PLEASE KEEP THIS AGENDA FOR THE MEETINGS
OF MAY 24 AND MAY 31
(A NEW AGENDA WILL NOT BE PRINTED FOR THE MEETING OF MAY 31)

CAL POLY
Academic Senate

CAJIFORNIA POLITECHNIC STATE UNIVERSITY
San Luis Obispo, California 93407
ACADEMIC SENATE
805.756.1258

MEETINGS OF THE ACADEMIC SENATE
Tuesdays, May 24 and May 31, 2005
UU220, 3:10 to 5:00pm

I. Minutes: Approval of minutes for Academic Senate meeting of May 3, 2005 (pp. 3-5).

II. Communication(s) and Announcement(s):
B. Annual report from Academic Council on International Programs (ACIP): (pp.6-7).
C. Annual report from Deans' Admissions Advisory Committee (DAAC): (pp. 7a-7b).
D. Annual report from faculty representatives to the Foundation Board of Directors: (p. 8).
E. Annual report from Instructional Advisory Committee on Computing (IACC): (pp. 9-10).

III. Reports:
A. Academic Senate Chair:
B. President's Office:
C. Provost's Office:
D. Statewide Senators:
E. CFA Campus President:
F. ASI Representatives:
G. Other:
   1. [May 24] Alison Cone/Athletics Governing Board: Annual report on Athletics
IV. Consent Agenda:

V. Business Item(s):
A. **Resolution on Proposal for Cal Poly National Pool Industry Research Center**: Kachlakev/Nirupam, Civil Engineering, second reading (pp. 11-19).
B. **Resolution on Intellectual Property Policy**: Opava, Dean of Research & Graduate Programs, first reading (pp. 20-39).
C. **Resolution to Change Administrative Status for General Engineering Program**: Walsh, Associate Dean for CENG, first reading (pp. 40-43).
D. **Resolution on Academic Calendar**: Greenwald/Hood, CSM senators, first reading (p. 44).
E. **Resolution on Academic Senate Curriculum Committee Membership**: Elrod, chair of the Curriculum Committee, first reading (pp. 45-46).
F. **Resolution on Renaming the Distinguished Research, Creative Activity, and Professional Development Award and Renaming and Constituting the Distinguished Research, Creative Activity, and Professional Development Awards Committee**: Giberti, chair of the Research & Professional Development Committee, first reading (pp. 47-48).
G. **Resolution on Presidents' Day Holiday**: Greenwald/Hood, CSM senators, first reading (pp. 49-50).
H. **Resolution on Social Security Numbers**: Greenwald, CSM senator, first reading (pp. 51-63).
I. **Resolution on Student Referenda**: Greenwald, CSM senator, first reading (p. 64).

VI. Discussion Item(s):

VII. Adjournment:
I. Minutes: The minutes for the Academic Senate meeting of April 12, 2005 were approved as presented.

II. Communications and Announcements: None.

III. Reports:

A. Academic Senate Chair: (Hannings) Visitations from candidates for the Provost position are proceeding well. The next candidate, Janice Schach, Dean of the College of Architecture, Arts and Humanities at Clemson University will be on campus Monday, May 9 for an open forum at 10:15 in UU 220. Due to the numerous agenda items, it is anticipated that the Academic Senate will meet on May 31, 2005 to finish up all issues before the end of the academic year.

B. President's Office: (Baker) Due to a scheduling conflict wasn't able to attend any Academic Senate meetings last quarter. He stood with an update on the Centennial Campaign. The Centennial Campaign started out with a goal of $225 million and raised $264 million. Over the last 25 years, University endowments have increased from about $1 million to $140 million, with a substantial increase during the Centennial Campaign. Most of the funds received have been focused on restricted gifts that came as a result of proposals put forward by the different colleges. Sandra Ogren, Vice President for University Advancements, is in the process of working with deans and colleges in developing the next steps, to follow up and sustain the momentum achieved through the campaign. The established practice of philanthropy in higher education is for campaigns to be followed by successor campaigns, developed to continue the level of funding. Turning to a discussion of campus enrollments, Baker reported that in August, additional enrollment funding was made available to the CSU by the State. The 23 campuses, including Cal Poly, have endeavored to make adjustments during the academic year to the enrollment numbers. At Cal Poly, we were unable to meet our revised target enrollment number, and the campus was under enrolled by approximately 250 students. At the same time, the registration process changed between fall quarter and winter/spring quarter which may have fractionally contributed to the enrollment numbers. In any case, it is very difficult to adjust enrollments so late in the year. The system as a whole is under enrolled by approximately 1800-2000 students. Looking ahead, there are strong sentiments at the Chancellor’s Office to rebuild summer quarter, and our target is to get back to the 25% of the academic year FTES which is also the systemwide target. Baker next discussed the campus master plan and capital program. A troublesome issue in implementation of the master plan is the escalating cost of construction materials. These costs are wreaking havoc with the CSU system capital budget and some campuses have had to reveli projects due to the increase in cost estimates. At our campus some modifications have had to be made but overall we are managing to press ahead. We have received successful bids to complete Engineering III and it will be available for occupancy this summer. Engineering IV started construction and will be available for occupancy in the winter 2007. Commenting on the Environmental Design South (EDES) project, Baker noted that working drawings for the new building are nearing completion with construction to start this Fall, but construction cost escalation will likely result in modifications in those aspects of the project that involve renovation of existing buildings. Baker recently discussed with the Chancellor and Vice-Chancellor the Student Housing NOIih Project, which is the largest project ever undertaken by the CSU at $300 million. We have received a successful bid for this project which will provide 2,700 beds in apartment style configurations
similar to Cerro Vista. The project also provides for 1900 parking space, recreation facilities including a pool and 20,000 sq ft of commercial space. This project was previously presented to the Board of Trustees for approval of schematic drawings and environmental review reports. The Trustees will consider the project financing plan in May. The first phase of the housing is scheduled for opening in Fall 2008, the balance is to be opened in Fall 2009. We are trying to guarantee housing to all new students for two years since according to surveys one of the main reasons why students who are accepted to Cal Poly don't attend is housing availability in the first two years. Next, Baker commented that the trustees are focused on monitoring graduation rates and decreasing the time to graduation. At the last WASC visit, we were advised to compare ourselves with peer institutions such as the University of California. We will continue to make the academic success of our students, including progress to degree, a high priority. On other fronts, we have also asked Chancellor Reed to entertain for discussion revival of the CSU workforce initiative including consideration of expanding the concept to address the unique capital as well as operating budget requirements of disciplines deemed critical to the state’s science and technology workforce. The revived workforce initiative might include the operating budget component of the past Trustees workforce initiative but also call for policy changes and enhanced revenues to more effectively meet the physical space requirements of science and engineering programs. Embodied in the language of the governor’s compact with higher education is a request to address the declining number of graduates in sciences and engineering fields and to expand and strengthen the state’s K-12 science and mathematics teaching workforce. The University of California and the CSU are in the early stage of formulating science and math teacher initiatives to try to develop more qualified science and math teachers. Nationwide, 290,000 new science and math teachers will be needed by the year 2008.

E. Provost’s Office: (Detweiler) Attendance to the open forums with the finalists for the Provost position and CIO of ITS is encouraged; comments should be submitted in writing to the appropriate search committees. Only one adjustment to the registration policy has been made, the rest of the policies will remain in place. Beginning in Fall quarter, the number of units that a student can register for during the initial round of registration will go back to 16 units. This decision was made due to the unacceptable impact on the mean unit load and because there was much dissatisfaction among students. The problem of rationing courses remains for those students with low priority registration but we will focus on bottleneck courses to improve the supply of courses and solve the problem. President Baker has confirmed today that the Governor’s compact will hold, that the budget for fall is fairly solid, and that money is now available for an increase of faculty and staff’s salary and benefits. CFA and CSU negotiations are moving at a snail pace so it’s very unlikely that faculty will receive salary increases by July 1 even thought the money will be available.

D. Statewide Senators: None.

E. CFA Campus President: (Manzar) The first bargaining session took place last week but no resolution is expected until the end of July.

F. ASI Representatives: (Cowan) Please encourage all student to vote on the elections for ASI officers which will be taking place Wednesday and Thursday, May 4 and 5, 2005.

G. Other: Craig Schultz, ITS: report on Poly Card. In order to comply with California legislation (SB25 and AB30 16) and CSU Chancellor’s Office directives (HR 2005-07) a new PolyCard will be issued to every faculty, staff, non-graduating student, and emeritus beginning June 1, 2005. Individuals who are still using old PolyCards with the Social Security number printed on the front need to have their photo taken for the new PolyCard by May 13, 2005. Additional information is available at http://polycard.calpoly.edu.

IV. Consent Agenda: None.

V. Business Item(s):
A. Resolution on Proposal for Cal Poly National Pool Industry Research Center: Pal, Civil Engineering, first reading. This resolution requests the approval of the proposal for the establishment of the Cal Poly National Pool Industry Research Center. This center will be the only
one of its kind in the US, has been conceptually approved by the Academic Deans' Council, and no state funding will be used. **Discussions will continue at the next Academic Senate meeting.**

**B. Resolution on Intellectual Property Policy:** Opava, Dean of Research & Graduate Programs, first reading. Due to lack of time, this resolution will return as a first reading item at the next Academic Senate meeting.

**C. Curriculum proposal for new Ethnic Studies major:** Elrod, chair of the Curriculum Committee, first reading. This proposal creates a Bachelor of Arts in Comparative Ethnic Studies degree program. The proposed degree builds on the strengths of the College of Liberal Arts and Ethnic Studies Department. **M/S/P to suspend the rules and move the resolution to a second reading.** Second reading. **M/S/P to approve resolution as presented.**

**D. Resolution to Change Administrative Status for General Engineering Program:** Walsh, Associate Dean for CENG, first reading. Due to lack of time, this resolution will return as a first reading item at the next Academic Senate meeting.

**E. Resolution on Academic Calendar:** Greenwald/Hood, CSM senators, first reading. Due to lack of time, this resolution will return as a first reading item at the next Academic Senate meeting.

**VI. Discussion Item(s):**

**VII. Meeting adjourned at 5:00 pm.**

Submitted by,

Glades Gregory
Academic Senate
Date: April 25, 2005

To: Cal Poly Academic Senate

From: John Battenburg
Faculty Representative to the ACIP


The CSU Faculty Representative to the Academic Council on International Programs (ACIP) is responsible for assisting the Office of International Programs in developing policies for international education, selecting and advising students applying to study abroad, and acting as a liaison between faculty, students, and administrators. As in the previous years, I have been involved in the following activities: conducting interviews (with faculty, staff, and alumni committee members) and writing evaluations for approximately 50 students who have applied to International Programs, nominating students for various international scholarship opportunities, serving as a member of the ACIP Academic and Financial Affairs Committee, establishing policies for suspending existing programs or adding new programs, and meeting with Cal Poly International Programs and Education staff about IP selection and orientation for students and faculty.

Several recent issues dealing with the ACIP are reported on below:

CSU IP Enrollment

- Although the number of applicants for CSU International Programs (IP) decreased from a record high of 918 in 2004 to 751 in 2005, the total number selected to study in IP remains approximately the same with 638 students.
- Out of 90 Cal Poly students who applied to CSU IP for 2005-06, 85 were accepted, one was selected as an alternate, three were denied admission, and one withdrew his application. Approximately Cal Poly 12 students are expected to apply for the Australia and New Zealand International Programs. They will be notified in the summer about their status.
- The decline in applications system wide is due to the applicants' realization of the competitiveness of IP and the increased cost of study abroad due to the weak exchange rate of the US dollar. The quality of applications and applicants are perhaps better this year because students "self-selected" before beginning the application process.
- The number of CSU participants in larger Western European programs such as in Italy, Germany, and Spain has slightly decreased; however, the number of participants for countries including Korea, China, and Sweden has increased.
African Programs

- The three new African CSU International Programs for 2006-2007 will be at the University of Ghana, and the University of Natal and Nelson Mandela University in South Africa. Promotion and recruitment for these programs will begin in fall 2005.
- Because the South Africa Program will operate on the southern hemisphere calendar, CSU IP would like to have the flexibility to consider an early program to begin in February 2006 if factors such as budget, publicity materials, and student selection are able to be handled.
- Eligibility requirements for the African programs include upper class standing, a 3.0 minimum GPA, and one required class with an African component and additional recommended coursework involving Africa.
- The program at the University of Ghana will require a resident director while the programs at the University of Natal and Nelson Mandela University in South Africa will use staff at these institutions.
- Finally, students from a variety of disciplines will apply to study at the University of Ghana though CSU IP but applicants to the South African universities will apply to specific disciplines and be expected to maintain their primary enrollment in these academic departments.

Suspended Programs

- CSU International Programs in Israel and Zimbabwe remain suspended. Considerable discussion focused on the conditions necessary for lifting the suspension of the program in Israel. The ACIP affirmed that the U.S. State Department travel warning should be lifted and other U.S. university study abroad programs should be continued before CSU IP resumes the program in Israel.

Future Goals

- ACIP would like to achieve the goal of having approximately 1,000 CSU students participating annually in International Programs by 2013, the 50th anniversary of CSU IP.
- Promoting existing programs, developing new programs, and increasing the level of funding will be necessary if the ACIP is to continue to assist in offering study abroad opportunities for CSU students.

As the ACIP representative, I have been honored to be involved with International Education at Cal Poly and in the CSU. Cal Poly is consistently ranked as one of the top CSU campuses for sending students abroad through CSU IP. Because of the labor intensive nature of this position (with my new duties as the Chair of the Fiscal and Academic Affairs Committee, on-campus responsibilities, and participation in 6-8 days of meetings with the ACIP), I have greatly appreciated the 4 hours of assigned time granted for the academic year and very much hope that this release from my teaching duties will also be offered in future years.
During the 2005-06 academic year DAAC did not deal with any major or contentious issues. This is a summary of the topics discussed.

1. The MCA Rewrite. Because of the switch from SIS Plus to PeopleSoft for the student information system, Cal Poly needs to write software so that the Multi-Criteria Admissions system can continue to function. PeopleSoft's student administration system will handle admissions in a generic way but Cal Poly makes selective decisions based on several criteria and these must be handled by software that we develop. Although this is a major issue for Admissions and ITS, it is not a major issue for DAAC because no new policies or major policy changes are involved. Instead, the MCA needs to function as it has within the PeopleSoft environment. DAAC had a couple of meetings discussing the problems and getting a progress report on the requirements document from Admissions and ITS who are developing the new system. We are scheduled to use PeopleSoft for admissions in the fall of 2005 (for Fall 2006 admits). If there are problems, we will still be able to use the CUFtent MCA on the mainframe for another year.

2. Future MCA Additions. The DAAC has recommended repeatedly for many years that the current software be replaced by a system that would allow data collection and analysis over several years. The current MCA database is wiped out each year to make way for the next round of admissions. This makes it impossible to carry out studies of the effectiveness of the MCA criteria to predict student success. As the MCA is rewritten to function with PeopleSoft there is not staff time to do anything more than to make sure that it functions as the old system did. DAAC, however, has again expressed the strong desire to begin improving the new MCA as soon as it is functioning at the basic level. These improvements are mentioned in phase 2 of the requirements document. ITS did not indicate when they would do the programming related to phase 2.

3. The use of honors points to calculate GPA used in the MCA was a topic of discussion. High school students in honors and AP courses are given 5 grade points for an A, 4 for a B, etc. This extra grade point is the reason that we see students with high school GPAs above 4.0. The MCA uses the higher grade point with a maximum of 4.25, and so the effect of the extra grade point in honors courses is mitigated to some extent. The proposal considered was to eliminate the use of the extra grade point and return to the pure 4.0 scale.

One reason to do that is the unfairness to the students with limited honors and AP offerings available in their high schools. One reason to use the honors grade point is to encourage students to take a rigorous high school curriculum. There was no consensus on this issue and no strong feelings. The committee decided not to recommend a change.
4. The committee discussed the policy of using the highest SAT verbal score and the highest SAT math score in the MCA. On this issue the sentiment is stronger (although not unanimous) that our policy gives an unfair advantage to the students who take the SAT more than once and that the advantage grows with the number of times taken. There are other possibilities. Some colleges use the most recent scores. Some average the scores. Some use the highest total from a single sitting, but do not take the highest components individually. I anticipate further discussion on this issue, although not until next year. There are CSU level restrictions on the method to compute the SAT score to include in the admissions model.
1. Publication of Brochure "How Things Work at the Foundation" to describe to the campus population the general workings of the Foundation's programs and services. My main critique is that it does not emphasize that the "earnings" from EI Corral and Dining Services go to the President's discretionary fund to support such things as extra support to the Centennial campaign and other development activities that ultimately help the students.

2. The Housing Corporation broke ground on the faculty-staff housing project Bella Montana in April. Some of the loan from the Foundation will be paid back via the construction loan.

3. EI Corral continues to buck the national trend of declining bookstore sales by its creation of textbook reservations and clothing merchandising.

4. Campus dining is revamping its meal plans in line with changing student preferences to fewer required meals and more Plu$ dollars to give students greater flexibility and choice in their eating habits. Major renovations to facilities are planned over the next several years in multiple phases.

5. Mustang Graphics struggles to be both a profit center and a learning venue for students. Profitability is still a few years away.

6. The Foundation is supporting the development of the Alex G. Spanos Stadium by serving as the guarantor for loans against a number of pledges to be paid over the long term.

7. Real estate donated this year (as of 4/27/05) for endowments equals' one residence in San Gabriel, CA, valued at $800,000.

8. Total pledges for the year $6,485,500 ($5,917,500 as restricted gifts to Campus Programs & $641,000 to Endowment Funds).

9. Scholarship funds paid from endowments total $491,138.23 for the year.

10. Foundation management working to control benefit costs while retaining a competitive and attractive benefits package for current and future employees: reviewing and developing new programs for health, life and vision insurances, pension plans and other ancillary benefits. Instrumental in the development of a self-insured workers' compensation program for auxiliaries reducing workers' compensation costs by 25%.

11. Grant and contract expenditures are the same as last year (projected $16 million, though the dollar amount of actual awards received is lower than last fiscal year. Proposal submissions have increased by approximately 25%. Over the past year, the number of Fee for Service Accounts that the Foundation administers has increased. These accounts allow faculty members to bill for services provided to one or many customers.
### Significant Activities of 2004 - 2005 Academic Year

(All agendas and minutes for all meetings are at the URL below.)

<table>
<thead>
<tr>
<th>Status</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>Regular action item</td>
<td>Announced special events, seminars, and other activities related to technology that were available to the campus community. Some of this was handled via email.</td>
</tr>
<tr>
<td>Under Discussion</td>
<td>Continued the discussions regarding academic mobile computing requirements, in particular the more prevalent use of laptops, and access to resources from off-campus.</td>
</tr>
<tr>
<td>Under Discussion</td>
<td>Continued the discussion on academic assessment, in particular the role technology can and should play.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Reviewed CMS and providing recommendations for the implementation of CMS.</td>
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<tr>
<td>Ongoing</td>
<td>Provided recommendations regarding the network infrastructure enhancement (TII) and Internet 2, and feedback on the progress of TII. Revised recommendations for policies about networking devices.</td>
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<tr>
<td>Ongoing</td>
<td>Provided input for policies and strategies dealing with security (viruses, spyware, automated upgrades, remote access).</td>
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<tr>
<td>Ongoing</td>
<td>Discussed approaches for implementing ADA Section 208 requirements, in coordination with other campus entities.</td>
</tr>
<tr>
<td>Under Discussion</td>
<td>Discussed information competency and possible approaches to evaluate students for it.</td>
</tr>
<tr>
<td>Under Discussion</td>
<td>Provided input regarding the implementation phase of the Polymom Project, especially the transition from old mail clients. Started discussion of upcoming capabilities like the file system component of the Oracle Collaboration Suite.</td>
</tr>
<tr>
<td>Completed</td>
<td>Provided input regarding the transition from the current central Unix system (HP servers to Sun), in particular, concerning the need for centralized academic computing services.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Continued the discussion of requirements for learning management systems, and the experiences with the current one (Blackboard) for the campus.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Continuing to discuss the Degree Audit Program and implementation process, including the exchange of experiences from colleges that are already using it.</td>
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<tr>
<td>Ongoing</td>
<td>Continued the review and recommendations for the implementation of the Cal Poly Portal, in particular the “Technology” tab.</td>
</tr>
<tr>
<td>Under Discussion</td>
<td>Continued discussions of a process for refreshing ITS Open Access Labs and College Labs, and the role the increasing ownership of laptop computers by students play. Expanded the discussion to also consider software distribution and access aspects.</td>
</tr>
<tr>
<td>Under Discussion</td>
<td>The automation of administrative tasks such as grading, class add by students, or timely addition of continuing education students on Blackboard that is yet considered important. The process for implementation is still under discussion.</td>
</tr>
<tr>
<td>Under Discussion</td>
<td>Developed the yearly priorities for ITS, Center for Teaching and Learning, and the library through the IACC Sweeps process. Those priorities are under consideration by ITS and the library for implementation. The main Sweeps event was held on April 29. This year, we changed the format from college-centric presentations to focus on the main issues. This led to a significant number of discussions beforehand, and a less repetitive and more concise series of presentations at the actual meeting.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Provided recommendations regarding the Center for Teaching and Learning and how it should assist the enhancement of teaching and learning through the use of technology.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Continued to provide recommendations regarding the process to be used in purchasing software and receiving donations of software. The coordinated acquisition so far has been very successful, and as its benefits are more widely seen, is even more appreciated by the departments and individuals involved.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>On an ongoing basis, provided recommendations regarding the evolving CSU planning and strategies for academic computing.</td>
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<tr>
<td>Completed</td>
<td>Developed guidelines for communication between service providers (mainly ITS) and people affected by problems with these services.</td>
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<tr>
<td>Ongoing</td>
<td>Revised some details of a previously identified policy for student access to faculty calendars.</td>
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<tr>
<td>Ongoing</td>
<td>Continued a discussion to identify commonalities across campus in the use of “studio”</td>
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IACC WebSite: http://iacc.calpoly.edu/
23. Continued work on recommendations regarding enhancing the communication of campus information technology resources available on the campus and changes to the status of resources on the campus. A process is in place now that provides timely, accurate, and concise information when problems occur. Some fine-tuning is still necessary, but the relevance, timeliness, and formulation of notifications has already improved considerably. 

Ongoing

24. Initiated a discussion on how faculty, staff and students can better utilize infrastructure and teaching for teaching and learning. One suggestion is to create an award for innovations in teaching, and to establish an Innovation Zone where people with an interest in innovative approaches can gather. 

Ongoing

25. The faculty workstation program is continuing to be reviewed and special consideration is being given to changes that are needed to extend it to meet the changing requirements of faculty members and the need for currency for staff and campus laboratories 

Ongoing

26. Discussion will continue regarding recommendations for next year

Ongoing

*Thanks to all IACC members for dedicated effort during the quarter.

Appendix A

IACC Committee Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graham Archer</td>
<td>College of Architecture and Environmental Design Representative</td>
<td>Voting</td>
</tr>
<tr>
<td>Jim Maraviglia</td>
<td>AACC Committee Representative</td>
<td>Non-voting</td>
</tr>
<tr>
<td>Joseph Borzellino</td>
<td>College of Science and Mathematics Representative</td>
<td>Voting</td>
</tr>
<tr>
<td>Mike Cirovic</td>
<td>College of Engineering Representative</td>
<td>Voting</td>
</tr>
<tr>
<td>Fred DePiero</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helen Chu</td>
<td>Library Representative</td>
<td></td>
</tr>
<tr>
<td>David Gillette</td>
<td>College of Liberal Arts Representative</td>
<td>Voting</td>
</tr>
<tr>
<td>Joe Grimes</td>
<td>Chair</td>
<td>Non-voting</td>
</tr>
<tr>
<td>Kimi Ikeda</td>
<td>Academic Affairs Representative</td>
<td></td>
</tr>
<tr>
<td>Shaun Kelly</td>
<td>College of Agriculture Representative</td>
<td></td>
</tr>
<tr>
<td>Franz Kurfess</td>
<td>Academic Senate Representative</td>
<td>Non-voting</td>
</tr>
<tr>
<td>Patricia McQuaid</td>
<td>College of Business Representative</td>
<td></td>
</tr>
<tr>
<td>John Pietsch</td>
<td>University Center for Teacher Education Representative</td>
<td>Voting</td>
</tr>
<tr>
<td>Craig Schultz</td>
<td>Information Technology Services Representative</td>
<td>Non-voting</td>
</tr>
<tr>
<td>Matt Braun (Fall &amp; and WTR)</td>
<td>Associated Students Incorporated Representative</td>
<td>Voting</td>
</tr>
</tbody>
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IACC Committee Guests

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jerry Hanley</td>
<td>ITS</td>
<td>Non-voting</td>
</tr>
<tr>
<td>Johanna Majdadi</td>
<td>ITS</td>
<td>Non-voting</td>
</tr>
<tr>
<td>Dave Ross</td>
<td>ITS</td>
<td>Non-voting</td>
</tr>
<tr>
<td>Mary Shaffer</td>
<td>ITS</td>
<td>Non-voting</td>
</tr>
<tr>
<td>Karen Vaughan</td>
<td>ITS</td>
<td>Non-voting</td>
</tr>
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Appendix B

IACC Sweeps Priorities

This document is still being revised by the committee. It will be submitted as soon as it is completed.
RESOLVED: That the Academic Senate of Cal Poly recommend to President Baker that the attached *Proposal for Cal Poly National Pool Industry Research Center* be approved.

Proposed by: Damian Kachlave, Civil and Environmental Engineering Department  
Date: March 24, 2005
State of California
Memorandum

To: David Hannings, Chair
   Academic Senate

From: Robert C. Detweiler
   Interim Provost and Vice President
   for Academic Affairs

Date: March 24, 2005

Copies: Peter Y. Lee
         Susan Opava
         Damian Kachlakev

Subject: Request for Academic Senate Review of the
Proposal for the Establishment of the Cal Poly
National Pool Industry Research Center

Attached is a copy of a proposal to establish the Cal Poly National Pool Industry Research Center. In accordance with campus Administrative Bulletin 87-3 (Guidelines for the Establishment of Centers and Institutes), this proposal received conceptual approval by the Academic Deans’ Council at its meeting on January 24, 2005. I would now appreciate the Academic Senate review this proposal, if possible, prior to the close of Spring Quarter 2005. I recognize this is a late request to have this reviewed by the end of Spring Quarter, but would like to discuss it with you. Please feel free to contact Dr. Damian Kachlakev of the Civil and Environmental Engineering Department, and author of the proposal, should you have any questions or would like him to make a presentation to the Academic Senate. No State funding has been requested, or needed, since the proposed Center has already received $1 million worth of donations to create the center and for five years of funding.

Thank you, and if you have any questions, please do not hesitate to contact my office.

Enclosure
PROPOSAL

CAL POLY NATIONAL POOL INDUSTRY RESEARCH CENTER

Dr. Damian Kachlakev
Civil and Environmental Engineering
California Polytechnic State University

POOL INDUSTRY NEEDS FOR RESEARCH AND INNOVATION

The establishment of the Cal Poly National Pool Industry Research Center is one of the most important projects in the history of the modern swimming pool industry. It is important to understand that this industry is an infant as compared to many of the other trades such as roofing and house framing which have been around for 1000's of years. The swimming pool industry came into real existence in the 1940's and 50's.

From its beginning, the swimming pool industry has been segmented with manufacturers, distributors and suppliers, pool builder companies and pool service companies. Currently, there are at least seven different pool & spa associations in the United States, four of which have substantial membership: National Spa and Pool Institute (NSPI), National Plasterers Council (NPC), Independent Pool & Spa Service Association (IPSSA), and United Pool Association (UPA).

COLLABORATION BETWEEN NPC AND CAL POLY

The current research being conducted by Dr. Damian Kachlakev and Dr. Nirupam Pal on etching deterioration in swimming pools has been a topic debated for over eighteen years. During its strategic planning process in 2003, the National Plasters Council (NPC) adopted a plan to make industry research one of its primary focuses. The NPC has realized the importance to find solutions to pool surface related issues by scientific, methodological and professional approach and long-term dedication to industry-specific research. As a result the NPC formed a research committee to generate, manage and guide the industry research. The committee includes members from the plastering industry, material manufacturers, chemical companies and pool service industry.

After an extensive search of research entities, including universities and research centers nationwide, California Polytechnic State University in San Luis Obispo, California was selected for its outstanding program, faculty and research programs. NPC's research committee has worked with the Cal Poly professors to define a research protocol that supports sound, factual, realistic and application-based solutions for the pool industry. The research efforts are led by two Cal Poly professors and a petrographer. Dr. Damian Kachlakev from the Civil and Environmental Engineering is the NPC Research Program Director. Dr. Nirupam Pal from the same department is Research Manager and Co-Principal Investigator for the NPC Research Program.
GOALS OF THE NATIONAL POOL INDUSTRY RESEARCH CENTER (NPIRC)

When establishing the goals and assessing the impact of the Center on the national pool industry, it is important to note that similar test facility does not currently exist in United States. The long-term goals of the research center include:

- Complete service, analysis, research and development, related to the swimming pool industry, spas, and other recreational water facilities;
- Provide qualitative knowledge to assist manufacturers, builders, service agents and customers of the recreational water industry;
- Assessment and evaluations of submerged cementitious products in recreational water facilities (swimming pools);
- Research and development of new materials for the pool industry;
- Assessment and research of various chemicals with varying balances affecting the carbonate system of the aqueous solution;
- Development of new and improvement of existing pool cleaning systems;
- Commercialization of new developed products and techniques;
- Any other problems as they arise and which research, understanding and solution becomes priority to the pool industry.

IMPORTANCE OF THE NPIRC FOR THE INDUSTRY AND CAL POLY

Two factors must be considered when evaluating the importance of the NPIRC. First, is that currently there is no other institute, research center or commercial firm specializing in this research. Second, it's important to understand the potential longevity of the NPIRC at Cal Poly.

Currently, the swimming pool industry is a twelve billion dollar a year business in the USA. It is estimated that only 7% of all US homes have swimming pools, 61 million have the economic capacity and available backyard space with no pool and 3 million have Above Ground Pools that could be converted to In Ground Pools. With these facts, the swimming pool trade will continue to be a major trade through the next century.

In summary, the Cal Poly NPIRC is the first ever research center of its kind. Under the leadership of the National Plasterers Council, funding through financial contributions, donated labor and materials have made this dream a reality. Additionally, the NPIRC has included the other major association's representation, in addition to NPC, on the Center Advisory Board. The NPSI, UPS, and IPSSA all have representation in the NPC Research Foundation and Research Committee, and have been involved in the construction of the center. This represents over 18,000 member companies throughout the United States.

FUNDING STRATEGIES FOR THE NPIRC

The collaboration between NPC and Cal Poly started during the summer of the 2003. Cal Poly is the only research institution where the NPC conducts and intends to conduct
studies. Summary of the funded current activities and pending grants is provided in Tables 1 and 2.

Table 1: Funded Projects

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PROJECT TITLE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>Construction of Test Pools, Modesto, CA</td>
<td>$50,000</td>
</tr>
<tr>
<td>2003-2004</td>
<td>Etching Deterioration of Swimming Pools- Phase 1</td>
<td>$141,000</td>
</tr>
<tr>
<td>2004</td>
<td>Construction of NPCCPRC- Cal Poly Campus</td>
<td>$850,000</td>
</tr>
<tr>
<td>2004-2005</td>
<td>Etching Deterioration of Swimming Pools- Phase 2</td>
<td>$181,071</td>
</tr>
</tbody>
</table>

Table 2: Pending Grants and Contracts

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PROJECT TITLE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-2009</td>
<td>Industry Driven Research</td>
<td>Guaranteed $150,000 to $200,000 per year provided by the NPC</td>
</tr>
<tr>
<td>2004-2006</td>
<td>Performance of White Cement Mixes in Swimming Pools- Portland Cement Association (PCA)</td>
<td>$150,000</td>
</tr>
</tbody>
</table>

As outlined in the above tables, the pool industry already spent $1,222,000 just over the last two years since collaborating with Cal Poly's researchers. Of that amount $322,000 is in project funding through the Cal Poly Foundation and $900,000 went for development of new infrastructure (construction of the NPIRC). The construction of the NPIRC was completed during the summer of 2004 and is now a fully operational facility. The commitment to support the Center just from the NPC Inc. for the next five years is estimated between $750,000 to $1,000,000 total.

The NPIRC will be self-supporting from the very beginning. The major portion of funding for the research center will be provided by the NPC through their Foundation. The research amount will be determined each year by joint Cal Poly-NPC Research Committee. The NPC commits to providing at least $150,000 per academic year to the NPIRC.

In order to show its long-term commitment to Cal Poly's NPIRC, in September 2004 NPC started a Research Endowment Fund. The Fund was started with $90,000 with the intention to grow to $3,000,000. Thus, the interest will generate enough money to provide annual funding to the center close to $300,000.

Table 3 shows the administrative budget of the Center. Based on the current research grants of about $150,000 per year in direct funds, the 35% indirect cost and minimum of
25% of the indirect cost returned to the Center, the administrative budget is estimated at least $13,000 per year. This is a conservative estimate, which may increase to $30,000 or even $40,000 per year as the amount of the research grants increases.

Table 3: NPIRC Projected Administrative Budget

<table>
<thead>
<tr>
<th>REVENUE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year 1</td>
</tr>
<tr>
<td>External Funding (based on $150,000 per year)</td>
<td>$13,125</td>
</tr>
<tr>
<td>Profit from Workshops</td>
<td>$1,000</td>
</tr>
<tr>
<td>Center &quot;Start-up Funds&quot;</td>
<td>$15,000</td>
</tr>
<tr>
<td>Research Endowment Fund</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td><strong>$29,125</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENSES</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel Conferences and Workshops</td>
<td>$6,000</td>
</tr>
<tr>
<td>Workshops Organization</td>
<td>$4,000</td>
</tr>
<tr>
<td>Center Director Release Time</td>
<td>$6,700</td>
</tr>
<tr>
<td>Staff/Student Office Personnel</td>
<td>$4,800</td>
</tr>
<tr>
<td>Long Distance / Communications</td>
<td>$1,000</td>
</tr>
<tr>
<td>Office Supplies/Small Equipment</td>
<td>$4,000</td>
</tr>
<tr>
<td>Publications, newsletter, etc.</td>
<td>$1500</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td><strong>$28,000</strong></td>
</tr>
<tr>
<td><strong>TOTAL BALANCE</strong></td>
<td><strong>$1,125</strong></td>
</tr>
</tbody>
</table>

**BYLAWS**

**MISSION**

To study various problems of the national pool industry in all its components and develop industry-oriented solutions of the problems. To explore, develop and implement new materials, cleaning systems, and advanced techniques for construction, maintenance and rehabilitation of swimming pools.

**STRUCTURE OF THE NPIRC**

The administrative hierarchy that governs the NPIRC is briefly outlined below. It is intended that the internal governance of the Research Center will generally be free of administrative hierarchy. However, some administrative structure must be maintained, therefore the following should be implemented.
1. The membership of the Center shall elect a Director, based on the recommendation of the Advisory Board.

2. The Director shall appoint an Associate Director.

3. Advisory Board shall be established and will consist of no more than ten (10) individuals from the Industry, Government and Academia with appropriate expertise and credentials.

4. Consultants and Collaborators will be sought to provide guidance in various aspects associated with the Center goals.

ACTIVITIES

The following main activities shall be carried out by the Center:

1. Management, coordination and performance of research on topics (protocols) determined on a yearly basis by the membership, the Advisory Board and the NPC Research Committee. Research topics will vary from one year to another and will be primarily dictated by the pool industry needs.

2. The Center shall seek funding opportunities and research grants from State, Federal and national and international organizations and the pool industry as a whole.

3. The Center shall serve as an entity for consulting and advising the pool industry, the materials manufacturers, the community and all other interested parties on subjects related to the research conducted by the Center.

4. The Center shall file patents for developments and innovations.

5. Consistent with the provisions of the University's Intellectual Property Policy, the Center shall retain, on behalf of its members, all rights to its findings, developments and innovations, including, but not limited to, products for commercialization purposes. Through the University/Cal Poly Foundation, efforts will be made to grant rights and licenses to interested parties and organizations on an individual basis.

6. Members shall be encouraged to take advantage of the state-of-the-art research utilizing it into various classes taught by the members at Cal Poly or elsewhere.

7. The Center shall collaborate with appropriate Department(s) to establish a multidisciplinary Master of Science degree program in cementitious materials.
Introduction

Annual Pool Industry Revenue-$12 -$16 billion
- Currently only 7% of household have pools:
- 61 million homes have the economic capacity and space to add pool.

The National Pool Industry Professional Organizations
- National Plasters Council (NPC);
- Independent Pool and Spa Service Association (IPSSA);
- United Pool Association (UPA);
- National Spa and Pool Institute (NSPI);
- Together they represent over 18,000 member companies in the US.

Pool Industry Problems
- Deterioration of pool plastering surfaces;
  - Decades old problem known as “spot etching”
- Lack of standardization, problems with material & Chemical selection and formal training
- Lack of scientific approach;
  - Studies by builders, service agents, plasters with pseudo-scientific results;
  - Mixed and contradicting results
- Legal problems of the industry;
  - Polarization in the industry, technical debates and lawsuits for millions of dollars.

Objectives of the NPIRC
- Serve as an R&D institution for the US pool industry;
  - Industry-driven research topics
- Provide knowledge to builders, manufacturers, service companies;
  - Workshops, seminars, publications
- Develop new (improve existing) materials and cleaning systems for the pool industry;
- Commercialization of new developments.

Funded Projects 2003-2005

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PROJECT TITLE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>Commercial &quot;T&quot;</td>
<td>$9,000</td>
</tr>
<tr>
<td>2004</td>
<td>Commercial &quot;T&quot;</td>
<td>$11,000</td>
</tr>
<tr>
<td>2005</td>
<td>Commercial &quot;S&quot;</td>
<td>$3,000</td>
</tr>
<tr>
<td>2006</td>
<td>Commercial &quot;T&quot;</td>
<td>$11,11</td>
</tr>
</tbody>
</table>

Secured Future Funding
- 2005-2009: NPC Industry Driven Research
  - Guaranteed $150,000 to $200,000 per year;
  - Commitment of $750,000 to $1,000,000
- Funding Organization: NPC Research Foundation
- Research Endowment Fund
  - Goal: $3,000,000
  - Started: August 2004 With $90,000
  - Current Funds (Dec. 2004): EXCEEDS $1,000,000
Expected Future Funding

- Portland Cement Association: $150,000
- Clear Water Tech- SLO: $15,000
- Super Bonder, Phoenix, AZ: $15,000
- Universal, White Cement Company, Inc
- Pool Equipment Manufacturers
- Manufacturers of Alternative Pool Surfaces (Fiberglass, tile, marble, etc.)
- Manufacturers of Pool Cleaning Solutions and Equipment

Administrative Budget

<table>
<thead>
<tr>
<th>Year</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>29125</td>
<td>30625</td>
<td>31125</td>
<td>36125</td>
<td>38125</td>
</tr>
<tr>
<td>Expenses</td>
<td>28000</td>
<td>29250</td>
<td>29250</td>
<td>33500</td>
<td>35500</td>
</tr>
<tr>
<td>Balance</td>
<td>1125</td>
<td>1375</td>
<td>1175</td>
<td>2625</td>
<td>2625</td>
</tr>
</tbody>
</table>

NPIRC Importance to Cal Poly

- There is no other research facility (public or private) in the US specializing in pool research;
- Longevity of the Center
  - It is expected that the pool industry will grow
- All major pool industry professional organizations are represented in the Center
  - Unification of the industry

NPIRC Modesto, CA Pools

Construction Summer 2005

NPIRC Cal Poly.
RESOLVED: That the Academic Senate of Cal Poly recommend to President Baker that the attached Intellectual Property Policy presented by the Intellectual Property Review Committee be adopted.

Proposed by: Intellectual Property Review Committee
Date: April 6, 2005
Principal Differences between Current and Proposed Intellectual Property Policies.

1. In current policy University claims ownership of all IP developed by faculty, staff and students using University resources. Proposed policy gives ownership to faculty and student creators/inventors, but University claims an equity interest in properties developed using University resources. University continues to claim ownership of staff IP.

2. Current policy did not distinguish between IP that can be copyright protected and IP that can be patented. Proposed policy treats these two classes of IP separately and also separately addresses software - which may be copyrighted, patented, or both.

3. Current policy did not separately address rights of students and faculty. Proposed policy does that and gives more rights to students than the current policy.

4. Current policy allowed faculty to earn up to $100,000 per year per intellectual property before sharing revenues with the University. Proposed policy reduces that amount to $50,000 per year per intellectual property.
1. GENERAL

A. Purpose. The University is committed to providing an intellectual environment in which all members of the academic community – whether they are faculty engaged in life-long professional development, students pursuing educational objectives, or staff dedicated to their own career goals – learn to the fullest extent possible. The University also recognizes and values creativity and innovation as part of this learning process. Similarly, the University recognizes the importance of, and wishes to encourage, the transfer of new knowledge, generated in the University, to the private sector for the public good. At the same time, as a publicly funded institution, the University must be a good steward of the public resources provided to it, and must safeguard against the use of public funds for private gain.

B. Scope. This policy addresses the rights to, interest in, and protection and transfer of intellectual property created by University faculty, staff and students. Issues not directly considered in this policy, including disagreements concerning its application or interpretation, will be addressed and resolved consistent with applicable law or agreements, CSU policy, collective bargaining agreements, and the principles and provisions of this policy. Policies affecting the use of the University's names or symbols are covered elsewhere.

C. Governing Principles. The following principles underlie this policy and should guide its application and interpretation:

1. Academic Freedom and Preeminence of Scholarly Activities. The missions of teaching and scholarship have preeminence over that of the transfer and commercialization of research results. The University's commitment to its educational mission is primary, and this policy does not diminish the right and obligation of faculty members to disseminate the results of research and creative activity for scholarly purposes.

2. Equity and Fair Play. This policy sets forth general principles and procedures, and it has not been designed to address every conceivable circumstance. Under principles of fair play, the inventor(s)/creator(s) and the University mutually operate so that no one will unfairly exploit inadvertent errors or omissions in the written policy. If the need for corrections or exceptions to this policy is identified, appropriate recommendations shall be made to the President.
3. **Mutual Trust and Goodwill.** Throughout all phases of the creation and implementation of this policy, it is assumed that all members of the University community will be guided by a sense of mutual trust and goodwill. In the event of future controversies regarding the rights to intellectual property, the commercialization of particular property, or in the interpretation of this policy, all parties should recognize that mutual trust and goodwill were fundamental tenets in the forging of this policy.

4. **Faculty Governance and Review.** University faculty, through the Intellectual Property Review Committee (see IIIA.2), shall play a primary role in the establishment and periodic revision of this policy, and in the review and recommendation of resolutions to disputes arising under it. This committee shall have a majority of members who are faculty without administrative appointments, and shall be chaired by a faculty member.

5. **Transparency.** The principle of transparency promotes both the disclosure and avoidance of actual and apparent conflicts of interest associated with external commercial activities.

6. **Reasonableness in Licensing.** When the University owns intellectual property under this policy, the inventor or creator shall normally play an active role in the entire licensing process, including consultation and/or approval of licensing decisions, particularly where the inventor/creator has no financial interest in the licensee. Otherwise, such participation shall be consistent with conflict of interest regulations or University policy.

D. **Policy Application.** This policy takes effect immediately and supercedes all prior intellectual property policies.

E. **Key Terms.** For purposes of this policy, the following key terms are defined as follows:

1. "Intellectual property" means inventions, discoveries, innovations, and copyrightable works.

2. "Inventions", "discoveries", or "innovations" include tangible or intangible inventions, whether or not reduced to practice and tangible research products whether or not patentable or copyrightable. Such research products include, for example: computer programs, integrated circuit designs, industrial designs, databases, technical drawings, biological materials, and other technical creations.

3. "Copyrightable works" mean original works of authorship fixed in tangible media of expression.
   a. "Works of authorship" include literary, musical, dramatic, audiovisual, architectural, pictorial, graphic and sculptural works and sound recordings.
Computer programs are works of authorship to the extent they are protected by the federal copyright laws.

b. "Tangible media of expression" include physical, digital and other formats now known or later developed from which copyrightable works may be stored, reproduced, perceived or otherwise communicated, either directly or with the aid of a machine or device.

4. "Software" means computer instructions (algorithms and code), data and accompanying documentation.
   a. "Algorithm" means a logical arithmetical or computational procedure that if correctly applied ensures the solution of a problem.
   b. "Source code" means an original computer program written by a programmer in human-understandable form. It is converted into the equivalent object code (written in machine language) by the compiler or assembler in order to run on a computer.
   c. "Object code" means the form of a program that is executable by a machine, or usable by an assembler that translates it directly to machine-understandable language. This form of software is not readable or modifiable by human beings other than through extraordinary effort.

5. "Net proceeds" means the net amount received in each fiscal year from the transfer or licensing of intellectual property after deduction of all accrued costs reasonably attributable to such intellectual property, including without limitation any reasonable expense of patent prosecution, protection and litigation, and commercialization. Such direct costs typically include: legal filing fees; patent application, issuance and maintenance charges; transfer or licensing costs; and product development costs. All expenditures, special advances and repayment terms shall be identified and detailed in writing at the time they are made. The time of regular University and Foundation personnel will not be included in the determination of costs attributable to intellectual property protection and commercialization.

6. "Equity interest" refers to beneficial rights (such as royalties) derived from intellectual property owned by another.

7. "Disclosure statement" means a written general description of a creation by the creator used to help assess the nature, extent and likely intellectual property interests in and development potential of the creation.

8. "Faculty" means members of Collective Bargaining Unit 3, as well as visiting professors, volunteer professors, and other individuals who may temporarily carry
out research and creative activities at Cal Poly in a capacity other than that of staff or student.

9. "Staff" means all non-faculty employees of the University or Foundation.

10. "Student" means any individual enrolled in the University, or working in a student capacity under the auspices of the University/Foundation even if not enrolled at the time.

11. "Sponsor" means any external individual or entity, whether public or private, that enters into a formal agreement with the University or Foundation, whereby the Sponsor provides support for a project to be carried out by University faculty, staff and/or students.

12. "Extraordinary resources" means, in the case of faculty, University and Foundation resources that would normally not be available to them or easily available to them outside the University, as well as resources that would not normally be available to most faculty at the University. In the case of students, "extraordinary resources" means resources that are not available to the majority of Cal Poly students in the course of their programs of study. The Intellectual Property Review Committee (Section III. A.2) will be responsible for assessing the University's contribution to a specific intellectual property in cases of disagreement between the inventor/creator and the University concerning this contribution.

II. OWNERSHIP AND OTHER INTEREST

The following sections cover Copyright and Patent interests at A. and B. Note that Software considerations are specially detailed at section C.

A. Copyright

1. Framework. This section deals with the ownership of copyrightable intellectual property created by faculty, staff and students (in separate sections). Faculty creations are governed by section II. A. 2; staff creations are governed by section II. A. 3; and student creations are governed by section II. A. 4.

2. Faculty Creations.

a. Faculty own the copyright resulting from scholarly and creative publications they develop. The University's equity interest is determined by the circumstances listed below.

b. If the University provides extraordinary resources toward the creation of copyrightable property, the faculty will own the copyright but the University will be entitled to an equity interest in the profits derived from the
commercialization of the intellectual property, according to the provisions in section ILD.

c. If the University initiates a creative project, solicits faculty participation in the project, and provides funding for the project, possibly including compensation/release time for the faculty member, the University will own the intellectual property rights developed through the project. Under these circumstances, there will be a written document, signed by the faculty member, acknowledging the University's ownership of the copyright to all new intellectual property. At the discretion of the University and by prior written agreement between the parties, faculty involved in creating intellectual property under these circumstances may share in the profits that result from the project. Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

d. If the University and an outside sponsor enter into an agreement to carry out research or other creative activity involving faculty, the faculty who participate in the project shall comply with the conditions of the agreement regarding ownership, protection and licensing of intellectual property developed under the agreement, and may be required to agree in writing that they will so comply. Copyright ownership terms of such agreements, even when they deviate from the ownership provisions of this policy, will be negotiated with the sponsor by the Dean of Research and Graduate Programs, in consultation with the faculty involved and the appropriate Dean(s).

3. Staff Creations.

a. The University owns the copyright to works created by University staff in the course and scope of their employment.

b. Staff persons own the copyright to all works created by them without the use of University resources and developed outside the course and scope of their employment, and the University has no equity interest in any proceeds derived from them. Staff persons are advised to notify the Dean of Research and Graduate Programs about their external activities if they have concerns that the University might claim ownership interests in any intellectual property resulting from those activities.

c. The University or Foundation may employ or engage individuals under specific contractual terms that allocate copyright ownership rights between the parties in a different manner than specified above. Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

d. There may be occasions when University staff also serve as faculty for the University. Under these circumstances, written agreements should be entered into in advance of undertaking any research or creative activity to clarify
whether the individual is acting in their staff or faculty capacity in carrying out the activity. Unresolved questions on ownership may be directed to the Intellectual Property Rights Committee and a recommendation regarding ownership rights will be made to the President. Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

4. **Student Creations.**

a. Students will normally own the copyright to the scholarly and creative publications they develop, including works fulfilling course requirements (term papers and projects), Senior Projects, and Masters Theses/Projects. Students retain copyright ownership as long as they are not paid for the work that results in the creation and do not receive extraordinary University resources in support of the work. Nonetheless, by enrolling at the University, the student grants the University a nonexclusive, royalty-free license to mark on, modify, publicize and retain the work as may be required by the faculty, department, or the University. The University is not entitled to all equity share in any ownership profits, except in the circumstances covered below.

b. When the student is employed by the University and the creation falls within the scope of that employment, either the University or the faculty member (when the student is hired specifically to work on a faculty project) owns the copyright according to the same standards that apply to staff creations, under sections II.A.3 above, or faculty creations under Section II.A.2.

c. If the student receives extraordinary University resources that further the creation or development of the creative work, then the student owns the copyright, but the University retains an equity interest in the creation, using the same standards that govern faculty creations under section II.A.2.b.

d. If the student works on a sponsored project or a special intellectual property agreement and the creation falls within the scope of that work, then the student is bound by the written agreements governing the allocation of copyright ownership.

e. When the student is employed by an outside entity (not the University or Foundation) and the creation falls within the scope of that employment, then the student normally will be bound by a contract with the outside entity, including any provisions for copyright ownership, and the University will have no rights to the intellectual property developed.

B. **Patents.**

1. **Framework.** This section deals with the ownership of patentable intellectual property created by faculty, staff and students (in separate sections). Faculty
inventions are governed by section II.B. 2.; staff inventions are governed by section II.B. 3; and student inventions are governed by section II.B. 4.

2. Faculty Inventions.

a. Faculty own the intellectual property resulting from their scholarly activity. The University’s equity interest is determined by the circumstances listed below.

b. If the University provides extraordinary resources to the creation of intellectual property, then the faculty will own the intellectual property rights, but the University will be entitled to an equity interest in the profits derived from the commercialization of the intellectual property, according to the provisions in section II.D.

c. If the University initiates a creative project, solicits faculty participation in the project, and provides funding for the project, possibly including compensation/release time for the faculty member, the University will own all intellectual property rights developed through the project. Under these circumstances, there will be a written document, signed by the faculty member, acknowledging the University’s ownership of all new intellectual property. At the discretion of the University and by prior written agreement between the parties, faculty involved in creating intellectual property under these circumstances may share in the profits that result from the project. Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

d. If the University and an outside sponsor enter into an agreement to carry out research or other creative activities involving faculty, the faculty who participate in the project shall comply with the conditions of the agreement pertaining to the ownership, protection and licensing of intellectual property developed, and maybe required to agree in writing that they will so comply. The intellectual property terms of such agreements, even when they deviate from the ownership provisions of this policy, will be negotiated with the sponsor by the Dean of Research and Graduate Programs, in consultation with the faculty involved and the appropriate Dean(s). Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

3. Staff Inventions.

a. The University shall own all intellectual property rights in works created by University staff in the course and scope of their employment.

b. The University has no equity interest in any proceeds derived from intellectual property that is created by staff without the use of University resources and that is developed outside the course and scope of employment. Staff persons
are advised to notify the Dean of Research about their external activities if they have concerns that the University might claim ownership interests in any intellectual property that results from those activities.

c. The University or Foundation may employ or engage individuals under specific contractual terms that allocate intellectual property rights between the parties in a different manner than specified above.

d. There may be occasions when University staff also serve as faculty for the University. Under these circumstances, written agreements should be entered into in advance of undertaking any research or creative activity to clarify whether the individual is acting in their staff or faculty capacity in carrying out the activity. Unresolved questions on ownership may be directed to the Intellectual Property Rights Committee and a recommendation regarding ownership rights will be made to the President. Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

4. Student Inventions. Students enrolled at the University may create valuable intellectual property while fulfilling course requirements, in conjunction with University employment, and/or through the use of University resources. The ownership interests in such intellectual property depend on the particular circumstances surrounding the creation. In particular, students must be careful to differentiate their own creative contributions from those of their faculty instructors and mentors. The following parameters apply:

a. The student is not paid for the work that results in the creation and does not receive significant University resources in support of the work. In these circumstances, the student owns the intellectual property interests in the creation. This is true even if the intellectual property is created to fulfill course requirements or other academic requirements. Nonetheless, by enrolling at the University, the student grants the University a nonexclusive, royalty-free license to mark on, modify, publicize and retain the work as may be required by the faculty, department or the University. The University is not entitled to an equity share in any ownership profits, except in the circumstances covered below.

b. The student is employed by the University and the creation falls within the scope of employment. In these circumstances, either the University or the supervising faculty owns the intellectual property, according to the same standards that apply to staff creations under sections II.B.3, or faculty creations under Section II.B.2.

c. The student receives extraordinary University resources that further the creation or development of the intellectual property. In these circumstances, the student owns the intellectual property, but the University retains an equity
interest, using the same standards that govern faculty creations under section II.B.2.b.

d. If the student works on a sponsored project or under a special intellectual property agreement and the creation falls within the scope of that work, then the student is bound by the written agreements governing the allocation of intellectual property rights.

e. The student is employed by an outside entity (not the University or Foundation) and the creation falls within the scope of that employment. Under these circumstances, the student normally will be bound by a contract with the outside entity, including provisions intending to protect and allocate intellectual property rights, and the University will have no rights to the intellectual property developed. University resources may not be used unless a prior special intellectual property agreement is in place (see d. above).

C. Software.

1. The proprietary protection available for software is unique in that both copyright and patent are available. Copyright protection may cover the expression of the software ideas in a tangible medium, while patent protection may cover algorithmic inventions. Due to this dual approach, software should first be considered under the patent provisions of this policy at II. B., and is therefore subject to disclosure of any underlying algorithms that appear to have commercial value. After consideration of patent protection for valuable software algorithms, copyright, at II.A, should be considered as additional or alternative protection.

2. In accordance with section I.e., and absent a specific agreement to the contrary, the University favors the copyright and publication of source code as well as its underlying object code. This is in contrast with the common commercial practice that utilizes trade secrecy for source code in order to prevent the dissemination and discussion of any innovative ideas it reveals. As with the underlying algorithms that, if patented, must be published so that they may be studied and discussed by other researchers, the University believes that source code should be published in a form that is amenable to research and will promote scientific progress. The object code is similarly subject to copyright.

D. University Equity Interests. When the University provides extraordinary resources to the creation of intellectual properties, it enjoys an equity interest in the net proceeds derived from those properties. The University’s equity interest is determined by the extent of use of University resources. The amount of the University’s equity interest in a particular intellectual property will be agreed upon before pursuing protection/commercialization. In no case will the University’s share be greater than 50%. The amount that an individual creator/inventor must render to the University, in recognition of its equity interests, is determined as follows:
1. When the amount of net proceeds received from an intellectual property subject to University equity interest is equal to or less than $50,000 in a fiscal year, then the University is not entitled to any portion of the net income derived from that intellectual property.

2. When the amount of net proceeds received from an intellectual property subject to University equity interest is greater than $50,000 in a fiscal year, the net proceeds in excess of $50,000 will be allocated between the University and the creator(s)/inventor(s) based on the previously determined equity interest agreement.

III. ADMINISTRATIVE PROCEDURES

A. The University.

1. University Administration. The University President is responsible for policy matters relating to intellectual property and affecting the University's relations with inventors and creators, public agencies, private research sponsors, industry, and the public. The Office of the Provost, through the Dean of Research and Graduate Programs, and in coordination with the Cal Poly Foundation, shall implement and administer this policy, including negotiation of intellectual property terms in agreements with sponsors, evaluation of patentability or other forms of intellectual property protection, filing for patents, negotiation of use rights, and the pursuit of infringement actions.

2. Intellectual Property Review Committee. The University President shall appoint an Intellectual Property Review Committee. The Committee shall be composed of eleven members, 8 of whom shall be members of the faculty, without administrative appointments, and nominated by the Academic Senate. These 8 appointees shall represent each college, as well as Professional Consultative Services. The other three members shall include the Chair of the Academic Senate Research Committee, the Dean of Research and Graduate Programs, and a student representative appointed annually by the ASI President. A faculty member shall chair the Committee. Faculty appointees shall serve three-year staggered terms.

   The Committee shall review and monitor University activities on matters relating to the administration of this policy. The Committee shall be consulted in advance concerning any material changes to the policy and shall participate fully in the future development of the policy. The Committee shall make recommendations for the allocation of the University's net proceeds from intellectual property.

   When necessary, the Committee shall review invention disclosures and other information to evaluate the University's contribution to the development of particular intellectual properties. In many cases the inventor/creator will reach an agreement with the University concerning ownership rights and equity interest without the need for review by the Committee. In making its assessment, the Committee will rely on information provided by both the inventor/creator and the
University. Committee deliberations will be in closed session to protect proprietary information. Similarly, committee records will be kept confidential and committee members will be bound to maintain confidentiality. The purpose of the review will be to help the parties reach agreement within the framework of this policy.

In the event of any disagreement among interested parties concerning interpretation or application of this policy, the Committee will serve as the appellate body advisory to the University President. In cases where the Committee is unable to resolve such disagreements to the satisfaction of the interested parties, then it shall submit a written recommendation for resolution of the dispute to the University President for a final administrative decision.

At the beginning of each academic year, the Foundation will provide to the Dean of Research and Graduate Programs a summary statement of income and expenses from intellectual property in which the University has an interest, if any, and an accounting of income and disbursements of the Commercialization Fund and the Research Fund (see IV-B). The Dean will submit this information to the Intellectual Property Review Committee, in a written report of all the activities in which that Office has been involved in the preceding year.

3. **University Assistance.** The protection and commercialization of intellectual property requires close attention to relevant laws. For example, for a patentable invention, one must carefully and properly document all activities involved in developing the invention from conception to reduction to practice. In addition, there are reasons to preserve secrecy for certain time periods so that the invention can be adequately protected. These considerations often run counter to the typical academic approach of quickly sharing knowledge in the form of presentations at professional meetings and publications in scholarly journals.

Even when the University does not own intellectual property under this policy, or enjoy an equity interest in it, the Office of Research and Graduate Programs can provide guidance to faculty and students about the basic process for and issues regarding protection of intellectual property. Further, under certain circumstances in which the University holds an equity interest, legal, financial and business assistance may be provided to faculty who wish to protect or commercialize their intellectual property. The University's decision to provide such assistance would be made on a case-by-case basis.

At the very least, inventors/creators should file a disclosure statement (see Section III-C.1) with the Office of Research and Graduate Programs. The disclosure serves as an important element in the protection process since it is dated and includes a description of the invention, including when it was conceived and reduced to practice. The Office of Research and Graduate Programs, as a disinterested party, maintains this disclosure as documentation to support potential patent claims. When the University/Foundation provides legal,
financial, business and/or other extraordinary services to support intellectual property interests, they are entitled to recoup expenditures from gross proceeds derived from those intellectual property interests that are successfully commercialized.

4. **Inactivity.** If a determination has been made that the University owns or has an equity interest under this policy in a particular intellectual property, a decision to pursue protection and commercialization of that property will normally be made within six months of a request by the inventor/creator for such a decision. Failure of the University to respond within six months does not mean that the University relinquishes its rights. Such a waiver of rights requires a positive action by University authorities.

If the University decides to pursue protection and commercialization it must then act diligently in this regard. If the University fails to act diligently the inventor/creator may request reconsideration of the decision to pursue. Alternatively, if the University determines not to pursue protection/development of the intellectual property, it will renegotiate its ownership and/or equity rights with the creator/inventor.

**B. The Foundation**

The California Polytechnic State University Foundation is a non-profit, public benefit corporation serving as a qualified auxiliary organization in support of the University. The Foundation functions in several roles relating to the perfection, protection, transfer and development of intellectual property held by the faculty, students, staff, or the University. Among these are:

1. **Perfection of Rights.** The perfection of legal and equity interest in intellectual property generally involves exacting documentation and compliance with statutory and regulatory procedures. The Foundation typically acts as the contracting agency for externally sponsored research and development projects on behalf of the University and the principal investigator. Sponsored agreements may have specific invention or creation disclosure requirements, and patent/copyright and licensing provisions requiring compliance through the Foundation.

2. **Protection.** At the request of the Dean of Research and Graduate Programs, or in satisfaction of sponsored agreement requirements, the Foundation shall initiate action to further evaluate the need for and practicality of securing appropriate statutory protection over any intellectual property subject to this policy. Results of any such evaluations shall be reported to the Dean of Research and Graduate Programs and the inventor or creator.

3. **Transfer and Development.** At the request of the University the Foundation may serve as the transfer and development agent for those with legal and/or equity rights to intellectual property under this policy. Actions to evaluate protection
typically also involve the assessment of commercial viability, and may require the Foundation to negotiate among the interested parties appropriate assignment and collateral agreements to settle those interests and obligations, and to assure property protection and development opportunities. In its role as agent, the Foundation will involve both the inventor/creator and the University (through the Dean of Research and Graduate Programs) in all negotiations with potential buyers or licensers.

4. **Fiscal Agent.** The Foundation also serves as the designated fiscal agent of the University in the administration of transactions involving University interests in such intellectual property.

In providing the above services the Foundation shall be entitled to recover its direct costs.

C. **The Creator/Inventor.**

1. **Required Disclosures.** This policy addresses circumstances in which the University owns intellectual property created by faculty, staff and students, or enjoys an equity interest in it. When these circumstances exist, the faculty, staff or students who create the intellectual property shall file a disclosure statement with the Dean of Research and Graduate Programs. At the appropriate time, the Dean of Research and Graduate Programs may refer the disclosure to the Intellectual Property Rights Committee, which will assess rights of all interested parties consistent with other sections of this policy.

2. **Use Rights.** When the University owns intellectual property under this policy, the inventor/creator must cooperate with the University and Foundation, at the University's expense, in the protection and development of disclosed intellectual property, including executing appropriate written instruments to perfect legal and equity rights. It is anticipated that the inventor/creator, if he/she so chooses, will be an active participant in decisions regarding the further development, commercialization and/or licensing of the intellectual property.

D. **Assignment of Interest.**

1. Any transfers of ownership between those with any interest in specific intellectual property shall be documented through appropriate legal instruments, such as assignment agreements, in a form consistent with applicable law and regulations.

IV. **INCOME ALLOCATIONS**

A. **General Objectives.** In the transfer of intellectual property and allocation of net proceeds derived from intellectual property, the general objectives are to direct funds toward the inventor(s)/creator(s), assure the transfer and development of those discoveries for the
public benefit, and provide for the funding of future creative effort by University faculty, students and staff.

B. Intellectual Property Funds. When the University owns intellectual property or enjoys an equity interest in it, the University's share of net proceeds derived from that intellectual property generally shall be allocated among a Commercialization Fund, a Research Fund, the inventor/creator's academic department/academic unit, and college. Nonetheless, allocation of the University's share is ultimately at the discretion of the President. The Commercialization Fund is intended to support the protection and commercialization of specific intellectual properties developed in the future by University faculty, staff and students. The Research Fund is intended to support research and development of intellectual property.

V. IMPLEMENTATION

The Dean of Research and Graduate Programs, in cooperation with the appropriate Foundation and University officials, shall develop, document, implement and maintain on a current basis, appropriate procedures and practices to carry out this policy statement including the process for evaluating and determining the allocation of net proceeds derived from intellectual property, subject to Section IV of this policy. The Intellectual Property Review Committee shall be consulted on any significant proposed practices involving the application or interpretation of this policy.

VI. PERIODIC POLICY REVIEW

The Intellectual Property Review Committee shall review this policy as needed, and make recommendations for changes as deemed appropriate.
The University's Intellectual Property Policy, approved in January 1999, calls for the establishment of an Intellectual Property Review Committee:

**Article III.A.2. Intellectual Property Review Committee.** The University President shall appoint an Intellectual Property Review Committee. The Committee shall be composed of eleven members, eight of whom shall be members of the faculty, without administrative appointments, and nominated by the Academic Senate. These eight appointees shall represent each college, Professional Consultative Services, and the University Center for Teacher Education. The other three members shall include the Chair of the Academic Senate Research Committee, the Dean of Research and Graduate Programs, and a student representative appointed annually by the ASI President. A faculty member shall chair the Committee. Faculty appointees shall serve three-year staggered terms. The Committee shall review and monitor University activities on matters relating to the administration of this policy. The Committee shall be consulted in advance concerning any material changes to the policy and shall participate fully in the future development of the policy. The Committee shall also administer a review process for the allocation of the University's net proceeds from intellectual property.

When necessary, the Committee shall review invention disclosures and other information to evaluate the University's contribution to the development of particular intellectual properties. In many cases the inventor/creator will reach an agreement with the University concerning ownership rights without the need for review by the Committee. In making its assessment, the Committee will rely on information provided by both the inventor/creator and the University. Committee deliberations will be in closed session to protect proprietary information. Similarly, committee records will be kept confidential and committee members will be bound to maintain confidentiality. The purpose of the review shall be to help the parties reach agreement within the framework of this policy.

In the event of any disagreement among interested parties concerning interpretation or application of this policy, the Committee will serve as the appellate body advisory to the University President. In cases where the Committee is unable to resolve such disagreements to the satisfaction of the interested parties, then it shall submit a written recommendation for resolution of the dispute to the University President for a final administrative decision.

At the beginning of each academic year, the Foundation will provide to the Dean of Research and Graduate Programs a summary statement of income and expenses from intellectual property in which the University has an interest, if any, and an accounting of income and disbursements of the Commercialization Fund and the Research Fund (see IV-B). The Dean will submit this information to the Intellectual Property Review Committee, in a written report of all the activities in which that Office has been involved in the preceding year.

An Intellectual Property Review Committee was established in September, 2001, in conformance with the policy, with the exception that the committee was appointed by the Provost rather than the President (see attached memo of 9/26/01). Members were elected for staggered terms as indicated in the policy and memo and a chair was selected. The current Committee membership is attached.

It seems appropriate for the Intellectual Property Review Committee to be recognized as a standing university committee. To that end I have attached a description of the composition and functions of the committee, following examples provided to me by Mary Fiala. Please let me know if you need any other materials or have any questions. Thank you.
Memorandum

To: Members, Intellectual Property Review Committee

From: Provost and Vice President for Academic Affairs

Subject: Appointment to the Intellectual Property Review Committee

Date: September 26, 2001

Copies: Warren J. Baker

Based upon the recommendations of the Academic Senate and the procedures called for in the Intellectual Property Policy, I am pleased to appoint you as initial members of the Intellectual Property Review Committee.

The University's Intellectual Property Policy was approved in January 1999, and a copy is included herewith for your ease of reference. Please refer to Page 5 which articulates the duties and responsibilities of the Committee.

I have asked Dr. Susan Opava, Dean of Research and Graduate Programs, to call the first meeting of the Committee. At that meeting, a faculty member can be elected as Chair. In addition, the eight faculty appointees are to serve three-year staggered terms. The terms for each member can be identified at this meeting as well.

Your service on this very important University committee is very much appreciated. If you have any questions, please contact Dr. Opava, at 756-1508. Thank you.

Enclosure

Members, Intellectual Property Review Committee:
- Philip Tong, Dairy Science Department
- Art Chapman, Architecture Department
- Lee Burgunder, College of Business
- Clark Turner, Computer Science Department
- Harvey Levenson, Graphic Communication Department
- Christopher Kitts, Biological Sciences Department
- Roberta Herter, University Center for Teacher Education
- Lynn Gamble, University Library
- Ed Sullivan, Landscape, Civil and Environmental Engineering Department
- (Chair, Academic Senate Research and Professional Development Committee)
- Susan Opava, Dean, Research and Graduate Programs
- Samuel Aborne (student representative)
- Robert Goyer, Information Technology Services (ex-officio member)
- Luanne Pose
**Intellectual Property Review Committee**

**Function**

This committee is mandated under the University's Intellectual Property Policy. The function of the Committee is to review and monitor University activities on matters relating to the administration of this policy; to review proposed changes to the policy; and to participate in the future development of the policy. The Committee also administers a review process for the allocation of the University's net proceeds from intellectual property. When necessary, the Committee reviews invention disclosures and other information to evaluate the University's contribution to the development of particular intellectual properties.

In the event of disagreement among interested parties concerning interpretation or application of the Intellectual Property Policy, the Committee serves as the appellate body, advisory to the University President.

**Membership**

The Committee shall be composed of eleven members, eight of whom shall be members of the faculty, without administrative appointments, and nominated by the Academic Senate. These eight appointees shall represent each college, Professional Consultative Services, and the University Center for Teacher Education. The other three members shall include the Chair of the Academic Senate Research Committee, the Dean of Research and Graduate Programs, and a student representative appointed annually by the ASI President. A faculty member shall chair the Committee. Faculty appointees shall serve three-year staggered terms.

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The University President shall appoint the Committee, which will report to the Provost and Vice President for Academic Affairs.

**Meetings**

The Committee will meet at least quarterly during the academic year and as often as necessary to carry out its functions.
**Intellectual Property Review Committee**

**Membership Roster**

**Fall, 2004**

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<th>College of Agriculture</th>
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<td>Lynne Gamble, University Library</td>
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<td>Chair, Academic Senate Research</td>
<td>Edward Sullivan, Civil &amp; Environmental Engineering Department</td>
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<td>And Professional Development Committee</td>
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<td>Dean of Research and Graduate Programs</td>
<td>Susan Opava</td>
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<td>Ex Officio Member</td>
<td>Luanne Fose, Information Technology Services</td>
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<td>Spencer Roberts</td>
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WHEREAS, The General Engineering program is presently an academic unit located in the College of Engineering; and

WHEREAS, A status change from General Engineering program to Biomedical and General Engineering Department is being proposed; and

WHEREAS, This change is consistent with and necessary for the development of the Senate approved Biomedical Engineering baccalaureate degree granting program in the College of Engineering; and

WHEREAS, The functional modifications in changing to department status are: a change in the title for the program "coordinator" to "department chair", the reassignment of faculty internal to the college, and the hiring of two new faculty. These are all changes internal to the college; and

WHEREAS, The funding necessary to carry out these changes has been identified and made available from funds within the College of Engineering; and

WHEREAS, Said change in status has been approved by the College of Engineering (CENG) department chairs, CENG College Council, CENG Curriculum Committee, CENG Dean, and is being concurrently reviewed by the Academic Deans' Council; therefore be it

RESOLVED: That the Academic Senate of Cal Poly endorse the change from General Engineering program, as an academic unit, to the academic department of Biomedical and General Engineering Department.

Proposed by: College of Engineering
Date: April 8, 2005
To: David Hannings, Chair  
   Academic Senate

Date: April 12, 2005

From: Robert C. Detweiler  
   Interim Provost and Vice President for  
   Academic Affairs

Copies: Peter Y. Lee  
   Daniel Walsh  
   David Conn  
   Mary Whiteford

Subject: Request to Review-Formation of the  
         Biomedical and General Engineering  
         Department

As a follow-up to an e-mail communication from Bonnie Long today, enclosed is a  
formal request from Dr. Daniel Walsh, Associate Dean of the College of Engineering,  
providing justification for his request to form the Biomedical and General Engineering  
Department. This request has the endorsement of Dr. Peter Lee, Dean of the College of  
Engineering. The formation of this department request is being made following the  
Academic Senate and campus approval of the establishment of the Bachelor of Science  
degree program in Biomedical Engineering. That request is currently at the CSU  
Chancellor’s Office for review. The department will house two distinct degree programs  
that are not necessarily closely related, i.e., Biomedical Engineering and General  
Engineering. In addition, the Academic Deans' Council has endorsed the formation of  
this department, yesterday, April 11.

I would appreciate it if the Academic Senate would review this request as soon as  
possible this quarter.

Thank you, and should you have any questions regarding this issue, please do not hesitate  
to contact Dan Walsh directly.

Enclosure
MEMORANDUM

To: Robert Detweiler, Provost and Vice President for Academic Affairs
And
David Hannings, Chair, Academic Senate

Date: April 5, 2005

Via: David Conn, Vice Provost, Academic Programs

Copies: Dean's Council

Via: Peter Lee, Dean, CENG

From: Dan Walsh, Associate Dean, CENG

Subject: Formation of the "Biomedical and General Engineering Department"

This is a request to change General Engineering Program to the Biomedical and General Engineering Department. The department will administer two majors (Biomedical Engineering with 170 students and General Engineering with 120 students). It will have faculty and staff, an office suite, autonomous academic and personnel review procedures, and will administer several hundred thousand dollars in grants and endowments.

This change in status is supported by the College of Engineering (CENG) Department Chairs, CENG College Council, CENG Curriculum Committee, CENG Dean, and will be reviewed by the Academic Senate and by the Academic Deans' Council.

This change is supported by the College because Biomedical Engineering, and General Engineering have outgrown their informal structure. At this juncture, a wealth of industrial demand, coupled with student and faculty interests, have created an intellectual engine that requires a departmental structure to support its students. Furthermore, the University has been directed to grow and the College has chosen Biomedical Engineering as one of several focus areas for this growth. The proposed structure for Biomedical Engineering will provide for the infrastructure to forge an even more successful program.

The functional modifications in changing to department status include a change in the title for the program "coordinator" to "department chair", the reassignment of faculty internal to the college, and the hiring of two new faculty. All changes are internal to the College, and the
funding necessary to carry out these changes have been identified and made available from funds within the College of Engineering.
WHEREAS, Not all calendar days’ schedules have the same number of meetings each quarter; and

WHEREAS, It is instructionally sound to minimize the variation in the number of calendar days’ schedules each quarter; therefore be it

RESOLVED: That the Academic Senate of Cal Poly ask the administration of Cal Poly to adopt the policy that each academic quarter consist of a minimum of nine (9) offerings of calendar days’ schedules; and be it further

RESOLVED: That this policy be put in place commencing as soon as possible.

Proposed by: Harvey Greenwald and Myron Hood, senators
Date: April 5, 2005
Revised April 19, 2005
WHEREAS, Curriculum review is a critical responsibility of the Academic Senate, and

WHEREAS, Knowledge of a college curriculum committee's deliberations is extremely valuable to the deliberations of the Academic Senate Curriculum Committee, and

WHEREAS, Knowledge of the issues, policies and requirements used by the Academic Senate Curriculum Committee in reviewing course and curriculum packages is valuable to the review of proposals by college curriculum committees, and

WHEREAS, It takes considerable time to become knowledgeable of the issues, policies and requirements associated with course and curriculum development and review, and

WHEREAS, The review of course and curriculum proposals often spans multiple academic years, and

WHEREAS, There is a considerable loss of institutional knowledge when the Academic Senate Curriculum Committee loses a member, and

WHEREAS, The curriculum review process is complex and time consuming, and

WHEREAS, The curriculum review process would be more efficient if there were a direct link to college curriculum committees, therefore be it

RESOLVED: That the Academic Senate Curriculum Committee membership be changed to require that General Faculty representatives be the current chair or a current member of their respective college curriculum committees, and be it further

RESOLVED: That Academic Senate bylaws section I.2.a be amended to reflect this change; and be it further

RESOLVED: That the Academic Senate strongly encourage the Provost, departments, and/or colleges provide assigned time for curriculum committee chairs and/or faculty serving on the Academic Senate Curriculum Committee, and be it further

RESOLVED: That the Academic Senate strongly encourage Academic Senate Curriculum Committee members to serve a minimum of a two years.

Proposed by: Academic Senate Curriculum Committee
Date: April 21, 2005
Revised: May 11, 2005
Amended Academic Senate Bylaws - Changes Proposed by Resolution (see underlined)

1. COMMITTEE DESCRIPTIONS

2. Curriculum Committee

a. Membership

General Faculty representatives shall be either 1) current chair of their college curriculum committee or 2) a current member of their college curriculum committee. The ex officio members of the Curriculum Committee shall be the Provost/Vice President for Academic Affairs or designee, the Dean of Research and Graduate Programs or designee, the Dean of Library Services or designee, a representative from Academic records, and an ASI representative.

b. Responsibilities

The Curriculum Committee shall develop recommendations regarding academic master planning and curriculum, academic programs, University requirements for graduation, general education, cultural pluralism, and library oversight as it relates to instruction. Members will meet at least quarterly and as needed. The chair shall be responsible for the coordination of the curriculum review with the Provost/Vice President for Academic Affairs office.

The Chair of the Curriculum Committee shall meet regularly with the Chair of the Instruction Committee, Chair of the Program review and Improvement Committee, and the Chair of the Academic Senate.
Background: In 2003, the Academic Senate passed AS-602-03IRP&D, Resolution on Establishing a Faculty Award to Recognize Distinguished Research, Creative Activity, and Professional Development at Cal Poly. Since that time, the award has been administered by the Academic Senate Research and Professional Development Committee.

WHEREAS, Cal Poly is an institution known for its high quality of undergraduate education; and

WHEREAS, The University recognizes the interdependence of teaching and scholarship; and

WHEREAS, The University defines scholarship in broad terms as the scholarship of teaching, the scholarship of discovery, the scholarship of integration, and the scholarship of application; and

WHEREAS, This definition encompasses those activities traditionally known as research, creative activity, and professional development; and

WHEREAS, The Academic Senate of Cal Poly has already established a "Distinguished Research, Creative Activity, and Professional Development Award" to recognize faculty achievements in these areas; and

WHEREAS, In establishing the award, the Academic Senate resolved to also establish a "Distinguished Research, Creative Activity, and Professional Development Awards Committee" to conduct the selection process and determine on an ongoing basis the policies and procedures to be used for selecting recipients of the award; and

WHEREAS, Said committee has not been constituted; therefore, be it

RESOLVED: That the "Distinguished Research, Creative Activity, and Professional Development Award" be renamed the "Distinguished Scholarship Award"; and be it further
RESOLVED: That the proposed "Distinguished Research, Creative Activity, and Professional Development Awards Committee" be renamed the "Distinguished Scholarship Awards Committee"; and be it further

RESOLVED: That the committee include as voting members one representative from each college and from Professional Consultative Services; and be it further

RESOLVED: That the committee include as ex officio members the Provost/Vice President of Academic Affairs, the Dean of Research and Graduate Programs, and two student members to represent ASI; and be it further

RESOLVED: That within this composition the committee should include previous award recipients; and be it further

RESOLVED: That the members be appointed in time to administer the award for the 2005-2006 academic year; and be it further

RESOLVED: That the Bylaws of the Academic Senate be amended to include the listing of the Distinguished Scholarship Awards Committee (Section VIIIA) and its committee description (Section VIIIA.4.a & b) as follows:

[VIIIA.B: Except as noted in the individual committee description, committees shall include at least one voting General Faculty representative from each college and from Professional Consultative Services.]

VIIIA.4.a. Membership:

The ex officio members of the Distinguished Scholarship Awards Committee shall be the Provost/Vice President for Academic Affairs or designee, the Dean of Research and Graduate Programs or designee, and two students—one undergraduate and one graduate—appointed by ASI.

Ex officio members shall be nonvoting members of the committee.

The faculty members of the committee should include former recipients of the Distinguished Scholarship Award.

VIIIA.4.b. Responsibilities:

The Distinguished Scholarship Awards Committee shall conduct the selection process and determine the policies and procedures to be used for judging potential candidates for the Distinguished Scholarship Award.

Proposed by: Academic Senate Research and Professional Development Committee
Date: May 2, 2005
Revised: May 13, 2005
Background: The administration of Cal Poly has proposed that beginning in February 2005, that
the campus observe Presidents' Day on the Friday before the Monday set aside nationally for the
observation of this holiday. The reason for this change is to limit the number of holidays observed
on Mondays during winter quarter.

This change will cause hardship to many faculty, staff, and students: those with childcare may
find it difficult and/or expensive to provide for an additional day of care; issues with
transportation will arise particularly for those carpooling with individuals who do not work at or
attend Cal Poly; those with spouses who have jobs that observe the traditional day will not be
able to share the holiday; and many students may choose to observe the holiday on Monday
anyway in order to be with their families, thus increasing absenteeism on that day.

WHEREAS, Observing Presidents' Day on any day other than the Monday set aside for the
holiday will present a variety of complications for faculty, staff, and students of
Cal Poly; and

WHEREAS, There exists other acceptable ways to meet the problem of losing too many
Monday classes during winter quarter; therefore be it

RESOLVED: That the Academic Senate of Cal Poly oppose the observation of Presidents' Day
on the Friday prior to the normal Monday set aside for this holiday; and be it
further

RESOLVED: That the Academic Senate of Cal Poly request its administration reinstitute the
traditional Monday observance of Presidents' Day.

Proposed by: Harvey Greenwald and Myron Hood, CSM senators
Date: April 7, 2005
BACKGROUND REFERENCE FOR BUSINESS ITEM
"RESOLUTION ON PRESIDENTS' DAY HOLIDAY"

Given below is an excerpt of the March 8, 2005 Academic Senate meeting wherein discussion of Monday holidays took place:

VI. Discussion Hem(s):
A. Monday holidays: (Hannings) Background: The current procedure for determining the University calendar states that each fall quarter the Vice Provost presents the Academic Senate Instruction Committee with several calendar proposals for its review and recommendation to the Executive Committee. The Executive Committee then makes a recommendation to the Provost and the President who gathers recommendations from a variety of people around campus and then decides on the best calendar. This year a situation regarding late hires developed with the calendar originally recommended to the President. The main concern is the observance of two Monday holidays and the problems that it creates with missing labs scheduled for Mondays, so the Executive Committee recommended that either one of the Monday holidays be changed to a Friday holiday or take a Monday holiday but have another day during the week function as a Monday. The President decided to change one of the Monday holidays to a Friday holiday and even though the catalog has gone to press, it was requested by the Executive Committee that the issue be discussed with the Academic Senate. (Hood) Changing a holiday from a Monday to a Friday is a significant change on the campus and more people should be aware of it since it could impact them in many ways. Therefore, more input should be provided. (Detweiler) stated that policy was handled correctly but the issue is complex and creates a dilemma. All recommendations will be looked at without guarantying that any changes will take place. (Hood) proposed that a policy be adopted which states that there will be no less than 9 offerings of each calendar day scheduled in any given quarter.
Adopted:

ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, CA

AS- -05

RESOLUTION ON
SOCIAL SECURITY NUMBERS

Background: During the summer of 2004, CSU officials acknowledged the loss of a laptop computer's hard drive containing the names and Social Security numbers of 13,000 Cal Poly students and employees. An article in the Tribune dated August 3, 2004 stated: "A Social Security number is the key to identity theft. With such information, thieves can open bank accounts, secure credit cards, or obtain a driver's license, according to the California Department of Consumer Affairs."

More recently security problems involving Social Security numbers have occurred at UC Berkeley, Chico State, as well as many other campuses.

Screen 103 (as well as other screens) of the Student Information System (SIS) contains the complete Social Security numbers of faculty, staff, and students (going back many years). All faculty, many staff, as well as student assistants could have access to this SIS screen. In fact, more than 1000 people on campus have access to Social Security numbers of faculty, staff, and students.

On March 1, 2004, the Chancellor issued HR 2005-16 regarding requirements for protecting confidential employee data. It states: "Each campus and the Chancellor's Office must take necessary measures to protect confidential personal information, which includes, but is not limited to, social security numbers, ethnicity, gender, home address, physical description, home telephone number, medical history, and performance evaluations."

WHEREAS, Social Security numbers are commonly used in identity theft; and

WHEREAS, Screen 103 (as well as other screens) of SIS contains complete Social Security numbers of faculty, staff, and students; and

WHEREAS, Many screens of SIS require higher clearance; therefore, be it
RESOLVED: That an ad hoc Academic Senate committee be formed that is composed of two representatives from each of the following areas: Information Technology Services, Academic Records Office, General Faculty, and ASI; and be it further

RESOLVED: That this committee be charged with recommending strategies (to the Academic Senate) for improving campus security regarding Social Security numbers and SIS by the end of the fall 2005 quarter; and be it further

RESOLVED: That this committee shall share reports and recommendations with appropriate areas of the campus; and be it further

RESOLVED: That if reasonable options can be identified to reduce or eliminate unwarranted risks, and timely and appropriate resources can be provided, these options should be considered to further reduce risks of protected or designated private information.

Proposed by: Harvey Greenwald, CSM senator
Date: April 27, 2005
Revised: May 11, 2005
Revised: May 16, 2005
The California State University (CSU) has responsibility to protect sensitive personal data and maintain confidentiality of that data under the Information Practices Act (IPA) and Title 5. In light of rapidly changing technology and increased Internet use, this memorandum is written to highlight the importance of the CSU’s responsibility. The Information Practices Act, California Civil Code §1798, et seq., requires the Chancellor’s Office and campuses to collect, use, maintain, and disseminate information relating to individuals in accordance with its provisions. Additionally, §42396 through §42396.5 of Title 5 of the California Code of Regulations address privacy and the principles of personnel information management. For campus reference, summaries of the IPA and §42396.2 of Title 5 are provided in Attachments A and B, respectively. Additional documents on protecting confidential data are available at Human Resources’ Policy Web site at http://www.calstate.edu/IHRAdmipolicies.shtml (under Confidentiality/Protection of Personal Data).

Each campus and the Chancellor's Office must take necessary measures to protect confidential personal information, which includes, but is not limited to, social security number, ethnicity, gender, home address, physical description, home telephone number, medical history, and performance evaluations.

The CSU is obligated under IPA to disclose any breach of system security to California residents whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. General Counsel's Records Access Manual located at http://www.calstate.edu/gc/Docs/Records Access Manual.doc addresses the IPA disclosure requirements.
To protect confidential personal data, each campus and the Chancellor’s Office must follow the measures outlined below:

1. Each campus and the Chancellor's Office must ensure that all employees with access to confidential personal information have a legitimate CSU need to have such access. These employees must understand the responsibility they have under the Information Practices Act and Title 5 to protect sensitive personal data. Training is to be provided, as required.

2. Confidential personal information should not be transmitted outside the CSU unless it is for legitimate CSU purposes. Recipients must be informed that the information provided is confidential and is provided for the sole purpose of the specific business need. Also, recipients must be informed that they are responsible for the protection of the information and the destruction of all files after the intended use is satisfied.

The CSU requirements for protecting confidential personal data include the requirement that employees with access to confidential personal data in the CMS baseline system or any other computerized information system sign a data confidentiality agreement acknowledging that the employee understands requirements for protecting confidential personal data. A sample form for non-faculty employees is included for reference in Attachment C. Campuses may use an existing campus form or a revised campus form, consistent with existing campus policies and forms, to meet this confidentiality agreement requirement.

As a result of the Agreement between the California Faculty Association (CFA) and the CSU, campuses must use the Human Resources Information System Access and Compliance Faculty confidentiality form provided in Attachment D when faculty (Unit 3) employees are required to sign a form dealing with the confidentiality of campus records. The faculty employee portion of the form cannot be modified. The MPP Administrator section can be altered. Campuses do not need to have faculty employees sign new forms if they previously signed a similar confidentiality agreement with their respective campus.

For information on the required technical security measures for each campus and the Chancellor's Office, refer to the CSU Information Technology Security Policy issued by Executive Vice Chancellor and Chief Financial Officer West on September 13, 2002. The policy is posted at:

http://its.calstate.edu/systemwide_it_advisory/ITAC_keydocuments/IT Security Policy 092002.doc

Questions regarding the faculty confidentiality form should be directed to Academic Human Resources at (562) 951-4503. Questions regarding a campus' technical requirements should be directed to the campus Chief Information Officer and/or Information Technology Advisory Committee (ITAC) Designee, as appropriate. Other questions can be directed to Human Resources at (562) 951-4411 or campus counsel, as appropriate. This HR Letter is available on the Web at: http://www.calstate.edu/HRAdm/memos.shtml.

JRMcC/gc

Attachments
INFORMATION PRACTICES ACT OF 1977, CALIFORNIA CIVIL CODE

As outlined in HR Letter 2005-01, each campus and the Chancellor's Office have the legal responsibility to administer and comply with provisions of the Information Practices Act (IPA) which is contained in §1798 - §1798.78, of the California Civil Code. The IPA can be found on the Web at: http://www.privacy.ca.gov/code/ipa.htm. The IPA places specific requirements on state agencies in relation to the collection, use, maintenance and dissemination of information relating to individuals. Careless, accidental, or intentional disclosure of information to unauthorized persons can have far-reaching effects, which may result in disciplinary action against those involved in unauthorized disclosure (§ 1798.55) and civil action against the CSU with a right to be awarded reasonable attorney's fees, if successful. For reference, the following summary is provided:

Article 1: General Provisions and Legislative Findings

§1798.1 The Legislature declares that the right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them. The Legislature further makes the following findings:

a) The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies.

b) The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information.

c) In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits.

Article 2: Definitions

§1798.3. As used in this chapter:

a) The term "personal information" means any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual.

c) The term "disclose" means to disclose, release, transfer, disseminate, or otherwise communicate all or any part of any record orally, in writing, or by electronic or any other means to any person or entity.
Article 5: Agency Requirements

§1798.14. Each agency shall maintain in its records only personal information which is relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or statute or mandated by the federal government.

§1798.18. Each agency shall maintain all records, to the maximum extent possible, with accuracy, relevance, timeliness, and completeness...

§1798.20. Each agency shall establish rules of conduct for persons involved in the design, development, operation, disclosure, or maintenance of records containing personal information and instruct each such person with respect to such rules and the requirements of this chapter, including any other rules and procedures adopted pursuant to this chapter and the remedies and penalties for noncompliance.

§1798.21. Each agency shall establish appropriate and reasonable administrative, technical, and physical safeguards to ensure compliance with the provisions of this chapter, to ensure the security and confidentiality of records, and to protect against anticipated threats or hazards to their security or integrity which could result in any injury.

§1798.22. Each agency shall designate an agency employee to be responsible for ensuring that the agency complies with all of the provisions of this chapter.

Article 6: Conditions Of Disclosure

§1798.24. No agency may disclose any personal information in a manner that would link the information disclosed to the individual to whom it pertains... [Exceptions to this rule are listed in the statute.]

Article 7: Accounting For Disclosures

§1798.29. (a) Any agency that owns or licenses computerized data that includes personal information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

Article 10: Penalties

§1798.55. The intentional violation of any provision of this chapter or any rules or regulations adopted thereunder, by an officer or employee of any agency shall constitute a cause for discipline, including termination of employment.

§1798.56. Any person who willfully requests or obtains any record containing personal information from an agency under false pretenses shall be guilty of a misdemeanor and fined not more that five thousand dollars ($5,000), or imprisoned not more than one year, or both.
Sections §42396 through §42396.5 of Title 5 of the California Code of Regulations address privacy and the principles of personal information management applicable to the California State University. Title 5 can be found on the Web at: http://ccLoal.ca.gov/. For reference, the following summary is provided:

**§42396.2 Principles of Personal Information Management.** The following principles of personal information management shall be implemented within The California State University:

(a) There should be no personal information system the existence of which is secret.

(b) Personal information should not be collected unless the need for it has been clearly established in advance.

(c) Personal information should be appropriate and relevant to the purpose for which it has been collected.

(d) Personal information should not be transferred outside The California State University unless the transfer is compatible with the disclosed purpose for which it was collected.

(e) Personal information should be used as a basis for a decision only when it is accurate and relevant.

(f) There should be procedures established by which a person may learn what personal information about him or her has been retained by The California State University and where lawful, have those records disclosed to him or her, pursuant to the provisions of this Article.

(g) There should be established within The California State University procedures by which a person may request in writing addition to or deletion of personal information about himself or herself which does not meet the principles in this section. Such requests should be honored within a reasonable length of time or the person should be permitted to file a concise statement of dispute regarding the personal information which shall become a permanent part of the record, or, the disputed personal information should be destroyed.

(h) Precautions should be taken to prevent the unauthorized access to or use of personal information retained by The California State University.

These principles shall be construed and implemented so as to be consistent with all federal and state laws otherwise regulating or allowing for the use of personal information, including but not limited to Education Code Section 89546 relating to employee records.
MPP ADMINISTRATOR

My signature below certifies that , an employee under my supervision, requires access to data in the Human Resource Information System because such data is relevant and necessary in the ordinary course of performing his/her job duties as a (Gob title) in the (unit) at California State University.

I understand my obligation to provide training to this employee to ensure that he/she understands the state and federal laws and University policies that govern access to and use of information contained in employee, applicant, and student records, including data that is accessible through the Human Resource Information System.

Name (please print) ____________________________ Signature ____________________________ Date ____________

Title ____________________________

EMPLOYEE

I certify that I have received training regarding the state and federal laws and University policies that govern access to and use of information contained in employee, applicant, and student records, including data that is accessible through the PeopleSoft Human Resource System.

I understand that I am being granted access to this information and data based on my agreement to comply with the following terms and conditions:

- I will comply with the state and federal laws and University policies that govern access to and use of information contained in employee, applicant, and student records, including data that is accessible through the Human Resource Information System.
- My right to access information and/or data is strictly limited to the specific information and data that is relevant and necessary for me to perform my job-related duties.
- I am prohibited from accessing information or data that is not relevant and necessary for me to perform my job-related duties.
- I will be a responsible user of information and data, whether it relates to my own unit or another unit.
- I will store information and data that I obtain under secure conditions.
• I will maintain the privacy and confidentiality of the information and data that I obtain.
• I will make every reasonable effort to interpret the information and data I obtain in an accurate and professional manner.
• Before sharing information or data with others, electronically or otherwise, I will ensure that the recipient is authorized to receive that information or data and understands his/her responsibilities as a user.
• I will sign off the Human Resource Information System when I am not actively using it.
• I will keep my password(s) to myself, and will not disclose them to others unless my immediate supervisor authorizes such disclosure in writing.
• I will store and secure confidential and sensitive information, data, reports, etc. in a manner that will maintain their confidentiality when I am not actively using them.
• I will dispose of confidential reports in a manner that will preserve their confidentiality when I have finished using them.

I understand that if I misuse personal information or data that I obtain through my employment, I will be subject to disciplinary action up to and including termination.

I certify that I have read this Access and Compliance Form, I understand it, and I agree to comply with its terms and conditions.

Name (please print) ___________________________ Signature ___________________________ Date ____________

Title ____________
HUMAN RESOURCE INFORMATION SYSTEM
ACCESS AND COMPLIANCE FORM
FACULTY

MPP ADMINISTRATOR:

My signature below certifies that , an employee under my supervision, requires access to data in the Human Resource Information System because such data is relevant and necessary in the ordinary course of performing his/her job duties as a (job title) in the (unit) at California State University.

I understand my obligation to provide training to this employee to ensure that he/she understands the state and federal laws and University policies that govern access to and use of information contained in employee, applicant, and student records, including data that is accessible through the Human Resource Information System.

Name (please print) __________________________ Signature __________________________ Date __________

Title __________________________

FACULTY EMPLOYEE:

I certify that I have received training on the appended state and federal laws and University policies that govern access to and use of information contained in employee, applicant, and student records, including data that is accessible through the PeopleSoft Human Resource System.

I understand that I am being granted access to this information and data based on my agreement to comply with the following terms and conditions:

- I will comply with the state and federal laws and University policies that govern access to and use of information contained in employee, applicant, and student records, including data that is accessible through the Human Resource Information System. While a current summary is attached, state and federal laws may be revised that may necessitate additional training and requirements.

- My right to access information and/or data is strictly limited to the specific information and data that is relevant and necessary for me to perform my job-related duties.

- I will maintain the privacy and confidentiality of the information and data that I obtain, including its storage and disposal.
• Before sharing information or data with others, electronically or otherwise, I will make reasonable efforts to ensure that the recipient is authorized to receive that information or data. I will sign off the Human Resource Information System prior to leaving the terminal/PC.

• I will keep my password(s) to myself, and will not disclose them to others unless my immediate supervisor authorizes such disclosure in writing.

I understand that if I intentionally misuse personal information or data that I obtain through my employment, I will be subject to disciplinary action up to and including termination.

I certify that I have read this Access and Compliance Form, I understand it, and I agree to comply with its terms and conditions.

Name (please print) ___________________________ Signature ___________________________ Date ___________________________

________________________________________
Title
THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, CA 90802-4210
(562) 951-4411

Date: February 8, 2005 Code: HR 2005-07
To: CSU Presidents Supersedes: HR 2003-23

From: Jackie R. McClain
Vice Chancellor
Human Resources

Subject: "Legislation Change Regarding Use of Social Security Numbers"

Due to the passage of Assembly Bill (AB) 3016, this policy memorandum has been updated to reflect additional changes to California Civil Code Section 1798.85.

As you know, Senate Bill (SB) 25, passed during the 2003/04 legislative session, amended the Civil Code Section 1798.85 which limited the California State University's (CSU) use of social security numbers as identifiers for students and employees. SB 25 also provided a "continuous use" exception which allowed the CSU to continue to use an individual's social security number in a manner inconsistent with the SB 25's restrictions.' Assembly Bill (AB) 3016 eliminates this exception effective July 1, 2006. A revised summary of the impact of both bills is provided below:

➢ Effective July 1, 2005, the CSU will be prohibited from:

1. Publicly posting or displaying an individual's social security number.
2. Printing an individual's social security number on any card required for access to products or services.
3. Requiring an individual to transmit his/her social security number over the Internet, unless the connection is secure or the social security number is encrypted.

Refer to HR 2003-23 for specific information on SB 25.

Distribution:

CSU Chancellor
Chancellor's Office Executives
Vice Presidents, Academic Affairs
Vice Presidents, Administration
Vice Presidents, Student Affairs
Vice Presidents, Information Technology

AVPs/Deans of Faculty Affairs
Human Resources Directors
Payroll Managers
Benefits Officers
CMS/SaSS Director
4. Requiring an individual to use a social security number to access an Internet Web site, unless a password, unique personal identification number, or other authentication device is required also.

5. Printing an individual's social security number on materials that are mailed (except where required by state or federal law). However, social security numbers may still be included in applications and forms sent by mail to establish, amend or terminate an account, contract or policy, or to confirm the accuracy of the social security number. A social security number may not be printed on a postcard or visible on an envelope.

**Exception:** If CSU has, before January 1, 2004, continuously used an individual's social security number in a manner inconsistent with the restrictions noted above, the CSU may continue to use the social security number in that manner until July 1, 2006, provided that notice of the right to stop the use is provided annually to the individual, a request to stop the use is honored within 30 days without charge, and no services are denied as a consequence. After July 1, 2006, this exception no longer is available to CSU campuses.

➢ Effective July 1, 2005, the CSU is prohibited from encoding or embedding a social security number in a card or document, including using a bar code, chip, magnetic strip, or any other technology. There is no exception from this prohibition even if this practice began prior to January 1, 2004.

➢ Because the legislation is intended to deter public disclosure of social security numbers, it does not prohibit use of the social security number for internal verification, or administrative purpose, or as otherwise required by law.

AB 3016 may be viewed on the Web at: http://leginfo.ca.gov/pub/03-04/bill/asm/ab_3001-3050/ab_3016_bill_20040823_chaptered.pdf

Questions may be directed to systemwide Human Resources at (562) 951-4411 or your campus counsel, as appropriate. This document is available on Human Resources' Web site at: http://www.calstate.eduIHRAdm/memos.shtml.

JRMcC/gc
WHEREAS, There were complaints regarding harassment and intimidation in the student fee referendum conducted during the spring of 2004; and

WHEREAS, There were complaints regarding the limited coverage by the Mustang Daily prior to the student fee referendum conducted during the spring of 2005; and

WHEREAS, In each case there were complaints regarding the fairness of the referenda; and

WHEREAS, The issue of fairness is one that concerns all of us; therefore be it

RESOLVED: That the President of Cal Poly be requested to form a University committee with representatives from Campus Fee Advisory Committee, Student Life & Leadership, General Faculty, and ASI; and be it further

RESOLVED: That this committee be charged with reviewing the policies and procedures regarding student referenda; and be it further

RESOLVED: That this committee shall recommend to the President of Cal Poly changes, as appropriate, to the policies and procedures regarding student referenda to be used for the student fee referendum expected for 2006.

Proposed by: Harvey Greenwald, CSM senator
Date: April 27, 2005
Revised: May 12, 2005