

RESOLUTION REGARDING INTELLECTUAL PROPERTY OWNERSHIP
(#04-00/01-FA)

WHEREAS, Humboldt State University has a policy document regarding intellectual property (Executive Memorandum P96-1); and

WHEREAS, Humboldt State University Foundation has a policy document regarding intellectual property (Humboldt State University Foundation Manual pages 91-104); and

WHEREAS, The Collective Bargaining Agreement between Unit 3 employees and the CSU provides for the protection of faculty intellectual property rights to materials created "without extraordinary University support" (Article 39.3); and

WHEREAS, The Collective Bargaining Agreement (CBA) supersedes the previously named policies; and

WHEREAS, The meaning of the phrase "without extraordinary University support" requires interpretation and is the topic of dispute between administrators and faculty at Humboldt; and

WHEREAS, On several other CSU campuses, the local CFA Chapter and campus administration have collectively bargained intellectual property agreements; now, therefore, be it

RESOLVED: That the Academic Senate of Humboldt State University request that the Humboldt Chapter of the California Faculty Association bargain on the issue of intellectual property rights; and be it further

RESOLVED: That the Academic Senate of Humboldt State University strongly urge President McCrone to enter into bargaining with the CFA to produce an intellectual property agreement; and be it further

RESOLVED: That the Academic Senate of Humboldt State University recommend that the Humboldt Chapter of the California Faculty Association represent its will which is:

- that faculty own exclusive rights to intellectual property they produce in the normal course of regular faculty activities,
- that "without extraordinary University support" be defined unambiguously,
- that intellectual property ownership be negotiated with individual faculty under the provisions of CBA Article 39.10 at the earliest opportunity should the University express an interest in ownership rights to any intellectual property being produced by faculty, and

- that in cases of disputed intellectual property ownership, rights belong to the faculty who produced the intellectual property until such time as a mutual agreement is negotiated between the faculty member and the University;
and be it further

RESOLVED: That the Academic Senate of Humboldt State University recommend that the product of the collective bargaining process on intellectual property shall govern intellectual property produced under the auspices of the University and of the Foundation; and be it further

RESOLVED: That the Academic Senate of Humboldt State University recommend that the Humboldt Chapter of the California Faculty Association report at each Academic Senate meeting the progress of the bargaining.