

TEXAS WOMAN'S UNIVERSITY

Faculty Senate Meeting
Friday, September 13, 2024
LIB 101 and Zoom

The meeting was called to order at 10:02am.

Roll Call

Abbott X	Acho X	Barnett	Burke, A. X	Burke, M. X
Dello Stritto X	Dice X	Dillon X	Du X	Dunlap X
Elkins X	Ernst X	Gates X	Gullion X	Hynds X
Lambert X	Landrum X	Lucero Jones X	Miketinas X	Morgan X
Petersen	Richmond X	Rosa-Dávila. X	Sen	Sit X
Smith X	Talleff X	Terrizzi X	Trujillo-Jenks. X	Van Erve X
Woods X				

TCFS Representative: Shawnda Smith
Parliamentarian: Jacob Blosser

Faculty Substitute:

Prof. Becky Jimenez Substitute for Prof. Alisa Woods, Communication Sciences & Oral Health

Recognition of Faculty Guests:

Dr. Vivian Casper English, Speech and Foreign Languages Program
Dr. Rebecca Fredrickson Teacher Education
Dr. Ellina Grigorieva Mathematics
Dr. Linda Rubin Faculty Ombudsperson / Professor, Division of Psychology & Philosophy
Dr. Philip Yang Department of Social Sciences and Historical Studies - Sociology

Recognition of Staff Guests:

Dr. Stephany Compton TWU Libraries

Approval of Minutes

May 5, 2024, Meeting A Minutes
Motion to Approve, M. Burke; second, J. Lambert
Motion passed with three members abstaining.

May 5, 2024, Meeting B Minutes
Motion to Approve, M. Burke; second, J. Dunlap
Motion passed unanimously.

Approval of Agenda

Motion to Approve, M. Burke second, C. Acho
Motion passed unanimously.

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Presentation of *Resolution of Appreciation* to Dr. Kimberly Miloch

J. Terrizzi presented Dr. Miloch with a resolution of appreciation in recognition of her “unwavering dedication and leadership” to TWU as the Dean of the College of Health Sciences, Vice Provost for Faculty Success, and Associate Dean for Academic Affairs (among other leadership positions).

Guest Speakers

Ensuring Digital Accessibility: Dr. Teresa ODowd

Dr. ODowd presented on faculty’s role in ensuring digital accessibility for all learners. Per ADA Title II Regulations and WCAG 2.1 Standards, all documents, presentations, videos, audio files, digital textbooks, websites, and other course materials must be accessible. New regulations in place, but public entities like TWU have until April of 2027 to comply. TWU has set target is fall of 2026. Center for Faculty Success offers tools such as commercial caption services to faculty to provide 99% accurate captions on videos/captured lectures; Accessibility Lunch and Learn Zoom sessions every Tuesday in October featuring guest speakers; a library of How-To videos on our Center for Faculty Success YouTube channel; and on-going support from instructional design partners.

Disability Services for Students: Nadaya Cross

Shared how students access accommodations at TWU. Noted in Fall of 2023, 7.4% of TWU identified as students with disabilities below the national rate of 20%. In order of representation (from most to least), TWU serves students with disabilities who identify as neurodiverse, and students with mental health disorders, medical or chronic disabilities, sensory impairments, and physical disabilities—primarily students with “invisible” disabilities. TWU will have over 1000 students with disabilities receiving accommodations by the end of the fall 2024 semester. DSS revising language in accommodations paperwork to improve communication and partnering with Center for Faculty Success to develop self-paced learning modules. Noted all students must initially set up their accommodations with DSS (one time set up). Each semester after, students must log in to the system to request their letters to faculty. Letters are not just automatically sent. DSS recommends faculty not provide accommodations without a DSS letter. Exam dates must be provided by faculty when they mark the exam accommodations; if not, the student cannot schedule an exam session at DSS.

Provost Forum – Dr. Angela Bauer

Dean Searches

Dr. Stephanie Woods has been hired as the Dean of Nursing and will begin October 1. Anthem Executive Search Firm was on campus recently and held listening sessions for both COPE and CHS. COPE Search Committee will be led by Dr. Holly Hanson-Thomas, and CHS Search Committee will be led by Dr. Carolyn Kapinus. Search applications open through early November, followed by Zoom interviews with the committee, and Zoom interviews with Dr. Bauer. Top candidates are anticipated to be on campus in early 2025 (January). Search for Dean for CAS will begin and follow the same process. All three new deans should be in place by fall 2025.

Center for Faculty Success

CD3 now folded into Center for Faculty Success. National search will be conducted for a Director for Center for Faculty Success, who will report to the Vice Provost of Faculty Success

Retention

First-time-in-college (FTIC) enrollment down this year, and undergraduate enrollment is lower than past years. TWU had over 200 seniors who did not enroll/return for their senior year. Retention efforts include Starfish software to help academic advisors, and athletics staff, intervene early. Funds are

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available from Josh Adams' office and have been allocated. Program being piloted for Supplemental Instructors (SIs) to sit in on courses and support learners. Provost looking to add learning communities to increase engagement, retention, and improve student experience. Academic advising is being looked at to improve continuity across the university and support for the advisors. Provost is working with Dr. Scott and the Center for Faculty Success to develop short training videos to help faculty improve their understanding of social emotional learning (SEL). Some discussion on recruitment and retention efforts including consideration of students who are learning fully or primarily online, impact of graduate school tuition increase, quality of information presented for prospective students on TWU website, and comparable degree programs.

SB 17

Provost asked for ideas on development of listening sessions for faculty on SB 17. Office of General Council (OGC) will be in the listening sessions. Some discussion on concerns related to SB 17 including how the vagueness of the law creates fear, faculty need clarification so that they can feel safe regarding scholarly pursuits and academic freedom, and OGC inquiries about Faculty Senate Equity and Inclusion Committee.

AI Survey

AI surveys are being developed (faculty survey and student survey). Base questions from Hanover are being revised or added to before distribution.

Website

Selected website changes are forthcoming that aim to share critical information with prospective students (e.g., majors, relevant jobs, salary ranges).

Faculty Workload and R2 status

Provost noted TWU is a R2 based on data/institution attributes but has not yet received R2 designation. To maintain R2 level efforts, the provost will be looking at workloads, to include differential workloads.

Strategic Plan specific to STEM Opportunities

Recommendation resulting from the strategic plan review was that TWU consider adding engineering as a STEM opportunity/major. Engineer consultant will be visiting campus in fall as the University begins exploring this option. Some discussion of engineering program being perceived as competitive program by Texas Coordinating Board, and concerns about existing 3+2 collaborative Math and Engineering program between TWU and UNT.

Interim Vice Provost for Faculty Success - Dr. Scott

- Interfolio and Watermark will be on campus this fall with proposals for the new faculty CV program. Presentations will be made by Interfolio and Watermark and recorded for faculty that cannot attend. Anticipated roll out of the new CV program in the Fall of 2025. Materials in Sedona will be migrated into the new system before Sedona ends in April.
- Faculty Performance Review System is coming due for a review. Some discussions of Faculty Performance Review System revisions.
- AI pilot study to be launched in fall.
- AACU Integrating AI into Pedagogy Project will be rolling out training opportunities for faculty. Some discussion of concerns with Canvas, AI checking functions, and challenges being faced by faculty.
- New Provost Fellows begin this month, along with second year Provost Fellows.

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- Training being developed for new ACAs.
- PTLA started for 2024-2025 with an AI focus.
- *WOW* and *Just Write* events have started. Faculty and GTAs encouraged to engage.
- Efforts to refine the hiring process with Oracle Cloud are on-going.

Speaker Report – Emarely Rosa Dávila

- Academic Integrity Process: According to the new policy, a faculty review board/committee (led by J. Adams and C. Kapinus and inclusive of a faculty senator) will review the issue.
- Budget Advisory Committee – no new updates.
- Excused Absence Policy and Pregnancy Policy: First reading occurred in May and has been reviewed by the administration. Any feedback provided by the Faculty Senate during second reading in October will be reviewed, and if agreeable, included in the final policy.
- SB 17 –Office of the General Council (W. Lervisit) called with “fair notice” that the Faculty Senate Equity and Inclusion committee is being reviewed. OGC efforts appear to be focused on the current details of the committee and how it can be kept. Also noted that all affinity groups are going to be revisited.
- Some discussion of concerns about staff salaries. It was requested that making staff salaries be a priority for Faculty Senate this year.

Unfinished Business

Second Readings

Second reading of URP 02.400 Research Intellectual Property Policy

Some discussion about whether this policy means that TWU owns property rights to faculty work (e.g., play, book) and that faculty royalties will need to go through TWU. Examples of what TWU owns were requested. Some discussion about what is meant by “significant resources” and the statements that TWU will not “share equity with the creators” (VIII.A.) and “creator may be required to divest the equity interest” (XIII.B). Discussion of whether the creator will be offered a first denial in the process and if there a cap on the portion of royalties collected by the University. Discussion of how ownership is determined.

Second reading of URP 02.400 Time and Effort Reporting for Federally Funded Projects and Projects with Cost

Some discussion about how the policy impacts co-principal investigators (co-PIs).

New Business:

- 2024-25 Senate Retreat will be held on December 6th in Denton at the Embassy Suites.
- 2024-25 Faculty Senate Meeting Calendar and Schedule Exceptions reviewed
 - Motion to Approve, M. Burke; second, P. Landrum
 - Motion passed.
- 2024-2025 Faculty Senate Representation Assignments 2024-25
 - Senators asked to be diligent in providing reports to the appropriate units.
- Senate Approval of Parliamentarian
 - Motion to Approve, M. Burke; second, J. Dunlap.
 - Motion passed.
- Senate Representative for Honorary Degree Committee: A. Burke volunteered to fill vacancy.
- Senate Representative for Committee for Student Success: No senators volunteered for vacancy. Additional details on the position (e.g., responsibilities, time commitment) will be shared with the Faculty Senate.

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- J. Adams will be asked to come to Faculty Senate meeting in October to discuss supplemental instructors.
- Speaker noted achievements of the Faculty Senate over the summer:
 - A .50 FTE release for the Speaker was achieved. Release was championed by J. Terrizzi. Funds for the .50 FTE release will be provided by the Provost's Office.
 - Faculty Senate funds, removed during COVID, have been returned to the Faculty Senate budget.

First Readings

URP 02.350 Faculty Grievance and Appeal Process

Both tracked changes and clean versions can be shared.

URP 02.340 Affiliated Faculty Appointments

UPR combining two policies: ACAs and Administrators Returning to Faculty.

URP 02.364 Salary for Administrator Returning to Faculty

New: Salary for ACAs Returning to Faculty

All feedback about the policies requested by Sept. 26. Email feedback to following individuals and cc Faculty Senate. Send comments on faculty grievance policy to D. Hynes. Send comments on affiliate faculty appointments to W. van Erve. Send comments regarding ACA policy to E. Rosa Dávila

Speaker Pro Tem Report – Peggy Landum

No report.

Secretary Report – Suzanna Dillon

No report.

Report from TCFS Representative – Shawnda Smith

No report.

Standing Committee Chair Reports

Academic Freedom and Responsibility: No report. D. Hynes notified committee of meeting.

Academic Standards Committee: No report. Meeting forthcoming

Administrator Evaluations: C. Acho noted that academic leader survey is out, please respond.

Budget and Planning: No report.

Committee Selection Committee: No report.

Constitution and Bylaws: No report.

Elections: R. DelloStritto reported that open senate positions were filled by D. Ernst and B. Abbot.

Nominations will be going out soon for the vacancies on the following University Committees: Faculty Review Committee (FRC), Faculty Evaluation and Development Committee (FEDC), and Faculty Development Leave Committee (FDLC). See <https://twu.edu/senate/elected-university-committees/> for additional details.

Equity, Inclusion, and Anti-Racism: J. Lambert noted that a meeting is scheduled with the Provost and Dr. Hanson-Thomas regarding internal grants and IRB.

Faculty Handbook: No report.

University Committee Liaison Reports

Athletic Council: No report.

Curriculum Committee: No report.

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Distance Education Advisory Committee: No report.

Faculty Evaluation & Development Committee: No report.

Graduate Council: No report.

Undergraduate Council: No report.

Ad Hoc Committees

Ad Hoc Committee for Student Success: TBD

New Concerns

- Faculty concerns about summer compensation.
- Inquiry about how the newly professional faculty position (added in Spring 2024) will be elected.

Adjournment

Motion to Adjourn, M. Burke

Meeting was adjourned at 1:04 pm

Submitted Suzanna Dillon, Secretary

September 15, 2024



CENTER FOR FACULTY SUCCESS
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Ensuring Digital Accessibility

Faculty's Role in Creating Equitable Learning Experiences

Faculty Senate
September 13, 2024



twu.edu/faculty-success

Introduction and Purpose



Terisa ODowd

Instructional Accessibility Designer

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todowd1@twu.edu



**Certified Professional
in Accessibility Core Competencies**
International Association of Accessibility Professionals



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What is Digital Accessibility?



Accessible Digital Content for All

Applies to documents, videos, and course materials
Ensures usability for students with various abilities



Beyond Disabilities

Addresses temporary challenges (e.g., limited internet, non-native English speakers)



Equity in Education

Guarantees equal access for online, hybrid, and in-person learners



Legal Compliance and Student Success

Aligns with WCAG 2.1 standards for accessibility
Supports the success of all students



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Why Digital Accessibility Matters



EQUITY AND SUCCESS
FOR ALL STUDENTS



LEGAL COMPLIANCE



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Current Gap at Our University



- Website accessibility policy exists
- No university-wide mandate for instructional content



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New ADA Title II Regulations



Applies to all public universities and institutions



Includes all digital content in courses, such as: PDFs, videos, course materials, websites, and presentations

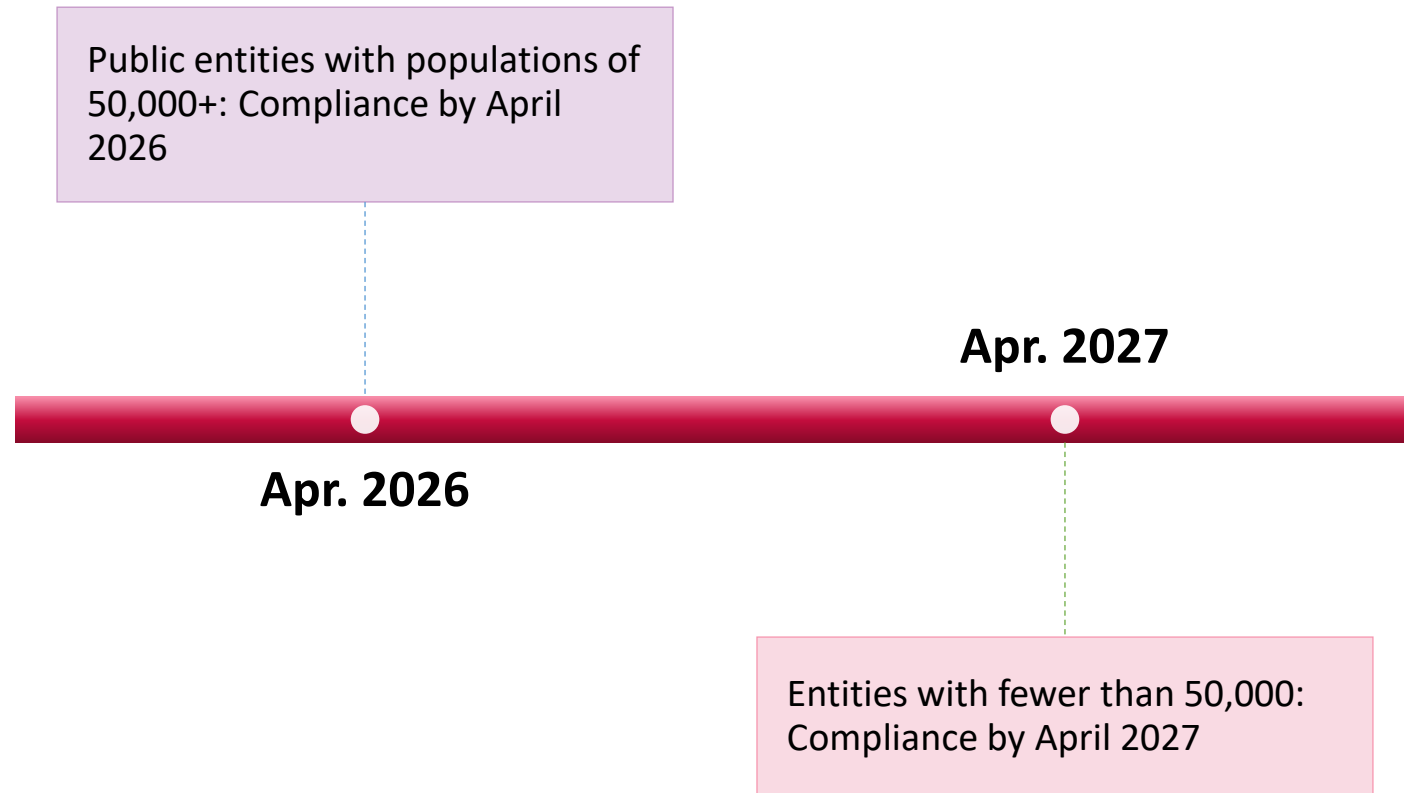


Enforces compliance with **WCAG 2.1 (A & AA)** accessibility standards



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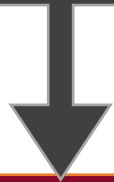
Compliance Deadlines



Impact on Instructional Content

How It Affects Faculty

Faculty-owned instructional content must meet these standards
Includes all digital assets: course materials, PDFs, presentations, online modules



Goal: Equal Access

Ensures students with disabilities can fully participate in courses



Support and Path to Compliance



Path to Compliance:

- Regulations provide a clear framework for ensuring accessibility
- Center for Faculty Success offers tools and guidance to help faculty comply

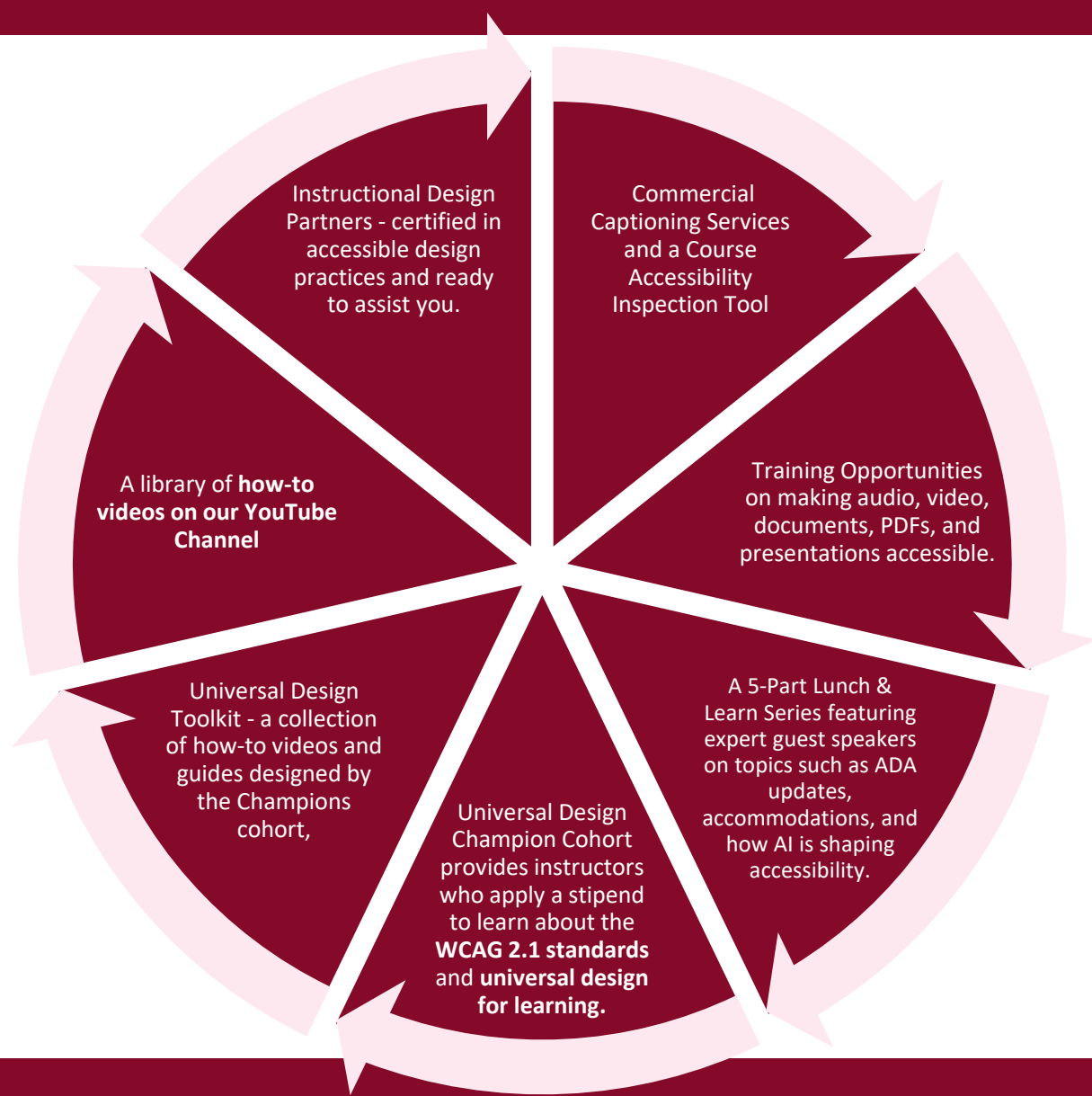


Proactive Steps:

- Start incorporating accessibility standards now to avoid future issues



Digital Accessibility Support for Faculty



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Conclusion



Call to action



Begin encouraging faculty to integrate accessibility into content creation



Seek support and guidance from our office



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Contact Information

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**List of Senators and Representation
2024-2025**

Senator	Location	Department	Representation Assignments
Abbott, Brandy	DEN	TWU Libraries	
Acho, Christie	DAL	Nursing	
Barnett, Linda	DAL	Occupational Therapy	Physical Therapy Dallas
Burke, Amy	DEN	Literacy & Learning	
Burke, Megan	DEN	Accounting & Finance	
DelloStritto, Rita	HOU	Nursing	
Dice, Jenifer	HOU	Physical Therapy	
Dillon, Suzanna	DEN	Kinesiology	Physical Therapy Denton
Du, Xiaofen	DEN	Nutrition & Food Sciences	
Dunlap, Jayne	HOU	Nursing	Nursing Denton
Elkins, Aaron	DEN	Library & Information Studies	
Ernst, Daniel	DEN	English, Rhetoric & Spanish	Multicultural Women's & Gender Studies
Gates, Sandra	DEN	Accounting & Finance	Healthcare Administration
Gullion, Jessica	DEN	Sociology	Criminal Justice
Hynds, DiAnna	DEN	Biology	Chemistry & Biochemistry
Lambert, Jason	DEN	Marketing & Management	
Landrum, Peggy	HOU	Nursing	
Lucero Jones, Rebecca	DEN	HDFS&C	
Miketinas, Derek	HOU	Nutrition & Food Sciences	
Morgan, Ilana	DEN	Dance	
Petersen, Sheli	DEN	Visual Arts	Music, Theatre, Fashion & Textiles

Richmond, Misty	DAL	Nursing	
Rosa-Dávila, Emarely	DEN	Social Work	
Sen, Supriya	HOU	Occupational Therapy	
Sit ,William	DAL	Occupational Therapy	
Smith, Shawnda	DEN	Mathematics	Computer Sciences
Talleff, Jennifer	DAL	Nursing	
Trujillo-Jenks, Laura	DEN	Teacher Education	Reading
Terrizzi, John	DEN	Psychology & Philosophy	
Van Erve, Wouter	DEN	Political Science	History
Woods, Alisa	DEN	Communication Sciences & Oral Health	Occupational Therapy Denton
Total Senate Seats: 31			

Parliamentarian <i>(Appointed)</i> <i>Blosser, Jacob</i>			
TCFS Representative Smith, Shawnda			

Edited 9/10/2024



Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Research  Intellectual Property

**Regulation and Procedure
Number: URP: 02.400**

Policy Owner: Academic Affairs

POLICY STATEMENT

The purpose of this Research Intellectual Property (IP) Policy is designed to serve the best interests of the public, the creators, the University, and any research sponsors. This policy aims to: (1) Encourage the creation, development, and effective management of Intellectual Property, including patents, copyrights, trade secrets, know-how, and trademarks, (2) Provide clear guidance on the rights, responsibilities, and procedures related to the creation, protection, and exploitation of IP generated under the auspices of TWU, (3) Ensure that monetary and other benefits derived from IP are equitably distributed among the creators, TWU, and any other relevant parties, and (4) Address ownership issues comprehensively, offering guidance for decisions regarding the ownership, distribution, and commercial development of intellectual property developed by TWU faculty, staff, students, and others participating in TWU programs. Through these objectives, TWU's IP Policy strives to uphold and promote the principles of academic freedom, innovation, and the responsible stewardship of intellectual property created within the university community.

APPLICABILITY

This policy is applicable to TWU Faculty, Staff, and Students.

DEFINITIONS

Affiliated Personnel: Individuals who are not TWU faculty, employees, or students but have a professional relationship with TWU, such as visiting faculty, visiting postdoctoral fellows, volunteers, other scholars, consultants, contractors, and any non-employee contributors authorized to participate in university projects or use university resources for the creation, development, or management of intellectual property in conjunction with TWU activities.

Author: The person or persons who create a work of original authorship, fixed in a tangible medium of expression, including literary, dramatic, musical, artistic works, and the writing of software code. This definition acknowledges the individual(s) as the originator(s) of such works, regardless of the medium.

Creator: Any member of the TWU community, including faculty, staff, students, and affiliated personnel, who invent, create, develop, or discover intellectual property while employed by TWU or while utilizing TWU facilities, resources, or equipment. To be considered a creator, an individual must have conceived an essential element or provided creative input into the conception of the intellectual property. This encompasses individuals or groups contributing to the conception or realization of intellectual property across various mediums.

Creator-Owned Intellectual Property: Intellectual property conceived and developed by a creator without significant use of university resources and not within the scope of the creator's employment or assignment by the university. This includes intellectual property unrelated to a creator's employment responsibilities or field of study at TWU and developed on their own time, as well as most pedagogical, scholarly, or artistic works and works of students created in the course of their education, unless otherwise designated by TWU policy.

Intellectual Property (IP): Any new and useful process, scientific or technological innovation, technology, machine, composition of matter, life form, article of manufacture, software, tangible property, research data, or work subject to protection by patents, copyrights, trademarks, or trade secrets. This includes creations of the mind, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce, whether or not they are patentable, copyrightable, subject to trade secret, or subject to a trademark.

Inventor: The individual or group of individuals who contribute to the conception of an invention eligible for patent protection under patent law, determined in accordance with United States patent law.

Open Source Software: Software distributed under a license that allows users to access, modify, and distribute the source code, promoting collaboration and sharing by permitting modifications and incorporation of those changes into other projects.

Patentable Intellectual Property: Intellectual property that meets the criteria for protection under patent law, including inventions or discoveries that are new, non-obvious, and useful, such as processes, machines, manufactures, compositions of matter, or improvements thereof.

Publication: The distribution of intellectual property to the public through various means, including academic journals, conferences, the internet, or any other form of dissemination that makes the intellectual property accessible to the public. This encompasses both verbal and printed disclosures.

Sponsor-Supported Intellectual Property: Intellectual property developed under a grant or sponsored research agreement with an external agency or entity, with ownership determined by the terms of the agreement. In the absence of specific contract terms, such intellectual property is owned by TWU.

University-Owned Intellectual Property: Intellectual property owned by TWU, including works made for hire commissioned by TWU, intellectual property created with significant use of TWU resources, and intellectual property assigned to TWU. This also includes sponsor-supported intellectual property designated as university-owned or for which ownership has not been specifically designated, and trademarks and service marks developed for non-TWU branded products and services, subject to all policy requirements.

Work Made for Hire: A work created by an employee within the scope of their employment or a work specially ordered or commissioned for certain uses, if the parties expressly agree in writing that the work shall be considered a work made for hire.

VPRICE Office: The office of Vice Provost of Research, Innovation, and Corporate Engagement, or, if the name of that office is changed, the chief research officer responsible for the management of IP.

REGULATION AND PROCEDURE

I. Responsibilities by Role

A. Responsibilities of Creators of IP include:

1. Conducting oneself with integrity and ethical standards during the creation, discovery, invention, development, and marketing of IP;
2. Participating in IP and technology transfer endeavors in alignment with TWU guidelines, processes, and, policies
3. Reporting the inception of IP to VPRICE in accordance with this policy;
4. Collaborating with the University in classifying and safeguarding IP, as well as in the licensing, commercialization of University-Owned IP, and in legal proceedings related to patent infringements;
5. Refraining from utilizing TWU infrastructure and assets for the development of Creator-Owned IP.

B. Responsibilities of VPRICE include:

1. Overseeing daily operations of TWU's IP program
2. Serving as Chair of IPC
3. Making decisions regarding the development, release, protection, licensing, and commercialization of University-Owned IP

C. Makeup and Responsibilities of IPC include:

1. Determining appropriate categorization of IP in accordance with this policy
2. Assisting VPRICE with decisions regarding IP issues, protection, patentability, and licensing opportunities as requested by the VPRICE.
3. The IPC shall be appointed by the EVPAA/Provost for TWU. The VPRICE shall serve as chair of the IPC. In addition to the chair, the IPC

will have four (4) voting members. The EVPAA/Provost will appoint two (2) of the four (4) voting members, the VPRICE will appoint one (1) of the four (4) voting members, and the Faculty Senate will appoint one (1) of the four (4) voting members. Voting members will be appointed in accordance with criteria established by the EVPAA/Provost. All voting members must be TWU employees. The VPRICE may appoint additional voting members to the IPC, ad hoc, when disciplinary or other expertise is required, to replace a voting member with a conflict, or to address extenuating circumstances. Except for the chair, voting members of the IPC shall generally be appointed for terms of two (2) years. Any voting member of the IPC may be reappointed for additional terms by the EVPAA/Provost, VPRICE, and Faculty Senate. The EVPAA/Provost, VPRICE, and Faculty Senate may only reappoint a voting member that they originally appointed.

D. Responsibilities of the Executive Vice President for Academic Affairs and Provost include:

1. Appointment of the IPC
2. Supervision of VPRICE
3. All recommendations of the IPC are subject to the approval of the EVPAA/Provost.
4. The EVPAA/Provost is the final arbiter of any disputed issues or questions of interpretation relating to this policy. In unusual circumstances, the EVPAA/Provost may also authorize exceptions to the normal procedures.

II. Ownership, Assignment and Disclosure of IP.

- A. The University owns all rights, title and interest in and to IP developed as result of the use of University resources or facilities. By accepting employment with or enrollment in the University, or making use of TWU facilities and resources, the Creator agrees to assign and hereby does assign to the University all of his or her rights, title and interest in and to Works Made for Hire, University-Owned IP and Sponsor-Supported IP. The Creator agrees to execute documents and take action as required by this policy and as requested by the University to document ownership rights and to facilitate protection of the assignment to the University.
- B. When University-Owned IP or Sponsor-Supported IP is created, the Creator must complete and submit an Intellectual Property Disclosure Form to the VPRICE Office.
- C. A Creator is required to disclose any IP that is not clearly Creator-Owned IP.

III. Categorization of IP.

A. At the moment of its creation, discovery, invention, or development, IP will automatically fall into the category of Creator-Owned IP, Sponsor-Supported IP, or University-Owned IP. Absent the VPRICE agreeing in writing that specific IP falls under the definition of Creator-Owned IP, the ownership of such IP and its designation as being "Creator-Owned" may be subject to challenge by TWU. The IPC may be requested to determine if IP is University-Owned or Creator-Owned. If the IPC's decision is challenged, the VPRICE shall make the final determination.

IV. Rejection of an IP Disclosure or Transfer of University-Owned IP Rights.

A. The VPRICE shall decide whether to reject rights to IP disclosed to the University by a Creator. If rights are rejected, then such rights shall be assigned to the Sponsor if sponsored by a federal agency. If the Creator wishes to seek rights to the rejected IP, then the Creator shall be responsible for petitioning the federal agency for any such rights.

B. At any time after identification of University-Owned IP, the VPRICE may decide to transfer or assign rights to such IP to a third party, which may include transfer or assignment to a Creator. However, the VPRICE shall not have any obligation to transfer or assign rights to IP to a Creator and may abandon protection of IP without transferring such rights to a Creator. In such event, the abandoned patent shall continue to be owned by the University and to fall under the definition of University-Owned IP.

V. IP Management.

A. On behalf of TWU, the VPRICE shall make management decisions regarding University-Owned IP. A Creator does not have an independent right to make decisions regarding conveyance, assignment, encumbrance, or license of University-Owned IP; the VPRICE must authorize these types of actions on behalf of TWU.

B. For Patentable IP, if it is determined by the VPRICE that a patent application should be prosecuted, then the prosecution shall be managed by the VPRICE in a diligent manner and without expense of any kind to the Creator. If the patent application is discontinued, the rights shall remain with TWU and/or revert to any Sponsor, as applicable under law.

VI. Continuing Obligations of Creators of University-Owned IP.

A. The creator shall make adjustments and updates to the submitted disclosure when there are substantive changes to information originally provided; provide information as required by the VPRICE and IPC in order to identify appropriate categorization of IP and to determine the potential marketability of University-Owned IP and suitability for patent, copyright, trade secret or trademark

protection; complete paperwork as requested by the VPRICE to obtain protection of University-Owned IP; make assignments as necessary to pursue patents or clarify ownership of University-Owned IP and Sponsor-Supported IP; provide responses to office actions and assist in the marketing, licensing or commercialization of IP.

- B. The Creator must assign to TWU and hereby does assign to TWU any interest in a patent equivalent to the property interest that the IPO determines to belong to TWU under this policy. TWU may delay a decision about rejection of disclosed IP and any protection for any such disclosed IP until sufficient information is received from the Creator.

VII. Distribution of Revenue.

- A. Except as otherwise stated in this policy, net revenues earned on any patents, trademarks, trade secrets, and copyrights related to University-Owned IP shall be distributed after all out-of-pocket expenses associated with the particular University-Owned IP have been recovered by TWU and payments have been made to any third party as required under any licensing, commercialization or sponsored research agreement.

1. A 15% deduction from the gross revenue will be directed toward covering expenses of the VPRICE Office.
2. Out-of-pocket expenses and, in some cases a reserve, will then be deducted to arrive at an adjusted revenue Income.
 - a. Out-of-pocket costs can include patent filing, prosecution and maintenance costs, travel and direct external consulting costs, as well as other direct out-of-pocket expenses incurred by the University.
 - b. The university may retain a portion of royalties received in order to apply such royalty amount to anticipated future expenditures, including future patent-related expenses expected to be incurred for such IP. The retained royalty amount shall be considered an out-of-pocket expense for the purposes of this policy.
3. The adjusted revenue income will then be distributed as follows:
 - a. Direct payment of 50% of the adjusted revenue to the Creator(s) and.
 - b. Deposit of 50% of the adjusted revenue to the VPRICE office budget for the support of research and other intellectual pursuits at TWU.

- B. Exceptions to the distribution of revenue policy as stated above include:

1. The revenue splitting requirement in this policy shall not apply to University-Owned IP that are Works Made for Hire or that are subject to an alternate revenue splitting arrangement in a contract entered into between the Creator(s) and TWU.
2. The VPRICE and Creator may agree in writing to a net revenue distribution different than stated in this policy.
3. Any change to royalty distribution must be reviewed and approved by the IPC; such decision may be appealed to the VPRICE.
4. Equity that has not been liquidated shall not be considered net revenue under this policy and shall not be subject to distribution.
5. Works Made for Hire shall be exempt from the division of revenue requirement in this policy and shall not earn a royalty share for a Creator unless a written agreement is executed between the Creator, the Creator's Department, and the IPO.

C. Special Circumstances

1. If a Creator leaves TWU, the Creator is still entitled to receive his/her share of net revenues.
2. In the event of multiple Creators of IP, all named Creators shall receive an equal share, with the total distribution made to all Creators being equal to the net revenues to be received by the Creator under this policy, unless the IPO is provided with an IP disclosure signed by all Creators specifying the percentage each Creator is entitled to receive.
3. If a Creator dies, the Creator's share of net revenues shall be distributed to the Creator's heirs. In the event heirs are unknown or disputed, the Creator's share of net revenues shall be distributed as required by court order, issued by a court of competent jurisdiction.

VIII. Equity Interests.

- A. The University may receive equity interests as partial or total compensation for the conveyance of IP rights as determined by the VPRICE. The VPRICE shall determine when equity interests will be liquidated. TWU will not share equity with Creators; TWU will distribute royalties earned from the liquidation/sale of such equity after such value is received.

IX. Open Source Software.

- A. Open Source Software allows for the distribution of copyrightable software material. Copyrightable software material falls under the definition of University-Owned IP requiring disclosure to TWU via the disclosure process

established by this policy. If the Creator wishes to publish or disseminate software that is University-Owned IP through an Open Source Software license, the VPRICE must authorize, negotiate and execute the license.

X. Student IP.

A. TWU will not claim an ownership interest in IP developed by students except as specified in other TWU policies or under the following circumstances (these exceptions fall under the definition of University-Owned IP):

1. IP created with significant use of TWU facilities, resources or equipment;
2. if the student developed such work as a Work Made for Hire; or
3. IP created while working in a student employee or staff capacity at TWU, including working as a graduate assistant, or under a grant or contract funded through TWU.

B. The VPRICE shall make the initial determination of the applicability of these exceptions. At the request of a student, the IPC shall review the decision.

XI. Use of Research Data.

A. Research data or results related to University-owned IP or Sponsor Supported IP or otherwise created by an employee are owned by the University and, except to the extent that rights to such research data are contractually assigned or licensed to another party by the University, the Creator shall have a non-exclusive license to use such data for patient care, teaching, scholarly, and other academically-related purposes and nonprofit research, provided such activities are within the scope of the employee's employment with TWU and are allowed under applicable sponsored research agreements.

XII. Use of Facilities and Resources.

A. University facilities and resources may not be used (a) to create, develop, or commercialize IP outside the course and scope of employment of an individual, or (b) to further develop or commercialize Intellectual Properties that have been released to an Inventor or licensed to a Creator by University, except as the VPRICE may approve in writing.

XIII. Creator Held Equity, Business Participation and Managing Conflict of Interest.

A. Creators may hold an equity interest in a business entity that has an agreement with the University relating to the research, development, licensing, or exploitation of University-Owned IP only so long as the VPRICE determines that the University's conflict of interest management plan has been adhered to fully and the equity is being held in accordance with applicable TWU policies.

- B. In any case where an actual conflict of interest is found, the Creator may be required to divest the equity interest or terminate affected research. A TWU faculty or staff member who conceives, creates, discovers, invents, or develops IP may serve, in his/her individual capacity, as a member of the board of directors or other governing board or as an officer or an employee of a business entity that has an agreement with TWU relating to the research, development, licensing, or exploitation of that IP, but only so long as there is a conflict of interest management plan in place that has been approved by the VPRICE and a dual employment form that has been approved and executed by the Provost and the faculty member's respective Academic Component Administrator and Dean.

- C. In any case where an actual conflict of interest is discovered, the Creator(s) may be required to terminate the business relationship or the relevant research.

REVIEW

This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

None

FORMS AND TOOLS

None

Publication Date: 07/02/2021

Revised: 07/02/2021

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Time and Effort Reporting for Federally Funded Projects and Projects with Cost Share

Regulation and Procedure Number: URP: 02.455

Policy Owner: Academic Affairs

POLICY STATEMENT

TWU is committed to responsible stewardship of all research and grant funds received from external sponsors. Adherence to federal Office of Management and Budget (“OMB”) guidelines and sponsor requirements for charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed.

APPLICABILITY

This policy is applicable to TWU Students, Faculty, and Staff.

DEFINITIONS

1. “Cost Sharing” means that portion of the total project costs of a sponsored agreement that are not borne by the sponsor through the assigned grant account but rather is borne by the institution through another account. This indicates the Principal Investigator or Project Director (“PI”) or any of his/her staff spent time on the project while being paid from other sources than the TWU grant account. For purposes of this policy, Cost Sharing will be the term used to represent contributed, match or cost share effort on the project. Cost sharing may be in the form of direct costs (personnel or non- personnel) or F&A costs, subject to the sponsor’s restrictions.
2. “Effort” means the amount of time spent on a particular activity. It includes time spent working on a sponsored project in which salary is directly charged to the sponsor or contributed, matched, or cost-shared time charged to the department/institution.
3. “F&A Cost” means facilities and administrative costs. F&A cost is sometimes referred to as “indirect cost.”

4. "Principal Investigator" and "PI," in this policy, mean a single individual who, in the event of an award from an external funding agency, shall have the full and final responsibility for the conduct of the project as proposed and as set forth in the award.
5. "Sponsor," in this policy, means any external entity that provides funding to TWU for sponsored projects. Sponsors may be (i) governmental agencies (for example, federal, state, or local governments or their administrative organizations); (ii) nonprofit organizations (for example, universities, nonprofit corporations, foundations, or associations); (iii) for profit organizations (for example, corporations, partnerships, sole proprietorships, and other business entities); or (iv) individuals.
6. VPRICE Office is the office of Vice Provost of Research, Innovation, and Corporate Engagement, or, if the name of that office is changed, the chief research officer responsible for the management of IP. "Sponsored Projects" means faculty and staff research and creative activities that are funded by external entities, including federal, state, private, or other non-profit sponsors. The work is completed using university resources and within university policies and procedures. For purposes of this policy, sponsored projects will be the term used to represent externally sponsored projects.

REGULATION AND PROCEDURE

I. Guiding Principles

- A. Use of Minimum Amount of Cost Sharing Necessary Cost Sharing should only be contributed when required by the sponsor guidelines. Only the minimum amount of cost sharing necessary to meet a sponsor's requirements should be committed to a sponsored project. Therefore, voluntary committed cost sharing is strongly discouraged and is usually not allowable.
- B. Generally cost sharing activities require the support and coordination of many constituencies in the research community including the Principal Investigator, Institutes, Centers, Deans, Academic Component Administrators, and the Office of Research and Sponsored Programs (ORSP).

II. Responsibilities

A. ORSP Responsibilities:

1. The ORSP is responsible for overseeing and approving all cost sharing related to sponsored projects.
2. At Pre-Award and Post-Award, the ORSP is responsible for reviewing the cost share form and proposal to ensure that the cost sharing is allocable, allowable, and reasonable in accordance with sponsor requirements, federal and state law and regulations, and TWU policy.

3. The VPRICE or designee must approve the proposed waiver of any portion of F&A cost recovery.

B. Principal Investigator (PI) Responsibilities:

1. The PI is responsible for identifying resources for cost sharing and obtaining approval of cost sharing from their respective Dean's Office, Academic Component Administrator, and/or director of a center or division that will be providing resources for the cost sharing prior to the submission of a cost share form and the proposal to ORSP.
2. The PI is responsible for the regular and timely monitoring of sponsored project expenditures.

C. TWU Employees who devote effort to federally sponsored projects and sponsored projects that require contribution (cost share/matching funds) of personnel time are required to document the distribution of their total effort at the University to provide reasonable assurance that the charges are accurate, allowable, and properly allocated.

III. Time and Effort Reporting System

- A. The TWU Time and Effort reporting system will comply with federal Office of Management and Budget ("OMB") guidelines or any other applicable regulations which set forth the rules governing the eligibility and calculation of costs in support of sponsored research or projects.
- B. The TWU effort reporting system utilizes Personnel Activity Reports ("PARs") as official documentation of after-the-fact certification of the percentage of effort directly devoted to sponsored projects.
 1. PARs will be incorporated into TWU official records, will reasonably reflect the activities for which employees are compensated, and will encompass both sponsored activities and all other activities on an integrated basis.
 2. In order to confirm that distribution of activity represents a reasonable estimate of the work performed by the employee during specified periods, PARs will contain the signature of the Principal Investigator (PI). PARs will also contain either the signature of the employee or of a person having direct knowledge of the work, confirming that the record of activities allocable is appropriate. PIs are responsible for the accuracy and timely submission of PARs to the ORSP.

IV. Office of Research and Sponsored Programs ("ORSP")

ORSP is responsible for administering the Time and Effort Reporting System and is authorized to update and modify procedures and documents as necessary to comply with federal, state and university regulations. ORSP is also responsible for ensuring that TWU personnel are kept current on PAR procedures and requirements.

V. Due Diligence

TWU recognizes that teaching, research, service, and administration are inextricably intermingled, making precise assessment of personnel costs challenging. TWU requires due diligence in the certification of time and effort on all sponsored projects specified in this policy.

REVIEW

This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

None

FORMS AND TOOLS

None

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