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**BOARD OF REGENTS OF
THE UNIVERSITY SYSTEM OF GEORGIA**

January 12, 2021

Presidents
University System of Georgia
sent via email

Dear Presidents:

The Board of Regents of the University System of Georgia (USG) met on January 12, 2021, in Atlanta, Georgia. During this meeting, revisions were made to the following Board of Regents (BOR) policies:

Campus Affairs

➤ **Board Policy 6.3.5 Trademarks**

Personnel

➤ **Board Policy 8.3.9.4 Temporary Suspension for Violation of State or Federal Laws**

The revisions to Board Policy 6.3.5 were made to clarify the guidelines concerning the use of USG trademarks. Questions regarding the revisions to this policy should be directed to Vice Chancellor of Legal Affairs Edward Tate at usg-legal@usg.edu or (404) 962-3255.

The revisions to Board Policy 8.3.9.4 were made to clarify the proper procedures to be followed at institutions when a faculty member is charged with or indicted for violations of state or federal law. Questions regarding the revisions to this policy should be directed to Associate Vice Chancellor of Legal Affairs Chris McGraw at chris.mcgraw@usg.edu or (404) 962-3255.

The effective date of these policy revisions is January 12, 2021. Attached as an Exhibit is a document that shows the language added / deleted from each policy. Please share widely with the appropriate offices at your institution to include Academic Affairs, Human Resources, Student Affairs, Legal Affairs, Compliance, Information Technology Services, Chief Business Officers, and Internal Audit.

Sincerely,

Steve W. Wrigley
Chancellor

cc: Tracey Cook, Executive Vice Chancellor for Strategy and Fiscal Affairs
Dr. Tristan Denley, Executive Vice Chancellor for Academic Affairs

Teresa MacCartney, Executive Vice Chancellor for Administration
Ashley Jones May, Chief of Staff and Vice Chancellor for External Affairs
Claire Arnold, Vice Chancellor for Internal Audits, Chief Audit Officer
Dr. John Fuchko, III, Vice Chancellor for Organizational Effectiveness
Dr. Juanita Hicks, Vice Chancellor for Human Resources
Sandra Neuse, Vice Chancellor for Real Estate and Facilities
Dr. Joyce Jones, Vice Chancellor for Student Affairs
Dr. Bobby Laurine, Vice Chancellor and Chief Information Officer
Karen McCauley, Vice Chancellor of Development
Aaron Diamant, Vice Chancellor for Communications
Edward Tate, Vice Chancellor of Legal Affairs and Secretary to the Board
Dr. Martha Venn, Vice Chancellor for Academic Affairs
Chris McGraw, Associate Vice Chancellor of Legal Affairs
Brooke Bowen, Senior Legal Counsel
Mike Coverson, Director of Safety and Security
Wesley Horne, Director of Ethics and Compliance
Institutional Chief Human Resource Officers
Institutional Title IX Leads
Institutional Chief Business Officers
Institutional Legal Officers
Institutional Effectiveness Leads

Exhibit
BOARD OF REGENTS POLICY MANUAL
Revised Policies with Markup
Meeting of January 12, 2021

I. Revision to Policy Manual: Section 6.3.5 - Trademarks

POLICY LANGUAGE PRIOR TO REVISION

6.3.5 Trademarks

All trademarks of University System of Georgia (USG) institutions and those arising out of research by USG institutions constitute property of the Board of Regents of the University System of Georgia and shall be made in the name of the Board of Regents of the University System of Georgia. Applications for registration, use, and licensing of such trademarks shall be governed by the policies of the Board.

Trademarks arising out of research done by a USG institution pursuant to an agreement with a cooperative organization shall be the property of such cooperative organization and such organization may file all appropriate applications and other documents necessary to protect such trademarks and may exercise all other rights consistent with ownership of the trademarks.

Authorization by the Board of Regents shall be required for the private or commercial use by any person, firm, association, corporation, institution, or other entity of any trademark developed by or associated with the USG or any of its institutions.

The presidents of USG institutions are authorized to execute on behalf of the Board of Regents:

1. Certain applications for trademark and service mark registration;
2. Declarations of continuing use;
3. Declarations concerning use of specimens;
4. Conversions of applications from Principal to Supplemental Register;
5. Applications for renewal; and, 6. License agreements that permit the manufacture, sale, use, or distribution of services or goods bearing USG trademarks representative of the institution.

Notice of trademark and service mark applications shall be sent to the Chancellor within ten days after filing.

License agreements shall name the Board of Regents as licensor, and shall be effective for the period of time as specified in the agreement. All such license agreements shall be executed on forms approved by the Attorney General, and, if not, shall be null and void and of no effect whatsoever. Funds derived from such license agreements shall remain at the institution, shall be used for educational purposes, and shall not inure to the benefit of any individual. A signed or conformed copy of each license agreement shall be filed in the office of the chief business officer of the institution.

The content of licensing agreements authorized as aforesaid shall follow guidelines as established and promulgated by the Chancellor.

TRADEMARK GUIDELINES (Adopted November 10, 1982, and modified February 13, 2008, pursuant to Board of Regents' Policies 6.2 and 6.3):

1. Trademarks bearing reference to the University System of Georgia or any of its educational institutions shall not be depicted upon or affixed to any services, goods, or items in a manner which may cause embarrassment or ridicule to the Board of Regents or its institutions.
2. University system trademarks shall not be licensed for the manufacture, sale, promotion, advertisement, or distribution of the following services, items, materials, or articles:
 - a. alcoholic beverages
 - b. religious services, goods, or artifacts
 - c. sexually-oriented devices or goods
 - d. goods which make unfavorable reference to the race, sex, national origin, or handicap of any person
 - e. toilet seats and the like
 - f. any item which does not meet minimum standards of quality and good taste as determined solely by the Board of Regents

For purposes of this policy, the term trademark shall include all trademarks, trade names, seals, symbols, slogans, emblems, designs, and logotypes developed by or associated with the University System or any of its institutions or representatives of the same, whether registered, or not yet registered by the Board of Regents under federal and state trademark statutes.

REVISED POLICY LANGUAGE

6.3.5 Trademarks

All trademarks of University System of Georgia (USG) institutions and those arising out of research by USG institutions constitute property of the Board of Regents of the University System of Georgia and shall be made in the name of the Board of Regents of the University System of Georgia. Applications for registration, use, and licensing of such trademarks shall be governed by the policies of the Board.

Trademarks arising out of research done by a USG institution pursuant to an agreement with a cooperative organization shall be the property of such cooperative organization and such organization may file all appropriate applications and other documents necessary to protect such trademarks and may exercise all other rights consistent with ownership of the trademarks.

Authorization by the Board of Regents shall be required for the private or commercial use by any person, firm, association, corporation, institution, or other entity of any trademark developed by or associated with the USG or any of its institutions.

The presidents of USG institutions are authorized to execute on behalf of the Board of Regents:

1. Certain applications for trademark and service mark registration;
2. Declarations of continuing use;

3. Declarations concerning use of specimens;
4. Conversions of applications from Principal to Supplemental Register;
5. Applications for renewal; and,
6. License agreements that permit the manufacture, sale, use, or distribution of services or goods bearing USG trademarks representative of the institution.

Notice of trademark and service mark applications shall be sent to the Chancellor within ten days after filing.

License agreements shall name the Board of Regents as licensor, and shall be effective for the period of time as specified in the agreement. All such license agreements shall be executed on forms approved by the Attorney General, and, if not, shall be null and void and of no effect whatsoever. Funds derived from such license agreements shall remain at the institution, shall be used for educational purposes, and shall not inure to the benefit of any individual. A signed or conformed copy of each license agreement shall be filed in the office of the chief business officer of the institution.

The content of licensing agreements authorized as aforesaid shall follow **the following** guidelines:

1. Trademarks bearing reference to the ~~University System of Georgia~~ **USG** or any of its educational institutions shall not be depicted upon or affixed to any services, goods, or items in a manner which may cause embarrassment or ridicule to the Board of Regents or its institutions.
2. University system trademarks shall not be licensed for the manufacture, sale, promotion, advertisement, or distribution of the following services, items, materials, or articles:
 - a. ~~alcoholic beverages~~
 - ba. religious services, goods, or artifacts;
 - eb. sexually-oriented devices or goods;
 - ec. goods which make unfavorable reference to the race, sex, national origin, or ~~handicap~~ **disability** of any person;
 - ed. toilet seats and the like; or,
 - fe. any item which does not meet minimum standards of quality and good taste as determined solely by the Board of Regents.

For purposes of this policy, the term trademark shall include all trademarks, trade names, seals, symbols, slogans, emblems, designs, and logotypes developed by or associated with the University System or any of its institutions or representatives of the same, whether registered, or not yet registered by the Board of Regents under federal and state trademark statutes.

II. Revision to *Policy Manual*: Section 8.3.9.4 – Temporary Suspension for Violation of State or Federal Laws

POLICY LANGUAGE PRIOR TO REVISION

8.3.9.4 Temporary Suspension for Violation of State or Federal Laws

When a faculty member of any USG institution is charged with the violation of a state or federal law, or is indicted for any such offense, a thorough review of the circumstances shall be carried out by the President or his or her designee.

In the event a faculty member is temporarily suspended, the administration shall immediately convene an ad hoc faculty committee or utilize the services of an appropriate existing faculty committee for the purpose of hearing an appeal by the faculty member. The appeal shall be submitted in writing in accordance with procedures to be established by the hearing committee, which shall render its decision within ten days from the conclusion of the hearing. Thereafter, the faculty member may apply for discretionary review under Board of Regents' Policy.

REVISED POLICY LANGUAGE

8.3.9.4 Temporary Suspension for Violation of State or Federal Charges During Pendency of Criminal Charges

When a faculty member of any USG institution is charged with the violation of a state or federal law, or is indicted for any such offense, a thorough review of the circumstances shall be carried out promptly by the President's appointed or his or her designee. If upon the completion of such review the President's designee determines that it is in the best interests of the institution, the faculty member may be temporarily suspended with or without pay.

In the event a faculty member is temporarily suspended, the faculty member may request a review within ten days of being notified of the decision. If the faculty member does so, the President administration shall immediately convene an ad hoc faculty committee or utilize the services of an appropriate existing faculty committee for the purpose of hearing an appeal by the faculty member reviewing the suspension. The appeal review shall be submitted conducted based on written submissions from the faculty member and the President's designee in writing and any additional materials that the committee finds to be appropriate in accordance with procedures to be established by the hearing committee, which shall render its decision within ten days after the date that the committee was convened from the conclusion of the hearing. The committee will recommend that the suspension either continue or cease. If it recommends that the suspension continue, it should also recommend whether the remainder of the suspension should be with or without pay. The President will then consider the committee's recommendations and promptly make a final decision regarding the suspension. The faculty member may thereafter apply for discretionary review of the institution's final decision under Board of Regents' Policy.

A suspension under this Policy shall not continue beyond resolution of the criminal charges / indictment, or the conclusion of the next succeeding semester after the initiation of the temporary suspension, whichever is sooner.

Should the initiation of disciplinary proceedings beyond a temporary suspension become appropriate, the institution may initiate such proceedings in accordance with other applicable policies either during or after the conclusion of the temporary suspension.

Throughout any investigation and resolution proceedings, a party shall receive written notice of the alleged misconduct, shall be provided an opportunity to respond, and shall be allowed to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in an investigation, the investigation may still proceed and policy charges may still result and be resolved. Timely and equal

access to information that will be used during the investigation will be provided to the Complainant (where applicable), and Respondent.