Materials, Trademarks, Software, and Trade Secrets, whether or not formal protection is sought.~~

~~"Patentable Materials" shall be deemed to refer to items other than Software which reasonably 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 Patentable thereunder.~~

~~"Copyrighted Materials" includes the following: (1) books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and proposals; (2) lectures, musical or dramatic compositions, unpublished scripts; (3) drawings, sketches, renderings, blueprints, photographs; (4) films, filmstrips, charts, transparencies, and other visual aids; (5) video and audio tapes or cassettes; (6) live video and audio broadcasts; (7) programmed instructional materials; (8) mask works; 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.~~

~~"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 of related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions.~~

~~"Trademarks" shall include all trademarks, service marks, trade names, seals, symbols, designs, slogans, or logotypes developed by or associated with the Georgia Institute of Technology. (See 15 U.S.C.1127.)~~

~~"Trade Secrets" means 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: (i) derives economic value, actual or potential, from not~~

Double strikethrough portions were deleted due to duplication with USG IP policy, instead, USG IP policy is referenced at the beginning of the new policy. This will allow GT policy to adopt the most recent versions of the USG policy.

5.4.2 Definitions

In addition to terms defined in [BOR Policy 6.3](#), the following terms as used in this policy shall mean:

"Creator" means a member of the GIT faculty, staff, or student body who makes an invention, as defined under U.S. patent law, or who participates in the creation of a copyrightable work, under US copyright law, or both. One is a participant in creating a copyrighted work when one makes an original work of authorship (or part thereof) fixed in any tangible medium of expression from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Being an editor or otherwise facilitating a creation does not ordinarily qualify one as a "Creator."

"Creator of Record" means a Creator identified on an approved intellectual property disclosure. ~~When more than one Creator of Record is identified, the contribution allocation shall be determined by the percentage listed in the disclosure.~~

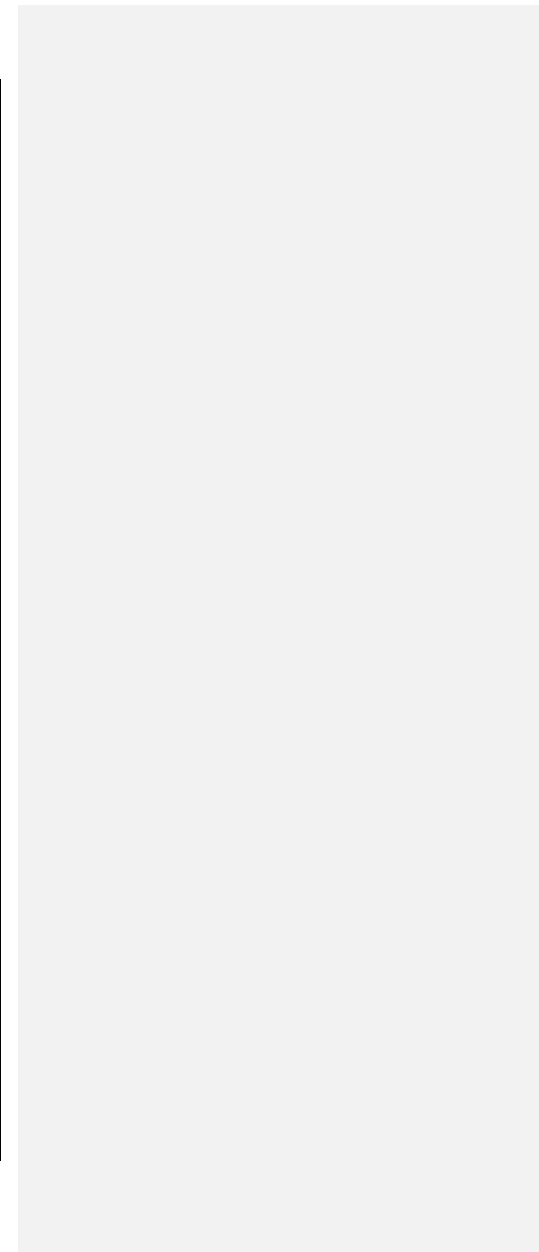
"Commercialization" means the process of developing marketable intellectual properties and licensing (and/or optioning) the same to parties outside GIT who, in turn, will develop products or services based on them to sell or license to others.

"Gross Income" refers to all revenue and/or equity received by GTRC from the transfer, commercialization, or other exploitation of GTRC-owned intellectual property.

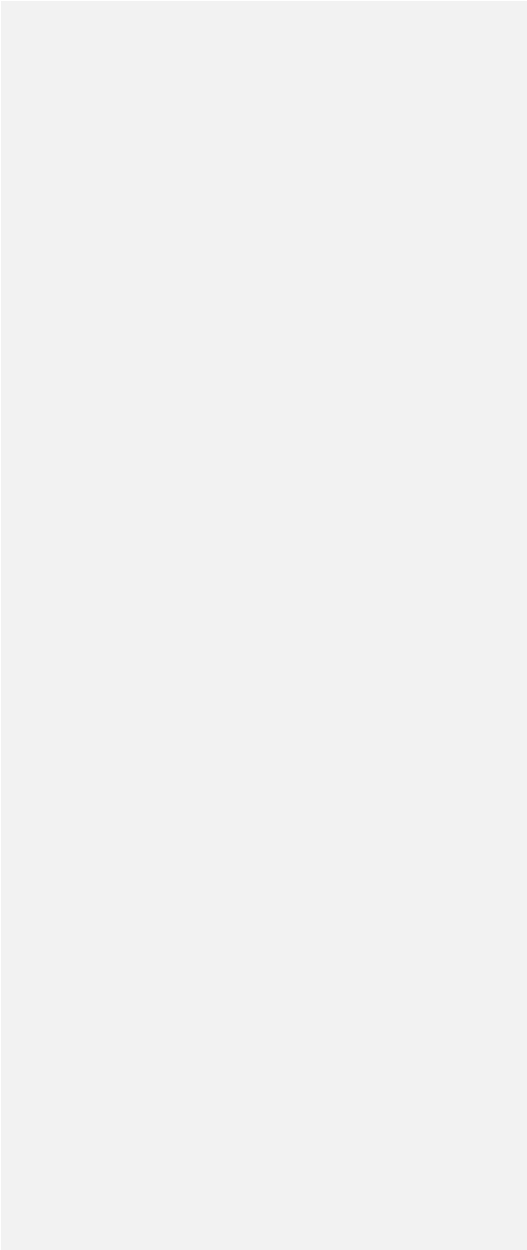
"Intellectual Property Disclosure" refers to a written description of intellectual property disclosed to GTRC and that includes the Creator(s) of Record, contribution percentage, covenants, representations, affirmation, and signatures.

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<p>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. (See O.C.G.A. 10-4-764.)</p> <p>"Patentable Plant" means an asexually reproduced distinct and new variety of plant. (See 35 U.S.C.164.)</p> <p>"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. (See 17 U.S.C. 901.)</p> <p>"Novel Plant Variety" means a novel variety of sexually reproduced plant. (See 7 U.S.C.2321 et seq.)</p> <p>"Creator" means a member of the Georgia Tech faculty, staff, or student body who makes an invention, as defined under U.S. patent law, or who participates in the creation of a copyrightable work, under US copyright law, or both. One is a participant in creating a copyrighted work when one makes an original work of authorship (or part thereof) fixed in any tangible medium of expression from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Being an editor or otherwise facilitating a creation does not ordinarily qualify one as a "Creator."</p> <p>"Commercialization" means the process of developing marketable Intellectual Properties and licensing them to parties outside GIT who, in turn, will develop products or services based on them to sell or license to others. Thus, for example, this term does not apply to GIT offering a course or seminar for a fee.</p>	<p>Retained in new policy without change.</p> <p>Retained in new policy without change.</p>	
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<p>5.4.3 Intellectual Property Advisory Committee</p> <p>Intellectual Property activities shall be under the general cognizance of the Executive Vice President for Research (EVPR) and administered by the General Manager of GTRC. An Intellectual Property Advisory Committee will be appointed by the EVPR after consultation with the Faculty Executive Board. The IP Advisory Committee will be constituted as follows: one representative shall be selected from the Office of Administration and Finance, one representative shall be selected from the Office of Legal Affairs; one representative shall be selected from the Georgia Tech Research Corporation; and one or more faculty representative(s) shall be selected from each of the colleges so that there is an adequate representation of specialized areas such as but not limited to software, instructional materials, translational research, and inventions; and one representative shall be selected from the student body. The EVPR shall appoint the Chair of the Committee to serve as needed.</p> <p>The role of the IP Advisory Committee is to:</p> <ol style="list-style-type: none"> 1. Advise the EVPR and General Manager of GTRC on policy matters relating to Intellectual Property; 2. Propose amendments considered necessary to the Intellectual Property Policy; 3. Advise on settlement of disputes; and 4. Advise on deviations from this policy. <p>5.4.4 Assignment and License of Rights</p> <p>A. All full or part-time faculty and staff shall, as a condition of employment with the Institute, execute an agreement, assigning all rights, title, and interest, to the extent prescribed in this policy, in any Intellectual Property to the Georgia Tech Research Corporation. Students shall not be required to execute an agreement except as set forth in this policy under section 5.4.4.B. This policy shall, however, be applicable to them as provided in the General Catalog and Student Handbook.</p> <p>B. Students shall be required to execute an agreement only:</p>	<p>5.4.3 is new policy §5.4.4.A.3 with the following changes:</p> <ol style="list-style-type: none"> 1. The president, not EVPR, will appoint the Committee. This is to align with B.O.R. policy 6.3.4, "Each president shall appoint an institutional Intellectual Property committee..." 2. Office of Legal Affairs is now Office of the General Counsel; 3. Allows one or more representatives from the student body to recognize the different perspectives from undergraduates and graduate students. <p>5.4.4 has been moved to the introduction session under the new policy with minor modifications for clarification</p>	
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<p>1. When working on a research project funded by an entity other than GIT, the Georgia Tech Foundation, or the Board of Regents;</p> <p>2. When employed by GIT; or</p> <p>3. When required by the Office of the Provost. Such requirement may be recommended by a faculty member who has students working in faculty-directed research.</p> <p>C. For Copyrighted Material that is (1) created by a student in furtherance of or in connection with student's studies or activities at GIT during his/her matriculation at GIT and (2) that does not fall under Section 5.4.4B above, the student hereby grants to GTRC and GIT a non-exclusive, royalty-free license to copy, display, distribute, perform, display and make derivative works of the Copyrighted Materials for GTRC's and GIT's purposes only.</p> <p>5.4.5 Determination of Rights in Intellectual Property</p> <p>A. Sponsor-Supported Efforts The grant or contract between the sponsor and GTRC, under which Intellectual Property is produced, may contain specific provisions with respect to Intellectual Property. The Creators must be aware of these provisions as they can impact the licensing and Commercialization opportunities of the Intellectual Property.</p> <p>B. Institution-Assigned Efforts Ownership of Intellectual Property developed as a result of assigned institutional effort, including any effort normally associated with one's discipline and position, in education, research, and service, shall reside with GTRC.</p> <p>The general obligation to produce scholarly and creative works, such as textbooks and associated supplementary material, books, journal articles, does not constitute a specific assignment for this purpose. Creation of computer Software may be a scholarly activity and it may not necessarily constitute a specific assignment for this purpose. (See also Definitions in Section 5.4.2).</p>	<p>5.4.5 is new policy §5.4.3</p>	<p>5.4.3 Ownership of Intellectual Property</p> <p>GTRC owns all intellectual property resulting from the activities of GIT employees in the course of their duties or through the use of GIT resources and of GIT students as outlined in Section 5.4.1, except in the circumstances described below.</p> <p>A. <i>Sponsor-supported Efforts.</i> Ownership of intellectual property is governed by the grant or contract terms agreed upon between the sponsor and GTRC and/or GTARC.</p> <p>B. <i>Scholarly and Creative Works.</i> Unless Section 5.4.3.A applies, Creators own copyrights to their scholarly and creative works, such as instructional materials, textbooks and associated supplementary material, books, journal articles, and associated Software. GIT and GTRC retain a fully paid up, <u>universe-wide</u>, perpetual, non-exclusive, royalty-free license to use, re-use, distribute, reproduce, display, make derivative works, and make all traditional, customary or reasonable academic use of all scholarly and creative works for the educational and research purposes of the members of the GIT community.</p> <p>C. <i>Individual Activities.</i> Creators own all intellectual property rights arising from their individual activities, if (a) these activities are outside Creators' GIT duties or assignments; and (b) there is no use, except in a purely incidental way of GIT resources in the creation of such intellectual</p>
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C. Institution-Assisted Individual Effort

Ownership of Intellectual Property developed by faculty, staff, or students of GIT where GIT provides support of their efforts or use of institutional resources in more than a purely incidental way (unless such resources are available without charge to the public) shall reside with GTRC.

D. Individual Effort

In accordance with U.S. copyright law, textbooks, books, and journal articles and their directly associated electronic media will normally be treated as individual efforts owned by the author(s) unless one of the exceptions listed in 5.4.5 A-C applies.

In addition, ownership rights to Intellectual Property developed by GIT faculty, staff, or students shall reside with the Creator of such Intellectual Property provided that: (1) there is no use, except in a purely incidental way, of GIT resources in the creation of such Intellectual Property (unless such resources are available without charge to the public); (2) the Intellectual Property is not prepared in accordance with the terms of GIT contract or grant; and (3) the Intellectual Property is not developed by faculty, staff, or students as a specific institution assignment as discussed in 5.4.5 B above. The nature and extent of the use of GIT resources shall be subject to GIT regulations.

When there are multiple Creators, some or all may have ownership rights subject to the tests described above, but the parties are encouraged to enter into a mutually signed written agreement to clarify their respective rights and responsibilities, in accordance with guidance in Section 5.4.6.

E. Other Efforts

Ownership rights to Intellectual Property developed under any circumstances other than those listed in Section 5.4.5 A-D of this policy shall be determined on an individual basis and approved by the General Manager of GTRC or his or her designated representative.

property; or such resources are available without charge to the public. External consulting is considered an individual activity that is outside the Creator's GIT duties or assignments.

- D. *Special Cases*: Ownership rights to intellectual property developed under any circumstances other than those listed in Section 5.4.3. A-C of this policy shall be determined on an individual basis and approved by the General Manager of GTRC or any other designated representative approved by the President of GIT.

All GIT employees, including faculty, staff, affiliates, adjuncts, and students, as a condition of employment with GIT, shall execute the Assignment Agreement, assigning all rights, title, and interest, to the extent prescribed in this policy, in any intellectual property to GTRC.

GTRC may waive its right to assert intellectual property claim under certain situations upon written request from Creator(s).

GIT students own all intellectual property resulting from their academic and individual activities unless required to sign an Assignment Agreement as described in Section 5.4.1 of this policy. For Copyrighted Material and Software (as defined in B.O.R. Policy 6.3.2.3 and 6.3.2.4) that is (a) created by a student in furtherance of or in connection with the student's studies or activities at GIT during his/her matriculation at GIT and (b) that is not subject to a sponsored project or other agreement giving third-party rights, the student hereby grants to GTRC and GIT a non-exclusive, royalty-free license to copy, display, distribute, perform and make derivative works of the Copyrighted Materials and Software for GTRC's and GIT's purposes.

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On acceptance by GTRC of any Intellectual Property for administration, the Creators shall do all things necessary and comply with reasonable requests by GTRC, to assist in obtaining Intellectual Property protection and/or marketing the Intellectual Property. Such assistance will be at no cost to the Creators.

No Institute personnel shall take any action to seek Commercialization of, or receive any benefit from, any GTRC-owned Intellectual Property other than in accordance with the Georgia Institute of Technology Intellectual Property policy.

- c) Advise on the settlement of internal disputes; and
- d) Advise on deviations from this policy.

- B. Disclosure. Creators must promptly and fully disclose to OTL any intellectual property resulting from the activities of GIT faculty and staff employees in the course of their duties or through the use of GIT resources. Creators also have an ongoing obligation to update the disclosure including adding or deleting Creators or modifying contribution percentages. Details about the required disclosure can be found in the IP Guidebook. Failure to disclose may result a breach of sponsored research agreement obligations, loss of potential royalties, etc.
- C. Evaluation Decisions: OTL may develop the intellectual property for commercialization, may release it to the **Creator(s)** if OTL decides to no longer manage a given intellectual property and such release is permitted by law, or may take such other actions as are determined to be in the public interest. Details about decision making and notifications can be found in the IP Guidebook. Within 60 calendar days from disclosure by the Creator(s), OTL will inform the Creators as to whether they will file a provisional patent application. If OTL decides not to file a provisional patent application, refile a new provisional patent application, or does not inform the Creator(s) within 60 days, then OTL shall provide an evaluation to the Creator(s) as to whether the disclosed intellectual property could be released back to Creator(s). If yes, OTL shall initiate the release process. Within 10 months of the filing of a provisional application, OTL will inform the Creator(s) as to whether they will convert it to anon-provisional filing. If OTL decides not to file a non-provisional application or does not inform the Creators within 10 months, upon request, the intellectual property may be reverted to the Creators under the terms of any agreements that supported or **is** related to the work. In the case of an invention resulting from a government-sponsored project, where OTL cannot or chooses not to retain ownership, rights would be retained by the government unless explicitly requested by the Creators. In such cases, the Creator(s) may request and be granted rights by the sponsoring agency to an invention made under such an award.
- D. Questions related to GTRC ownership. In the event there is a question as to whether GTRC has a valid intellectual

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		<p>property ownership claim arising from a situation not described in this policy, OTL shall provide the Creator with a written decision supported by a summary of rationale within 30 days.</p> <p>E. Licensing to GIT Creators. OTL may, at its discretion and consistent with the public interest, license intellectual property to the Creator(s) on an exclusive or non-exclusive basis. The Creator(s) may be required to assume the cost of statutory protection. Agreements with <u>Creators</u> will be subject to review and approval of conflict of interest issues in accordance with applicable GIT policies.</p> <p>F. Consulting Agreements. Consulting agreements are agreements between members of the GIT community and a private third party. <u>GIT cannot provide advice to employees regarding private or non-GIT matters.</u> However, employees should carefully review such agreements to ensure the terms are not in conflict with their employment agreement with GIT or obligations to GTRC nor in conflict with any of the GIT's policies, including but not limited to this policy.</p> <p>G. Administrative Guidelines and Procedures. OTL shall develop and maintain the IP Guidebook providing operational guidelines and procedures for the administration of GIT intellectual property.</p> <p>H. Appeal. Any decisions made by GTRC and/or OTL may be appealed to the GTRC Board of Trustees. The General Manager of GTRC shall facilitate the appealing process. The GIT Intellectual Property Advisory Committee shall serve as an advisory body to the GTRC Board of Trustees in reviewing and deciding on the merits of any appeal.</p> <p>I. Maintenance Fees. OTL will inform Creator(s) 60 days before the due date if they intend to abandon the maintenance fees for a patent. Creator(s) will have an option to take over the patent by paying the future patent costs.</p> <p>J. Alternative Disposition of Rights. Unless the terms of any agreements that supported or governed the work prohibit and notwithstanding other provisions in this policy (including but not limited to the Assignment Agreement), a Creator(s) (acting collectively when there are more than one) is free to place an invention in the public domain upon written notification to GTRC signed by all Creators of <u>Record</u>. <u>GTRC will not assert intellectual property rights when Creator(s) have placed their inventions in the public domain.</u></p>
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Distribution of Income

The first Two Thousand Five Hundred Dollars (\$2,500) of gross licensing income derived from the Commercialization of any Intellectual Property shall be paid to the Creators if they have filed a disclosure with GTRC in accordance with these procedures. Thereafter, the net income, computed on a cumulative basis, shall be distributed as follows:

	Net \$500 K	\$501 K - \$1,000 K	> \$1,000 K
Creator(s)	33%	33%	33%
Unit	17%	27%	33%
GTRC	50%	40%	34%

All licensing net income from royalties and similar income, i.e. gross income less all expenses attributable to that specific disclosure (e.g., patent costs, attorney costs, marketing costs, reproduction, mailing, consumables, and unreimbursed development costs, etc.), shall be distributed quarterly by GTRC to the Creator and/or unit. Any expenses to be reimbursed before distribution of royalties, over and above GTRC expenses, should be preapproved by all parties (GTRC, Unit, and Creators) before they are incurred but must be agreed in writing by all the parties (GTRC, Unit, and Creators) prior to distribution.

In the case of the death of a Creator, any payment due, or which would have been due to such Creator, shall be made to the Creator's estate.

~~The "Creator" will be the Creator or Creators of record listed on the original Intellectual Property disclosure, or as subsequently updated in writing. When more than one Creator is listed, the allocation will be determined by the percentage of ownership listed in the original or updated disclosure. That allocation may only be altered for future distribution of royalties or other proceeds by written request signed by all Creators listed on the original disclosure. In the case of the death of a Creator, any payment due, or which~~

Deleted as "Creator" and "Creator of Record(s)" are defined in the Definition section.

5.4.5 Distribution of Income

To encourage further development of intellectual property and as authorized by BOR, OTL shall use the following income distribution mechanism.

The first Two Thousand Five Hundred Dollars (\$2,500) of gross licensing income derived from the Commercialization of any intellectual property shall be paid to the Creator(s) of Record. Thereafter, the net income, computed on a cumulative basis, shall be distributed as follows:

	Net \$500 K	\$501 K - \$1,000 K	> \$1,000 K
Creator(s) of Record	33%	33%	33%
Unit	17%	27%	33%
GTRC	50%	40%	34%

All licensing net income from royalties and similar income, i.e. Gross Income less all expenses attributable to that specific disclosure (e.g., patent costs, attorney costs, evaluation costs, marketing costs, reproduction, mailing, consumables, and unreimbursed development costs, etc.), shall be distributed annually by GTRC to the Creator(s) of Record and/or unit.

~~would have been due, to such Creator shall be made to the Creator's estate.~~

Reinvestment funds are intended to seed additional research and development of new Intellectual Property. Distribution of a portion of royalties, and similar or related income, for reinvestment will be made in the form of a GTRC grant to the primary home unit of the principal Creator for use in funding additional research and development or other scholarly activities at the unit level.

The portion of royalty and similar or related income that accrues to GTRC shall be used to partially offset the costs of technology transfer or dissemination not allocable to specific licensed Intellectual Property and to support the research and teaching infrastructure and programs of GIT.

Equity Stakes
 In the event that GTRC accepts equity in a start-up company as part of consideration for a license to technology or to any other Intellectual Property, the Creators may be entitled to receive a portion of the equity shares received from the company by GTRC. A Creator may participate, subject to the GIT Conflict of Interest Policy, in the formation of a company to commercialize Intellectual Property that is licensed from GTRC and hold equity in the resulting start-up company. However, a Creator who accepts an equity interest of any form or size from a licensee shall receive no portion of any equity shares received from the licensee by GTRC.

Creators choosing not to accept an equity interest directly from a licensee will receive a portion of the equity shares received by GTRC according to the following schedule: a) If there is a single Creator then one-third (1/3) of the total shares received by GTRC, the Creator's portion, will be distributed to that individual. GTRC will carry the remaining two-thirds (2/3) of the shares received, the GTRC portion, until sale at a date to be determined later. b) If there is more than one Creator and all Creators choose not to accept an equity interest directly from a licensee, then one-third (1/3) of the total shares received by GTRC, the Creators' portion, will be distributed to all Creators on a pro-rata basis based on their relative contributions to the discovery and development of the Intellectual Property in question. GTRC will carry the remaining two-thirds (2/3) of the shares received, the GTRC portion, until sale at a date to be determined later. c) If there is more than one Creator and one or more Creators choose to

The details in this section are more suitable for the IP guidebook. The new policy aims to capture the key policy issues and procedures will be delineated and updated as needed in the IP guidebook

Reinvestment funds are intended to seed additional research and development of new Intellectual Property. Distribution of a portion of royalties, and similar or related income, for reinvestment will be made in the form of a GTRC grant to the primary home unit of the principal Creator for use in funding additional research and development or other scholarly activities at the unit level.

The portion of royalty and similar or related income that accrues to GTRC shall be used to partially offset the costs of technology transfer or dissemination not allocable to specific licensed Intellectual Property and to support the research and teaching infrastructure and programs of GIT.

In the event that equity in a company is offered to and accepted by GTRC as part of consideration for a license to technology and/or to any other intellectual property, GTRC, through OTL, and the Creator(s) of Record shall agree in writing on how the Creator(s) of Record will receive equity shares and other related matters, provided that the Creator(s) of Record have made proper disclosures to and received approval from the Conflict of Interests review group.

Subject to the company's subscription or shareholders agreement provisions requiring that GTRC not receive shares with an intent to sell, upon any sale of the equity shares retained by GTRC, the net proceeds received therefrom, will be distributed to the sponsoring unit, to the Creator(s) of Record, and to GTRC according to the mechanism described in this policy.

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accept an equity interest directly from the licensee and one or more choose not to participate in the formation of the company (i.e. not accept shares directly from the company), then the normal Creators' portion of the total shares received by GTRC (that is, the one-third (1/3) portion in a) and b) above) is reduced by the contributions of those Creators choosing not to receive shares from GTRC relative to all Creators. The remaining Creators' portion of shares received by GTRC is distributed to those Creators based on each of the remaining Creators' contributions relative to those remaining Creators. The GTRC will obtain all remaining shares.
[Example: There are two (2) Creators with a mutually agreed upon split of 60% contribution by Creator#1 and 40% by Creator #2. Creator #1 takes equity directly from the company and GTRC negotiates for a total of one hundred (100) shares of equity with the company. The normal 33% Creators' share would be thirty-three (33) shares. Since Creator #1 chose to take equity directly from the company, he would not receive any GTRC received shares. Creator #2 would get $0.33 \times 40 = 13.2$ shares, the same number he would have received if Creator #1 had not opted for directly receiving company equity. The remaining $33 - 13.2 = 19.8$ shares will be held by GTRC, along with the other sixty-seven (67) shares.] GTRC will carry its portion of the shares received until sale at a date to be determined later.

Upon sale of any equity shares received by GTRC, the net proceeds received will be kept by GTRC and will be distributed to the sponsoring unit for reinvestment according to the chart shown above for the unit and GTRC.

The distribution of royalties to the Creator(s), to reinvestment, and to GTRC will continue regardless of the equity choices made by the Creators.

Retention of Ownership

Ownership of Intellectual Property Rights will normally be retained by GTRC. This is to ensure that all licensable knowledge created or invented will be available for public use. Exclusive licensing agreements by GTRC will contain a due diligence provision to require the license to revert to GTRC within a reasonable period of time if the licensee does not make the Intellectual Property available to the public.

Retention of Ownership

Ownership of intellectual property rights will normally be retained by GTRC. This is to ensure that all licensable knowledge created or invented will be available for public use. Exclusive licensing agreements by GTRC will contain a due diligence provision to require the license to revert to GTRC within a reasonable period of time if the licensee does not make the intellectual property available to the public according to the terms of a fully executed agreement.

5.4.6 Usage of Copyrightable Materials.

For Copyrightable Materials (as defined in B.O.R. Policy 6.3.2.4) that are owned by GTRC, the Creator(s) is/are authorized to make modifications and to prepare derivative works, and to use and present said derivative works,

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5.4.7 Fair Use and Other Protections Relating to Copyrights

Faculty members may from time to time participate in creating a copyrighted work, which may be owned by GTRC in accordance with Sections [5.4.5](#) and [5.4.6](#). That notwithstanding, such faculty members have the right To make modifications to their parts of such works and to prepare derivative works therefrom; and To use and present said derivative works, whether or not the faculty member is still employed by GIT, subject to the GIT Conflict of Interest Policy.

GIT recognizes the need and has the right to require that the quality and freshness of Copyrighted Materials used in its programs be maintained. It will make every reasonable effort to involve faculty, staff, and student Creators of copyrighted works in on-going quality assurance and improvement of the works they created. GIT shall, in any case, recognize and acknowledge the Creators of any material used in university programs, subject to the permission of the Creators.

Within the GIT community, parties involved in the development of copyrightable materials (Georgia Tech faculty, staff, students, and appropriate units of Georgia Tech) may enter into mutually signed written agreements to determine the particular terms and conditions of these policies applicable to specific developments. GTRC shall administer the execution of these agreements.

Students have rights to hold copyrights, subject to the criteria governing copyright ownership as set forth in Sections [5.4.5](#) and [5.4.6](#).

Names and Trademarks associated with and belonging to GIT may not be used except by permission of the Office of Institute Communications and Public Affairs, acting on behalf of the Georgia Tech Foundation. Members of the GIT community may identify themselves as such, in ways customary in scholarly work, but any such use shall seek to avoid inappropriate implications of sponsorship or endorsement by GIT, and where necessary, include specific disclaimers.

Members of the GIT community are cautioned to respect and observe the rights of other copyright owners, in accordance with fair use provisions of current U.S. copyright law. Similarly the rights of any sponsors involved in the development of

whether or not the Creator(s) ~~is~~ are still employed by GIT, subject to the GIT Conflict of Interest Policy.

GIT has the right to require that the quality and freshness of Copyrighted Materials used in its programs be maintained. It will make every reasonable effort to involve faculty, staff, and student Creator(s) of copyrighted works in on-going quality assurance and improvement of the works they created. GIT shall, in any case, recognize and acknowledge the Creator(s) of any material used in GIT programs, subject to the permission of the Creator(s).

Members of the GIT community shall respect and observe the rights of other copyright owners.

5.4.7 Other Types of Intellectual Property

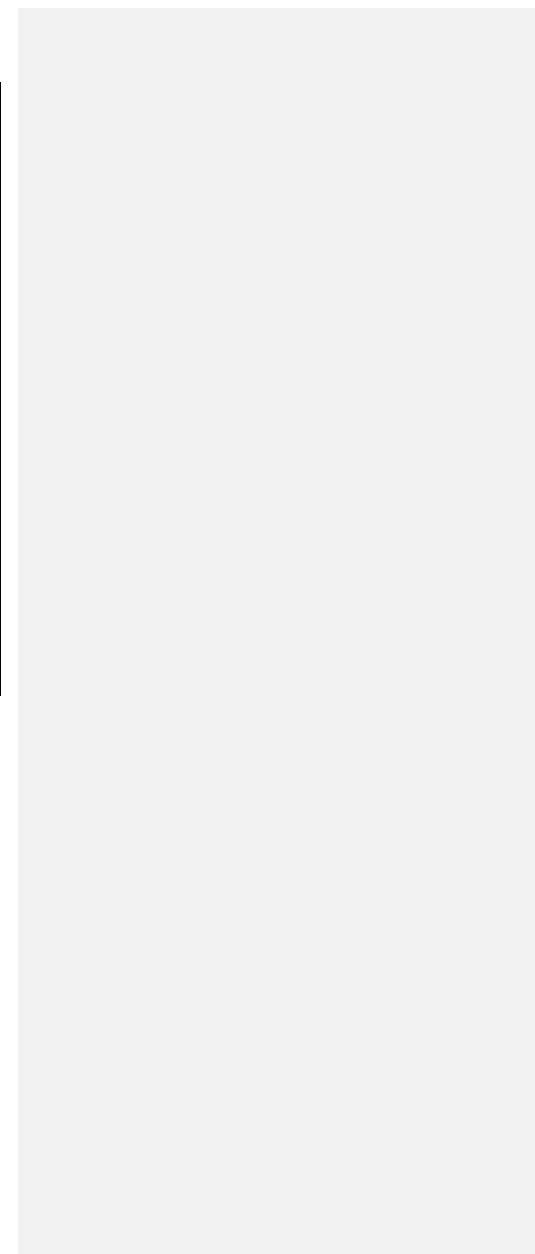
- A. Trademark. Names and Trademarks associated with and belonging to GIT may not be used except by permission of the Office of Institute Communications, acting on behalf of the Georgia Tech Foundation. Members of the GIT community may identify themselves as such, in ways customary in scholarly work, but any such use shall seek to avoid inappropriate implications of sponsorship or endorsement by GIT, and where necessary, include specific disclaimers.
- B. Trade Secrets. OTL may include Trade Secrets (defined in B.O.R. Policy 6.3.2.6.) provisions in patent license agreements. Because of the potential for conflict with the GIT's policies of requiring the free and open publication of academic research, GIT will not generally enter into agreements protecting stand-alone Trade Secrets.

5.4.8. Other Matters

Changes in Policy

This policy should be reviewed every three years and changes may be made through GIT policy change process.

<p>Intellectual Property must be respected and protected appropriately.</p> <p>5.4.8 Other Matters</p> <p>Appeals and Conflicts GIT personnel shall have the right to appeal from decisions of the General Manager of GTRC regarding IP protection and commercialization. Appeals shall be made to the EVPR.</p> <p>Changes in Policy This policy may be changed by the EVPR on the recommendation of the Intellectual Property Advisory Committee, with the endorsement of the Faculty Executive Board, or on his or her own initiative, after consulting with the Intellectual Property Advisory Committee and the Faculty Executive Board.</p> <p>Order of Precedence In the event of conflict, between this policy and any policy of the Board of Regents, the latter shall prevail.</p> <p>-</p>	<p>See new policy §5.4.4.H</p> <p>Deleted because there is a prescribed institute process on changing policies</p> <p>See new policy introduction session</p>	
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Computer Software: Addendum to the Georgia Tech Intellectual Property Policy

Purpose: This addendum is to address rights and responsibilities on ownership of copyright in computer software created by members of the GIT Community in the course of their university duties or using university funds or funds administered by the university. Ownership of patents embodied by computer software is governed by the main policy separately.

Statement: According to Georgia Tech Intellectual Property Policy Section 5.4.5.B (new policy 5.4.3), ownership shall reside with GTRC in intellectual property developed by Georgia Tech employees in the course of their university duties and/or using university funds or funds administered by the university. However, Georgia Tech recognizes the academic tradition, which holds that Georgia Tech employees may retain intellectual property ownership in their scholarly and creative works, such as instructional materials, textbooks and associated supplementary material, books, journal articles, and associated computer software, subject to restrictions set forth in Section 5.4.3 and rights retained by GIT and GTRC in Section 5.4.3.B.

Definitions: For the purpose of this Addendum, computer software (as defined by 48 CFR 2.101) means: (i) Computer programs that comprise a series of instructions, rules, routines, or statements, regardless of the media in which recorded, that allow or cause a computer to perform a specific operation or series of operations; and (ii) Recorded information comprising source code listings, design details, algorithms, processes, flow charts, formulas, and related material that would enable the computer program to be produced, created, or compiled.

Software created in classes: Students and GIT staff/faculty own the software they create as part of participating in classes, including, but not limited to, instructional classes (such as classes that teach programming or use programming as part of their exercises), project-based classes (such as classes associated with senior design, capstone, and vertically integrated projects) and entrepreneurship classes and programs (such as classes associated with CREATE-X and InVenture Prize). GIT staff/faculty shall register with OTL the ownership of such software that they intend to distribute, license, sell, or otherwise use for non-GIT related purposes. Such registration shall include a description of the circumstances of its creation including but not limited to the name(s) of Creator(s), class information, and date of creation. Students are exempt from this requirement.

Software created outside of classes: Software created by students is owned by the student if (a) there is not a more than incidental use of GIT equipment and/or resources that are not available to the general public; or (b) the software is not covered by the other sections of the GIT IP Policy or this Addendum.

Software created as part of teaching: Students and GIT staff/faculty own the software they create as part of teaching and instruction. Examples of such software that GIT staff/faculty may create as part of class administration include, but are not limited to, practice exercises, interactive web sites, class forums, grading software, and plagiarism detection software. For the purposes of education within the GIT community, GIT and GTRC retain a fully paid up, perpetual, universe-wide, non-exclusive, royalty-free license to use, re-use, distribute,

reproduce, display, make derivative works, and make all traditional, customary or reasonable academic use of said software. GIT staff/faculty shall register with OTL the ownership of such software that they intend to distribute, license, sell, or otherwise use outside the GIT community. Such registration shall include a description of the circumstances of its creation including but not limited to the name(s) of Creator(s), class information, and date of creation. Students are exempt from this requirement.

Software created as part of sponsored research: Computer software created as part of sponsored research is governed by the grant or contract terms agreed upon between the sponsor and GTRC and/or GTARC. Computer software sponsored by GIT and GTRC internally is owned by GTRC. University-owned computer software may be distributed by the author to others for academic and research purposes only, provided that proper Copyright Notice and disclaimers are used. Any other release or distribution of university-owned computer software must be coordinated with OTL. OTL will provide timely guidance for distribution licenses and will arrange for copyright registration when appropriate. Distribution for internal university purposes need not be coordinated with OTL and is permissible with the written approval of any Creator of the work.

Software created with support of gift funds: Students and GIT staff/faculty own the software they create as part of efforts supported solely by gift funds. For the purpose of this Addendum, gift funds include both general and designated gifts. Creators are encouraged to release such software in the public domain with appropriate disclaimers and copyright notices. GIT and GTRC retain a fully paid up, perpetual, universe-wide, non-exclusive, royalty-free license to use, re-use, distribute, reproduce, display, make derivative works, and make all traditional, customary or reasonable use of said software. GIT staff/faculty shall declare to OTL such software that they intend to distribute, license, sell, or otherwise use outside the GIT community. Such registration shall include a description of the circumstances of its creation including but not limited to the name(s) of Creator(s), date of creation, etc. In the case where software is created with support of mixed funding sources, Creators must establish and agree to a mechanism to document the source of funds for each portion of the software created. When applicable, ownership of the creation is determined by the terms and conditions of the funding source.

Software created during individual activities: When computer software is created by faculty/staffs' individual activities, the Creators own the software, if (a) these activities are outside Creators' GIT duties or assignments; and (b) there is no use, except in a purely incidental way, of GIT resources in the creation of such intellectual property; or such resources are available without charge to the public. For the purpose of the GIT IP Policy and this Addendum, external consulting is considered an individual activity that is outside the Creator's GIT duties or assignments.

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4.4 Academic Program Review

The Institute shall conduct academic program reviews on a periodic basis, as required and described by USG Board of Regents Policy 3.6.3 Comprehensive Academic Program Review and USG Academic and Student Affairs Handbook Section 2.3.6 Comprehensive Program Review. Consistent with efforts in institutional effectiveness and strategic planning, the Institute shall develop procedures to evaluate the effectiveness of its academic programs to address the quality, viability, and productivity of efforts in teaching and learning, scholarship, general education (for undergraduate programs), and community and public service as appropriate to the Institute's educational mission. Each degree program at all levels (bachelors, masters, and doctoral) must have published its intended student learning outcomes, measurements must be made, and records must be kept to show whether students actually achieve these outcomes. The review of academic programs shall involve analysis of both quantitative and qualitative data, and the Institute must demonstrate that it makes judgments about the future of academic programs within a culture of evidence concerning outcomes. Academic program reviews shall include recommendations for the programs.

The cycle of review for each undergraduate academic program shall be no longer than seven years and for each graduate program no longer than ten years. Programs accredited by external entities may not substitute such reviews under external processes for the Institute's program review; however, material submitted as part of an external accreditation process may be used in the review. If an external accreditation entity's review cycle for undergraduate programs is ten years, the ten-year review cycle may be used for that program only. No program review cycle at any level shall exceed ten years.

Planning and conduct of academic program reviews shall be used for the progressive improvement and adjustment of programs in the context of the Institute's strategic plan and in response to findings and recommendations of the reviews. Adjustments may include program enhancement, maintenance at the current level, reduction in scope, or, if fully justified, consolidation or termination. Actions taken as the result of reviews shall be documented.

The Provost's office is responsible at the Institute level to manage the review processes and the resulting reviews. In addition, the Provost's office shall maintain a site, accessible to all faculty, outlining institutional comprehensive program review procedures and shall post program review results, including the institutional review cycle for all programs, summaries of all current institutional reviews, and any and all actions taken as a result of the reviews.

The USG Office of Academic Affairs will perform spot audits on the posted institutional comprehensive program reviews to ensure that reviews are being used to inform institutional decision-making on the issues of program quality, productivity, and viability.

Role of the Faculty

As the Faculty is granted the right and responsibility of the governance of Students and the maintenance of high educational standards, the Faculty Executive Board and Academic Senate shall make

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Deleted: to store all materials associated with academic program reviews. Access to the site will be provided to Institute curriculum committee members, staff of the USG Office of Academic Affairs, and SACS reviewers designated to perform a review of completed program review documentation. The site shall include a list of academic programs reviewed and a summary of findings for programs reviewed during the previous year. The institution must summarize actions taken both as the result of current reviews and as follow-up to prior years' reviews. For e... [1]

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recommendations and take actions as they deem appropriate after receipt of the conclusions and plans resulting from the academic program reviews. The Faculty Executive Board and the Academic Senate shall request that the Provost, or their designee, present, at least once per academic year, the results of all academic program reviews conducted in the previous 12 months to the Faculty Executive Board and the Academic Senate, as well as any and all actions taken as a result of the academic program reviews.

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3.3.8 Promotion and Tenure Procedures

Candidate's Responsibility

The candidate has the responsibility to prepare, review, and submit all required documentation and materials, except for evaluation letters. However, the list provided by the candidate for external evaluators should be included in the package. When this documentation is complete, and in the proper format, the candidate will sign a statement that it is both accurate and complete.

Should the candidate fail to meet the deadlines established by the Unit for submission of the required documentation, consideration of promotion and/or tenure may be delayed until the following year. However, if such a delay would have the effect of violating the maximum time of employment for an untenured Faculty member, the Faculty member will receive a letter of non-reappointment.

Format for Promotion and/or Tenure Packages: Guidelines for Candidates

It is important that all candidates follow as closely as possible the same format in preparing the documentation for promotion and/or tenure packages, although some flexibility should be allowed. All candidates must include a copy of their curriculum vitae. The candidates should also write a brief summary of their major accomplishments at Georgia Tech with regard to teaching, research, student success activities, and service. For faculty who serve as the primary advisor of a graduate student or postdoctoral scholar, this narrative should include a discussion of their mentorship in research. These personal narratives shall be three (3) to five (5) pages with one-inch margins, standard single-spaced, and 10-point minimum font. The candidates also are required to submit evidence of three (3) to five (5) examples of their relevant, creative capabilities. These may include published papers, books, software, patents, art productions, or other relevant examples.

Format for Promotion and/or Tenure Packages: Guidelines for Units

It is appropriate that each set of documents prepared by a Unit be preceded by letters of transmittal from the Unit Head, and from the Committee referenced in Internal Peer Review Section below, and the [Reappointment, Promotion and Tenure \(RPT\)](#) Committee of that School. These will include comments regarding whether a candidate meets the required qualifications for each separate point of the promotion and/or tenure guidelines (See Sections 3.3.5 & 3.3.6). These comments should be brief and highlight the more significant contributions in each area. The presentation should be written so that the merits of the case are fully apparent to persons who may not be familiar with the discipline of the individual under consideration. Comparison of the relative merits of multiple candidates from within the department is encouraged.

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The letter of transmittal should be followed by a curriculum vitae, prepared by the candidate, detailing the relevant career activities of the individual. Finally, the package may include further relevant documentation such as letters of evaluation, student evaluations, the candidate's annual evaluation materials since the last RPT event with at most the last five years-worth of reviews included, and, if unavoidable, copies of unpublished creative work.

External Peer Review

Letters of recommendation from appropriate individuals outside the Institute must be obtained by the

Unit for any decisions related to tenure or promotion. The individuals from whom letters are sought should be clear leaders in the field. Brief biographical sketches of these individuals should be included in the materials submitted for consideration, as well as the letters received. Generally, the letter writers should not have a personal or professional connection to the candidates (e.g., dissertation advisor, postdoctoral mentor, research collaborator). If letters from such individuals are included, they must be in addition to those normally required, identified as such, and filed separately from other external letters. A justification for including letters from these individuals must be included in the package.

The list of individuals from whom letters are to be obtained should be developed jointly by the candidates for promotion and/or tenure and the Unit Head(s). The final decision regarding who shall be selected to provide recommendations from the list shall rest with the Unit Head(s) and the Faculty committee. It is appropriate to use the same letter for two (2) consecutive years of the process.

A candidate for Promotion and Tenure may request that a particular individual not be contacted as an external reviewer. Such requests are typically honored. If the School Chair or Dean concludes that circumstances require use of that reviewer, the letter must be in addition to those normally required, identified as such, and filed separately from the other external letters. A justification for including the letter must be included in the package.

External evaluations shall be solicited by the Unit Head(s) and supplied to the office of the Dean. These letters shall be solicited with the understanding that, insofar as possible, access to them will be limited to persons involved in the promotion/tenure decision.

All candidates will be asked to sign a waiver indicating whether or not the candidate "waives all rights to see the identity of the external letter writers and/or the content of their letters." The waiver form with the candidate's decision will be included in the package.

Internal Peer Review

Each College (or Unit within a College) should determine and publish appropriate measures of scholarly impact of Faculty candidates for Promotion and Tenure. Each Promotion and Tenure package should include an explicit discussion of the impact of the candidate's scholarship relative to the College's or Unit's measure of impact.

The first-level Peer Review Committee should be tailored for each candidate so that it is composed of Faculty in the same or related fields or technical interest areas. The Unit Head typically appoints this committee in consultation with the unit RPT Committee. Candidates shall have the opportunity to suggest to the Unit Head(s) the names of individuals who would be appropriate members of the committee. For joint appointments, input should be obtained from the Faculty of both units. In the event that the individual units do not have appropriate expertise relating to the candidate's specific creative contributions, the committee may include individuals who are not members of the Georgia Tech faculty.

RPT Committee Peer Review

The unit's RPT committee will also review the candidate's materials to provide some consistency across the unit and to comment on the teaching and service contributions of the candidate, as well as those activities described in the Handbook.

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Unit RPT Committee Composition

Unit RPT committees shall be elected by the tenured faculty within a unit. The election shall be by secret ballot and be conducted by the unit's elected Faculty Advisory Committee (FAC). The FAC will also arbitrate and decide any issues with the election. The unit head may appoint additional members in consultation with the unit's elected RPT committee, so that no more than one-third of the total number of the committee members shall be appointed. The unit's FAC will determine the total number of RPT committee members.

Decisions Involving Joint Appointments

A committee drawn from appropriate individuals of each Unit shall be established to provide recommendations. In the event that individual Units do not have appropriate expertise related to the candidate's specific creative contributions, a special committee shall be constituted and may include individuals who are not members of the Georgia Tech Faculty. The composition of this committee is governed by the Handbook. All Unit Heads involved jointly shall provide recommendations. These recommendations will then be passed along to the next level(s) as appropriate.

Joint Academic/GTRI/Center Appointments

Promotion and/or tenure decisions of academic Units will be based on their own criteria; however, letters of evaluation from appropriate GTRI Unit Heads and/or Center Directors must be included in the documentation of these candidates. Appropriate individuals from GTRI or the Center normally will be included in the unit-level committees appointed to make the initial recommendation.

The Provost and Executive Vice President's Advisory Committee

The College Deans, the Provost and Executive Vice President for Academic Affairs, and senior members of the Faculty representing the Colleges, comprise the advisory committee. The Vice-Provost for Faculty may participate in the discussions of the committee but does not vote. Similarly, the college Deans participate in the discussion but do not vote on the candidates from their colleges nor do representatives from a specific unit (such as Physics) vote on Faculty members from that unit. Normally, the Vice Provost for Faculty chairs the meetings. The Committee forwards all packages, along with its recommendations to the Provost and Executive Vice President for Academic Affairs.

Recommendation of the Provost and Executive Vice President for Academic Affairs

The Provost and Executive Vice President for Academic Affairs considers all information that has been compiled, transmits the complete package along with their recommendations to the President, and then notifies the college Deans of the recommendations involving Faculty within their respective colleges.

Final Dispositions and Reports

Upon approval of the award of tenure and/or promotion to an individual by the President, that

individual shall be notified in writing by the President; notification will be forwarded to the Board of Regents.

An annual report shall be made to the President by each Unit of the Institute on the status of its Faculty. The annual report shall include the numbers of tenured and non-tenured Faculty, by rank. Individuals who have been retained in full-time faculty status at the Institute for a period in excess of seven (7) years without the award of tenure shall be identified by name and justification for such retention given. These reports shall be available for public inspection.

The Institute shall provide data annually to the Board of Regents, showing the Institute's tenure rates by gender and race.

Feedback to Faculty Members

After the final decision has been made and communicated in a letter from the President, it is important for the Faculty member to receive feedback regarding the assessments involved. The appropriate place for the individual Faculty member to receive this feedback is from the Unit Head(s). The Unit Head shall receive a copy of the recommendations prepared by each committee and by all other administrators with direct responsibility for reviewing the candidate, including the Dean (for those Units where the Dean does not serve as the Unit Head), the Provost, and the President. The Unit Head shall review each recommendation, including their own, with the candidate, and counsel the candidate appropriately.

In cases of disapproval of promotion, a candidate shall be counseled concerning the reasons for a negative decision.

For the purposes of tenure and promotion, members of the faculty who believe their rights have been invaded or ignored shall have the right to request consideration of their case by the Faculty Status and Grievance Committee. (See "Grievance: Process and Procedures," Section 3.1.9.)

3.1.9 Grievance: Process and Procedures

Current:

Right of Appeal

Members of the Faculty who believe their rights have been invaded or ignored shall have a right to request consideration of their case by the Faculty Status and Grievance Committee. They may appeal a resulting recommendation of the Committee to the President. If the President's decision does not settle the matter to their satisfaction, they may, in accordance with Section VIII of the Bylaws of the Board of Regents, apply to the Board, without prejudice to their position, for a review of the decision. The application for review shall be submitted in writing to the Senior Vice Chancellor for Human and External Resources of the Board of Regents within a period of twenty (20) days following the decision of the President.

Proposed:

Right of Appeal

- Members of the Faculty who believe their rights have been invaded or ignored shall have a right to request consideration of their case by the Faculty Status and Grievance Committee. They may appeal a resulting recommendation of the Committee to the President. If the President's decision does not settle the matter to their satisfaction, they may appeal the decision as stated in the next paragraph.
- Members of the Faculty may appeal any final decision of the Institute, in accordance with Board of Regents Policy 6.2.6 Application for Discretionary Review, by applying to the Board, without prejudice to their position, for a review of the decision. The application for review shall be submitted to the University System Office of Legal Affairs (USO Legal Affairs) for a review of the decision within a period of twenty (20) days following the decision of the President.