

Marshall University Information Technology Council

Procedure ITP – 48 Technology Review Procedure

1. General Information:

1.1 Scope:

Marshall University, Marshall University Research Corporation, Marshall University Foundation, Marshall University School of Medicine and all Affiliates

1.2. Authority:

Marshall University Information Technology Council

1.3. Effective Date:

August 19, 2019

1.4 Controlling over:

Marshall University, Marshall University Research Corporation, Marshall University Foundation, Marshall University School of Medicine and all Affiliates

1.5 Purpose:

Information Technology, the Purchasing Office, the Office of the General Counsel, and the University Budget Office collectively review and negotiate the best purchase price and best license for campus departments and individuals when procuring technology products and services. The review works to further reduce the potential and undesired consequences and risks associated with the incorrect use of the purchased product or services by the Marshall University community and its affiliates. The review also seeks to confirm the elimination of duplication and data interiority for the university community.

2. Procedure:

2.1. What are we looking for in a review?

2.1.1. Licensing Reviews (Usage)

- Who is using the software?
- Where are they using the software?
- How are they using the software?

- Confirm that the terms match the use.

2.1.2. Legal

- Meet State of WV Law
- Export Language
- Confidential Information Security if the vendor has access
- Other items deferred to them by other reviewers

2.1.3. Security Office

- Use of Federated Sign Sign-On if more than a few users for Cloud-based services or use-based licensing or concurrent licensing
- Data encryption compliance for PII

2.1.4. Budget Office

- Funds are available for the term of the agreement and approved by the VP of Division
- TCO and ROI is available for review on renewals

2.1.5. Information Technology

- Review of the supported hardware platform and OS version
- Support for current trends and move from legacy technology

2.1.6. Accessibility Office

- Product service meets or exceeds standards for accessibility or accessibility in on the vendor product Roadmap depending on the number of users or the general public.
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2.2. When should a review be submitted?

- Introduction of a new software or other technology on campus
- Upgrade of an existing product or service
- Renewal of an existing product or service
- Notification of new agreement/terms from the vendor
- Change in use (e.g., you license academic use and not want to add research use)
- Change in features (e.g., the product has added cloud features to an installed software)

2.3. What will I need to provide when I submit a final request for review?

- Completed Technology Product Review Questionnaire
- A full complete vendor quote
- Full Agreement with Terms and Conditions
- Vendor Contact name, phone number, and email address

2.4. What items are required from the vendor in addition to the items above?

- An WV96 (version 1/2019) Contract Addendum
- A West Virginia Purchasing Affidavit
- A MU Cloud Computing Addendum (if a Cloud or SaaS product)
- VPAT Accessibility Report for products or services that are required for class/departamental work or open to the public
- SOC 2 Type II Report or similar security control documentation for cloud-based services or cloud-based features

2.5. Are there times when a product or service does not require the review process?

- Trial user/versions during an evaluation press
- Total annual cost is less than \$1,000 in total and if **NONE** of the risk factors are present:
- The product or service is Cloud-based
- Involves Confidential Information or Personally Identifiable Information
- The Vendor will be on campus promoting the product
- A Signature is required on a contract or license agreement
- Required product or service for class or departamental work

2.6. Who is involved with the review process?

- Requester
- Departmental/College IT Personnel if they exist
- Central IT Team (Datacenter/Cloud Personnel, Security, Evolving Technology, Client Services)
- Office of the General Counsel
- Budget Office
- Purchasing
- Vendor
- Accessibility Office
- Other based on the risks and use
- Academic Department
- Academic Dean
- Academic Affairs

2.7. Do all software titles/technology tools have terms/agreements?

All Software, including shrink-wrapped goods, shareware and free downloads, have a license agreement.

Agreements can come in the following forms:

- Document signed by both parties
- Click-through (Clicking "I agree")
- Document in the box
- Text "read me" file on disk or other storage medium

- Terms on the website

These are all legally binding agreements.

2.8. Who has the authority to sign and authorize the agreements on campus?

The only person who has delegated authority to sign or authorize contractual agreements is the Marshall University Director of Purchasing. The Director of Purchasing consults with the Office of the General Counsel before signing these agreements to ensure the interests of Marshall University are covered and that we are meeting all requirements of WV State Law. Generally, individuals, including managers, department heads or deans, do NOT have proper signature authority to sign and execute these types of agreements on behalf of the University.

To avoid institutional or personal liability, license should be evaluated and reviewed from a legal perspective before acceptance. If you sign an agreement, click “I agree”, or agree to the terms in any fashion, regardless of cost (including free web downloads), without this evaluation and proper signature process, you may be assuming personal and institutional liability. The potential ramification includes personal financial exposure, disciplinary action, or criminal liability.

2.9. How much time does the review process take?

Please involve the departments listed above when you are considering a technology related product or service. Allow a minimum of 20 business days for the review process from the time a decision to move forward with an acquisition and all the documents listed have been provided for review.

2.10. [Technology Procurement Form](#)