

# HUMBOLDT STATE UNIVERSITY

## University Senate

**Tuesday, February 21, 2017, 3:00-5:00 pm, Goodwin Forum (NHE 102)**

1. Announcement of Proxies
2. Approval of and Adoption of Agenda
3. Approval of Minutes from the Meeting of February 7, 2017
4. Reports, Announcements, and Communications of the Chair
5. Reports of Standing Committees, Statewide Senators, and Ex-officio Members
6. Consent Calendar from the Integrated Curriculum Committee: 2/21/17 ICC Consent Calendar
7. TIME CERTAIN: 3:15-3:30 PM - Open Forum for the Campus Community
8. Resolution to Add Section 10.0 Interpretation to the Constitution of the University Senate (16-16/17-CBC – February 21, 2017) Second Reading
9. Discussion Item: Senate Participation Related to GI2025
10. Action Item: Evaluation of the need for a standing University Policies Committee
11. Action Item: Election of 2017/2018 Senate Officers
12. TIME CERTAIN: 4:15 PM - Resolution on Adoption of Guidelines on Intellectual Property Agreements Resulting from Extraordinary University Support (12-16/17-FAC – February 21, 2017) First Reading  
(Guidelines on IP Agreements Resulting from Extraordinary University Support)
13. TIME CERTAIN: 4:45 PM - Resolution to Amend the Bylaws of the University Senate to Alter Requirements for Notifying the President of Senate Actions (15-16/17-CBC – February 21, 2017) First Reading

**HUMBOLDT STATE UNIVERSITY**  
**Senate Chair's Report**  
**Senate Meeting, February 21, 2017**

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This week I will have the next Senate Chairs meeting. In addition to reports from ASCSU and the Board of Trustees we will be discussing enrollment management issues from the various campuses – we've had much conversation on the group listserve about who manages enrollment management and how.

In other system news, the CSUSB Faculty Senate has unanimously passed a resolution opposing President Trump's travel ban: [http://senate.csusb.edu/Resolutions/\(FSD16-11\)OppositionTravelBanEO.pdf](http://senate.csusb.edu/Resolutions/(FSD16-11)OppositionTravelBanEO.pdf)

Senators will note that the GEAR resolutions are not on the agenda for this meeting. Chris Harmon is in Washington DC this week at the NSF participating in a panel review on climate change. We are pushing the second reading of the resolutions to our next Senate meeting, when he will be able to join us for their final discussion and vote. We'll shoot for next time assuming everything goes okay.

# HUMBOLDT STATE UNIVERSITY

University Senate Written Reports, February 21, 2017

Standing Committees, Statewide Senators and Ex-officio Members

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## Constitutions and Bylaws Committee:

Submitted by Jeff Abell, CBC Chair

- I. This semester the CBC will be meeting every other Thursday from 3-4 pm in NHE 120. Our next meeting is Thursday Feb 23.
- II. Report from Thursday Feb 9, 2017 Meeting
  - A. Meeting called to order at 16:00 in NHE 120 with Abell (Chair), Chang, Guzman, and Shellhase. Watson was absent. Quorum was met with 4 out of 5 members present including 3 faculty reps and 1 student rep.
  - B. Committee reviewed Resolution 16-16/17-CBC (amendment to the Senate Constitution which transfers CBC's "interpretational power" from the Senate Bylaws to the Senate Constitution). No suggestions were provided from Senate after the first reading on Feb 7, 2017. CBC has made no further edits. The item comes to Senate today as a second reading.
  - C. Committee reviewed Resolution 15-16/17-CBC (amendment to the Senate Bylaws which alters stipulations for notifying the President of Senate actions). This item comes to Senate today as a first reading.
  - D. Committee continued discussion on whether temporary faculty who meet General Faculty eligibility requirements should be guaranteed voting rights in college and departmental decision making processes.
    1. Committee agreed that in the interest of fairness and inclusive governance, temporary faculty who meet the requirements for membership in the general faculty should have vote in college level and departmental decision making processes. Exception is always in place for personnel decisions which are reserved for tenure/tenure track faculty.
    2. Colleges bylaws are inconsistent on who can participate in college shared governance and department shared governance.
      - CAHSS uses 0.4 WTU with one semester appointment as a condition for voting membership. Individual departments cannot enact rules that conflict with college bylaws.
      - CNRS allows tenure, tenure-track and full-time lecturers plus adjunct but no specific inclusion of temporary lecturers. CNRS departments are apparently not restricted by college bylaws in terms of who can participate in departmental decision making.

- CPS allows 0.4 WTU with one semester for college level elections. Tenure/tenure track faculty in individual departments can decide who has voting privileges in departmental elections.
- 3. Committee discussed whether conditions for voting rights in the GF faculty should supersede conditions for voting rights in college bylaws, department bylaws or department traditions. CBC is reluctant to make a “top-down” recommendation at this point and would rather see changes in the College bylaws initiated from the respective College’s faculty and Deans. To this end, CBC will contact College Deans and department chairs to see if there is willingness to alter college bylaws to improve lecturer participation in shared governance.

III. Agenda for next meeting on Thursday Feb 23, 2017 from 3-4 pm in NHE 120

- A. Edit Senate Bylaws amendment based on first-reading discussion at today’s Senate meeting.
- B. Develop college bylaws edits to improve lecturer participation in shared governance at college and department level.
- C. Continue discussion of whether committees should have agenda notification and document posting deadlines. Propose bylaws amendments if necessary.
- D. Initiate discussion on whether posting of vote tallies with election results is mandated by our governing docs. Recommend appropriate practice to AEC or Senate Office or propose bylaws amendments if necessary.

## Faculty Affairs Committee:

Submitted by George Wrenn, FAC Chair

The Committee held its thirteenth meeting of 2016-17 on Wednesday, February 15, 2017.

Meetings will occur in spring on March 1, 15, 29, April 12, 26, May 10. Meetings are open to the campus community. The Committee currently meets in Library 118 at 8 a.m.

The Faculty Affairs Committee addresses matters involving the individual or collective relationship of faculty to the University. The Committee can be reached through the Senate’s Faculty Affairs web page: <https://www2.humboldt.edu/senate/faculty-affairs-committee>.

Unless otherwise noted, all members were present.

February 15:

Agenda:

- 1) Updates
  - a. Class scheduling data

- 2) Assigned time for chairs (with guest Monty Mola)
  - 3) Lecturer faculty and shared governance
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1) Updates

- a. Class scheduling data
  - i. The Chair shared a report produced by IRP showing class meeting distributions. This will be reviewed again at an upcoming meeting.

2) Assigned time for chairs (with guest Monty Mola)

- a. Monty Mola was invited to discuss assigned time for chairs.
  - i. Areas addressed included:
    1. The need for greater transparency in policy for assigning units.
    2. Workload: what is an appropriate assignment of units?
    3. Workload differences in large and small departments.
    4. The lack of established metrics and the need to set a minimum threshold for assigned time.
    5. The practice of pulling units from collateral duties.
    6. Calculating an appropriate reduction in teaching assignment.
    7. The evolution of policy for summer pay and summer absences.
    8. The amount of summer activities and assignments.
    9. Value of WTUs in tight budget and relative control of budget.
    10. Factors influencing department chair workload.
    11. Difficulty in finding faculty to take on chair duties.
    12. Need for comparison of HSU practices with practices at other CSUs.

ACTION: To continue the discussion, the Committee will ask Volga Koval to share data on departmental assigned time. The Committee will also consider:

- a. The various models that have been developed by departments for assigned time.
- b. Assigned time formulas that could be used in analyzing current practices.

3) Lecturers and shared governance – surveying departments

- a. The Committee briefly reviewed a draft questionnaire for department chairs that will solicit information on the extent and types of service that lecturers are engaged in.

ACTION: The questionnaire will be retooled for distribution to lecturers through department chairs.

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## University Policies Committee:

Submitted by John Meyer, UPC Chair

University Policies Committee Report from meeting on 2/15/17

- Animals on Campus policy: Two guests were invited to meet with the UPC to discuss the draft policy: Kim Comet, Risk Management and Kevin O'Brien, SDRC.
    - o Extended discussion with committee members raised many questions regarding legal requirements, definitions, and challenges of implementation.
    - o The Ad Hoc group, led by VP Joyce Lopes, who drafted the policy will make revisions to address these issues and return to the committee.
  - Guidance on implementation of University Policies on Policies, Procedures, and Guidelines: The implementation of this new policy requires several significant tasks, including the updating and organization of the university's policy website. The committee reviewed a draft memo summarizing these tasks and seeking to estimate the workload involved. We will return to this task at the next meeting, with the goal of finalizing a set of suggestions to be shared with the Senate Chair and President.
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## **University Resources and Planning Committee:**

Submitted by Mark Rizzardi and Alex Enyedi, URPC Co-Chairs

URPC written report for the University Senate's February 21, 2017 meeting

The URPC met for an hour on Friday, February 17, 2017. The first of two main topics, was the initial drafting of a letter to President Rossbacher regarding the URPC's acceptance of the Cabinet's two-phased approach towards achieving a 5% reduction in the University's budget. (Please see URPC's 1/24/2017 written report for description.) The URPC is requesting permission from the President to move forward with sharing Phase 1 details with the immediate stakeholders and the general campus before they are implemented.

The meeting's second topic, presumptive of the President's permission, covered issues of two-way communication with the University regarding Phase 1 reductions. Divisional leadership will obviously be instrumental in the execution of the Phase 1 reductions and thus will need to be closely consulted. With regards to the broader campus community, the URPC is tentatively planning on direct communication with the Senate, electronic forum-like communication with general campus members, and some "town hall" meetings.

The URPC will meet again on Friday, March 3.

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## **Statewide Senate (ASCSU):**

Submitted by Mary Ann Creadon, Statewide Senate Representative

ASCSU held its Academic Conference on February 9 and 10 in San Diego, attended by Board of Trustees members, the Chancellor and Chancellor's Office representatives, and presidents, provosts, AVPs, staff, and faculty from the 23 campuses. The plenary speakers were Diane Ravitch, one of the nation's leading advocates for public education, and Tia Brown McNair, Vice President in the Office of Diversity, Equity, and Student Success at AAC&U. The theme of the conference was "Closing the Achievement Gap." The conference was informative and productive, and either Senator Creadon or interim Senator Malloy will be happy to share the insights and information gleaned from the speakers and from the workshops.

Interim meetings of the ASCSU Committees will be held on February 24. The next plenary meeting is March 16 and 17.

## **ICC Consent Calendar for 2/21/17 Senate**

16-108

MUS 238 Studio Composition NEW COURSE PROPOSAL

Mode of instruction: S-1, 1 Student Credit Unit (SCU) of individual instruction in composition.

This will address the issue of transfer students who are underprepared in composition by making it possible for graduation within two years at HSU.

16-110

MUSIC BA, CONCENTRATION IN COMPOSITION, PROGRAM CHANGE

Allow satisfaction of one of the required four semesters of MUS 438, Studio Composition:

Advance, with either MUS 238, Studio Composition, or an additional semester of MUS 324,

Contemporary Composition techniques. The change makes it possible for transfer students to graduate within 2 years. Also adding MUSC 320C back into this concentration as a prescribed elective (see related proposal 16-109 for details).



**HUMBOLDT STATE UNIVERSITY**  
**University Senate**

**Resolution to Add Section 10.0 Interpretation to the Constitution of the University Senate**

16-16/17-CBC – February 21, 2017 – Second Reading

**RESOLVED:** That the University Senate recommends the attached amendment to the *Constitution of the University Senate* be forwarded to the Senate electorates for ratification in Spring 2017.

*Amendment*

**10.0 Interpretation**

10.1 Requests for interpretation of Senate actions, Senate-approved documents and Senate governing documents must be initiated by at least two voting members of the Senate.

10.2 Requests for interpretation shall be forwarded to the Constitution and Bylaws Committee which will formulate a written interpretation.

10.3 The written interpretation shall be placed on the Senate agenda as an action item within one month of the date of request. The interpretation shall be considered binding unless rejected by a two-thirds majority of the Senate.

***RATIONALE:*** *The power to interpret Senate actions and Senate approved documents is vested in Section 14.0 of the Senate Bylaws. In this section, the Constitution and Bylaws Committee (CBC) is delegated the authority to develop interpretations and forward it to the Senate for consideration. An issue arises if the interpretation involves the Constitutionality of the Senate action or Senate approved document. Historically, CBC has developed interpretations even if Constitutionality is called into question. However, CBC technically does not have the power to interpret the Senate Constitution because the power of interpretation is vested in the Senate Bylaws, which is subordinate to the Senate Constitution.*

*This amendment effectively moves the interpretation language from the Senate Bylaws to the Senate Constitution. With this amendment, CBC could continue to make interpretations that relate to Constitutionality as it has done in the past. By moving the language to the Constitution, control over who should be responsible for interpreting Senate actions would also be placed squarely into the hands of the Senate electorates.*

*This amendment also specifies the minimum bar for requesting an interpretation (two Senators) and the timeline in which CBC should produce the written interpretation (four weeks).*

**HUMBOLDT STATE UNIVERSITY**  
**University Senate**

**Resolution Establishing Ad Hoc Committee on University Policies**

05-15/16-EX—September 29, 2015—Second Reading

**RESOLVED:** That the Humboldt State University Senate authorize the establishment of an ad hoc Committee on University Policies for the current academic year; and be it further

**RESOLVED:** That the Committee be chaired by a faculty senator, who shall be elected by the Senate and shall attend the meetings of the Senate Executive Committee; and be it further

**RESOLVED:** That the Committee include in its membership in addition to the chair two faculty members appointed by the Appointments and Elections Committee, one non-MPP staff member appointed by Staff Council, and one student appointed by Associated Students; and be it further

**RESOLVED:** That the Committee include as ex officio, non-voting members the Vice President for Enrollment Management and Student Affairs (or designee) and the Vice President for Administrative Affairs (or designee); and be it further

**RESOLVED:** That the Committee be responsible for reviewing policy items addressing all university policies that do not fall under the purview or charge of the other Senate standing committees; and be it further

**RESOLVED:** That the Committee be charged with reviewing the existing policy processes on campus and recommending to the Senate for its approval a policy process that address the campus need for a transparent, efficient, and clear policy process rooted in principles of shared governance; and be it further

**RESOLVED:** That the Committee report back to the Senate on its work regularly as part of the standing committee reports delivered at each meeting; and be it further

**RESOLVED:** That the University Senate evaluate the need for a standing University Policies Committee at the end of the current academic year.

**RATIONALE:** As the primary policy recommending body of the University, the University Senate has been asked to consider a wide-range of policy items that do not fall under the purview of any of the existing Senate standing committees. In the absence of a committee to handle these items, the Senate Executive Committee has assumed this responsibility. As the number of such policies has increased, it has been difficult for the Senate Executive Committee to provide the kind of review expected. Further, without a committee to review and consult widely on proposed policies, the Senate has become the venue of first review and consultation on such policies, making the Senate

less efficient in its work. The new University Policies Committee, proposed on an ad hoc trial basis for this year, would resolve this situation.

## 2017 Election of Senate Officers

February 21, 2017

- Vice Chair (Chair of Faculty Affairs Committee)
- Third Officer (Chair of Academic Policies Committee)
- Chair of the Constitution and Bylaws Committee
- Chair of the University Policies Committee

**HUMBOLDT STATE UNIVERSITY**  
**University Senate**

**Resolution on Adoption of “Guidelines on Intellectual Property Agreements Resulting from Extraordinary University Support”**

12-16/17-FAC – February 21, 2017—First Reading

**RESOLVED:** That the Academic Senate of Humboldt State University recommends to the President adoption of the attached document: “Guidelines on Intellectual Property Agreements Resulting from Extraordinary University Support”; and be it further

**RESOLVED:** That these Guidelines shall take effect upon the date of their approval by the President, shall be shared appropriately with the CFA and the HSU community, and shall be made accessible through the University’s Intellectual Property policy web page.

**RATIONALE:**

A definition of “Extraordinary University Support” was intentionally omitted from the interim Intellectual Property Policy adopted in 2009 through Senate Resolution #05-08/09-FA (Revised).

These Guidelines were created: 1) to provide a framework for defining Extraordinary University Support for those entering into intellectual property agreement, and 2) in response to the CSU Collective Bargaining Agreement 2014-2017, Section 39.6, which stipulates that Extraordinary University Support “be addressed by separate individual agreements at the campus.” They represent an effort to address long-standing uncertainties and questions about Extraordinary University Support and how it is defined through intellectual property agreements and in University policy.

These Guidelines were written to conform to CBA language on intellectual property (Article 39). The HSU faculty are the principal audience for these Guidelines; Extraordinary University Support as it relates to staff and students is addressed only in brief. The principal function of these Guidelines is to set boundaries on what should be considered Extraordinary University Support; this is evident in the section that indicates what *does not* constitute extraordinary support for Faculty. These Guidelines are intended for use until such time as the CSU and/or HSU adopt permanent policies addressing this aspect of intellectual property.

**Additional Background:**

Extraordinary University Support has been addressed by the Senate through resolutions, debate, and policies going back more than ten years.

In 2004, Resolution #20-04/05-EP, *General University Policy on Distance Learning*, was introduced and approved by the Senate in 2005-06. It states:

*Extraordinary institutional support is defined by situations wherein the institution incurs actual resource costs associated with the creation or delivery of a DL course that go above and beyond the normal costs of mounting traditional courses delivered without DL. Extraordinary support includes, but is not limited to, release time for the development of the course, time invested by other HSU employees, and equipment purchased exclusively to support the course in question. Extraordinary support does not include support that would be given towards traditional classes in the normal course of university business, for example: use of Blackboard or Moodle, technical support and equipment for smart classrooms, or the use of campus computer labs to write papers or perform calculations.*

In 2009, the Senate recommended revision of HSU's Intellectual Property Policy (*Resolution on Draft HSU Intellectual Property Policy #05-08/09-FA (Revised)*) upon successful CSU/CFA negotiation of a definition of "extraordinary support":

*That the Academic Senate of Humboldt State University recommends to the President that the interim period shall end when the CSU Administration and the California Faculty Association (CFA) successfully negotiate the definition of "extraordinary support" in the Collective Bargaining Agreement (CBA), at which time the policy must return to the Academic Senate for revision and ratification as a permanent policy.*

Subsequently, the CSU Collective Bargaining Agreement 2014-2017, Section 39.6, stipulated that the Agreement "does not apply to those materials created with extraordinary University support, which shall be addressed by separate individual agreements at the campus."

On April 21, 2015, the question of extraordinary support was again addressed in Senate discussion of draft eLearning policy. Senate minutes indicate:

*The College of eLearning and Extended Education Associate Vice President, Alex Hwu, spoke on behalf of the eLearning Policy, stating that the intention of the policy is to support the needs of faculty and students, to protect faculty's Intellectual and Property Rights and to support faculty's Right of First Refusal.*

Comment on the policy draft included: "Needs to be a specific list and clear language about what defines extraordinary support."

Faculty Affairs was charged in 2015/16 with drafting a revised Intellectual Property policy that would include a clear definition of extraordinary support.

In spring 2016, a revised Intellectual Property policy (24-15/16-FAC) passed the Senate unanimously but was not approved by the President, who cited CSU legal counsel and development of a system-wide policy in declining to approve the new policy.

## Guidelines on Intellectual Property Agreements Resulting from Extraordinary University Support <sup>1</sup>

These guidelines provide a framework for individual agreements between the University and individual faculty, staff, and students regarding intellectual property rights resulting from Extraordinary University Support.

The Sponsored Programs Foundation has its own intellectual property procedures; the SPF Administrative Manual should be consulted for policies followed by the Foundation.

### Relationship to Faculty Collective Bargaining Agreement <sup>2</sup>

The 2014-17 Collective Bargaining Agreement (CBA) strongly supports faculty intellectual property rights and the principle that alteration of those rights must be acknowledged and demonstrated through written agreement with the University.

The CBA recognizes a distinction between materials created as part of the **ordinary** activity of faculty in their role as teachers, scholars and researchers and materials created with **extraordinary** University support.

The CBA stipulates that faculty do not waive their intellectual property rights to “any materials created without extraordinary University support (...) in the course of normal bargaining unit work (...)” (39.2).

The CBA also stipulates that materials created with extraordinary University support “shall be addressed by separate individual agreements at the campus” (39.6).

Consistent with the CBA, these guidelines provide a framework for written agreements acknowledging extraordinary University support. This framework consists of: 1) guidelines on written agreements, and 2) guidelines for defining extraordinary University support in written agreements.

Article 39.2 of the CBA specifies that: “nothing contained herein shall be interpreted to be a waiver of the right of either party to assert use rights to, or to assert ownership rights of, any materials created without extraordinary University support by faculty unit employees in the course of normal bargaining unit work pursuant to Article 20 of the Agreement, regardless of whether that party has ever asserted a right of use or ownership in the past.”

Faculty seeking to clarify or contest University claims to intellectual property created as the result of what may be considered “work made for hire,” should contact the California Faculty Association. <sup>3</sup>

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<sup>1</sup> These Guidelines are based upon, and adapt language from, CSU Fresno’s *Guidelines on Intellectual Property Agreements Resulting from Extraordinary Support By The University* (APM 541). Access at: [http://www.fresnostate.edu/mapp/documents/apm/541\\_Guidelines\\_intellectual\\_prop\\_agmts.pdf](http://www.fresnostate.edu/mapp/documents/apm/541_Guidelines_intellectual_prop_agmts.pdf)

<sup>2</sup> These guidelines do not supersede or establish an alternative to terms of employment established in the Collective Bargaining Agreement (CBA). Intellectual property produced in the normal course of activity with ordinary University support, or as personal work without any University support, is likewise governed by the CBA.

<sup>3</sup> In the academic context, federal case law indicates that much of the work faculty do, such as write scholarly articles or create new course materials, can be excluded from “work for hire,” whereas work done by staff in their regular capacity as an employee, is typically included as “work for hire.” (See American Association of University Professors, “Defending the Freedom to Innovate: Faculty Intellectual Property Rights after *Stanford v. Roche*” (2015). Access at: <http://www.aaup.org/report/defending-freedom-innovate-faculty-intellectual-property-rights-after-stanford-v-roche>).



## **Written Agreements**

Written agreements about intellectual property ownership, other rights and royalty sharing (net proceeds) should be made prior to accepting a sponsored award or contract or beginning work on a project in which the University or member of the University community in addition to the creator/inventor seeks to claim an equity interest or license. This includes all contracts in which the University or member of the University community claims to be providing extraordinary support to a member of the University community for purposes of establishing an intellectual property right. The absence of an agreement implies that extraordinary support has not been provided.

If it is not possible to establish terms in writing before the contract or award is accepted by, or extraordinary support is provided to, the faculty, staff or student, such agreement should be made before beginning the work expected to lead to the creation of intellectual property. When such written agreements have not been made prior to the creation of the intellectual property, such a written agreement should be prepared immediately following the creation and disclosure as required by other provisions of this policy and any sponsor agreements.

Collaboration on creations/inventions between members of the University Community promotes innovation and student success. Co-creation of a scholarly paper establishes joint copyright of the work presented in that paper, absent University or sponsor agreements that alter those rights. Publication of work co-authored between members of the University Community, including attribution of work contributed to the project, is governed by the ethical guidelines of authorship adopted by their professional societies and the scholarly publishers in their field. Typically, absent a University or sponsor agreement, a single collaboration between members of the University community, for example between faculty and students, will not require establishing terms of co-creation and co-publication in a written agreement. If the project is ongoing and/or has the potential for development of copyrightable or patentable intellectual property, the terms of relative contribution of each creator/inventor should be established early in the project through a written agreement.

Separate individual agreements are public information and are subject to public records requests pursuant to the California Public Records Act.

All separate individual agreements involving the sharing or transfer of intellectual property rights under these guidelines shall be finalized in writing and signed by the President or designee and the staff member(s), student(s) and/or faculty member(s). Faculty agreements shall comply with the review provisions of the Collective Bargaining Agreement.

## **Defining Extraordinary University Support**

Extraordinary University Support means resources not usually available to all members of the University community in a similar employment or classification or otherwise obvious by the individual's job description and duties.

### **Faculty**

For faculty, extraordinary support does not include such resources as:

- Academic year salary;
- Office space and office furniture and equipment, including a personal computer;
- Usual services of University support staff including technology support from ITS;
- Common library resources;
- Usual laboratory space and equipment and its common usage unless the intent of providing such resources is specifically to support the development of intellectual property for acquisition by the University.

In addition to the foregoing, absent a written agreement acknowledging receipt of University extraordinary support, the following resources do not, in and of themselves, constitute forms of extraordinary support:

- Mini-grants such as CSU Research, Scholarly, and Creative Activities, Faculty Development awards, Diversity Development awards, and Incentives Funding;
- eLearning instructional support and eLearning Course Development Grants. It is understood that online teaching has become a part of a faculty member's expected workload and that use of any equipment such as laptops or tablets, or acceptance of any stipends or assigned time to prepare a face-to-face course or new course for on-line delivery do not constitute provision of extraordinary support;
- Sabbatical or difference-in-pay leaves;
- Startup funds or startup assigned time;
- Advising/academic program Chair assigned time.

### **Staff**

For staff, most work resulting in intellectual property is considered within the scope of the job duties of the individual unless there is a written agreement to the contrary. Therefore, the usual situation for staff employees is that creations or inventions that may result from an individual's work does not result from extraordinary university support and, thus, is work for hire (see footnote 3 above). Some exceptions to this general situation may result, which the staff employee should bring to the attention of appropriate individuals to insure agreement about intellectual property rights and ownership.

### **Students**

For students, extraordinary university support means the use of resources that are not ordinarily available to University students in the course of their academic programs.

Graduate Teaching Assistantships and Tuition Waivers shall not be considered extraordinary support. Use of specialized University facilities shall not be considered extraordinary support unless identified as such by a written agreement enacted prior to student's involvement in work.

HUMBOLDT STATE UNIVERSITY  
University Senate

**Resolution to Amend the *Bylaws of the University Senate* to Alter Requirements for Notifying the President of Senate Actions**

15-16/17-CBC – February 21, 2017 – First Reading

**RESOLVED:** That the University Senate of Humboldt State University approves the attached amendments to the *Bylaws of the University Senate*; and be it further

*Proposed Amendments with Track Changes (these assume Agenda Notification Constitutional Amendment passes)*

**2.7 Voting:**

2.71 Voting on motions to approve resolutions, sense of the senate items and other action items that do not require general consent will be taken by calling the roll of the Senate.

2.72 A roll call vote on any other motion not listed in 2.71 shall be taken if requested by a member of the Senate.

2.73 The terms “unanimous” or “without dissent” shall be used in the minutes when all votes are affirmative. Unanimous shall mean an affirmative vote without abstentions. Without dissent shall mean an affirmative vote with abstentions.

~~2.74 Policy recommendations adopted by the Senate shall be recorded in the minutes of the meeting at which they were adopted and shall be formally presented to the President of the University after approval of the minutes.~~

~~2.75 The Senate, upon a two-thirds majority vote, may declare that an emergency exists and that a given policy recommendation or other matter before it requires immediate presentation to the President of the University or other appropriate agent.~~

**9.0 PRESIDENTIAL APPROVAL-NOTIFICATION OF SENATE ACTIONS**

**9.1** Resolutions and policy recommendations of the University Senate shall be transmitted to the University President by the Friday after the meeting in which they were approved. ~~within one week following the Senate meeting in which the minutes containing said recommendations are approved. Reactions of the University President to the policy recommendations adopted by the University Senate shall be forwarded to the Chair of the Senate within two weeks of the President’s receipt of the recommendation. A Senate action approved by the President shall become official university policy at the time the President~~

~~approves the action and shall be implemented as soon as is practical, which may precede its appearance in the university policy file.~~

~~2.75~~9.2 The Senate, upon a two-thirds majority vote, may declare that an emergency exists and that an approved resolution or given policy recommendation or other matter before it requires immediate presentation~~be transmitted~~ to the President of the University or other appropriate agent~~the same day.~~

9.29.3 The Chair of the Senate shall ensure that the President is informed promptly notified of Senate approved resolutions and policy recommendations actions by the appropriate deadline. At each Senate meeting, the Chair of the Senate shall report the status of resolutions and policy recommendations that were transmitted to the President. ~~that would require implementation in fewer than two weeks after Senate action, in order that such action is not unduly delayed.~~

~~9.3~~ ~~In the absence of official communication from the President of the University regarding policy recommendations adopted by the University Senate, presidential approval of the recommendations shall be presumed.~~

**RATIONALE:** *The Policy on Policies (recommended by Senate Resolution 06-16/17-UPC and approved by President Rossbacher on mm/dd/yy) stipulates a timeline for the President to respond to Senate action and a procedure that policy must follow after it has been recommended by the Senate. Language related to these issues is also present in the Senate bylaws. Since the language is now encoded in University Policy and since the bylaws cannot obligate the President to action outside of their participation as a member in Senate and Senate Standing committee meetings, this amendment removes that language from the bylaws.*

*This amendment also changes the deadline to notify the President of Senate-approved resolutions and policy recommendations. Notification will normally take place at the end of the week in which the action was taken (rather than two weeks later when the minutes in which the action was recorded are approved). There is no parliamentary basis to wait for minutes to be approved before notification of an action can be sent to the President. Emergency items would be forwarded the same day as approval. Under this amendment (and the four-week timeline for the President's response now encoded in the Policy on Policies) the Senate could wait up to five weeks after recommending a proposal before it receives word on the President's response; up to six weeks before it reconvenes to discuss the President's response. For emergency items, the maximum wait time could be reduced by two weeks.*

*Lastly, this amendment explicitly requires the Chair of the Senate to report on the status of resolutions and policy recommendations which are pending Presidential approval.*