

HUMBOLDT STATE UNIVERSITY

University Senate

Tuesday, September 20, 2016, 3:00-5:00 pm, Goodwin Forum (NHE 102)

1. Announcement of Proxies
2. Approval of and Adoption of Agenda
(9/20/16 Agenda)
3. Approval of Minutes from the Meeting of September 6, 2016
(09/06/16 Minutes)
4. Reports, Announcements, and Communications of the Chair
(Written Report)
5. Reports of Standing Committees, Statewide Senators, and Ex-officio Members
(Written Reports)
6. Consent Calendar from the Integrated Curriculum Committee
(ICC Instructions for Accessing Nolij)
7. TIME CERTAIN: 3:15-3:30 PM - Open Forum for the Campus Community
(Open Forum Procedures)
8. Resolution to Amend the Bylaws of the University Senate to Clarify Quorum Requirements for Standing and Ad Hoc Committees (01-16/17-CBC – September 20, 2016) First Reading
9. Discussion Item: Process of Approving Resolutions
10. Discussion Item: Tabled Motion from 9/6/16 Senate Meeting – Canvas and the Uncertainty of the Protection of Intellectual Property
11. Discussion Item: President Rossbacher's September 13, 2016 Response to the University Senate Regarding Resolution 02-16/17-Abell/Thobaben and Chancellor White's September 19, 2016 Response to the Intellectual Property Policy Discussion with him at the September 16, 2016 ASCSU Plenary

Tuesday, September 6, 2016, 3:00-5:00pm, Goodwin Forum (NHE 102)

Chair Julie Alderson called the meeting to order at 3:00pm on Tuesday, September 6, 2016 Goodwin Forum, Nelson Hall East, Room 102; a quorum was present.

Members Present

Abel, Alderson, Avitia, Blake, Camann, Creadon, Dunk, Enyedi, Eschker, Flynn, Frye, Guillen, Karadjova, Le, K. Malloy, N. Malloy, Meyer, Oliver, O'Neill, Ortega, Platt, Rizzardi, Rossbacher, Thobaben, Virnoche, Wilson, Wrenn

Members Absent

Lopes, N. Maguire, Pence

Guests

Richard Boone, Rock Braithwaite, Lisa Castellino, Ken Fulgham, Mary Glenn, Alex Hwu, Gay Hylton, Anna Kircher, Susan Marshall, Jodie Slack, Rick Zechman, Noah Zerbe

Announcement of Proxies

No proxies were assigned for the 9/6/16 meeting

Approval of and Adoption of Agenda

Agenda changed to add a discussion of Discontinuation of Probation for Rangeland Resources to follow the Open Forum for the Campus Community
M/S (Flynn/Ortega) to approve the altered agenda
Motion carried unanimously

Approval of Minutes from the May 10, 2016 Meeting

M/S (Flynn/Karadjova) to approve the Minutes of the May 10, 2016 meeting
Motion carried without dissent; one abstention

Welcome New Members:

Chair Alderson introduced and welcomed the following new Senators:

- Dale Oliver – Chair, Integrated Curriculum Committee
- Christian Guillen – Labor Council Delegate
- Mark Rizzardi – Tenure-line At-Large Instructional Faculty Delegate
- Justus Ortega – Tenure-line At-Large Instructional Faculty Delegate
- Mary Virnoche – Tenure-line CAHSS Instructional Faculty Delegate
- Jennifer Maguire – Tenure-line CPS Instructional Faculty Delegate
- Marissa O'Neill – Tenure-line Interim CPS Instructional Faculty Delegate

- Mike Le – Staff (Non-MPP) Delegate
- Jonah Platt – AS President
- Jessie Avitia – AS Delegate

Chair Alderson also introduced the newly appointed Dean of the College of Natural Resources and Sciences, Dr. Richard Boone.

Reports, Announcements and Communications of the Chair

Chair Alderson reported that an update on the May, 2016 Senate approved IP Policy as well as the probationary status on the Rangeland program will be discussed.

Reports of Standing Committees, Statewide Senators, and Ex-officio Members

Academic Policies:

- Written Report Attached

Academic Senate CSU Statewide Senate:

- Written Report Attached

Faculty Affairs:

- Written Report and Quantitative Reasoning Task Force Report Attached

University Resources and Planning:

- Written Report Attached

University Policies:

- Current committee members look forward to the AEC appointments of two faculty representatives to the UPC
- Upcoming committee work will involve the following:
 - Drafting a policy on policies
 - Reviewing the status of University committees
 - Reviewing any incoming policy proposals

Constitution and Bylaws:

- CBC met during the week of 8/29/16
- CBC has brought forward Senate Resolution 01-16/17-CBC – September 6, 2016 for a first reading
- CBC will consider the feedback gathered from Senate during the discussion of the timeline on approving resolutions

California Faculty Association:

- CFA Humboldt will hold a bargaining meeting on 9/28/16 for faculty to discuss ideas related to bargaining the next contract
- CFA requested a Meet and Confer with the CO to discuss details relating to the Canvas conversion

Labor Council:

- Biannual meeting with labor council representative will take place at 1:00pm on 9/9/16

Associated Students:

- AS hopes to have the third Student Delegate seat on Senate filled by the next Senate meeting on 9/20/16

Provost's Report:

Provost Enyedi provided updates and remarked on the following topics:

- Graduation Initiative 2025
- WASC and the Strategic Plan
- Transformation of the former Institutional Research and Planning to the new Office of Institutional Effectiveness
- Commitment to increasing Tenure-track density
- Upcoming Administrative searches taking place within Academic Affairs
- Re-Imagining the First Year (RFY)

President's Report:

President Rossbacher shared her determination to ensure that our students and their success are at the center of the business and planning that is taking place on campus; focus is being placed on connecting WASC with implementation of the Strategic Plan and the graduation initiative.

The President reports that an assessment of Athletics is being conducted. Representatives from Strategic Edge Athletics Consultants will be on campus to meet with groups and offer open forums for campus and community members. Thoughts and ideas may also be shared electronically using the Athletic Assessment comments link available through the President's home page or via the following link: <http://www2.humboldt.edu/president/node/169>

Athletic Director, Dan Collen, announced his retirement. The President's office will be launching a search for a new Athletic Director.

As part of the Chair's report and in response to questions pertaining to the Canvas contract,

Chair Alderson recognized Anna Kircher, Chief Information Officer, ITS.

Anna provided the attached, *Document Stack for Canvas Contract*, along with an update regarding the contractual negotiations taking place, the anticipated launch date, and the technical implementation that will take place to produce a production environment.

Student Affairs:

Vice President Blake reported on the following:

- Equity Alliance of the North Coast will be hosting an event at 2:00pm on Monday, 9/19 in KBR and another at 6:00pm that evening at the HCOE; both events will feature Julie Nelson, Dwayne Marsh, and Brenda Anibarro
- With new and returning students moved in, residence halls are 99% full
- A company specializing in housing master planning will be on campus hosting focus groups to address a plan for student homelessness
- Student enrollment dropped; a preliminary Fall 2016 enrollment dashboard is available on the Institutional Effectiveness webpage via the following link:
<http://www2.humboldt.edu/irp/>

Consent Calendar from the Integrated Curriculum Committee (ICC)

The attached ICC Consent Calendar was approved.

It was noted that there were no guests signed-up to speak during the Open Forum for the Campus Community

TIME CERTAIN: 3:50 PM – Update on WASC and the Strategic Plan

M/S (Abell/Camann) to postpone the WASC presentation so that discussion items may be discussed

Chair Alderson expressed concern and warns about postponing a Time Certain that has been agreed upon and planned for by the guest presenters who are in attendance.

It was suggested that the WASC presentation could be limited to 20 minutes.

M/S (Abell/Dunk) to limit the Time Certain for the Update on WASC and the Strategic Plan to 20 minutes

Motion passed without dissent; one abstention

Rock Braithwaite, Mary Glenn, and Lisa Castellino provided an abbreviated update to Senate on WASC and the Strategic Plan. A document, *Steering/Self-Study Committee Recommendations for Strategic Plan Implementation*, was provided to Senators and is

attached. Additional information on the Strategic Plan and WASC can be found via the following link: <https://strategicplan.humboldt.edu/content/wasc>

Discussion Item: Discontinuation of Probation for Rangeland Resources

Provost Enyedi referenced the email exchange in which he responded and provided notification of his position regarding the recommendation made to him with the passing of Resolution 29-15/16-ICC.

Resolution 29-15/16-ICC was passed by Senate during the 4/26/16 Senate meeting. After the 5/10/16 approval of the minutes from the 4/26/16 Senate meeting, *Resolution 29-15/16-ICC – April 26, 2016* and an emergency item, *Resolution 28-15/16-APC – May 10, 2016*, were forwarded by the Senate office on 5/11/16 to the Provost for his consideration. The Provost responded on 5/12/16 with the following message:

From: Alex Enyedi [mailto:alex.enyedi@humboldt.edu]
Sent: Thursday, **May 12, 2016** 4:10 PM
To: Paula Petersen <Paula.Petersen@humboldt.edu>
Cc: Cindy Moyer <cm4@humboldt.edu>; Andrew Stubblefield <Andrew.Stubblefield@humboldt.edu>; Julia Alderson <julie.alderson@humboldt.edu>; Mary Hackett <Mary.Hackett@humboldt.edu>; Kay Libolt <Kay.Libolt@humboldt.edu>; Lura Holtkamp <Lura.Holtkamp@humboldt.edu>; Alexander Enyedi <alex.enyedi@humboldt.edu>
Subject: Re: Approved Senate Resolutions #29 and #28

Dear Paula,

I am writing to provide my approval of the Academic Honesty (Resolution on Revisions to Academic Honesty Policy (Resolution 28-15/16-APC)).

With respect to the Resolution on Discontinuing Probationary Status of the Rangeland Resources/Wildland Soils Program, I am still evaluating the CNRS report on the program (as required by the MOU prepared in 2009-2010). However, I wish to acknowledge the passage of the resolution and thank the ICC for their good work preparing the recommendation to the Senate. Please let me know if you need any further feedback concerning this particular resolution.

Sincerely,
Alex

Dr. Alex Enyedi
Provost and Vice President of Academic Affairs
Humboldt State University

M/S (Abell/Karadjova) to introduce letters of support (attached) from Rangeland faculty and managers throughout the region
Motion passed unanimously

Discussion ensued regarding support that the program has received, effects due to its uncertainty and the need for an informed and timely decision.

With consideration given to the ICC's April, 2016 Resolution, the recommendation of Dean Smith, and the opinion of the new Dean of CNRS, Provost Enyedi stated that a decision would be made as soon as possible this academic year.

Resolution to Amend the Bylaws of the University Senate to Clarify Quorum Requirements for Standing and Ad Hoc Committees (01-16/17-CBC – September 6, 2016) First Reading

M/S (Abell/Meyer) to postpone the reading of resolution 01-16/17-CBC

Motion passed unanimously

Discussion Item: Process of Approving Resolutions

M/S (Abell/Wilson) to postpone the *Process of Approving Resolutions* discussion item

Motion passed unanimously

Discussion Item: Status of the Senate-recommended Policy on Intellectual Property

President Rossbacher reiterated the information that was relayed to the Senate office in reply to the Senate-recommended policy on Intellectual Property which was identified as an emergency item in May, 2016. At the direction of the CSU's Office of the General Council, she was given clear instruction that she could not sign the proposed policy as the CSU is in the process of drafting and enacting a consistent system-wide policy.

Discussion ensued regarding the timeline for a new system-wide policy and concerns for faculty operating without a current policy.

M/S (Abell/Camann) to introduce a *Sense of the Senate* resolution (attached) demanding Presidential approval of the new IP Policy

Motion passed

M/S (Eschker/Dunk) to extend the meeting by 10 minutes

Motion passed

Discussion ensued regarding the limbo status of a campus IP Policy and the whether there would be a possibility of approving the policy on an interim basis.

M/S (Avitia/Abell) to open the resolution for amendments

Motion passed

It was suggested that, based on how many campuses are operating without an IP Policy, that the resolution should be directed at the Chancellor instead of our President.

The President expressed her concern for faculty and is in favor of meeting to discuss ideas for

an interim solution.

M/S (K. Malloy/Camann) to extend the meeting by 10 minutes
Motion passed

M/S (Virnoche/Platt) called the question
Motion passed without dissent, 1 abstention

After amending the resolution to delete the language referring to “faculty session” Senators voted; Sense of the Senate Resolution Demanding President Rossbacher Approve the University Senate Recommended Intellectual Property Policy for Humboldt State University, **passed** without dissent.

Ayes: Thobaben, Abell, Dunk, Platt, Meyer, Virnoche, Creadon, Wilson, O’Neill, Eschker, Karadjova, Malloy, Avitia, Frye

Nays: Le, Oliver, K. Malloy

Abstentions: Blake, Enyedi, Wrenn, Flynn, Rizzardi

Meeting adjourned at 5:24pm

Senators,

I received the President's response to the "Sense of the Senate" resolution approved on 6 September 2016 (02-16/17-Abell/Thobaben, *Resolution Demanding President Rossbacher Approve the University Senate Recommended Intellectual Property Policy for HSU*). Please see that letter attached.

SenEx discussed the IP issue and the President's letter at our 13 September meeting. We've charged Faculty Affairs with figuring out how to move forward on campus with the issue. The President will be attending FAC's October 12th meeting to discuss.

In the meantime, the issue was a major concern at last week's ASCSU meeting (See Mary Ann and Erick's written report), and my query to the other Senate Chairs regarding IP issues on their campuses has inspired a movement to discuss and possibly send forward a resolution on the issue from that body at our October 20th meeting. (See attached, my email and the responses I have received thus far.)

HUMBOLDT STATE UNIVERSITY

Lisa A. Rossbacher, Ph.D. President

13 September 2016

To: Julie Alderson
Chair, University Senate and Professor, Department of Art

Cc: Alex Enyedi, Provost and Vice President for Academic Affairs

From: Lisa A. Rossbacher **LAR**
President

Re: Sense of the Senate resolution

I am responding to the “Sense of the Senate” resolution that was approved by the University Senate on 6 September 2016.

Since that meeting, I have consulted with the California State University’s Office of General Counsel, and I have two follow-up items.

One is to reiterate that I cannot sign the proposed policy that was recommended by the University Senate last spring. All campuses have been asked to refrain from revising or enacting new policies regarding intellectual property while a system-wide policy on this topic is developed. The system-wide policy has been drafted and is undergoing the standard review process.

The other item is to note that, despite what last week’s resolution states, HSU does have an intellectual policy at the moment. The 2009 policy that is posted on the HSU website remains in effect until it is superseded.

I share the Senate’s concern about protecting the rights of all involved parties regarding intellectual property, and I join you in looking forward to the system-wide resolution of this question.

Dear Senate Chair colleagues,

Greetings from Humboldt! I've been tasked by our Senate to reach out and gather information re: the status of intellectual property policies at the other CSU campuses. Our body passed a new IP policy at the final Senate meeting of last year. It was sent along to our President, but she did not sign it - she was instructed not to by the CO, as she was told that a system-wide IP policy is apparently being crafted as we speak.

Members of our Senate are concerned that our IP policy is woefully out of date - in fact many argue that it's actually expired and that we're currently operating without an IP policy in place. In our conversation on the Senate floor, the President indicated that it might help her make a case to the CO that she should be allowed to OK our new policy as at least "interim" if we are an outlier in this regard - if other campuses have their IP rights protected and that we are unusual in having, at best, a terribly ineffective policy, and at worst, no policy at all.

I would love to hear from you all about the status of IP policies on your respective campuses. Do your faculty feel as if their IP is protected? Any information would be greatly appreciated.

Thanks!

Julie

Julia Alderson
Chair, University Senate
Associate Professor of Art History
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Hi Julia — Ours was updated in 2011. I'm no expert in the area, but our senate committees were pretty careful with drafting this, so I hope it's in good shape. https://www.sonoma.edu/UAffairs/policies/intellectual_property.htm

Ben

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Ben Ford
Mathematics and Statistics
Sonoma State University
Chair of the Faculty 2016-17

Hi Julia,

Our current IP policy, from 2007 (ugh), is online here: <https://www.csustan.edu/sites/default/files/FacultyHandbook/Publications/Polices/Fac/17-AS-07-FAC--Intell.%20Prop.%20Rights%20Policy-final.rtf.pdf>

While it's a decent policy, the issue we will soon be addressing is in Section III—specifically that, with the new four-year graduation rate initiative(s), there is likely going to be a fair amount of extra pay to compensate faculty for development of additional online courses to alleviate schedule stress (etc.). As that pay is outside of normal compensation and work duties, the faculty member does not retain full ownership of that IP, and must negotiate rights with the university. It is also unclear what happens to those IP rights if no agreement between the content creator and the university is signed before work commences. So we have some revision to do here, too.

Hope this helps.

all best,
Stuart

Dr. Stuart Sims

Chair, Department of Music
Speaker of the Faculty & Chair, Academic Senate

CALIFORNIA STATE UNIVERSITY, STANISLAUS
ssims@csustan.edu - www.csustan.edu/music

Hi Julia,

Here's the link to the SJSU policy on the books since 1998. Didn't know the the CO was working on a system-wide document.

<http://www.sjsu.edu/senate/docs/F98-3.pdf>

Michael

Michael L. Kimbarow, Ph.D., BC-ANCDS F-ASHA
Chair, Academic Senate
Professor, Dept. of Communicative Disorders and Sciences
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408-924-3706 Fax

At SDSU, we cover IP issues in several areas of our policy file:

[https://newscenter.sdsu.edu/universitysenate/files/06941-FNL2policy_file_accessible_8_11_16_\(1\).pdf](https://newscenter.sdsu.edu/universitysenate/files/06941-FNL2policy_file_accessible_8_11_16_(1).pdf)

- Intellectual Property / University Policies: Academics -- p. 57 (very brief)
- Copyrights, Trademarks, and Trade Secrets / University Policies: Codes -- p. 79 (quite lengthy)
- Patents / University Policies: Codes -- p. 95 (3 or 4 pages)
- Copyrights and Patents Committee / University Policies: Committees and Councils -- p. 112 (very brief)

Hope this helps!

Marcie Bober-Michel, PhD

Hi Julia,

Here is Pomona's IP policy, last revised 2008:

http://www.cpp.edu/~policies/university/administrative/intellectual_property.shtml . I am not aware of any concerns with our policy, but we just hired a new Associate Vice President for Research, Innovation, and Economic Development, so it might be time to reexamine it.

Best regards,

Julie

Julie Shen

Acting Chair, Academic Senate

Head of Reference, University Library

Business & Computer Science Librarian

Cal Poly Pomona University

jshen@cpp.edu

(909) 869-4330

<http://www.cpp.edu/~jshen>

Hi Julia,

Fresno's policy is at

<http://www.fresnostate.edu/academics/facultyaffairs/documents/apm/540.pdf>

It is a relatively newly revised policy, and to date I have not heard any concerns or complaints about it.

Kevin

Kevin J. Macy-Ayotte, Ph.D.
Chair, Academic Senate
Professor, Department of Communication
California State University, Fresno
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Fax: 559-278-4113

Here is East Bay's policy, approved in 2015:

<http://www.csueastbay.edu/faculty/senate/files/docs/policies/12-13-new-policy-page/intellectual-prop-policy-14-15-fac-11.pdf>

Mark Karplus

Hi All,

At SFSU, we have two policies regarding IP.

<http://senate.sfsu.edu/content/intellectual-property-policy-and-procedures>

<http://senate.sfsu.edu/content/scope>

Hope this is of use.

Best, Troi
Troi Carleton, SF State University Academic Senate Chair
Professor of Linguistics and Linguistics Program Coordinator
Department of English
San Francisco State University
San Francisco, CA 94132

G'day,

Sacramento State has a rather old policy on copyright and patent, which you can find here:

<http://www.csus.edu/umannual/acad/umc02750.htm>

Section 11 of our e-learning policy, which is more recent, refers to this policy, as well as E.O. 999:

<http://www.csus.edu/umannual/acadaff/fsd00010.htm>

Regards

Julian

Julian Heather
Chair, Faculty Senate
Professor, English Department
CSU Sacramento
(916) 278-5394

Hi Julie,

Here is a link to our 2012 IP
policy: http://www.csusm.edu/policies/active/documents/Intellectual_Policy.html

Generally speaking, as far as I can tell, our faculty seem content with the policy, and we do feel that our IP is protected under it. I hope your campus discussion is fruitful.

Best,

Michael McDuffie, Ph.D.
Associate Professor of Philosophy
Chair, Academic Senate
California State University San Marcos

Hi Julia et al.,

Here is the IP policy at San Bernardino:

[http://senate.csusb.edu/fam/Policy/\(FSD00-11.R1\)Intellectual_Property.pdf](http://senate.csusb.edu/fam/Policy/(FSD00-11.R1)Intellectual_Property.pdf)

It was last revised in 2013. I haven't heard of any faculty complaints about the policy, but one faculty member here did file a statutory grievance about an IP issue a couple of years ago. The faculty hearing committee found in the faculty member's favor, but then the President rejected the committee's recommendation.

Karen

Karen Kolehmainen
Professor of Physics
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Julia,

Great to hear from you! I hope your year is off to a good start.

We started discussing a new IP policy last year, but tabled the topic when we were told that the CO was already working on it. Many questions have arisen, and there is an immediate need for clarity. We have not had a clear answer on how long the CO might take to handle its work.

Our campus has an "Intellectual Property Review Committee" listed in our handbook, but I can find no evidence that they have met. Our handbook mentions intellectual property in passing, but does not contain an appropriate policy. When we developed our distributed learning policy in 2013, it was addressed by the following statement:

Ownership of all intellectual property shall be governed by the Collective Bargaining Agreement (Article 39) and the "Academic Senate of the CSU Policy on Intellectual Property, Fair Use, and the Unbundling of Ownership Rights". It is assumed that faculty members have ownership of their work products unless a prior written agreement exists.

Here is the link to the 2003 ASCSU policy that our statement refers to:

http://www.calstate.edu/AcadSen/Records/reports/Intellectual_Prop_Final.pdf

The following passage is from a 2012 white paper on online education (ASCSU subcommittee)

(https://www.calstate.edu/AcadSen/Records/Reports/documents/Online_Education_White_Paper.pdf):

Ten campus policies (BA, EB, FU, HU, SA, SB, SD, SJ, SLO, and ST) reference intellectual property issues. Representative statements are contained in the policies of EB and SA. EB's policy states "Faculty shall have the same control and ownership of the substantive and intellectual content of their online instruction course-related materials that faculty have with respect to classes offered in classroom format, at the time of production, at any time during their use, and thereafter, in accordance with the provisions of the CSU/CFA Collective Bargaining Agreement and CSU and CSUEB policies." SA's policy states "Ownership of materials, faculty compensation, copyright issues, and the utilization of revenue derived from the creation and production of software, telecourses, or other media products shall be agreed upon by the faculty and the University in accordance with the University's Copyright and Patent Policy and guidelines." HU's policy gives details as to how revenues will be allocated. It states "The University will not sell, rent, or otherwise knowingly permit another organization to use a distance learning class without a written agreement with the originator to that effect. In the case of an agreement to exploit the course through outside sales, the proceeds of a course created at HSU without extraordinary support will belong solely to the originator. For courses that received

extraordinary support the net profits will be distributed as follows until such time as the institution is fully compensated for its investment. After that, the proceeds will be the property of the originator.

i. 50% to the originator of the course

ii. 25% to the originator's college, department, or University division

iii. 25% to the university."

Additional faculty rights are delineated in several policies. The DH policy states that each instructor is free to choose any approved mode of instruction for a course and "no institution or person shall sell, retransmit, modify, or otherwise reuse course related materials produced by a member of the faculty for any purpose without the written consent of the faculty member." The right to teach the class is spelled out in the HU policy, which states "The originator of the distance learning course material will have a 'right of first refusal' to teach the DL course provided that the instructor is still employed by the University in the department where the course was developed. If the instructor chooses not to teach the course, the department will be free to choose another instructor to teach the course. This condition exists as long as the course remains substantially the intellectual work of the originator as it is delivered."

Deborah Boschini, EdD, MSN, RN

Associate Professor, Department of Nursing

Chair, Academic Senate

California State University, Bakersfield

Dear colleagues-

We do not have an IP policy currently in place. We have a patent policy passed in 1976 so more than out of date. We have drafted an IP policy but confronted the same stone wall that you have because the CO insists there will be a system-wide policy. So far as I know we have been told this for the last four years. I would very much favor a resolution by the system chairs on this issue at our October meeting and would be happy to draft one and send it out in advance.

Best

Emily

Emily Miller Bonney

Professor Liberal Studies
Chair CSUF Academic Senate
PLN 120
(657)278-7421

Dear colleagues,

Greetings from Long Beach! It seems we're in the same position as Julia at Humboldt. We passed the attached IP policy back in March, but our President has not signed it. She didn't specifically say that the Chancellor had instructed her either way, but she said she was taking the policy under advisement as the Chancellor's office works on their policy. We were disappointed, if not particularly surprised, since our policy is friendly to faculty. Some of the issues we dealt with were:

- How do we balance the right for faculty to teach hybrid/online classes they have developed with the university's interest to offer classes regularly?
- How do we give faculty an incentive to develop hybrid/online classes but also give the university and students a way to benefit from those classes?
- What are "traditional academic copyrightable works"—specifically, how do lecture notes fit in, as what do online assignments count, are Standard Course Outlines and/or syllabi the intellectual property of faculty or of the university?
- Where are the distinctions between "university resources customarily provided," "extraordinary support," and "work for hire/commissioned work"? At CSULB, we had massive discussions around art (is the intellectual property in a work of art produced in the context of a class belong to the university or to the artist?) and around our College of Continuing and

Professional Education (i.e., open university), which has been pushing conversion to hybrid and online classes with \$5,000 stipends—which include (usually) giving CCPE the intellectual property for the class.

We spent something like two years working on the policy—with various task forces, working groups, expert consultations, and discussions on the floor—and ultimately (I think) produced a good policy. Too bad it's not in effect (yet)!

BTW, has anybody seen the draft supposedly produced by the Chancellor's office and circulated among University presidents in the system???

Cheers,

Norbert.

Norbert Schürer
English Department, CSULB
1250 Bellflower Blvd.
Long Beach, CA 90814

INTELLECTUAL PROPERTY

(This policy supersedes PS 07-05, and PS 03-11)

This policy was recommended by the Academic Senate on _____ and approved by the president on _____.

1.0 OBJECTIVES

- 1.1 This policy articulates the allocation of intellectual property rights and usage rights at the California State University, Long Beach (University) so as to optimally support the mutual interests of the University, faculty, staff and students.
- 1.2 This policy, as applied to University faculty is intended to be consistent with the provisions of Article 39 *Intellectual Property Rights* in the collective bargaining agreement between the California Faculty Association and the California State University effective September 18, 2012-June 30, 2014 and subsequent mutually agreed revisions thereto (CBA). Any provisions that are found to be inconsistent shall be superseded by CBA Article 39 *Intellectual Property Rights*.
- 1.3 This policy recognizes the intellectual property interests of creators, the University, and external sponsors that support instruction, research, scholarly and creative activity.
- 1.4 The University makes no claim of ownership or use rights, or obligation between the university and creator(s), regarding any intellectual property except:
 - Course catalog descriptions and standard course outlines submitted and approved via the university curriculum process;
 - Intellectual property created with “extraordinary support” as defined in section 2.5, and only when, in advance of the creation of the materials, the creator(s) and the university have entered into a written contractual agreement detailing the specifics of the materials under contract, the terms of ownership and use, and the scope of extraordinary support;
 - Intellectual property created in a “work for hire” or “commissioned work” situation as defined in section 2.6, and only when, in advance of the creation of the materials, the creator(s) and the university have entered into a written contractual agreement detailing the specifics of the materials under contract, the terms of ownership and use, and the terms of the commission;
 - Intellectual property created under the terms of other contractual agreements only when, in advance of the creation of the materials, the creator(s) and the university have entered into a written contractual agreement detailing the specifics of the materials under contract, the terms of ownership and use, and the terms of the commission;

- Intellectual property created as a specific requirement of employment or as an assigned University duty that may be specified, for example, in a written job description or an employment agreement;

2.0 DEFINITIONS

2.1 Creator: "Creator" means an individual, or group of individuals, who makes, conceives, reduces to practice, authors, or otherwise makes a substantive intellectual contribution to the creation of intellectual property. "Creator" includes the definition of "inventor" used in U.S. patent law for patentable inventions and the definition of "author" used in the U.S. Copyright Act for copy written works of authorship.

2.2 Intellectual Property: "Intellectual Property" means intangible rights protecting the products of human intelligence and creation, such as copyrightable works, patented inventions, trademarks, and trade secrets. It includes Traditional Academic Copyrightable Works (see Section 2.3 below), inventions, discoveries, registered or unregistered copyrighted works, registered or unregistered trademarks, service marks, trade secrets, mask works, and plant variety protection certificates.

Intellectual Property also includes the physical embodiments of intellectual effort (for example: models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research and experimental results).

Intellectual Property is not restricted to inventions that are first conceived, but can also apply to existing inventions or concepts that are first actually reduced to practice, and other creative or artistic works that have value.

Intellectual Property includes both tangible work and work created in the electronic and internet environment.

2.3 Traditional Academic Copyrightable Works: "Traditional Academic Copyrightable Works" means a subset of copyrightable works created independently and at the Creator's initiative for academic purposes. Examples include, but are not limited to, lecture notes and materials, course syllabi, instructional texts and manuscripts, software, or plans, patterns, and works of art or design or educational software (also known as courseware or lesson ware) that the Creators may design for courses taught in the CSU, and specifically for students who matriculate at CSULB.

2.4 University Resources Customarily Provided: When determining ownership and license rights in copyrightable works, the term "University Resources Customarily Provided" includes office space, library facilities, student and staff support, ordinary access to laboratories, media studios, computers and networks, and salary. Additional forms shall include subventions provided by the University to some faculty members, such as sabbatical and reassigned time. Customarily provided resources also includes facilities and resources used in the creation of works of art or design such as studios, performance spaces and equipment.

- 2.5 Extraordinary Support: No support shall be considered extraordinary a priori. Extraordinary support must be established through the contractual process outlined in section 1.4.
- 2.6 Work for Hire or Commissioned Work: “Work for Hire” or “Commissioned Work” means work performed outside the normal scope of the Creator's University employment or for which there is additional remuneration, including without limitation stipends, incentives, and other remuneration to create course materials and other Intellectual Property outside the normal scope of work.

3.0 OWNERSHIP OF INTELLECTUAL PROPERTY IN COPYRIGHTABLE WORKS

3.1 Creator Ownership

3.1.1 Traditional Academic Copyrightable Works

All intellectual property rights and usage rights in Traditional Academic Copyrightable Works are owned by the Creator(s) unless otherwise specified in an agreement with the University.

The University shall be entitled to a royalty-free, perpetual, non-exclusive, and non-transferable license to use Creator-owned Traditional Academic Copyrightable Works, limited only to course catalog descriptions and standard course outlines submitted and approved via the university curriculum process, for the purpose of continuing to teach the course of instruction for which the works were prepared, with the non-exclusive right to revise and update them as required for this purpose.

The university shall make no claim of ownership or financial interest in course materials prepared under the direction of a faculty member unless the university and faculty member have so agreed in a separate, voluntary agreement. Payment of a financial stipend, use of university resources, or reassigned time to develop course materials shall not be construed by the university as creating a basis for a claim of institutional ownership of such materials, nor shall it be assumed that a work-for-hire relationship exists between the university and the faculty member with regard to the preparation of any such materials.

In the event that the Creator or the University wishes to commercialize Traditional Academic Copyrightable Works, revenue distribution shall be determined by a negotiated written agreement and subject to review by the University Intellectual Property Committee (See Section 4.2 below).

Faculty members who are no longer employed as such by the University retain their intellectual property and usage rights.

3.1.2 Copyrightable Works Created with Extraordinary Support

Creators of copyrightable works created with use of University Extraordinary Support shall own intellectual property and use rights for that work. The University shall be entitled to no rights to Copyrightable Works Created with Extraordinary Support beyond

those agreed upon in a separate voluntary agreement between the Creator(s) and the university. This includes any creative and/or scholarly work created during assigned-time and sabbaticals.

3.2 University Ownership

The University shall own the Intellectual Property rights to copyrightable works as follows:

- 3.2.1 Works created pursuant to the terms of a written agreement between the University and the Creator(s) only when the agreement specifically grants ownership to the University.
- 3.2.2 Work for Hire created as a specific requirement of employment or as an assigned University duty that may be specified, for example, in a written job description or an employment agreement. Such specification may define the full scope or content of the Creator's University employment duties comprehensively or may be limited to terms applicable to a single copyrightable work. Any future creative work or course content that the University may claim as its own must be negotiated and specified in the employment contract.
- 3.2.3 Commissioned Work prepared under an agreement between the University and the Creator when:
 - 3.2.3.1 The creator is not a University employee, or
 - 3.2.3.2 The creator is a University employee but the work to be performed falls outside the normal scope of the Creator's University employment or for which there is additional remuneration (see Section 2.6. above), or
 - 3.2.3.3 The creator has specified in an agreement that the attendant Intellectual Property rights be assigned to the University.
 - 3.2.3.4 In all cases of paragraph 3.2, such Commissioned Work shall be negotiated between the University and the Creator(s), and documented in a written agreement.
- 3.2.4 The University reserve the right to pursue multiple forms of legal protection of its Intellectual Property concomitantly if available. (e.g. computer software may be protected by copyright and patent).
- 3.2.5 University-owned copyrightable work shall be protected by copyright notice in the name of the Board of Trustees of the California State University. Such copyright notice shall be composed and affixed in accordance with the United States Copyright Law. Registration of the copyright for University-owned works shall be in accordance with the operational guidelines and procedures established by the Provost or designee. The University may also decide to release a work to the public domain and if so, should so indicate.

3.2.6 Creators of Intellectual Property, regardless of whether patented or not, which produce a taxable income, must repay the State of California for any expenses incurred by the University, including but not limited to expenses incurred in support of the research leading to the creation of the Intellectual Property, to obtain patent or similar protection, or in furtherance of production, marketing, or sales of products incorporating the Intellectual Property.

3.3 Student Copyrightable Works

Unless subject to the provisions of Section 2.4 above or provided otherwise by written agreement, copyrightable works created by a student as part of the requirements for a University degree program are the property of the student. Unless otherwise agreed upon, research records for graduate theses or dissertations are the property of the University, but the student Creator may retain a copy of the work.

3.4 Intellectual Property subject to legal protection other than by Copyright

Except as otherwise specified in this policy or by the University in a written agreement, Intellectual property subject to legal protection other than by copyright (ex: patents, trademarks) shall belong to the University if made: (1) by a University employee as a result of the employee's duties, or (2) through the use of University resources such as facilities, equipment, or funds under the control of or administered by the University or its research foundation. The extent of University ownership in the property shall be in proportion to the value of the resources used consistent with applicable law.

4.0 PROCEDURE

4.1 Administrative Responsibility

The President has ultimate authority for the stewardship of Intellectual Property developed at the University. The Provost or designee, in consultation with the University Intellectual Property Committee, shall administer this policy. This includes, but is not limited to, determination of ownership, assignment, protection, licensing, marketing, maintenance of records, oversight of allocation of any net revenue, approval of exceptions, and resolution of disputes.

Detailed operational procedures for the administration of this policy shall be prepared by the Associate Vice President for Office of Research and Sponsored Programs.

4.2 University Intellectual Property Committee

The University Intellectual Property Committee shall make recommendations to the Provost regarding procedures for the administration of this policy and such other matters as the Provost shall determine.

4.2.1 The charge of this committee may include but is not limited to recommendations to the Provost as to:

- Interpretation, implementation and proposal of changes to this policy;
- Review and evaluation of disclosures submitted under section 4.4 of this policy; and, for each disclosure, make a recommendation to the Provost regarding the University's ownership interest in the Intellectual Property based on the Creator's use of University resources;
- Where appropriate, regarding waiver of University ownership;
- Where appropriate, regarding whether patent or copyright protection should be sought by the University;
- The allocation of net revenue, if any, from Intellectual Property;
- Upon request by the Provost, review and comment on material transfer agreements;
- Upon request by the Provost, investigate alleged conflicts of interest and disputes between Creators and submit findings to the Provost; and
- requests for exceptions to this policy.

4.2.2 Committee Membership shall consist of the following:

- Associate Vice President, Office of Research and Sponsored Programs, or designee
- Dean of the Library or designee (ex officio, non-voting);
- Director of Instructional Technology or designee (ex officio, non-voting); and,
- Six tenured faculty members elected by the Academic Senate, serving staggered two-year terms.
- One lecturer representative
- One student representative

4.3 Questions Related to University Ownership

In the event there is a question as to whether the University has a valid ownership interest in Intellectual Property, the Creator(s) shall disclose such Intellectual Property in writing to the University in accordance with Section 4.4 below. Such disclosure is without prejudice to the Creator's ownership claim. The University will provide the Creator with a statement as to the University's ownership interest.

4.4 Disclosure

The Creator of Intellectual Property shall promptly disclose to the Provost and the University Intellectual Property Committee the existence and nature of Intellectual Property when:

- 4.4.1 The Intellectual Property was developed using University resources or funded or developed wholly, or in part, by the Creator during the course of normal University duties and activities;
- 4.4.2 The University has an ownership interest under the provisions of this policy;
- 4.4.3 The disclosure is required by law; or
- 4.4.4 The Intellectual Property was created as a result of federal government or external sponsor funded research.

The disclosure shall consist of a full and complete description of the discovery or creation and identify all persons participating in the creation of the property. The Creator(s) shall furnish such additional information and execute such documents from time to time as may be reasonably requested.

4.5 Statement by Creators

The Creators of University-owned Intellectual Property may be required to state that, to the best of their knowledge, the Intellectual Property does not infringe on any existing patent, copyright or other legal rights of third parties; that, if the work is not the original expression or creation of the Creators, the necessary permission for use has been obtained from the owner; and that the work contains no libelous material nor material that invades the privacy of others.

4.6 University Review

Upon receipt of a disclosure and statement by Creator(s), the Provost, in consultation with the Associate Vice President for Research and Sponsored Programs and with due consideration of the recommendations provided by the University Intellectual Property Committee, will make a determination as to the Creator(s)' and the University's interest in the Intellectual Property.

The Provost will inform principal Creators of material decisions regarding Intellectual Property which they have disclosed.

4.7 University Rights

The University may enter into agreements to license rights to use its Intellectual Property on an exclusive or non-exclusive basis, may release its rights to the sponsor of the research under which it was created (if contractually obligated to do so), may release it to the Creator(s) if permitted by law and current University policy, or may take such other actions considered to be in the University's best interest. The licensee must demonstrate technical and business capability to commercialize the Intellectual Property. The license may include clear performance milestones with a provision for recapture of Intellectual Property if milestones are not achieved. The licensee may be required to assume the cost of statutory protection of the Intellectual Property.

The University is not obligated to protect the Intellectual Property rights through acts such as filing for patent protection, registering the copyright, or securing plant variety certification, but may do so at its discretion. All agreements regarding Intellectual Property in which the University owns an interest must be executed by the Provost or designee

4.8 University's Acceptance of Intellectual Property

The University may accept assignment of Intellectual Property from other parties provided that such action is determined to be in the best interest of CSU. Intellectual Property so accepted shall be administered in a manner consistent with the administration of other University-owned Intellectual Property.

4.9 University Abandonment of Intellectual Property

Should the University decide to abandon development or protection of University-owned Intellectual Property, the University may assign its rights to the Creator(s), subject to the rights of sponsors and to the retention by the University of the right to use the Intellectual Property for University and educational purposes on a perpetual, royalty-free, non-exclusive basis. The University may retain more than the minimum license rights, and the assignment or license may be subject to additional terms and conditions, such as revenue sharing with the University or reimbursement of the costs of statutory protection, when justified by the circumstances of development.

5.0 EXTERNAL SPONSOR FUNDING AGENCIES

5.1 U.S. Government Funded Grants and Contracts

All Federal grants and contracts require disclosure of inventions and discoveries to the funding agency and convey a restricted right to use the invention or discovery to the U.S. government. The University must have written agreements with persons performing the research, requiring prompt disclosure of inventions and assignment of rights to any disclosed invention conceived or first actually reduced to practice in the performance of work funded in whole or in part by the federal government. To assure the University's ability to comply with obligations arising under federal laws or in other external sponsor agreements imposed by state, and other public grant and contract funding sponsors, University employees must, as a condition of funding, agree to assign inventions to the University or to the funding sponsor in conformance with the sponsor's policy and execute documents necessary to establish the federal government's or other sponsor's rights.

5.2 Sponsored Research Agreement

5.2.1 Unless otherwise specified in the written sponsored research grant or agreement, the sponsored research agreement shall provide that all Intellectual Property developed as a result of the sponsored research shall belong to the University. The University may determine, on a case-by-case basis and only if allowed by law that it is in the University's best interest to assign ownership of resulting Intellectual Property to the sponsor when circumstances warrant such action.

5.2.2 In the event that the sponsor agrees to University ownership of Intellectual Property resulting from the sponsored research, the University may grant to sponsor an option to license the resulting Intellectual Property on terms to be negotiated, with the option to be exercised by the sponsor within a specified period following the disclosure to sponsor of the Intellectual Property. The specific terms of licenses and rights to commercial development shall be negotiated between the sponsor and the University at the time the option is executed by the sponsor and shall depend on the nature of the Intellectual Property and its application, the relative contributions of the University and the sponsor to the work, and the conditions deemed most likely to advance the commercial development and acceptance of the Intellectual Property.

5.2.3 In all cases where exclusive licensing is appropriate, such license agreements shall be executed apart from the sponsored research agreement and shall require diligent commercial development of the Intellectual Property by the licensee.

5.3 Agreements by Sponsored Research Program Participants

University employees participating in a sponsored research project administered by the University or its research foundation and making significant use of University resources are governed by this policy unless an exception is approved in writing by the University. University employees who create intellectual property shall execute appropriate assignment or other documents required to determine ownership rights in accord with this policy.

5.4 Other External Sponsor Funded Grants and Contracts

Funding from external sponsors for research shall be used to conduct research that serves the educational mission of the University or extends the boundaries of knowledge.

In agreements between sponsors and the University covering work not of a predominately research nature in which the sponsoring firm bears a major portion of the cost, the Intellectual Property policy of the University shall apply.

6.0 **EXCEPTIONS TO POLICY**

Requests for exceptions to this policy may be made to the University Intellectual Property Committee. Recommendations for exceptions to the provisions of this policy shall be made by the University Intellectual Property Committee to the Provost or designee for final approval.

7.0 **COMPLIANCE**

Compliance with this policy is expected and works in conjunction with Senate Policy 00-07 (Policy on Faculty Professional Responsibility).

HUMBOLDT STATE UNIVERSITY
University Senate Written Reports
Standing Committees, Statewide Senators and Ex-officio Members
September 20, 2016 Meeting

Academic Policies Committee:

Submitted by Mary Virnoche, APC Chair

Members:

<http://www2.humboldt.edu/senate/academic-policies-committee>

Present: Joice Chang, Mary Glenn, Michael Goodman, Michael Le, Mary Virnoche (chair)

Absent: Paul Cummings, Heather Madar, Clint Rebik

Outcomes/Decisions

1. We have rescheduled our meeting time to (some) **Tuesdays, Noon-1 in BSS 508**. Most everyone currently assigned to the committee is available at that time: Heather Madar will join us occasionally and will provide Mary with the specific dates she can meet.
2. **Early tenure:** Mary shared the information that she had with Faculty Affairs and the item is off the APC docket.
3. **Thesis embargo** policy/language: Resources: Justus Ortega & George Wrenn. On the question of whether Digital Scholar, soon to be B Press, is a publication or not, all APC members concurred that regardless of what HSU says, any journal can decide content is a publication and deny consideration of student/alumni/faculty work. Therefore, the embargo policy remains a concern. Mary Glenn said that Graduate Council would take up the issue, prepare a revised policy that allowed for embargo extension beyond the current 2 year option policy, align forms with the policy and send the revised policy to the Senate for review and approval. This item will be considered off the APC docket unless Graduate Council cannot move a resolution to the Senate by late October.
4. **ADA furniture.** The SDRC is concerned about the existence/maintenance of ADA furniture in each classroom and its availability to students who need it. The SDRC sent a request to the Vice Provost to require language in the syllabus to this effect. All committee members concurred that furniture availability is important. Most, but not all, APC committee members felt the syllabus was neither the appropriate nor the best mechanism to accomplish this goal. The APC asked Mary Glenn to investigate: 1) Is all the furniture appropriately tagged (ADA furniture and room number); 2) Who should

faculty members contact when furniture is missing and needed? Mary Glenn will likely send out an email reminding faculty to note the presence of furniture and make it available to students who need it. Mary V. asked that this type of announcement be part of the regular announcements to faculty members as we kick off each new term. We will return to discuss the outcomes of this item at a later date.

Agenda Items, September 20, 2016 Meeting

1. ADA Furniture Update (Mary Glenn)
2. Discussion: Potential APC actions/items needed to support strategic plan (Mary V.)

Please review and have available resources from:

<http://strategicplan.humboldt.edu/>

And the “BluePrint” linked to that page

Possible Future Agenda Items

1. Changes to the Common Rule (IRB) - (Mary Virnoche)
2. Thesis Embargo (If not resolved by Graduate Council)

Appointments and Elections Committee:

Submitted by Jennifer Corgiat, AEC Chair

The Appointments and Elections Committee received nominations for the following vacant faculty positions and made the following appointments:

Committee on Faculty RTP Criteria and Standards - *Michelle Lane*

GEAR Curriculum and Assessment - *John Steele*

International Advisory Committee - *Paola Rodriguez Hidalgo*

International Programs Screening Committee - *Tyler Stumpf*

University Naming Committee - *Eugene Novotney*

University Policies Committee - *Andrea Achilli and Justus Ortega*

There are still the following vacant faculty seats:

University Resources and Planning Committee (URPC) - 1 faculty member, 1 year term ending Spring 17 (Preference given to faculty delegates serving on the Senate)

Duties:

The Committee shall make recommendations to the Senate and, within the policy guidelines established by the Senate, advise the President and appropriate administrative officers concerning the allocation of university resources and general budget policy.

ICC Subcommittee on Academic Master Planning (AMP) – 1 At-large faculty member, 3 year term ending Spring 19

Scope of Work:

- Evaluate and respond to assigned course and degree change proposals, including GEAR (General Education and All-University Requirements) course approval requests, using specific decision making criteria (i.e. 120 unit limit; plans for appropriate course rotation; and comparative data on similar programs)
- Develop and update as needed a template for reporting out of Subcommittee to the ICC the evaluation criteria and related recommendations on a proposal Subcommittee on Academic Master Planning (AMP) Membership

Upcoming AEC Business:

Spring General Faculty Elections will take place near the beginning of the Spring term.

Constitutions and Bylaws Committee:

Submitted by Jeff Abell, CBC Chair

- I. Report from Mon August 29, 2016 Meeting
 - A. Meeting called to order at 16:00 in NHE 116 with Abell (Chair), Chang, Guzman, Watson. Shellhase was absent. Guzman was proxy for Shellhase.
 - B. Prioritized the following list of business items for the upcoming semester
 1. Develop an amendment to the Senate Constitution which specifies deadline for electorates to ratify Senate Constitution amendments.
 2. Discuss whether committees should have agenda notification and document posting deadlines. Propose bylaws amendments if necessary.
 3. Discuss whether CBC is appropriate body to interpret constitutionality of Senate actions. Propose constitution/bylaws amendments if necessary.
 4. Determine 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.
 - C. Discussed and drafted amendments to Senate Bylaws Section **10.7 Committee Operation** as they relate to quorum requirements for standing committees. CBC unanimously agreed that quorum requirements should not include vacancies, that committee members should be allowed to appoint one proxy (or a designee in the case of ex-officio members), and that at least two electorates should be represented at any meeting.
 - D. Meeting adjourned at 16:45.
- II. Report from Mon September 6, 2016 Meeting

- A. Meeting called to order at 16:10 in NHE 116 with Abell (Chair), Chang, Shellhase. Absent: Guzman, Watson. Proxies: Shellhase for Guzman; Abell for Watson.
 - B. Edited amendments to Senate Bylaws Section **10.7 Committee Operation** as they relate to quorum requirements for standing committees. This resolution comes to the Senate as a first-reading at today's meeting.
 - C. Discussed amendments to Senate Constitution Section **9.0 Amendments** which relate to a timeline for electorates to vote on ratification of Constitution amendments. CBC unanimously agreed that a timeline should specify that: 1) ratification votes must take place before the end of each semester; 2) if an electorate does not vote on ratification by the end of the semester, that electorate will have abstained; 3) Senate recommended amendments must be brought to Associated Students and Staff Council so that they will have at least two meetings to deliberate and vote to ratify; 4) a "hard" deadline be established for the Senate each semester for recommending proposed amendments. These points will be incorporated into a first reading resolution for deliberation at the next Senate meeting on October 4.
 - D. Meeting adjourned at 17:10.
-

Faculty Affairs Committee:

Submitted by George Wrenn, FAC Chair

The Committee held its second bi-weekly meeting on Wednesday, September 14 at 8 a.m.

Meetings this semester are scheduled for: September 21 (extra), 28, October 12, 26, November 9, 30 and December 14. Meetings are open to the campus community. The Committee currently meets in Library 118.

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>.

Agenda for September 14:

- 1) Lab Evaluations (with guest Bob Zoellner)
 - 2) I.P. updates: Canvas contract and President's response to Sept. 6 Senate Resolution
 - 3) Early Tenure and Promotion (brought to committee by Mary Virnoche)
-

- 1) Lab Evaluations (with guest Bob Zoellner)

Professor Zoellner outlined his concerns with the current lab evaluation process. In his department (Chemistry), a lab is not automatically evaluated if the professor also

teaches the associated lecture, although it can be evaluated upon request. Lab evaluation occurs automatically if the lab instructor is not also the lecturer. Thus, in some cases, the full teaching portfolio is not being evaluated. CBA 15.15 requires all classes to have student evaluations. This would include labs, which have distinct course numbers (CRNs). Zoellner also indicated that the current instrument is not adequate for labs. It lacks questions addressing lab-specific aspects of teaching, such as lab safety and one-on-one assistance to students. Administration of the same instrument for a lecture and lab taught by the same professor has the potential to confuse students.

The Committee concurred with Zoellner's assessment that lab evaluation ought to occur in all cases (the exception being cases where small class size does not protect student anonymity, per CBA 15.17).

The Committee also agreed that a separate instrument would improve the evaluation process and prevent some of the confusion that now exists when the same instrument is used for lectures and labs.

The Committee plans to propose and support the development of a separate lab instrument within CNRS, to be vetted by Faculty Affairs. Lab evaluation practices elsewhere in the CSU will be researched. The 2008 CSU [Academic Report on Student Evaluation of Teaching](#) notes that "some campuses have developed several variant evaluation forms designed to be used in classes with specific modes of instruction (laboratories, fieldwork, etc.)" (p. 7). These campuses will be identified and contacted for information.

2) I.P. Updates

Canvas: Michael Camann reported on his meeting with Anna Kircher regarding Canvas and shared information on the Internet2 Service Agreement with Instructure, which indicates that all rights to data remain the exclusive property of the Enterprise Customer. The terms of this agreement differ dramatically from those in the Terms of Use proposed in the Canvas license. CFA has requested a meet and confer with the CO at the end of the month.

I.P. Policy: committee discussion focused on options for moving forward following the Sense of the Senate Resolution passed on September 6. Wrenn reported that President Rossbacher (in a letter the Senate Chair Alderson on September 13) considers the current I.P. policy to remain in effect. On September 13, Senate Executive asked Faculty Affairs to consider the possibility of developing "guidelines" on the rights and protections governing the intellectual property of HSU faculty. After discussion, the Committee deemed it best to consult with the President prior to taking any further action on I.P. policy. Therefore, Faculty Affairs has asked for a meeting with the President to seek a mutual way forward on I.P. policy at the campus level [this has been scheduled for October 12th].

3) Early Tenure and Promotion

Professor Virnoche has asked the Committee to develop clarifying language on Early Tenure and Promotion, for inclusion in Appendix J.

Due to time constraints, discussion of this item was deferred until the next meeting.

University Policies Committee:

Submitted by John Meyer, UPC Chair

Committee met on Wednesday, September 7th. Next meeting scheduled for Monday, September 26th.

- Made revisions to proposed “Policy on Policies”; will hold for committee quorum review on 26th and then bring to Senate.
- Reviewed 2010 committee chair survey; preparing to revise instrument and update survey in October
- Received and reviewed letter signed by 19 faculty requesting an Academic Information Technology Committee; currently gathering further information.
- Agreed to create an updated committee inventory based upon existing, partial resources.
- Received and began initial review of proposed elearning policy. [Note: this has subsequently been re-directed to the Academic Policies Committee]

At our next meeting we will welcome two new faculty appointees, Justus Ortega and Andrea Achilli. John will meet with them in advance to bring them up to date on committee’s charge and work.

University Resources and Planning Committee:

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

The University Resources and Planning Committee (URPC) met on Friday, September 16. Primary discussion concerned implementation of the following charge from the President to the URPC: *“Asking all divisions to develop a budget scenario and describe the impact of a 5% increase in the budget and a 5% decrease in 2017-18, as a tool for understanding strategic priorities and planning.”* A subgroup of the URPC is drafting a template that will be used by the divisions when presenting their ±5% budget decisions. The template will almost certainly include how the ±5% budget decisions will be connected to the general strategic plan, student success, WASC, and the Graduation Initiative 2025, in addition to the timeline for implementing the budgetary decisions.

The URPC also discussed the importance of having a strategic enrollment plan. Vice President Blake is currently leading a working group that is developing a model/template for such a plan. URPC members agreed that the recruitment process should be double-checked to ensure that we maximize the number of qualified incoming students for the spring 2017 and fall 2017 semesters; Provost Enyedi agreed to communicate with appropriate campus staff.

ASCSU Statewide Senator Report:

Submitted by ASCSU representatives, Mary Ann Creadon and Erick Eschker

The ASCSU held its first plenary meetings of the 2016-17 academic year on Sept. 15 and 16. Two prominent topics were general education, and the status of both the intellectual property policy and the academic freedom policy. The latter two policies are analogous, in that the CSU administration says they are governed by the collective bargaining agreement, and therefore can't be developed outside of that context. The Senate Executive Committee met with Executive Vice Chancellor Loren Blanchard on Wednesday of last week, and he said that the conversation about IP policy is complicated because of the involvement of both the administration and CFA. He was then asked why a tripartite task force model of CSU administration, ASCSU representatives, and CFA representatives, used quite recently for developing a tenure-density policy, could not be used for IP policy. EVC Blanchard said that the administration would only meet in that way if CFA was willing to waive its bargaining rights, which CFA refused to do. Jennifer Eagan, CFA President, visited the plenary, and said that the task force model can work without CFA having to waive its bargaining rights. She said, "People should be able to talk. Task forces are what they are. They produce reports. Sometimes they produce interesting reports, sometimes not." The implication is that any task force report can be useful or not useful, and does not bind any party to its conclusions. However, ASCSU was told, as has been President Rossbacher and President Conoley at CSU Long Beach, where they also have a recently passed policy that is unsigned, that the administration is drafting a policy itself. When asked why, if the policy is part of collective bargaining, a policy is being drafted at all, President Eagan said she did not know why. President Eagan emphasized repeatedly that because both academic freedom and intellectual property are issues of shared governance, those policies should be developed by the administration and ASCSU jointly. CFA, she said, could review the policy after it is developed, and say what they thought about it.

Three possible solutions emerged: if the Chancellor's office won't meet with all three groups on these two policies, then the ASCSU and CFA should meet to discuss the policies and develop some informal principles or goals for each policy; or, we could have AAUP conduct workshops on academic freedom and intellectual property policies hosted by the ASCSU and CFA; or, we can find out if the Chancellor's office is willing to have a tripartite meeting if we said we were discussing *goals* rather than *policies*. The Executive Committee will consider these possibilities, and try to move the Chancellor's office in some way. If nothing happens, we learned to our dismay that we may have to wait until the end of this calendar year for an IP policy to emerge from the Chancellor's office, which the ASCSU can then review. This was told to us by Leo Van

Cleve, the Chancellor's office representative to the ASCSU plenary meetings. Finally, Senator Eschker asked Chancellor White directly, when he visited us, if he could tell General Counsel to allow us to use our newly passed policy to stand as the interim policy until the new system-wide policy is approved. He said we should send him the details of our issue here at HSU, and he would respond as soon as he could.

General education is an issue that is emerging as a result of pressure from a number of fronts. Some of this is WASC-driven on campuses, some of it comes from the Board of Trustees, and some of it comes from the legislature. The Chancellor's office is encouraging ASCSU and faculty in general to take the lead in making sure that campus GE programs are rational and easily comprehensible by students, and in explaining the goals and function of general education in the undergraduate degree. To this end, two first reading resolutions were drafted and should be passed at our November plenary: one responds to a concurrent resolution passed last spring in the legislature, ACR 158, which asked higher education systems in California to make GE transfer seamless across the three segments. Our response will detail the ways in which GE transferability is already highly efficient in ways that the legislature appears not to be aware. The other resolution is to establish an ASCSU Faculty Workgroup to study general education, and develop ways to make its processes more clear on campuses, its purpose better articulated to the public, the BOT, and to faculty and students themselves, and to re-emphasize its necessity to the undergraduate education of CSU students.

The ASCSU unanimously passed a resolution endorsing the recommendations of the Quantitative Reasoning Task Force, which, when implemented, will alter substantially the vision of the CSU with regard to the teaching of quantitative reasoning in our system. The report is available for review in the last written reports section from the University Senate's Sept. 6 meeting.

Finally, we passed unanimously a resolution in support of Prop 55 on the November 2016 ballot, which proposes a tax extension to fund education and healthcare.

ICC Consent Calendar for 9/20/16 Senate

14-297 and 16-005

Program changes for Environmental Science were already approved through the Senate, but now the department is proposing to revise the energy and climate concentration by swapping out one course for another (ENVS 375 out, ENGR 305 in). The original approved changes were scheduled to be implemented in Fall 2017.

15-170

ES 320: African American History COURSE CHANGE FORM

Change course number to ES 305 and make the course an UD Area C course. Change course title to African American Cultural History to better reflect course content. The proposal includes an Area C GE assignment inventory that demonstrates that the course includes activities and assignments that should enable students to meet the Area C GE SLOs.

15-232

JMC 330: International Mass Communication COURSE CHANGE FORM

Change the course number to JMC 305 and make the course an UD Area D GE course. Also slightly revise the course description to better align with the Area D SLOs.

15-272

POLITICS PROGRAM CHANGE FORM

The department proposes to form three concentrations--Law and Policy, Politics of Environment and Sustainability, and Global Politics--of 12 units each. This will not change the overall major units. While students are not required to take a concentration, the concentrations will aid in course demand planning and help guide students. Course changes 15-273 through 278 go with this program change.

15-273

PSCI 306M: Environmental Politics--Majors Research Seminar NEW COURSE PROPOSAL

This one unit C-5 course will serve as a co-requisite of PSCI 306 in which students conduct independent research on environmental politics and present their findings. It will be part of the Politics of Environment and Sustainability concentration. The course requires no additional faculty and will be offered every semester.

15-274

PSCI 413: Moot Court NEW COURSE PROPOSAL

This C-5 three unit course has a prerequisite of PSCI 110 (or equivalent) OR PSCI 412 AND upper division standing of 60 units or more. The course is designed for students to work in two person teams to prepare appellate arguments for hypothetical cases to be argued in front of the Supreme Court. The course will be offered annually in the fall. The course becomes one of several options in the experiential requirement of the major.

15-275

PSCI 317: Topics in Public Policy COURSE CHANGE FORM

The course title will be changed to Public Policy Process and the description now reads "The course addresses the policy process and contemporary policy issues and at national and/or state level." The changes reflect the manner in which the course has been taught recently. It will also become a key

course within the law and policy concentration. These changes affect a course which is also taken by ENV5 majors but the ENV5 department has voiced approval.

15-276

PSCI 350 The President and Congress COURSE CHANGE FORM

The course title will be changed to U.S. National Politics and the description will read "The course addresses how the legislative, executive, and judicial branches operate and the current governing challenges facing the national government in the United States." The changes extend the present course to cover more than the executive and legislative branches by embracing the courts and other institutions. It is a required element of the proposed law and policy concentration.

15-277

PSCI 358 Political Advocacy COURSE CHANGE FORM

The course description will change to "This course addresses the role of interest groups, political parties, and social movements in the American political system and how each advocates for political change." The classification will shift from a c-5 three unit/c-78 one unit course to a C-5 four unit course. The changes reflect a reassessment of the content which was not meeting intended objectives. The revised course also will fit in the law and policy concentration.. The course is also taken by ENV5 majors and the ENV5 department approves the changes.

15-278

PSCI 410: Constitutional Law COURSE CHANGE FORM

Change the title to U.S. Constitutional Law in order to make it clear that the course covers the United States and not other countries in the Americas.

15-283

ANTH 111: Lab in Physical Anthropology COURSE CHANGE FORM

Delete ANTH 111. Course has not been offered for several years and material once covered in this class is now covered in other courses (ANTH 103, 330).

15-355

Ethnic Studies Minor PROGRAM CHANGE FORM

Change the title of the minor to Comparative Ethnic Studies (which is a more accurate description of the minor, and typical of titles of the programs at other schools). The proposed revision to the minor also adds structure, requiring 3 courses from all students:

ES 105: Intro to Ethnic Studies

ES 308: Multi-Ethnic Resistance in the US

ES 326: Media and the Politics of Representation

In addition, students choose 6 units from a list of 9 courses.

HUMBOLDT STATE UNIVERSITY
University Senate

Resolution to Amend the Bylaws of the University Senate to Clarify Quorum Requirements for Standing and Ad Hoc Committees

01-16/17-CBC – September 20, 2016 – First Reading

RESOLVED: That the University Senate of Humboldt State University approves the attached amendments to the *Bylaws of the University Senate*

Proposed Revisions with Track Changes

10.74 Meetings shall be called by the chair, who shall preside over the meeting. Should the chair fail or decline to call meetings with sufficient frequency to accomplish committee objectives, two members may call a meeting, provided that all members, including the chair, are given sufficient notice. ~~A majority of the members shall constitute a quorum of a committee.~~

- i. A quorum shall be a majority of committee members with at least one representative from the faculty and at least one representative from either staff or students. An exception is made for the Faculty Affairs Committee whose quorum shall be a majority of committee members without further qualification.
- ii. Vacancies on the committee shall not be considered when calculating a quorum.
- iii. Appointed or elected committee members may appoint another committee member as a proxy. Ex-officio committee members may appoint another committee member or a designee as proxy. A committee member may hold only one proxy at each meeting.
- iv. Proxies will be counted toward quorum and as a representative of their specific electorate.

RATIONALE: *Currently committee quorum requires a majority of the total membership. When vacancies exist for some standing committees, the number of filled seats is the same as or just one more than the number required for quorum. Hence some committees are in jeopardy of not making quorum if one or two members are absent. This resolution proposes two clarifications that will make it more likely for committees to make quorum and conduct business: 1) exclude vacancies from the quorum calculation; and 2) allow proxies to count toward quorum.*

The resolution also "qualifies" quorum so that at least one faculty member and one member from either staff or students must be present or represented by a proxy at each meeting. This acknowledges the spirit of shared governance by requiring that at least two-thirds of our electorates should be at the table when deliberating committee matters.- The Faculty Affairs Committee has only one student member and no staff member. Their ability to meet would be jeopardized by this quorum "qualification" and so they have been exempted from it.