Framing the challenges with Software Licensing in Higher Education

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Key Takeaways

• Software selection has unique terminology and special considerations that impact procurement.
• Software licensing is complex and appears in many different forms.
• It takes a cross-functional approach to software selection and acquisition.
• Software solutions can provide numerous benefits...
A MIDWESTERN HIGHER EDUCATION COMPACT INITIATIVE

WHO IS ELIGIBLE?
- Higher Education (public & non-profit private)
- Non-Profit Organizations (education-related only)
- K-12 Districts & Schools
- State Governments
- Non-MHEC States

HOW DOES MHECtech WORK?
- Thought Leadership
  - The Technology Executive Network
  - Webinars with National Experts
  - Roundtables with Industry Leaders
- Purchasing Power
  - Leverage the combined volume of the 7 Compact states to secure favorable pricing
- SOX Compliance
  - Streamline SOX compliance processes
- Recognized Leaders
  - Enhance the visibility and recognition of your institution
- Pre-Negotiated Contracts
  - Access to contracts with leading technology vendors
- Strategic Planning
  - Develop and implement technology strategies

WHAT'S AVAILABLE?
- Computers & Hardware
- Software
- Printers & Peripherals
- Mobile Device Management
- ISM Solutions
- Data & Voice Networking
- Cloud Services
- Time & Cost Savings

TECHNOLOGY CONTRACTS
Visit mhectech.org/contracts to learn about our hardware, software, and service contracts.

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Institution types...

- Religious
- Not-for-profit
- Public
- Research
- Big Sports
Size, location, and complexity...
Stakeholders and responsibilities...

- Administration, Staff and Faculty
- Tax Payers
- Students and Parents
- Governing Boards
- Alumni
Digitalization of education

Anytime
Faster Delivery

Anywhere
More Efficient

Any Device
Lower Cost
All Software including...

- Commercial Off the Shelf
- Free and Paid downloads
- Subscription based
EULA’s appear in many forms...

- **Click-Wrap Agreements** (clicking “I agree”)
- **Text “read me” file**
- **Written Agreements signed by both parties**
- **Document linked to a website**

Legally Binding Agreements
License Types include...

- Single User
- Multi-User
- IT as a Service
- Subscription Based
- Enterprise
as-a-Service solutions...

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<tr>
<th>On-Premise (Legacy)</th>
<th>Infrastructure as a Service (IaaS)</th>
<th>Platform as a Service (PaaS)</th>
<th>Software as a Service (SaaS)</th>
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<td>Dining Out</td>
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Made at Home | Take and Bake | Pizza Deliver | Dining Out
Licensing Key Clauses...

**License Grant**
- Parties
- Requirements
- Product Names & Functions
- Duration
- Permitted Use
- Authorized Users
- Geography
- Language
- Quantity
- Self Audit
- Times of Conflict
- Ownership & Use Rights

**Pricing**
- Financial Investment
- Metric
- Discount
- Key Terms
- Benchmarking

**Warranty**
- What is Covered
- Who is Covered
- Duration
- Remedies

**Maintenance**
- Scope & Levels of Support
- Timing & Duration
- Rates
- Escalation

**General Provisions**
- Order of Precedence
- Confidentiality
- Integration
- Term
- Termination
- Governing Law
- Dispute Resolution
- Assignment
- Relationships of the Parties
- Limitation of Liability
- Severability
Higher Education add-on’s…

- Educational or Academic Software
- Work-at-home Rights
- Student Use
- Accessibility
- Faculty and Staff FTE
- Student FTE
Everyone has a role...

**Business Owner**
- Budget
- Business Case
- Market Research
- Lifecycle and Staff Turnover
- Understanding the Relationship
- Exit Strategy

**Information Technology**
- Governance
- Usage Understanding (who/how/where/when)
- Accessibility Compliance
- Integration Considerations
- Redundant Solution
- Data Storage
- Patch/Maintenance Schedule
- Security

**Procurement**
- Sourcing Requirements
- Contract Length
- Minimize Audit Risk
- Process for Signing-Off on Contracts

**Legal**
- Indemnification
- Intellectual Property
- Limitation of Liability
- Data Practices
- Termination
- Student, Faculty, and Staff Usage Rights
- Other State Laws Governing the License Agreement
Questions & Answers

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