The Statutes Committee has prepared recommendations for the following changes to the Faculty Handbook upon the request of responsible parties.

- Changes to Sections 5.1.1 and 5.3.1 to add Archivists as members of the General Faculty and Academic Faculty and changes in Section 5.3.1 to clarify the use of the terms referring to the faculty to be self-consistent and consistent with terminology adopted by the Board of Regents. Requested by the Executive Board. These sections are in the Statutes and will require two readings for adoption by the faculty.

- Addition to Section 17.3 of procedures for Hiring with Tenure. Requested by the Executive Board. This section is not part of the Statutes or Bylaws and will require only one reading for adoption.

- A change to Section 17.6 and the addition of a new Section 17.7 to describe a new title of Professor of the Practice. Requested by the Executive Board. The plan for this title was adopted by the Faculty in Spring 2006. This section is not part of the Statutes or Bylaws and will require only one reading for adoption.

- Changes in Section 50 providing clarifications concerning IP Policy. Requested by the Director of Technology Licencing and Assoc. Vice-Provost. This section is not part of the Statutes or Bylaws and will require only one reading for adoption.

- Changes in the promotion guidelines of Section 22 for research titled personnel to reflect wider opportunities for evidence of mastery of a field and impact on society. Requested by GTRI and by the Vice-Provost for Research. This section is not part of the Statutes or Bylaws and will require only one reading for adoption.

The following pages detail the recommended changes. The Statutes Committee adopted these recommendations formally in their called meeting of Aug. 30, 2006. The Executive Board enhanced the recommendations by remembering to include the New Professor of the Practice designation in Section 5.1.1. They endorsed the recommendations shown in the following pages in their regular meeting dated Sep. 19, 2006.
PROVISION FOR ARCHIVISTS AS MEMBERS OF THE FACULTY

The following recommended changes in the text of Sections 5.1.1 and 5.3.1 accomplish three things:

- They add Archivists I, II, III, and IV to the General Faculty and Archivists II, III, and IV to the Academic Faculty, in parallel with the treatments of Librarians I-IV. The request was initiated by the Library and referred to the committee by the Executive Board. The credentials required of an Archivist are substantially the same as for librarians and with the growth in responsibility for important archive collections at Georgia Tech this segment of the faculty has also grown.

- They add Professor of the Practice to the list of members of the General Faculty in Section 5.1.1. This is consistent with the provisions of Sections 17.6 and 17.7 discussed later.

- It was realized that Section 5.3.1 did not use terminology about the faculty consistently with the rest of the Handbook and there was the possibility for confusion. Wording changes are recommended to resolve this without any intent to change any policy associated with the terms. This also brings usage into accord with the terminology used in the Policy Manual of the Board of Regents.

5.1 THE GENERAL FACULTY

The presiding officer of the General Faculty shall be the President. All members of the General Faculty shall have the right to vote.

5.1.1 Members

Membership in the General Faculty shall be determined solely on the basis of the position held within the Institute. The membership of the General Faculty shall be as follows:

Corps of Instruction

Comprises:

- Full-time members whose titles, in full or part, are contained in the following list: Regents Professor, Professor, Associate Professor, Assistant Professor, Instructor, Lecturer, and Professor of the Practice.

- Full-time members whose titles, in full or in part, are contained in the following list: Principal Research Engineer, Senior Research Engineer,
Research Engineer II, Research Engineer I (Engineer may also read Scientist, Associate, or Technologist).

- Other full-time extension personnel, duly certified librarians Librarians IV, III, II, and I, Archivists IV, III, III, and I, Academic Professionals, and other teaching personnel with such other titles as may be approved by the Board of Regents.

Personnel with the designation of Temporary or Visiting are not to be members of the Corps of Instruction.

**Administrative Officers**

Comprise:

- The President, the Provost, administrative and academic deans, the Registrar, the Administrator in charge of Libraries, and those other persons in administrative positions who report directly to the President, and those persons in administrative positions who report to the Provost.

- Persons in administrative positions who report directly to those members in paragraph above, as designated by the Executive Board and approved by the President. See Executive Board’s Guidelines to General Faculty Membership, Section 13.

**Professional Classified Staff**

Persons in professional positions that require at least a masters degree or its equivalent in education and experience in a relevant field and are approved by the President. See Executive Board’s Guidelines to General Faculty Membership, Section 13.

**Others**

Other persons in administrative, academic, or research positions specifically designated as members of the General Faculty by the Executive Board and approved by the President. See Executive Board’s Guidelines to General Faculty Membership, Section 13.

**Prior Status**

Nothing in these Statutes shall be construed as rescinding the status of those persons who are members of the General Faculty by virtue of action prior to adoption of these Statutes.

5.3 THE ACADEMIC FACULTY

5.3.1 Members

The membership of the Academic Faculty shall be as follows:
**Corps of Instruction**

Comprises:

- Chairs of all Departments of Instruction.
- Members of the General Faculty with the ranks of Regents Professor, Professor, Associate Professor, and Assistant Professor.
  - Librarians IV, III, and II.
  - Archivists IV, III, and II.
  - All General Faculty members of the Executive Board.

**Administrative Officers - General Faculty**

Comprise:

- The President, the Provost, administrative and academic deans, the Registrar, the Administrator in charge of Libraries, and those other persons in administrative positions who report directly to the President, and those persons in administrative positions who report to the Provost.
  - All General Faculty members of the Executive Board.
  - Librarians IV, III, and II.
PROVISION OF HIRING WITH TENURE

The ability to hire with tenure has been part of our Faculty policies for some time now. During the past year, the Executive Board asked that the Statutes Committee prepare some guidelines to follow in implementing these policies. Our recommendations are shown in the changes below.

The sentences shown as deleted from Section 17.3 have simply been moved to the beginning of the new Section 17.3.1 on hiring with tenure. These sentences are based directly on the Board of Regents Policy Manual, Section 803.09.

17.3 TENURE

**The Policy Manual of the Board of Regents, February 2004, Section 803.09.**

The requirements listed below shall be the minimum standard for award of tenure, but they are to be sufficiently flexible to permit an institution to make individual adjustments to its own peculiar problems or circumstances. These policies are to be considered a statement of general requirements which are capable of application throughout the System and are not a limitation upon any additional standards and requirements which a particular institution may wish to adopt for its own improvement. Such additional standards and requirements, which must be consistent with the Regents' policies and approved by the Board of Regents, shall be incorporated into the statutes of an institution.

Tenure resides at the institutional level. Institutional responsibility for employment of a tenured individual is to the extent of continued employment on a 100% workload basis for two out of every three consecutive academic terms (normally for fall and spring terms) until retirement, dismissal for cause, or release because of financial exigency, or program modification as determined by the Board.

Normally, only assistant professors, associate professors, and professors who are employed full-time (as defined by Regents' policies) by an institution are eligible for tenure. (BR Minutes, 1979-80, p. 73; 1980-81, p. 303; 1990-91, pp. 369-70).

The term "full-time" is used in these tenure regulations to denote service on a 100% workload basis for at least two out of three consecutive academic terms.

Faculty members with adjunct appointments shall not acquire tenure. The award of tenure is limited to the above academic ranks and shall not be construed to include honorific appointments. (BR Minutes, 1990-91, pp. 369-70).

Tenure may be awarded, upon recommendation by the President and approval by the Board of Regents, upon completion of a probationary period of at least five years of full-time service at the rank of assistant professor or higher. The five-year period must be continuous except that a maximum of two years interruption because of a leave of absence or part-time service may be
permitted, provided, however that an award of credit for the probationary period of an interruption shall be at the discretion of the President. In all cases in which a leave of absence, approved by the President, is based on birth or adoption of a child, or serious disability or prolonged illness of the employee or immediate family member, the five-year probationary period may be suspended during the leave of absence. A maximum of three years credit toward the minimum probationary period may be allowed for service in tenure track positions at other institutions or for full-time service at the rank of instructor or lecturer at the same institution. Such credit for prior service shall be defined in writing by the President and approved by the Board of Regents at the time of the initial appointment at the rank of assistant professor or higher. Notwithstanding anything to the contrary in this Policy Manual, in exceptional cases an institution may recommend to the Board of Regents that an outstanding distinguished senior faculty member be awarded tenure upon the faculty member’s initial appointment. Each such recommendation shall be considered by the Board individually and shall be granted only in cases in which the faculty member, at a minimum, is appointed as an associate or full professor, was already tenured at his or her prior institution, and brings a demonstrably national reputation to the institution (BR Minutes, 1983-84, p. 94; May, 1996, p. 52; April 2000, pp. 31-32).

Except for the approved suspension of the probationary period due to a leave of absence, the maximum time that may be served at the rank of assistant professor or above without the award of tenure shall be seven years, provided, however, that a terminal contract for an eighth year may be proffered if a recommendation for tenure is not approved by the Board of Regents. The maximum time that may be served in combination of full-time instructional appointments (instructor or professorial ranks) without the award of tenure shall be 10 years, provided, however, that a terminal contract for the 11th year may be proffered if a recommendation for tenure is not approved by the Board of Regents. (BR Minutes, 1992 - 93, p. 188; April 2000, pp. 31-32)

Except for the approved suspension of the probationary period due to a leave of absence, the maximum period of time that may be served at the rank of full-time instructor shall be seven years. (BR Minutes, April 2000, pp. 31-32)

Tenure or probationary credit towards tenure is lost upon resignation from an institution, or written resignation from a tenured position in order to take a non-tenured position, or written resignation from a position for which probationary credit toward tenure is given in order to take a position for which no probationary credit is given. In the event such an individual is again employed as a candidate for tenure, probationary credit for the prior service may be awarded in the same manner as for service at another institution.

Upon approval of the award of tenure to an individual by the Board of Regents, that individual shall be notified in writing by the president of his/her institution, with a copy of the notification forwarded to the Chancellor or his/her designee. Should the decision be not to renew a non-tenured faculty member, the process followed is covered in Section 17.4.2 and following.
Each institution shall provide data annually to the Senior Vice Chancellor for Academics and Fiscal Affairs showing the institution’s tenure rates by gender and race.

17.3.1 Hiring with Tenure

Notwithstanding anything to the contrary in this Handbook, in exceptional cases the Georgia Institute of Technology may recommend to the Board of Regents that an outstanding distinguished senior faculty member be awarded tenure upon the faculty member's initial appointment. Each such recommendation shall be considered by the Board individually and shall be granted only in cases in which the faculty member, at a minimum, is appointed as an associate or full professor, was already tenured at his or her prior institution, and brings a demonstrable national reputation to Georgia Tech (BR Minutes, 1983-84, p. 94; May, 1996, p. 52; April 2000, pp. 31-32).

In cases where a unit of Georgia Tech wishes to pursue hiring with tenure, the following procedures should be followed:

- The academic head (Dean/Chair) responsible for the hire should prepare a written letter making the case for hiring with tenure. This letter, along with a complete Biographical Sketch or Curriculum Vitae detailing the relevant career activities of the individual should be forwarded to a committee of the faculty for review.

- A committee of the faculty should review the qualifications of the candidate, and render a consultative vote as to whether the candidate should be hired with tenure. This committee may be a standing Reappointment, Promotion, and Tenure (RP&T) committee within the unit, or an ad hoc committee of the faculty organized to review the case for tenure upon appointment. Members of an ad hoc committee must meet the unit’s qualifications to sit on an RP&T committee in that unit. The committee should review all of the application materials submitted by the candidate, and may request additional materials, (e.g., written letters of reference).

- The faculty committee should use the appropriate criteria for appointment and tenure at the rank of Associate Professor or Professor as established in the Faculty Handbook and as may be further specified within the unit considering the candidate.

- The committee should prepare a written letter to the academic head of the unit, and record its vote on the case for tenure on appointment.

- The letter from the academic head (Dean/Chair) and the letter from the faculty committee should be forwarded to the Provost and Vice President for Academic Affairs for his/her review and final determination whether the Institute will petition the Board of Regents for tenure upon appointment.

17.3.42 Grounds for Removal

Note the only change to this section is to its heading number.
PROVISION FOR PROFESSOR OF THE PRACTICE

In spring of 2006 the faculty adopted a plan to have a new title Professors of the Practice to enable “Georgia Tech to involve accomplished professionals who seek a position within a leading research university that does not fit the tenure track model.” To provide the Georgia Tech community with ready access to information about this position, we propose to add the following Section 17.7 to the Faculty Handbook. Existing Sections 17.7 and 17.8 would become instead 17.8 and 17.9.

17.6 NON-TENURE TRACK PERSONNEL**


Institutions of the University System are authorized to establish professional positions designated as non-tenure track positions. Each institution shall prepare annually, along with its budget, a list of positions so designated for submission to and approval by the Chancellor or his/her designee. Subsequent requests for such designations submitted during the budget year must also be approved by the Chancellor or his/her designee. Positions designated as non-tenure track positions or as tenure track positions may be converted to the other type only with approval by the Chancellor or his/her designee.

Non-tenure track positions may be established for full-time professional personnel employed in administrative positions or to staff research, technical, special, career, and public service programs or programs which are anticipated to have a limited lifespan or which are funded, fully or partially, through non-System sources. There shall be no maximum time limitation for service in positions in this category.

The following provisions shall apply to all non-tenure track professional personnel:

- Individuals employed in non-tenure track positions shall not be eligible for consideration for the award of tenure.
- Probationary credit toward tenure shall not be awarded for service in non-tenure track positions.
- Notice of intention to renew or not to renew contracts of non-tenure track personnel who have been awarded academic rank (Instructor, Assistant Professor, Associate Professor, Professor, Professor of the Practice) shall follow the schedule required for tenure track personnel. This schedule of notification shall not apply to other professional personnel.
• Individuals employed in non-tenure track positions may apply on an equal basis with other candidates for tenure track positions which may become available.

The transfer of individuals from tenure-track positions to non-tenure track positions shall be effected on a voluntary basis only. (BR Minutes, 1982-83, pp. 255-256)

17.7 PROFESSOR OF THE PRACTICE

Institutions of the University System are authorized to establish a non-tenure track position designated as Professor of the Practice for qualified academic, business, or government leaders. Due to the stature of individuals to be offered this position, the category will have only one rank; namely, Professor of the Practice.

The qualifications and expectations for this position are as follows:

• Have substantial bases of experience, normally of at least 10-15 years, and a national/international reputation for excellence.

• Have rich and extensive backgrounds in fields and disciplines related to the school or college of appointment at the Institute.

• Will serve as liaisons between industry or government and the Institute in identifying teaching and research opportunities that support the public interest and societal needs.

• May be expected (depending on circumstances of their appointment) to generate financial resources to support and enhance the Institute programs in which they work.

The guidelines for implementation are:

• General duties and responsibilities must be agreed upon in advance with each Professor of the Practice and her/his chair and/or dean.

• Appointments as Professor of the Practice may be fulltime or part-time. Individuals appointed to 50% time or greater are eligible for fringe and retirement benefits normally provided to Georgia Tech faculty.

• “Professor of the Practice” is a non-tenurable title which falls under the Board of Regents job classification of “Academic Professional with Academic Rank”. This classification carries with it membership in the General Faculty of the Institute. Appointments must be consistent with the
University System policies for non-tenure track personnel as described in Section 17.6.

- The position may be described as “Professor of the Practice of X,” where X is an academic discipline or specialty. For communications purposes, a Professor of the Practice may represent himself or herself with a shorter title as “Professor of X.”

- Professors of the Practice will be reappointed annually but with no limit as to the number of years that may be served.

- Professors of the Practice will participate in an annual evaluation, as is regularly conducted for tenure track faculty. Performance will be evaluated during this annual review, with actions and recommendations made as appropriate.

- During the term of their appointment, Professors of the Practice are subject to, and protected by, the same Institute policies concerning academic freedom as tenured and tenure track faculty.

- Funding sources for Professors of the Practice may include the Institute, College, School, or Center, or some combination of these, and the funds may consist in whole or part of funds generated by the individual.

- Schools and Colleges at the Institute have considerable latitude in developing complementary policies and procedures for Professors of the Practice as long as they are consistent in spirit with overall policies detailed in this Section.

- The Institute and its Schools and Colleges will adopt appointment and reappointment policies that, in general, parallel, those followed for tenure track faculty, though they need not be as elaborate as the latter and the criteria will be different. At minimum, these policies will involve on-campus interviews of the individual being proposed for a position as Professor of the Practice, input into the decision by a body of the faculty in the School or College, recommendation of the Chair and/or Dean, and approval by the Provost. Faculty involvement in the decision to hire should be identical to those procedures used for hiring tenured full professors.

**17.78 EMPLOYMENT BEYOND RETIREMENT**

(The remainder of this section is unchanged.)

**17.89 FACULTY SUMMER SALARIES**

(The remainder of this section is unchanged.)
CLARIFICATIONS IN INTELLECTUAL PROPERTY POLICY

The changes suggested in the following sections are recommended for clarification of existing policy and do not introduce new policy.

50. INTELLECTUAL PROPERTY POLICY

50.1 INTRODUCTION

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 (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.

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.

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 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.

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.

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.

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.

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.

50.2 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) films, filmstrips, charts, transparencies, and other visual aids; (4) video and audio tapes or cassettes; (5) live video and audio broadcasts; (6) programmed instructional materials; (7) mask works; and (8) 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 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. 10-1-761.)

"Patentable Plant" means an asexually reproduced distinct and new variety of plant. (See 35 U.S.C.161.)

"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.)

"Novel Plant Variety" means a novel variety of sexually reproduced plant. (See 7 U.S.C.2321 et seq.)

“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.”

“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.

50.3 INTELLECTUAL PROPERTY COMMITTEE

Intellectual Property activities shall be under the general cognizance of an institutional Intellectual Property Committee. This Committee shall be appointed by the President after consultation with the Faculty Executive Board, as follows: one representative shall be selected from the Office of Business and Finance, one representative shall be selected from the Office of Legal Affairs; one representative shall be selected from the Georgia Tech Research Corporation; one or more faculty representative(s) shall be selected from each of the colleges so that there is a adequate representation of specialized areas such as but not
limited to Software, instructional materials, or inventions; one or more representative(s) from the Georgia Tech Research Institute; and one representative shall be selected from the student body. As appropriate, a representative that is knowledgeable on state and federal regulations will be included in the committee. The President shall appoint the Chair of the Committee. Committee appointments will be for three (3) years. Provided, however, that of the original members of the Committee, three shall be appointed for a term of one (1) year, three shall be appointed for a term of two (2) years, and the remainder shall be appointed for a term of three (3) years; the student representative shall be appointed for a term of three years or until he or she graduates, whichever comes first. Members of the Committee may be appointed to serve successive terms. In the event any seat on the Committee is vacated prior to expiration of the normal term, the Chair may appoint a successor to fill the unexpired term of the seat vacated.

The role of the Intellectual Property Committee is to:

(a) Advise the President on policy matters relating to Intellectual Property;
(b) Propose amendments considered necessary to the Intellectual Property policy;
(c) Arbitrate disputes; and
(d) Approve any deviations from this policy.

The Committee shall meet as necessary but at least once a year.

50.4 POLICY APPLICABILITY TO FACULTY, STAFF, AND STUDENTS
This policy shall be applicable to all full or part-time faculty, staff and students of the Georgia Institute of Technology.

50.5 ASSIGNMENT OF RIGHTS
All full or part-time faculty and staff shall, as a condition of employment with the Institute, execute an Assignment of Rights Form, 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 Assignment of Rights Form except in the cases where they are employees of the Institute. This policy shall, however, be applicable to them and shall be set forth in the General Catalog and Student Handbook.

50.6 DETERMINATION OF RIGHTS IN INTELLECTUAL PROPERTY

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.

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.

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 is not necessarily a scholarly activity and it may not necessarily constitute a specific assignment for this purpose. (See also Definitions in Section 50.2).

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 50.6 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 50.6 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 50.8.

E. Other Efforts

Ownership rights to Intellectual Property developed under any circumstances other than those listed in Section 50.6 A-D of this policy shall be determined on an individual basis and approved by the President or his or her designated representative.

50.7 ADMINISTRATIVE PROCEDURES

Georgia Tech Research Corporation (GTRC) is responsible for implementation of the Institute's Intellectual Property policy other than the management of Trademarks pertaining to the name, emblem, insignias and logos of the Georgia Institute of Technology, which Trademarks shall be managed by the Georgia Tech Foundation.
To assure protection and potential Commercialization, Georgia Tech faculty, staff, and students are encouraged to disclose Intellectual Property to GTRC in a timely manner prior to any disclosure outside of Georgia Institute of Technology. GTRC will work with the Colleges, GTRI, the Department of Distance Learning, Continuing Education, and Outreach, and other involved units to ensure that there are adequate tools in place to facilitate the disclosure of all types of Intellectual Property and that these are received by GTRC in a timely manner. There is a long history of disclosure of patentable technology but attention must also be paid to documenting and managing other types of Intellectual Property.

GTRC may be obligated to report certain Intellectual Property to federal and other sponsors of research. Georgia Tech faculty, staff, and students should discuss the extent and nature of such disclosures with GTRC.

GTRC generally seeks Intellectual Property protection for potential licensing purposes only. Intellectual property protection for reasons other than such purposes must be funded by the relevant school, laboratory, center, or individual Creator.

GTRC will advise the Creators of its decision to accept Intellectual Property for administration within ninety (90) days of receipt of the completed Intellectual Property disclosure. Should GTRC decide not to accept the Intellectual Property for administration, or if it at any future time decides not to take any further action in marketing, or encouraging further development as a prelude to marketing, the Intellectual Property, it shall within thirty (30) days of such decision notify the Creators and, should the Creators so request, and if able to do so, release the Intellectual Property to the Creators.

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.

50.7.1 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:
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<tr>
<td><strong>Inventor Creator(s)</strong></td>
<td>33%</td>
<td>33%</td>
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<td><strong>Unit</strong></td>
<td>17%</td>
<td>27%</td>
<td>33%</td>
</tr>
<tr>
<td><strong>GTRC</strong></td>
<td>50%</td>
<td>40%</td>
<td>34%</td>
</tr>
</tbody>
</table>

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 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.

### 50.7.2 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 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 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 100 shares of equity with the company. The normal 33% Creators' share would be 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 .33 x 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 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 in Section 50.7.1 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.

50.7.3 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.

50.8 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 50.5 and 50.6. 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 Section 50.6. Work performed by students, working in their individual capacity (i.e., not within the scope of employment by Georgia Tech or with one of its employees in an official capacity), in the normal fulfillment of GIT’s academic requirements, is not presumed to constitute an institute-assigned work. However, work towards theses and dissertations, and for certain classes may be supported by external sponsors, and agreements between GIT and such sponsors may convey copyrights and/or other rights to the sponsors.

Student work may also be subject to additional GIT, College, School, or Department policies to support normal educational evaluations and functions. For example, GIT may require rights to reproduce and make a limited distribution of copies of some works such as theses and dissertations, whether in paper or electronic form.

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 Intellectual Property must be respected and protected appropriately.

50.9 APPEALS AND CONFLICTS
Institute personnel shall have the right to appeal from decisions of the Intellectual Property Committee. Appeals shall be made to the President of the Institute. Institute personnel may, in accordance with Article VIII of the Bylaws of the Board of Regents, apply to the Board of Regents for a review of the decision of the President.

50.10 CHANGES IN POLICY
This policy may be changed by the President on the recommendation of the Intellectual Property Committee, with the endorsement of the Faculty Executive Board, or on his or her own initiative, after consulting with the Intellectual Property Policy Committee and the Faculty Executive Board.

50.11 ORDER OF PRECEDENCE
In the event of conflict, between this policy and any policy of the Board of Regents, the latter shall prevail.

PROMOTION GUIDELINES FOR RESEARCH-TITLED PERSONNEL

The following recommended changes were developed by a committee of research titled faculty from GTRI and RI and subsequently approved by the Director of GTRI and by the Vice Provost for Research. The latter referred these changes to the Statutes Committee.

The changes serve two purposes. 1) Georgia Institute of Technology strives to advance knowledge and the application of knowledge in ways that make a positive impact on society and lead our stakeholders to envision new possibilities. Accordingly our research leaders create more than just papers as evidence of their creative output and our promotion guidelines should be broadened accordingly for research titled faculty. 2) With the advent of some really large projects and programs in Georgia Tech’s portfolio, true leadership opportunities occur in a wider spectrum of project leadership roles, ranging from program manager to task leader for significant portions of a program. Titles in addition to the traditional project director/principal investigator are recognized
with the expectation their use will be backed up by appropriate documented evidence of the degree of responsibility involved.

22. HIRING AND PROMOTION GUIDELINES FOR PROFESSIONAL RESEARCH PERSONNEL

22.1 GENERAL
Professional research personnel are members of the General Faculty; they are not, however, members of the Academic Senate, nor are they eligible for tenure. While research personnel are subject to many of the general hiring and promotion criteria for instructional faculty, there are significant differences.

The four counterpart ranks for instructional and research members of the General Faculty are as indicated below.

<table>
<thead>
<tr>
<th>Instructional Faculty</th>
<th>Research Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instructor</td>
<td>Research Scientist I</td>
</tr>
<tr>
<td>Assistant Professor</td>
<td>Research Scientist II</td>
</tr>
<tr>
<td>Associate Professor</td>
<td>Senior Research Scientist</td>
</tr>
<tr>
<td>Professor</td>
<td>Principal Research Scientist</td>
</tr>
</tbody>
</table>

Note: The term "Scientist" is used to indicate the appropriate designation--Engineer, Scientist, Technologist, or Associate.

22.2 PROMOTION TO A HIGHER RANK
Following are NORMAL requirements for CONSIDERATION for promotion to a higher rank. These experience and performance criteria may also be used for determining the initial rank when hiring professional research personnel. Credit for previous academic or research professional experience should be explicitly stated in writing at the time of employment. In addition to these criteria, to be considered for promotion will normally require a number of years in rank, as follows:

Promotion To:
Research Scientist II - Three years as Research Scientist I
Senior Research Scientist - Four years as Research Scientist II
Principal Research Scientist - Five years as Senior Research Scientist

As used in this document, "years of experience," "years in rank," and "years at Georgia Tech" are to be as of June 30th of the year in which the promotion is being considered. The word "Scientist" is used throughout these guidelines to mean either Engineer, Scientist, Associate, or Technologist.

Requirements for professional registration and other legal or professional certification are not identified in these revised guidelines as prerequisites for promotion. Instead, these formal evidences of competency are expected to be provided by persons assigned to duties that require them. For example, engineers carrying out responsibilities as listed in the Official Code of Georgia
Annotated (OCGA) Section 43-15-2(11) must possess a current certificate of registration as a Professional Engineer as issued by the State Board of Registration for Professional Engineers and Land Surveyors. All engineers are encouraged to obtain this registration. Other professional registration or certification is similarly encouraged, e.g., Certified Industrial Developer, Certified Safety Professional, etc.

22.3 RESEARCH SCIENTIST I
This is the initial rank held by research personnel who have as a minimum educational credential a bachelor's degree and who will be performing on a professional level. An advanced degree in a relevant field is required for promotion above this initial rank.

22.4 RESEARCH SCIENTIST II
This rank requires a Master's degree and three years' relevant full-time experience after completion of the degree, or a Doctor's degree. Qualified candidates who are recommended by the normal administrative process will not be reviewed by a presidential committee. Professional recognition in one's research field will be expected.

In addition to the candidate's education and experience requirements, the promotion recommendation will reflect substantive evidence of the candidate's progress toward developing the capabilities for performing at the level expected of research professionals in the same field holding senior research staff ranks at Georgia Tech. Such evidence might consist of papers published or contributed to, significant managerial efforts on sponsored projects, software/hardware developed and delivered to the sponsor community such as software or hardware and documented impacts of these products, or equivalent teaching responsibilities performed in an instructional unit.

22.5 SENIOR RESEARCH SCIENTIST

22.5.1 Basic Requirements
This rank requires a Master's degree and seven years' relevant experience after completion of the degree or a Doctor's degree and four years' relevant full-time experience. The rank of Senior Research Scientist is reserved for those professionals who have demonstrated a level of scholarly achievement and technical, managerial and entrepreneurial productivity commensurate with the highest standards of Georgia Tech. For this rank, demonstrated achievements should include recognized contributions to their specific technical disciplines, supervision of other research professionals through review and approval of proposals, technical reports and other communications, and representation of Georgia Tech to external organizations for the purpose of obtaining, managing, and performing high quality sponsored research programs. Preference will be shown for those qualified personnel holding a Doctoral degree in their specified discipline.
22.5.2 Performance Requirements

In addition to the requirements in item Section 22.5.1, demonstrated superior performance of professional duties is required in 1 below and at least two of the other four areas.

1. **Mastery** Peer recognition of mastery of a complex and difficult field of specialization as demonstrated through authorship of refereed papers and/or products developed and delivered to the sponsor community such as software or hardware, and documented impacts of these products. The latter may come in the form of sponsor satisfaction testimonials. Note: While emphasis will be given to authorship of journal and symposium papers which have been refereed, recognition will also be given to contributions to other journals, organizational publications, widely distributed reports which effect an education and technology information transfer.

2. Supervision of others' work by virtue of being a program manager, project director/principal investigator, co-project director/principal investigator, or task leader on sponsored research of such magnitude as to require guidance and supervision of other professionals.

3. Important technical contributions and innovation as documented in formal reports of several projects over a minimum time of four years prior to recommendation for promotion. For candidates holding the Doctoral degree, the last two years of employment prior to employment at Georgia Tech will be considered if adequately documented, and the four-year time in grade requirement be reduced to two years for candidates so qualified.

4. Substantial documented contributions in sponsored program development.

5. Superior ability in representing the School/Center Laboratory/Georgia Tech in service to and dealings with outside organizations.

22.6 PRINCIPAL RESEARCH SCIENTIST

22.6.1 Basic Requirements

This rank requires a minimum of a Master's degree and eleven years' relevant full-time experience, or a Doctor's degree and seven years' relevant full-time experience. At least the most recent three years of such experience shall have been at a responsible technical or managerial level. Preference will be shown for qualified personnel holding a Doctor's degree in their specific discipline.

22.6.2 Performance Requirements

In addition to the requirements in Section 22.6.1., the candidate must have made substantial and sustained documented technical contributions in 1 and have demonstrated outstanding capabilities in at least two of 2 through 4 of research or service activity:
1. Clear Evidence that the candidate has demonstrated consistent performance in the making of original and innovative contributions that are nationally recognized for their excellence as documented by external peer review of the candidate's work (see Section 22.6.3 below);

2. Leadership in developing and managing a technical thrust involving related projects. Special consideration to be given to programs involving a broad participation by research and instructional faculty and students;

3. Substantial contributions to Georgia Tech by service to the Institute, the State, to the Nation, or to the candidate's profession;

4. Broad recognition of technical stature as evidenced by invited papers or seminars, session chairperson at national symposia, memberships on national committees, offices in professional societies, or other appropriate honors.

22.6.3 Letters of Evaluation
At least three letters of evaluation must be obtained by the Institute from highly qualified persons in the candidate's professional field who are not employed by the Georgia Institute of Technology.

22.7 RESEARCH ASSOCIATE RANKS
There are ranks held by research personnel who meet all normal requirements, but for whom the title of Engineer, Scientist, or Technologist is not appropriate. They are intended for professional staff for whom a specific need exists, but because of the different nature of their education or experience, should not be classified (at least initially) in the Research Engineer/Scientist/Technologist structures. In determining when it will be suitable to use the Research Associate title structure, reliance will be placed on comparison with the established criteria for Research Engineer/Scientist/Technologist. That is, the qualifications for Research Associate should have an equivalency to Research Engineer/Scientist/Technologist, but will differ in some particular aspect. In general, it will offer more flexibility in considering the candidate’s total qualifications and suitability for employment at Georgia Tech. The title is intended to be broad enough in scope to include any professional categories appropriate to our needs. Examples include medical doctors, humanists, architects, and management experts.

22.8 RESEARCH TECHNOLOGIST RANKS
These ranks are less well established but are of increasing importance to the conduct of research. On an individual basis exceptions to some of the normal standards for scientists and engineers will be considered.