I. Minutes: Approval of minutes for Academic Senate meetings of January 18, February 8, February 15, and February 29, 2000 (pp. 2-8).

II. Communication(s) and Announcement(s):
   A. Academic Senate election results for 2000-2002 (pp. 9-10).
   B. Nominations for Academic Senate office for the 2000-2001 academic year are now being received. If you are interested in serving as Academic Senate Chair, Vice Chair, or Secretary, please contact the Senate office for a nomination form.

III. Reports:
   A. Academic Senate Chair:
   B. President's Office: President Baker will be in attendance for today's Business and Discussion items and to answer faculty questions.
   C. Provost's Office
   D. Statewide Senators:
   E. CFA Campus President:
   F. ASI Representative:
   G. Other:

IV. Consent Agenda:

V. Business Item(s):
   A. Resolution on Information Technology Resources Responsible Use Policy: Grimes, Chair of the Instructional Advisory Committee on Computing, first reading (pp. 11-23).
   B. Resolution on the Approval of a Policy for the Use of Human Subjects in Research at Cal Poly: Clay, Chair of the Research and Professional Development Committee, first reading (pp. 24-33).
   C. Resolution on Bylaws Change: Election of Academic Senate Officers: Executive Committee, first reading (pp. 34-35).
   D. Resolution on Bylaws Change: Designation of Academic Senate Committees: Executive Committee, first reading (p. 36).
   E. Resolution on Bylaws Change: Term Limit for Committee Chairs: Executive Committee, first reading (p. 37).

VI. Discussion Item(s):

VII. Adjournment:
Preparatory: the meeting was opened at 3:12 pm.

I. Minutes: The minutes of the Academic Senate meetings for October 5, October 26, November 9, and November 16, 1999 were approved without change.

II. Communications and Announcements:

III. Reports:
A. Academic Senate Chair:
B. President’s Office: (Howard-Greene) The State’s budget has a $6 billion surplus, but the governor is being conservative in its distribution.
C. Provost’s Office: (Zingg) (1) The dean searches for College of Business and for Extended Studies is underway. The search for Director of UCTE (University Center for Teacher Education) will be underway shortly. (2) "Impaction" discussions are being held university-wide. At issue is whether local residents should have priority admission to the CSU campus in their area.
D. Statewide Senators:
E. CFA Campus President: (Fetzer) There were several hundred appeals filed in response to FMI decisions. Cal Poly had only 10 appeals and each appeal was granted. There will be a delay in processing FMI awards.
F. ASI Representatives: (Hunt) ASI will be submitting a resolution supporting library funding.
G. Other: The Senate expressed its sadness over the recent death of CBUS professor Owen Servatius. Senator Iqbal presented a tribute to the late Servatius by recognizing his unique and outstanding contributions to Cal Poly spanning a period of over 50 years. Servatius left his permanent mark on Cal Poly as an administrator and professor. He was an educator of the highest order, imparting knowledge to his students and inspiring them to be decent human beings. He will be sorely missed.

IV. Consent Agenda:

V. Business Items:
B. Resolution on Voting Status for Student Representatives on the Academic Senate: first reading. If this resolution is approved, it will go to the General Faculty for its vote as a constitution and bylaws change. Changes to the resolution were recommended to perfect the document. A revised resolution will be brought to second reading.
C. **Resolution in Support of a Sustainable Materials Budget for the Kennedy Library to Reverse Long-term Erosion of College Collections**: first reading. This resolution addresses the erosion of library funds over the past 10 years while costs and technologic needs continue to rise. Changes to the resolution were recommended to perfect the document. Senators were asked to send any additional comments to Nancy Loe or Paul Wack. A revised resolution will be brought to second reading.

D. **Resolution on Mandating Community Service** (in response to Governor Davis’ proposal to make community service a graduation requirement for all students): first reading. Another campus committee has been formed to discuss this issue. The committee needs to deliver its suggestions to the Senate office before February 1, 2000 which is the deadline for campuses to submit their recommendations to the statewide Academic Senate.

E. **Resolution on Change in Institutional Grading Policy to Address Unofficial Student Withdrawals**: first reading. When a student withdraws from the university, the student must refund any federal financial aid received. If the student fails to do so, Cal Poly is liable for its repayment. At present, this is no system for tracking students who unofficially withdraw from Cal Poly and who may be owing federal financial aid received. This resolution provides a mechanism for federal auditors to recognize students who withdraw unofficially.

VI. Discussion Item(s):

VII. Adjournment: The meeting was adjourned at 4:50pm.

Submitted by:

Margaret Camuso
Academic Senate
Preparatory: The meeting was opened at 3:14pm.

I. Minutes: none.

II. Communications and Announcements:

III. Reports:
   A. Academic Senate Chair:
   B. President’s Office:
   C. Provost’s Office:
   D. Statewide Senators:
   E. CFA Campus President:
   F. ASI Representatives: none.
   G. Other:

IV. Consent Agenda:

V. Business Items:

VI. Discussion Items:

Myron Hood, Chair, introduced Harold Goldwhite and Laurence Gould, members of the CSU Board of Trustees, and invited senators to use the full meeting for questions and answers.

Trustee Goldwhite is Faculty Trustee to the Board and a Professor of Chemistry at Cal State Los Angeles. Goldwhite expressed his feelings that the CSU Board of Trustees is one of the best in the country with members who contribute a great deal of time and effort with no compensation. Gould is an attorney and has been a trustee for three years. Gould stated that with 23 campuses trustees don’t get to meet with faculty often enough which may cause misperceptions of what each other does.

Graduate requirements: (Goldwhite) In March 1999, the Board of Trustees implemented Cornerstones. One of its principles was to decrease semester unit minimums from 124 to 120 units. This is something the Governor wants and the UCs/private institutions have. During regular cycles of program review, programs should be ready to justify “exceeding” the minimum. This is where appropriate length of program will be judged. This principle says nothing about maximums. No other provision in Title 5 will be changed by this language.

Year-round operations and semesters versus quarters: (Gould) Year-round operations and semesters versus quarters are connected issues. Three-quarter million new students are coming into the CSU system
over this next decade, and how to provide access to these students without building more campuses is what’s at issue.

(Goldwhite) The semester/quarter issue is being driven almost entirely by the Chancellor. The Chancellor feels a semester system makes more sense from a budget perspective, it facilitates transfer from junior college and high school, and is administratively more efficient. But there hasn’t been enough faculty discussion yet regarding its academic benefits. The Chancellor wants more flexibility in rethinking program design.

Impaction: (Hood) Can you assure us that requirements to accommodate impaction won’t be imposed on Cal Poly? (Gould) This is a serious matter being looked at. Committees are presently in place to develop guidelines to address access and affordability with impaction. (Goldwhite) Cal Poly is held in special regard with the Board of Trustees; the type of programs taught and the demand for its students. The Board doesn’t want to change this, but it wants to make opportunities for its curriculum more widely available possibly by adding site programs.

(Hellenbrand) How can we accommodate Tidal Wave II coming to it so late in the game? We can’t address the rapidity of growth with marginal cost increases. (Gould) All three systems are facing the same challenges. (Goldwhite) Your comments echo every commission in this state that has looked at this. There is no overall plan for marshalling the effort needed, no long-term perspective. Even if there was, the legislature doesn’t have the wherewithal to do anything about it at this time.

FMIs: (Gould) Ways to work out a better FMI process will be looked at. At present, there is no Board support for a moratorium.

VII. Adjournment: The meeting was adjourned at 5:00pm.

Submitted by:

Margaret Camuso
Academic Senate
Preparatory: the meeting was opened at 3:15pm.

I. Minutes: none.

II. Communications and Announcements:

III. Reports:
   A. Academic Senate Chair: (Hood) (1) The primary concern among CSU Senate chairs is recruitment, retention, and retirement of faculty—currently there are 1500 faculty vacancies in the CSU with no statewide plan for addressing the shortage. Some of the major problems encountered by the CSU in hiring faculty include salary, housing costs, and low campus morale. (2) The FMI process is also a concern. Ways are being looked for to smooth and streamline the process. (3) Year round operations will not be mandated by the Chancellor due to lack of available funding. (4) The 180 unit minimum for degree is being encouraged as well as the use of off campus centers.

   B. President’s Office: (Howard-Greene): Al Amaral, Director of Foundation, is retiring. The position will be advertised in March and a replacement hopefully identified by July 1, 2000.

   C. Provost’s Office:

   D. Statewide Senators: Statewide resolutions on enrollment management and admissions are available on the Academic Senate’s website www.calpoly.edu/~acadsen.

   E. CFA Campus President: (Fetzer) (1) CFA is currently reviewing its dues structure. (2) Discussion is being held as to whether 12 or 15 WTUs constitutes a full teaching load during summer quarter. (3) The FMI moratorium is subject to negotiations, therefore, the CSU cannot declare it dead. (4) CFA would like to see teaching workload reduced since this is the second biggest block to hiring new faculty after salary and housing costs.

   F. ASI Representatives: none.

   G. Other: (Hanley) Gave a brief report on lab printing fees. The fee will only be in effect for open access labs, not on department printers or printers not in open labs.

IV. Consent Agenda:
V. Business Items:

M/S/P to reorder the agenda. Business Items were heard in the following order: E, D, A.

A. Resolution on Voting Status for Student Representatives on the Academic Senate: second reading. Considerable discussion was held on this resolution. The resolution directs the Senate to hold a faculty referendum which would grant the two student representatives on the Academic Senate voting rights. M/S/F to add wording requiring student representatives to be elected by the ASI Board. A two-thirds vote by the Senate is needed to pass the main resolution. M/S/P to approve the February 14, 2000 version of the resolution (27-12).

D. Resolution on Mandating Community Service (in response to Governor Davis' proposal to make community service a graduation requirement for all students): second reading. M/S/P (unanimously) to approve the February 1, 2000 version of the resolution.

E. Resolution on Change in Institutional Grading Policy to Address Unofficial Student Withdrawals: second reading. M/S/P to approve the February 7, 2000 version of this resolution.

VI. Discussion Item(s):

VII. Adjournment: The meeting was adjourned at 5:00pm.

Submitted by:

Margaret Camuso
Academic Senate
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, California 93407
ACADEMIC SENATE

MINUTES OF
THE ACADEMIC SENATE
Tuesday, February 29, 2000
UU 220, 3 – 5pm

Preparatory: the meeting was opened at 3:14pm.

I. Minutes: none.

II. Communications and Announcements: The Academic Senate meeting of March 7 will be cancelled if all agenda business is completed today.

III. Reports:
   A. Academic Senate Chair: (Hood) Bubba Murarka, a Cal Poly student, has been appointed to the CSU Board of Trustees as student trustee. This is an honor for Cal Poly. A letter of congratulations will be sent by the Academic Senate office.
   B. President’s Office: (Howard-Greene) Candidates for the position of Foundation Director will be interviewed in May 2000.
   C. Provost’s Office: (Zingg) Other searches presently underway are Dean for the CBUS, Dean for Extended Studies, and Director for UCTE. The CSU impaction study has been concluded and Cal Poly will not be affected by its recommendations. According to the redefinition of impaction, in order for a campus to declare impaction its programs must be impacted. Cal Poly has been programmatically impacted for several years.
   D. Statewide Senators:
   E. CFA Campus President: (Fetzer) A lawsuit challenging the Fair Share initiative has been filed. Contract negotiations on salary and benefits will reopen in April. CFA is holding a hearing on the Future of the University at San Jose State on March 14, 2000. Ralph Nader will be the key speaker.
   F. ASI Representatives:

IV. Consent Agenda:

V. Business Items:
   A. Resolution in Support of a Sustainable Materials Budget for the Kennedy Library to Reverse Long-term Erosion of College Collections: second reading. M/S/P (one nay) to adopt the resolution.
   B. Resolution on Fire Safety in the Cal Poly Residence Halls: first reading. This resolution calls for retrofitting all student resident housing in the CSU system. M/S/P (unanimous) to move the resolution to a second reading. M/S/P (unanimous) to adopt the resolution.

VI. Discussion Item(s):

VII. Adjournment: The meeting was adjourned at 4:05pm.

Submitted by:
Margaret Camuso
Academic Senate
ACADEMIC SENATE MEMBERSHIP for 2000-2002

(Highlighted names indicate newly elected members)

**COLLEGE OF AGRICULTURE (7 representatives)**

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**COLLEGE OF ARCHITECTURE AND ENVIRONMENTAL DESIGN (5 representatives)**

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**COLLEGE OF BUSINESS (5 representatives)**

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**COLLEGE OF ENGINEERING (7 representatives)**

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**COLLEGE OF LIBERAL ARTS (9 representatives)**

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<td>COLLEGE OF SCIENCE AND MATHEMATICS (8 representatives)</td>
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<td>Breitenbach, Stacey</td>
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<td>Harlan, Sallie</td>
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<td>Jelinek, Cindy</td>
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<td>Scheftic, Carol</td>
<td>UCTE</td>
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<td>Kersten, Timothy</td>
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WHEREAS,

- Access to the Internet and information technology resources have become a part of Cal Poly life and are becoming a factor impacting teaching and learning activities
- Information technology resources are a finite shared resource provided to support Cal Poly State University’s mission of education, research, and service
- Cal Poly seeks to encourage the ethical use of information technology assets and to discourage misuse of campus resources
- A clear and comprehensive campus policy is needed to ensure the responsible use of information technology resources by students, faculty, and staff in pursuit of Cal Poly’s mission
- A comprehensive policy on responsible use of information technology resources has not yet existed; and

WHEREAS,

- The Acceptable Use Policy Committee (AUPC) was formed last year to address these important policy issues and through their efforts such a policy has been developed
- The AUPC represents a broad range of campus constituencies as well as the units involved in administering the policy
- The AUPC spent nine months consulting with campus constituents and researching best practices at other universities to develop the policy
- The proposed policy brings together under a single umbrella policy existing laws and policies involving information technology resources
- The policy recognizes and respects academic freedom, freedom of expression, and the right to privacy of individual users
Well-defined and consistent practices are being developed to implement the policy and a comprehensive program is being planned to educate users about the policy.

The policy will be accompanied by specific examples to illustrate what constitutes acceptable and unacceptable behavior in relation to the various provisions.

The policy is a living document that will be reviewed at least annually and updated to reflect changes in policy, the law and technology, and that said review will be undertaken in consultation with the appropriate campus constituent groups.

The policy was released for campuswide review and comment on October 1, 1999 and key campus constituent groups have been consulted with about the policy.

The policy is being reviewed by Faculty Affairs and Human Resources and Employment Equity to determine if the terms and conditions of employment are affected and, if so, to confer with CFA, CSEA, and other bargaining units as needed.

The Instructional Advisory Committee on Computing (IACC), Administrative Advisory Committee on Computing (AACC), and Information Resource Management Policy and Planning Committee (IRMPPC) have endorsed the policy as written and recommend that it be adopted and implemented by the University; therefore, be it

RESOLVED: That the Academic Senate of Cal Poly endorse the Information Technology Resources Responsible Use Policy as written and recommend it be adopted and implemented by Information Technology Services; and be it further

RESOLVED: That Information Technology Services continue to consult with the Academic Senate and other constituent groups with respect to the policy's practices and educational components as well as any substantive changes to the policy; and be it further

RESOLVED: The Academic Senate encourage campus constituents to become familiar with the policy which can be accessed from the Cal Poly homepage at www.calpoly.edu under *Computing Resources / Policies*.

Proposed by: Instructional Advisory Committee on Computing (IACC)
Date: February 22, 2000
Revised: March 27, 2000
Purpose:
With IT an integral part of campus life, the number and nature of potential abuses have increased and become more complex. Users need a clear, comprehensive campus policy to define what constitutes acceptable use plus well-defined and consistent steps to follow in dealing with potential violations.

Acceptable Use Policy Committee Charge:
- Draft a campus policy on acceptable use of information technology
- Draft a consistent set of guidelines/procedures for implementing the policy
- Recommend an ongoing process for reviewing and updating the policy
- Define a process for timely and effective policy development in general

AUPC Representation:
ITS, IACC/Library, AACC/Instructional Staff, Public Safety, Risk Management, Judicial Affairs, ASI/Students, Foundation, Housing, Academic Records, Ombudsman Services

AUPC Accomplishments to Date:
- Reviewed sample policies and practices from various other universities
- Reviewed existing campus computing policies and practices
- Discussed specific examples of abuses to inform the policy development
- Received input from affected campus entities, including RESNet, Judicial Affairs, HREE, Public Safety, Network Administration, Risk Manager, etc.
- Proposed policy direction for review and approval by Management Staff
- Flowcharted current and proposed processes for handling complaints and started developing standard responses to complainants and violators, e.g., copyright
- Identified implementation requirements
- Released draft to campus for review and comment on October 1
- Reviewed draft policy with AACC, IACC and IRMPPC
- Updated, reviewed and approved central UNIX system policies, including e-mail, based on changes in the law, learning from Cornell, and proposed policy direction
- Revised Cal Poly's general use guidelines for information technology resources, including agreement to abide by those policies for students receiving new accounts and CAED students connecting personal computers to the Cal Poly network
- Reviewed and approved alumni network policy for Fall implementation
- Updated links to State and Federal laws on the policy web page
- Updated computer lab policies and removed outdated policies from webpage
- Developing campus policy on e-commerce activities
- Participated in systemwide policy development
- Developing specific plan for implementing the policy, including a comprehensive method for educating the campus community regarding the policy
- Developing detailed guidelines and procedures for handling specific violations
- Recommending an ongoing process for reviewing and updating the policy
- Documenting policy development process and making recommendations for future
- Developing metrics to quantify misuse of campus resources, e.g. network bandwidth

Policy is available for review/comment at www.calpoly.edu/~its/Policies/aup-rev6.html
Policy on Responsible Use of Information Technology Resources
Information Technology Services

Summary of Key Policy Points and Provisions:

- Focuses on individual behavior rather than specific technologies
- Consistent with existing campus policy and practice and applicable laws
- Applies to all users (students, faculty, staff) and all University IT resources
- Goal is the reliable, efficient and effective use of finite shared IT resources
- Access is a privilege granted to faculty, staff and students to enhance and facilitate the University mission (teaching, learning, scholarly research, etc.)
- Makes the individual responsible for appropriately and efficiently using IT resources, respecting the freedom and privacy of others, protecting the stability and security of the resources, and understanding and abiding by established policies and laws
- Protects freedom of thought, inquiry and expression as much as possible
- All existing laws and policies apply, not just those specific to information technology
- Includes specific policy provisions addressing:
  - Authorized use - who can access and use Cal Poly's IT resources
  - Security, confidentiality and privacy of institutional and personal data, including release of personal information. Cautions users about the open nature and potential lack of privacy involved in electronic communications
  - Retention and disclosure of electronic records, including e-mail
  - Academic Honesty, e.g., plagiarism and cheating
  - Copyright and Fair Use – applies existing laws to electronic communications
  - Trademarks and Patents – applies existing laws to electronic communications
  - Prohibits various activities and behaviors that threaten the integrity of campus computer networks or systems, e.g., computer viruses, excessive loads, denial of service, service interruptions, sharing passwords and login Ids, attempting to access or alter files/systems without authorization, providing services/accounts to other users, registering a Cal Poly address with another domain (.com) name, scanning systems for security vulnerabilities, connecting unauthorized equipment to campus resources, negligence leading to damage of university resources, and failure to discontinue harmful activities
  - Prohibits commercial use except as authorized by the University President
  - Prohibits use of IT resources for political advocacy as defined by State law
  - Prohibits use of electronic communications to harass, threaten or cause harm to individuals and possibly groups of individuals by creating a hostile environment
  - Electronic Mail – Prohibits specific behaviors such as masking one's identity, initiating/forwarding electronic chain letters, and mass e-mails except as defined
  - Web Sites – distinguishes between "official" and "unofficial" web pages
- Reserves Cal Poly's right to
  - limit/remove access when policies or laws are violated
  - secure and/or disclose content in response to an official request/legal subpoena
- Outlines consequences (informal, formal and legal) for users who violate the policy, and describes how to report violations of the policy
- Assigns policy review and practices oversight to Jerry Hanley, Vice Provost/CIO
- Policy will be supplemented with a glossary and definition of terms, specific examples of responsible and irresponsible uses, and references and works cited
A. Scope

This policy applies to any user of the University's information technology resources, whether initiated from a computer located on or off-campus. This includes any computer and information system or resource, including means of access, and networks, and the data residing thereon. This policy applies to the use of all University information technology resources whether centrally-administered or locally-administered. Administrators of individual or dedicated University resources may enact additional policies specific to those resources provided they conform to the provisions of this and other official policies and laws. Users of Cal Poly information technology resources are subject to both the provisions of this policy and any policies specific to the individual systems they use.

B. Purpose

The principal concern of this responsible use policy is the effective and efficient use of information technology resources. Hence the primary focus is to insure that the resources are used in a manner that does not impair or impede the use of these resources by others in their pursuit of the mission of the University. This policy is intended to ensure:

1. the integrity, reliability, and good performance of the University's information technology resources;
2. that the resource-user community operates according to established University policies and applicable laws;
3. that these resources are used for their intended purposes; and
4. that appropriate measures are in place to assure the policy is honored.

The policy is intended to permit reasonable resource-user access, rather than proscribe it, within institutional priorities and financial capabilities.

C. Guiding Principles

The following principles underlie this policy and should guide its application and interpretation:

1. Freedom of thought, inquiry, and expression is a paramount value of the Cal Poly community. To preserve that freedom, the community relies on the integrity and responsible use of University information technology resources by each of its members.
2. Information technology resources are provided to support the University's mission of education, research and service. To ensure that these shared and finite resources are used effectively to further the University's mission, each user has the responsibility to:
- use the resources appropriately and efficiently;
- respect the freedom and privacy of others;
- protect the stability and security of the resources; and
- understand and fully abide by established University policies and applicable public laws.

D. Policy Application

1. All existing laws (federal, state and local) and State of California, California State University and Cal Poly regulations and policies apply, including not only laws and regulations that are specific to computers and networks, but also those that may apply generally to personal conduct. This may also include laws of other states and countries where material is accessed electronically via University information technology resources by users within those jurisdictions or material originating within those jurisdictions is accessed via University information technology resources.

2. The accessibility of certain University information technology resources, such as network-based services, implies a degree of risk that the existence, viewing or receipt of such information/content may be offensive. As a matter of policy, the University protects expression by members of its community and does not wish to become an arbiter of what may be regarded as "offensive" by some members of the community. However, in exceptional cases, the University may decide that such material directed to classes or individuals presents such a hostile environment that certain restrictive actions are warranted.

3. The University reserves the right to limit access to its resources when policies or laws are violated and to monitor routing information of communications across its network services and transaction records residing on University resources. The University may monitor and restrict the content of material transported across University networks or posted on University systems to preserve network/system integrity and continued service delivery.

E. Policy Provisions

1. Authorized Use

Access to Cal Poly's information technology resources is a privilege granted to faculty, staff and students in support of their studies, instruction, duties as employees, official business with the University, and other University-sanctioned activities. Access may also be granted to individuals outside of Cal Poly for purposes consistent with the mission of the University.

The privilege of using Cal Poly information technology resources may not be transferred or extended by members of the University community to outside individuals or groups without prior approval of the Vice Provost/CIO for Information Technology Services.

Gaining access to the University's information technology resources does not imply the right to use those resources. The University reserves the right to limit, restrict, remove or extend access to and privileges within, material posted on, or communications via its information technology resources, consistent with this policy and applicable law, and irrespective of the originating access point.
It is expected that these resources will be used in an effective and efficient manner in support of the mission of the University as authorized by Cal Poly. All other use not consistent with this policy may be considered unauthorized use and subject to possible civil, criminal or disciplinary actions.

2. Data Security, Confidentiality and Privacy

Cal Poly users are responsible for ensuring the confidentiality and appropriate use of University data to which they are given access, ensuring the security of the equipment where such information is held or displayed, and abiding by related privacy rights of students, faculty and staff concerning the use and release of personal information, as required by law or existing policies.

For the purposes of this policy, all institutional data processed is to be considered sensitive and/or confidential. Access to such data is based on an individual's "need to know" and is restricted to uses directly related to their assigned duties. Users are responsible for the security of any accounts issued in their name and any institutional data they may retrieve, modify, reproduce or destroy.

Disclosure of confidential information to unauthorized persons or entities, or the use of such information for self-interest or advantage, is prohibited. Access to institutional data by unauthorized persons or entities is prohibited.

All employees (non-student) and non-employees (including but not limited to auxiliary employees, volunteers, Military Science personnel, and exchange faculty) granted access to institutional data are required to sign a statement that they have received a copy of the University's Confidentiality-Security Policy.

Refusal to sign will result in loss of access and may result in demotion or dismissal if such access is an inherent part of their assigned duties. Users with access to student information further agree to abide by the University's Policy on the Use and Release of Student Information.

In general, information stored on University computers is to be considered confidential unless the owner grants explicit permission to other individuals or groups to view that information or intentionally makes it available to the public. However, all users of Cal Poly's information technology resources are advised to consider the open nature of information disseminated electronically, and should not assume any degree of privacy or restricted access to such information as it may be intercepted, copied, read, forged, destroyed, or misused by others.

Electronic mail and computer files are considered private to the fullest extent permitted by law. Access to such files will generally require permission of the sender/recipient of a message or the owner of the account in which the material resides, court order, or other actions defined by law. However, in the event of a University investigation for alleged misconduct, e-mail or files may be locked or copied to prevent destruction and loss of information.

Requests for disclosure of confidential information and retention of potential evidence will be honored when approved by authorized University officials or required by state or federal law.
3. Record Retention and Disclosure

Original electronic materials and/or copies may be retained for specified periods of time on system backups and other locations; however the University does not warrant that such information can be retrieved. Unless otherwise required by law and/or policy, Cal Poly reserves the right to delete stored files and messages to preserve system integrity.

Electronic files or messages, whether or not created and stored on University resources, may constitute a University record subject to disclosure under the California Public Records Act or other laws, or as a result of litigation. Copies must be provided in response to a public record request or legally issued subpoena, subject to very limited exceptions, as with all other documents created and retained at the University.

4. Network and System Integrity

In accordance with California State Penal Code Section 502, Cal Poly’s Computer Crimes Policy, CSU's 4Cnet Acceptable Use Policy and other policies and laws, activities and behaviors that threaten the integrity of computer networks or systems are prohibited on both University-owned and privately-owned equipment operated on or through University resources. These activities and behaviors include but are not limited to:

- Interference with or disruption of computer systems and networks and related services, including but not limited to the propagation of computer "worms," "viruses" and "Trojan Horses"
- Intentionally or carelessly perform an act that will place an excessive load on a computer or network to the extent that other users may be denied service or the use of electronic networks or information systems may be disrupted
- Processing excessively large amounts of data or excessive system utilization to the extent that these interfere with network or system performance unless authorized in advance by the administrator(s) responsible for all of the equipment affected
- Failure to comply with requests from appropriate University officials to discontinue activities that threaten the operation or integrity of computers, systems or networks
- Revealing passwords or otherwise permitting the use by others, by intent or negligence, of personal accounts for computer and network access. Individual password security is the responsibility of each user.
- Altering or attempting to alter files or systems without authorization
- Unauthorized scanning of computers and networks for security vulnerabilities and unauthorized attempts to circumvent data protection schemes or uncover security loopholes
- Connecting unauthorized equipment to the campus network or computers
- Attempting to alter any University computing or network components without authorization or beyond one's level of authorization, including but not limited to bridges, routers, hubs, wiring, connections, etc.
- Negligence leading to damage of University electronic information, information technology resources, computing systems or networks
- Utilizing network or system identification numbers or names that are not assigned for one's specific use on the designated system
- Using campus resources to gain unauthorized access to any computer system
- Providing services or accounts on University computers or via University networks to other users from a personal computer
- Registering a Cal Poly address with any other domain name

5. Academic Honesty

The University will not tolerate academic cheating or plagiarism in any form. Users of information technology resources are expected to uphold the highest academic standards in accordance with the [Campus Code of Conduct](#) and other University policies.

6. Commercial Use

Use of the University's information technology resources is strictly prohibited for unauthorized commercial activities, personal gain, and private, or otherwise unrelated to the University, business or fundraising. This includes soliciting, promoting, selling, marketing or advertising products or services, or reselling University resources.

Campus auxiliary organizations are authorized to provide services and products to students, faculty and staff, and invited guests of the University through operating and service support leases. The University President may authorize additional limited commercial uses under separate policy provisions. Such uses are excepted from the above prohibition. See the accompanying guidelines for further clarification on exceptions.

7. Political Advocacy

It is generally inappropriate for individual employees to use information technology resources to engage in political advocacy in election campaigns. State law generally prohibits the use of public funds for this purpose and Government Code Section 8314 makes it illegal for any state employee or consultant to use or permit others to use state resources for any campaign activity not authorized by law. In addition, use of electronic communications for political purposes may give the appearance of impropriety, resulting in negative public relations or other consequences for the University.

An employee can be held personally liable for intentionally or negligently violating Section 8314 for up to $1,000 per day the violation occurs plus three times the value of the unlawful use of state resources. Due to the personal nature of this activity, the State would not indemnify or defend the employee if an action was pursued against them for violating this statute.
The courts have yet to address the specific issue of whether an individual's use of state supported e-mail for political purposes violates the law. While the University may choose not to be involved in deciding whether a personal communication violates this provision, other policy provisions may apply and an employee may still be subject to personal liability under the law. Employees should exercise appropriate caution prior to engaging in such activities.

8. Harassment

Harassment of others via electronic methods is prohibited under California State Penal Code Section 653m and other applicable laws and University policies. It is a violation of this policy to use electronic means to harass, threaten, or otherwise cause harm to a specific individual(s), whether by direct or indirect reference. It may be a violation of this policy to use electronic means to harass or threaten groups of individuals by creating a hostile environment.

9. Copyright and Fair Use

Federal copyright law applies to all forms of information, including electronic communications. Violations of copyright laws include, but are not limited to, making unauthorized copies of any copyrighted material (including software, text, images, audio, and video), and displaying or distributing copyrighted materials over computer networks without the author's permission except as provided in limited form by copyright fair use restrictions. The "fair use" provision of the copyright law allows for limited reproduction and distribution of published works without permission for such purposes as criticism, news reporting, teaching (including multiple copies for classroom use), scholarship, or research.

10. Trademarks and Patents

Unauthorized use of trade secrets and trademarked names or symbols, including Cal Poly's, is prohibited. Where University resources are used, the University retains ownership of all faculty, staff and student inventions and other intellectual property that may be patented, copyrighted, trademarked or licensed for commercial purposes. Assignment of equity interest in the net proceeds from such creations will follow the guidelines established by Cal Poly's Intellectual Property Rights Policy.

11. Electronic Communications

University electronic communications are to be used to enhance and facilitate teaching, learning, scholarly research, support academic experiences, to facilitate the effective business and administrative processes of the University, and to foster effective communications within the academic community.

The following activities and behaviors are prohibited on University or privately-owned equipment or networks operated on University resources:

- Altering electronic communications to hide one's identity or to impersonate another individual. All e-mail, news posts, chat sessions, or any other form of electronic communication must contain the sender's real name and/or user id.
- Initiating or forwarding electronic "chain letters"
- "Mail bombing"
- Sending unsolicited commercial advertisements or solicitations
• Operating unofficial e-mail reflectors
• Sending messages to large numbers of users except as defined (see Large Mailings and Broadcast Messages)
• Use of system aliases by non-authorized personnel
• Use of official aliases to broadcast unofficial and/or unauthorized messages

Cal Poly reserves the right to send electronic communications, including large group or broadcast messages, to its own users. Such official messages are permitted only if sent via authorized distribution methods to reduce the system load and should conform to the guidelines for Large Mailings and Broadcast Messages.

The University reserves the right to perform broadcast messages related to emergencies and University physical plant conditions or activities for which urgent notice is required and that will potentially affect most of the recipients. The University reserves the right to limit the size of individual messages being transmitted through University resources.

12. Web Sites

An official Cal Poly web page is one which is formally acknowledged by the chief officer of a University department or division as representing that entity accurately and in a manner consistent with Cal Poly's mission. Without such acknowledgment, a web site, regardless of content, is not "official." Official pages are the property and responsibility of the divisions that create them.

"Unofficial" information may also be posted and maintained by individual students, faculty, staff and student organizations. Cal Poly does not undertake to edit, screen, monitor, or censor information posted by unofficial authors, whether or not originated by unofficial authors or third parties, and does not accept any responsibility or liability for such information even when it is conveyed through University-owned servers.

Both official and unofficial web sites are subject to the other provisions of this policy if they use University resources such as the Cal Poly network to transmit and receive information.

F. Consequences of Non-Compliance

1. University Informal

Minor infractions of this policy, when accidental, such as consuming excessive resources or overloading computer systems, are generally resolved informally by the unit administering the accounts or network. This may be done through e-mail or in-person discussion and education.

2. University Formal

Serious incidents of non-compliance may lead to University disciplinary action under CSU and University disciplinary policies and procedures, private civil action, and/or criminal charges. Serious incidents of non-compliance include but are not limited to unauthorized use of computer resources, attempts to steal passwords or data, unauthorized use or copying of licensed software, repeated harassment, or threatening behavior.
Offenders may be referred to the/their sponsoring advisor, department, employer, or other appropriate University office for further action. If the individual is a student, the matter may be referred to the Office of Campus Student Relations and Judicial Affairs. If the offender is a member of the staff or faculty, the matter may be referred to Human Resources and Employment Equity or Faculty Affairs.

3. Civil and Criminal

In addition to the above, inappropriate use of information technology resources may result in personal criminal, civil and other administrative liability.

G. Reporting Irresponsible or Inappropriate Use

Suspected violations of this policy involving campuswide shared information technology resources, potentially bearing external or legal consequences for the University, or originating from an outside source, should be reported to Information Technology Services at complaints@calpoly.edu.

Information Technology Services will advise the user on what if any action to take, act directly when appropriate, and/or refer the violation to other offices for further action. They will also assist other offices with investigations of suspected policy violations when appropriate. Information Technology Services may also be contacted to report violations when the complainant is unable, or it is not desirable, to do so through other channels.

Suspected violations occurring on external or departmental systems should be reported to the administrator responsible for the system or network involved for further action. A copy should be sent to complaints@calpoly.edu for tracking purposes.

There might be situations when the following additional offices/officials should be notified of a violation of this policy:

- **Supervisors - Human Resources and Employment Equity - Faculty Affairs** - If the violation occurs in the course of employment with the University

- **Office of Academic Records** - If the violation involves inappropriate use of Cal Poly student information. The registrar is responsible for investigating reports of FERPA violations and maintaining records for the Department of Education.

- **Information Security Officer - System Security Chairs** – If the violation involves inappropriate access to or use of University data

- **Cal Poly Public Safety** - If an individual's health and safety appears to be in jeopardy or a violation of law may be involved

System and network administrators, supervisors or offices that receive a complaint and are presented with evidence that a possible violation of the policy has occurred, should follow the accompanying guidelines and procedures.
H. Policy Review and Practices Oversight

The Vice Provost for Information Technology/Chief Information Officer is responsible for application and enforcement of this policy. The Responsible Use Policy Sub-Committee of the Information Resources Management Policy and Planning Committee (IRMPPC) shall review this policy on an annual basis, make recommendations for any changes, and provide oversight and periodic review of the practices used to implement this policy. Recommended changes shall be reviewed and approved by the Vice Provost for Information Technology/Chief Information Officer in consultation with the IRMPPC.

I. Glossary and Definition of Terms

In progress – Link to separate documents

J. Specific Examples of Responsible and Irresponsible Uses

In progress – Link to separate documents

K. References and Works Cited

In progress – Link to separate documents
RESOLUTION ON THE APPROVAL OF A POLICY FOR THE USE OF HUMAN SUBJECTS IN RESEARCH AT CAL POLY

Background Statement: The Human Subjects Committee was established at Cal Poly to review proposals for research involving human subjects. The committee has been charged with the evaluation of research only in terms of its compliance with ethical standards regarding the treatment of human subjects in research. On October 2, 1996, The Human Subjects Committee forwarded its Policy for the Use of Human Subjects in Research to Provost Zingg. This document confirms Cal Poly's commitment to the protection of human subjects in research. The Research and Professional Development Committee was asked by the Academic Senate to review the Policy for the Use of Human Subjects in Research and to respond to the Senate in the form of a resolution.

WHEREAS, Cal Poly is committed to the protection of human subjects in research; and

WHEREAS, The Cal Poly Strategic Plan outlines a greater emphasis on research and other scholarly activities by faculty in the future; and

WHEREAS, The Human Subjects Committee has developed a policy statement outlining Cal Poly’s role in insuring that the treatment of human subjects in research is fully compliant with regard to necessary legal and ethical standards of practice; and

WHEREAS, The Research and Professional Development Committee has reviewed this policy and feels that it is an appropriate statement of policy for Cal Poly; therefore be it

RESOLVED, That the Academic Senate approve the Policy for the Use of Human Subjects in Research, and recommend that this policy be formally implemented at Cal Poly.

Proposed by: Research and Professional Development Committee
Date: March 28, 2000
POLICY FOR THE USE OF HUMAN SUBJECTS IN RESEARCH  
California Polytechnic State University,  
San Luis Obispo

Introduction
Cal Poly, San Luis Obispo is committed to the protection of human subjects in research. To assist with this goal, the University has designated a Human Subjects Committee (also called Institutional Review Board, or IRB) to review proposals for research involving human subjects. The Committee evaluates the research only in terms of its compliance with ethical standards regarding the treatment of subjects. While individual researchers are ultimately responsible for their practices, the Committee’s review is designed to provide objective input as an additional protection for the subjects. In addition, the independent review by the Committee is of benefit to those who could be held accountable for the research practices – the researchers and the University.

Applicability of this Policy
All institutions at which research involving human subjects is carried out are required by law to have an institutional review board (IRB) to oversee those projects when the research is supported by a federal agency. Even if the research is not federally funded, however, it is Cal Poly’s policy that a review for compliance with ethical guidelines be completed on all research involving human subjects conducted at Cal Poly. Similarly, reviews must be done of all off-campus research on human subjects carried out by Cal Poly faculty, staff, and students when they are conducting the research as an aspect of their roles as faculty, staff, or students of the University. The Committee is not responsible for reviewing research on human subjects that is conducted by a University employee or student as a function of their independent consulting work or their work with another institution.

In accordance with federal guidelines for the protection of human subjects, research involving human subjects is defined as any systematic investigation of living human subjects that is designed to develop or contribute to generalizable knowledge. Human subjects research which requires review by the Committee includes faculty research, master’s theses, and senior projects as well as research conducted on campus by parties not directly affiliated with the University. While the ethical principles for research are often applicable to classroom activities, demonstrations, and assignments, the Human Subjects Committee does not review classroom activities unless data will be collected and used in a systematic investigation.

Committee Composition
The Human Subjects Committee members and chair are appointed by the Dean of Research and Graduate Programs. The members will include representatives from a range of campus departments involved in human subjects research. Consistent with federal guidelines for IRB membership, the Committee will also include at least one member not affiliated with the University (and having no close relatives affiliated with the University), at least one non-scientist, and individuals of various races, cultural backgrounds, and genders. A list of current Committee members is available from the Dean’s Office (Bldg. 38, Rm. 155; ext.
Nonmembers may be consulted if additional expertise is deemed useful in evaluating a research proposal; however, nonmembers will not have a vote regarding the approval of the project. Committee members are responsible for removing themselves from reviews of projects for which they may have a conflict of interest (e.g., when he or she is an investigator or advisor for the research).

Types of Human Subjects Review

Some forms of research are considered exempt from review, others may be given an expedited review, and the remainder are subject to full review. Even when a project falls into one of the categories for exempt status (listed below), researchers are still expected to submit an approval form and a brief research protocol for confirmation of the exempt status to the Dean of Research and Graduate Programs (Bldg. 38, Rm. 155) or the Human Subjects Committee Chair. Confirmation of exempt status should be received by the researcher prior to initiating the research. The following categories are typically considered exempt from review:

(a) Research conducted in educational settings involving normal educational practices, such as research on instructional strategies, curricula, or classroom management methods;

(b) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey or interview procedures, or observation of public behavior, provided (1) information is recorded in such a way that human subjects cannot be identified, directly or through identifiers, (2) any disclosure of the subjects' responses outside the research could not place the subject at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation, and (3) the topic of the research does not involve a very sensitive or emotional issue (e.g., personal experience with family violence, HIV, or sexual assault).

Research involving educational tests, survey or interview procedures, or observation of public behavior may be considered exempt even if the provisions (1) through (3) listed above have not all been met if the subjects are elected or appointed officials or candidates for public office, or if federal statutes require without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter;

(c) Research involving the study of existing data, documents, records, or pathological or diagnostic specimens, if these sources are publicly available or the information is recorded in such a way that subjects cannot be identified directly or through identifiers;

(d) Research and demonstration projects designed to study public benefit or service programs or changes or alternatives to those programs; and

(e) Taste and food quality evaluation and consumer acceptance studies, provided wholesome foods are consumed that have no additives or include a food ingredient, agricultural chemical, or environmental contaminant at or below the level and for a use found to be safe by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.
Research proposals may be given an expedited review if the procedures used involve no more than minimal risk. Minimal risk is involved when the probability and magnitude of anticipated harm or discomfort are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests. Examples of research classified as minimal risk in the federal guidelines include: voice recordings of speech defects, moderate exercise by healthy volunteers, research on individual or group behavior or characteristics in which stress to subjects is not involved and the researcher does not manipulate subjects' behavior, and noninvasive procedures such as weighing and testing of sensory acuity.

An expedited review will be conducted by a subcommittee of the full Human Subjects Committee. The subcommittee for each expedited review will typically consist of the Human Subjects Committee Chair, one Committee member with expertise related to the proposed research topic, and one member whose area of expertise is in a discipline other than that of the researchers. Research projects involving greater than minimal risk to subjects (e.g., studies on the effects of stimulus deprivation, experimental drugs, or physical activities with significant risk of serious injury) will be subject to a full review by the Human Subjects Committee as a whole.

The Review Process

The first step a researcher should take to request approval for a research project with human subjects is to obtain and carefully read copies of the Human Subjects Committee's submission materials, which include: (a) an approval form, (b) a research protocol, (c) a sample consent form protocol, and (d) the Cal Poly Policy for the Use of Human Subjects in Research. The submission procedures, which are outlined in detail below, are slightly different for projects considered exempt from further review, than for those classified as needing an expedited or a full review. Researchers who are uncertain as to whether their project would be categorized as exempt, as opposed to needing either an expedited or a full review, should feel free to consult with the Chair of the Human Subjects Committee or the Dean of Research and Graduate Programs prior to submitting the research proposal.

In fact, consultations with the HSC Chair or the Dean are encouraged for clarification of any aspect of the review process, both prior to initiating a review and during the review. Advance consultations can often reduce the amount of time needed for the researcher to prepare the submission materials as well as the time for a proposal to receive approval. HSC submission materials are available both from the office of the Dean of Research and Graduate Programs (Bldg. 38, Rm. 155; 756-1508) and from the Chair of the Human Subjects Committee. The name and location of the current HSC Chair can be obtained from the Dean's office.

Proposals for human subjects research that the researcher believes are exempt from further review should be submitted to either the Dean of Research and Graduate Programs or the Chair of the Human Subjects Committee. Please note that the HSC Chair will typically not be available to review projects during academic breaks and summer quarter; at those times, researchers should submit proposals to the Dean. Only one copy of the HSC approval form and a brief research protocol (including informed consent materials) need to be submitted if you are applying for exempt status as typically only the Dean or the HSC Chair will need to review the
Researchers should generally allow one week to receive confirmation of exempt status, although feedback can often be provided within a shorter amount of time if needed and requested.

During the academic year, proposals for which the researcher anticipates an expedited or a full review should be submitted directly to the HSC Chair. As noted above, the name and location of the current Chair are available from the office of the Dean of Research and Graduate Programs in Bldg. 38, Rm. 155 or at 756-1508. During quarter breaks and summer quarter, submissions should be made to the Dean’s office. The submission for an expedited or full review should include three copies of a fully completed HSC approval form and three copies of a research protocol, including an informed consent form. Every attempt will be made to provide feedback to the researchers as soon as possible but typically not later than two to three weeks following receipt of the submission for expedited reviews. Full reviews may require additional time to provide the researcher with a response from the Committee. Researchers should not expect to have proposals reviewed by the HSC during finals week, holidays, or quarter breaks. Subject recruitment and data collection should not be initiated prior to obtaining approval from the Human Subjects Committee. The Committee reserves the option of withdrawing approval of a project if circumstances warrant, for example, if the research procedures are found to produce greater risk of harm than previously anticipated. The researcher must promptly report to the HSC Chair or the Dean of Research and Graduate Programs any alterations in their materials or procedures not addressed in their initial submission materials as well as any unforeseen problems or complaints regarding the research project.

Following the review of the researcher’s materials, the Committee may approve the project, deny approval, or request specific clarifications or changes in order for the project to fully comply with ethical guidelines. If clarifications or changes have been recommended, once the Committee receives written verification from the researcher that the clarifications or changes have been made, approval will be granted. Proposals may only be denied by a majority vote of a quorum of the full Committee. (A quorum is defined as a majority of the total membership.) More specifically, if an expedited review committee does not approve a project, the researcher will be notified, and, unless the researcher chooses to withdraw the proposal, it will then be reviewed and voted on by the full committee. A researcher is welcome to submit additional information to clarify the planned research practices at any point during the review process and may request to meet with the HSC Chair, the Dean, or the Committee to discuss the decision on the research proposal.

Overview of the Ethical Principles

Cal Poly’s ethical guidelines for the use of human subjects in research are based on the principles and procedures outlined in the Federal Policy for the Protection of Human Subjects (Federal Register, June 16, 1991) and the Office for Protection from Research Risks (OPRR) Institutional Review Board (IRB) Guidebook. The OPRR IRB Guidebook provides a detailed interpretation and discussion of the Federal Policy guidelines. The Federal Policy provides a common policy to be implemented across a broad spectrum of federal agencies including the National Aeronautics and Space Administration, the Environmental Protection
Agency, the Consumer Product Safety Commission, the National Science Foundation, and the Departments of Agriculture, Energy, Education, Justice, Defense, Housing and Urban Development, and Health and Human Services. Cal Poly's policy is similarly intended to apply to the range of disciplines represented on campus while at the same time acknowledging the value of the ethical guidelines of individual disciplines' professional associations (e.g., the American Medical Association, the American Psychological Association, the American College of Sports Medicine, the American Association on Mental Deficiencies). Should a specific circumstance not be fully addressed by the Cal Poly policy, the Federal Policy and the OPRR IRB Guidebook will provide the guidelines for the Committee's decision-making. The Federal Policy will be the primary reference for the review of federally funded research.

The Federal Policy and Cal Poly's guidelines draw heavily on the three basic ethical principles laid out in the Belmont Report, a 1979 report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. These three basic principles are: respect for persons, beneficence, and justice. Respect for persons entails treating individuals as autonomous agents who enter into research voluntarily and with adequate information (i.e., informed consent). Those with diminished autonomy, such as children, prisoners, and individuals who are in some way incapacitated, have a right to be protected. The second basic principle, beneficence, refers to the obligation to secure the well-being of research subjects. Possible benefits should be maximized, while possible harms should be minimized. The final principle explicated in the Belmont Report is that of justice. Justice implies that both risks and benefits of research should be distributed equally across various groups. For example, the burden of serving in research should not largely fall on certain groups such as the poor or the imprisoned, while others primarily benefit from the knowledge gained from the research.

Copies of the Belmont Report, the Federal Policy, and the OPRR IRB Guidebook are available in the office of the Dean of Research and Graduate Programs (Bldg. 38, Rm. 155; 756-1508).

Specific Ethical Criteria

Consistent with the principles outlined in the Belmont Report, the Federal Policy, and the OPRR IRB Guidebook, the following criteria will be used to evaluate research proposals at Cal Poly:

1. Risks to subjects are minimized. Exposure of subjects to unnecessary risks is avoided, and precautions, safeguards, and alternatives are utilized to reduce the probability of harm and limit its severity or duration. An example of an appropriate safeguard is the presence of medically trained personnel during the administration of physical endurance tests. While a degree of risk may be unavoidable in some research, the risks that are present must be reasonable in relation to anticipated benefits of the research, including possible direct benefits to the subjects and the general benefits of the knowledge that may be gained from the research. An adequate research design is implemented to ensure that the results will be meaningful and, therefore, of potential benefit to increasing knowledge. Regarding studies of the direct benefit to subjects of an intervention or treatment method, investigators should offer the treatment or intervention to
members of control groups if and when it has been found to produce beneficial results. Similarly, members of groups receiving alternative treatments that are determined to be less effective should be offered the more beneficial treatment as well.

The risks that must be identified and addressed include: (a) physical harm (e.g., pain, discomfort, injury, side-effects of drugs, dizziness), (b) psychological harm (e.g., stress, guilt, depression, loss of self-esteem, confusion, embarrassment), (c) social harm (e.g., the possible stigmatizing effects of diagnostic labels such as "delinquent" or "schizophrenic"), and (d) economic harm (e.g., threats to employment if a subject's involvement in research on HIV carriers or alcohol abusers were revealed). An additional risk involving social, economic, and/or psychological harm could result from having subjects reveal illegal activities. Some of the social and economic risks may be adequately addressed by appropriate procedures for maintaining confidentiality or anonymity. When relevant, referrals for assistance (e.g., counseling or medical treatment) or other appropriate efforts must be made to attempt to ameliorate any type of harm or distress that might be brought on, even in part, by the research.

(2) Selection of subjects is equitable considering the purpose of the research and the special needs of vulnerable populations. Equitable selection is intended to ensure that the burdens and benefits of research are fairly distributed. Researchers should exercise caution regarding the use of certain groups of subjects who are easily available, in a compromised position, or susceptible to manipulation. Voluntariness of participation could be diminished for prisoners or for students, patients, or employees of researchers, given that there may be an implied, if not overt, indication that grades, employment status, or treatment may be dependent on the individuals' willingness to participate in research. On the other hand, competent adults should not be overprotected and, thereby, excluded from research in which they might wish to participate. Thus, it should be especially clear in research proposals involving easily available subjects or those in a potentially compromised position, that appropriate measures are taken to ensure that their participation is not coerced in any direct or indirect manner. For example, if students constitute the subject pool, extra credit should only be offered for participation in research if at least one other equally attractive option for obtaining extra credit is also offered. Participation as a subject of research may not be a course requirement. In addition, while incentives for participation such as a few extra credit points or small monetary payments are generally allowable with appropriate informed consent, very large inducements may be inappropriate as they could be coercive, blinding prospective subjects to potential risks and reducing the voluntariness of their participation.

In studies of interventions for diseases or disorders to which women, minorities, or other specific groups might be susceptible, it is especially important that they not be underrepresented as subjects. In other situations, however, researchers may need to take steps (e.g., screening interviews or questionnaires) to exclude certain groups of potential subjects if those individuals might be particularly vulnerable to the procedures implemented (e.g., pregnant women in studies of the effects of drugs or individuals with
anorexic tendencies in weight loss studies). In the case of studies involving physical exercise, researchers should follow the health screening procedures and other recommendations provided in the current edition of Guidelines for Exercise Testing and Prescription by the American College of Sports Medicine. It is recognized that some studies obviously require selecting prospective subjects only from specific groups that are relevant to the purpose of the study (e.g., children with learning disabilities in a study of the effectiveness of an educational intervention for such children).

(3) **Informed consent** is sought from every prospective subject or the prospective subject's legally authorized representative.

A legally authorized representative (e.g., a parent or guardian) must provide consent for children under the age of 18 or for individuals with diminished capacity to give their own consent (e.g., developmentally delayed adults). Informed consent should ensure that potential subjects or their legally authorized representatives understand the nature of the study and can knowledgeable and voluntarily decide whether or not to participate. Informed consent may not contain exculpatory language that attempts to waive the subject's or representative's legal rights or to release the investigator, research sponsor, or the institution from liability for negligence.

Section .116 of the Federal Policy lists the basic elements that must be included in each informed consent statement. These basic elements are concisely listed in the Guidelines for Human Subjects Research Protocols. Section .116 also contains additional elements that may be appropriate to include in informed consent statements in some studies, as well as a brief discussion of exceptions to the need to obtain informed consent or to include all of the basic elements of consent (e.g., a full disclosure of the nature and purpose of the study). Full disclosure of the purpose of the study is not required at the onset of the subject's participation in studies with no more than minimal risk if complete disclosure would render the findings of the research invalid. For example, a researcher could justifiably fail to inform subjects that their attention span will be assessed as a function of the type of background music being played, given that that information could itself produce changes in the subjects' behavior (e.g., greater attempts to focus their attention in spite of distracting music). Deception (e.g., telling students their problem-solving ability will be tested when, in fact, they are being observed regarding their competitiveness) is similarly allowable in research of no more than minimal risk when the deception is methodologically necessary to test the desired hypotheses. In cases of deception or a lack of full disclosure, subjects must be subsequently debriefed regarding this information. An example of an allowable exception to the need to obtain informed consent is research involving only nonintrusive naturalistic observations of public behavior in which data are recorded in such a way that observed individuals cannot be identified.

The informed consent should generally be documented in a written and signed consent form containing the appropriate elements of informed consent. Each potential subject or legal representative should be given adequate time to read the consent form before being asked to sign it. **The consent form should be written in language easily understandable to the prospective subject or legal**
representative. This implies that consent forms should be available in an appropriate language other than English for prospective subjects or legal representatives not fluent in English. It also implies that technical jargon, which may be familiar to the researcher but not necessarily to others, should be avoided or explained in the consent form. A signed consent form may be waived if (a) the only record linking the subject and the data would be the consent form and the principal risk to the subject would be harm that could result from a breach of confidentiality, and (b) no more than minimal risk is involved and the study involves no procedures for which written consent is normally required outside of the research context.

(4) When appropriate, plans are included for adequately monitoring the data to ensure the safety of the subjects. Researchers are required to monitor their procedures carefully throughout the data collection process to reevaluate the risks to human subjects. If the risks are determined to be greater than initially predicted (e.g., an exercise protocol results in dangerous increases in heart rate), the Human Subjects Committee Chair or the Dean of Research and Graduate Programs should immediately be notified and prompt, appropriate steps should be taken to reduce the risks, obtain additional informed consent, and/or discontinue the procedures.

(5) The privacy of subjects and confidentiality of data are adequately protected. Privacy refers to the subject's right to have control over the extent, timing, and circumstances of sharing him- or herself with others. Privacy is typically protected by informed consent which ensures that subjects have voluntarily agreed to share themselves with others. More complex privacy issues are involved in studies that use private records (such as medical records) to identify prospective subjects and in some observational studies (e.g., those in "quasi-public" places such as hospital emergency rooms). Individuals conducting research of this nature should consult the discussion of such privacy issues in Part 3 of Chapter 3 in the OPRR IRB Guidebook, available in the Dean's Office (Bldg. 38, Rm. 155; 756-508).

Maintaining confidentiality requires that researchers take steps to ensure that the information revealed by the subject is not divulged to others without the subject's permission. Information is regarded as confidential when the researcher could identify which data are associated with an individual subject but agrees not to reveal this information to others. Appropriate measures to achieve confidentiality include removing face sheets containing identifying information from questionnaires, substituting code numbers for names or other identifiers, limiting the number of individuals with access to data containing identifiers, and storing data in locked cabinets. If codes are used and a list matching the codes with the identity of the subjects is maintained, the list must be kept in a secure location separate from the data. Anonymity of subjects' responses is the most certain method of ensuring that the identity of a subject will not be associated with his or her data. When data are collected anonymously, even the researchers have no means by which they could identify which data belong to which subjects.
(6) Additional safeguards have been implemented to protect the rights and welfare of special classes of subjects, particularly subjects who might be vulnerable to undue influence or coercion (e.g., children, prisoners, mentally disabled persons, economically or educationally disadvantaged persons). One safeguard applicable to children and mentally disabled persons is the requirement of obtaining the informed consent of a legal representative of the prospective subject. The legal representative must be a competent adult whose primary concern in the research situation is the best interests of the prospective subject who is the representative's ward. Even when a legal representative gives informed consent for a ward to take part in a research project, the individual subject/ward must still give assent, or agreement, to participate as well.

When applicable, researchers should consult Chapter 6 of the OPRR IRB Guidebook for specific considerations regarding studies of the following groups: fetuses, pregnant women, children and minors, cognitively impaired persons, prisoners, traumatized and comatose patients, terminally ill patients, elderly/aged persons, minorities, students, employees, and individuals in countries other than the United States.

(7) Adequate debriefing of subjects regarding the purpose of the study and any deception involved in the procedures is included. Subjects are offered a method of obtaining a summary of the research findings when available. For example, all subjects may be given a copy of the informed consent form which includes the name, business phone number, and business address of the researcher or advisor for the project and an invitation for interested subjects to contact that individual when it is expected that the results will be available. Alternatively, a summary of the results might be posted in a location accessible to the subjects, such as an information bulletin board in a gym at which athletes had participated in research on an exercise program. Such summaries, as well as other reports of findings, should, of course, refer to no subjects by name or other information that would indicate individuals' identities.
Background: The office of Academic Senate Chair is elected annually with the average length of service being two years. Since each new Chair comes to the position untrained and unsuspecting, this resolution recommends the election of officers take place in winter quarter so spring quarter can be used as a period of orientation to the duties, responsibilities, and requirements of the position before officially taking office. Therefore, be it

RESOLVED: That Articles III.B and IV.C of the Bylaws of the Academic Senate be modified as follows:

III. ELECTION PROCEDURES

Elections shall be held for membership to the Academic Senate, Senate offices, statewide Academic Senate, Grants Review Committee, appropriate recall elections for the preceding as per Section IX of these Bylaws, and ad hoc committees created to search for such university positions as president, provost, vice presidents, college deans, and similar type administrative positions.

B. ELECTION CALENDAR

1. At the first January meeting of the Senate, impending vacancies in the following memberships shall be announced: (a) campus Academic Senate (according to the filled full time equivalent faculty positions for the previous fall quarter as determined by the university Human Resources office), (b) statewide Academic Senate, and (3) Grants Review Committee. At the same time, each caucus chair shall be notified in writing of its vacancies.

2. By Friday of the following week, each caucus chair shall notify the Senate office, in writing, of any discrepancies in the number of vacancies in its constituency.

31. During the third first week of January, the Academic Senate office shall solicit nominations for the impending to fill vacancies for the next academic year. At the same time, each caucus chair shall be notified in writing of such vacancies. By Friday of the following week, each caucus chair shall notify the Senate office, in writing, of any discrepancies in the number of vacancies in its constituency. Accepted nominations shall include a signed statement of intent to serve from the
candidate. Eligibility to serve shall be determined for each college and Professional Consultative Services.

4.2. At the first Senate meeting in February, the names of all nominees, the dates of the elections (including a runoff, if necessary), and the time and place at which ballots will be counted shall be reported.

5.3. Concurrently, elections shall be conducted during the last week of January. Any runoff elections, if needed, shall be conducted during the following week.

7. Election of Senate officers:
(a) at the April prior to the last Senate meeting of the Senate winter quarter, eligible nominees of the Senate shall be solicited for the offices of chair, vice chair, and secretary of the Senate.
(b) a petition of nomination signed by three senators which includes a consent to serve statement signed by the nominee shall be received by the Senate office. Such petitions shall be due at the Senate office one week before prior to the May last Senate meeting of the Senate winter quarter. The names of the eligible nominees shall be announced in the agenda for the May at the last Senate meeting of the Senate winter quarter.
(c) nominations for other eligible candidates will be received from the floor of the Senate provided that (1) at least two senators second the nominations, and (2) the nominee is present and agrees to serve if elected.
(d) the vice chair of the Senate shall conduct the election of Senate officers at the regular May last Senate meeting of the Senate winter quarter. Officers shall be elected one at a time: first the chair, then the vice chair, and finally the secretary.
(e) in the event of a vacancy in the offices of the Senate, an election will be conducted at the next meeting of the Senate to fill the unexpired term. Nominations shall be made from the floor of the Senate in compliance with subsection (c) above.

IV. OFFICERS

C. TERMS OF OFFICE
Each officer shall be elected by the voting members of the Senate for a one-year term. These elections shall be held in May at the last Senate meeting of winter quarter and terms of office shall begin with the start of summer quarter. The only limitations to the number of terms that a senator may hold office are the eligibility requirements in Article II.A of these Bylaws and the terms of office restrictions in Article II.B of these Bylaws.

Proposed by: Academic Senate Executive Committee
Date: March 28, 2000
RESOLUTION ON BYLAWS CHANGE:
DESIGNATION OF ACADEMIC SENATE COMMITTEES

Background: The Bylaws of the Academic Senate make a distinction between General Standing Committees and Special Standing Committees. This distinction was originally intended to designate which committee chairs would be appointed by the Academic Senate Executive Committee and which committee chairs would be elected by their membership. This designation has proved to be both confusing and unnecessary, and accordingly, this resolution recommends that such identification be eliminated. Therefore, be it

RESOLVED: That Article VIII.C of the Bylaws of the Academic Senate be modified as follows:

A. COMMITTEE CHAIRS
The Academic Senate Executive Committee may choose to appoint the chairs of the General Standing Committees. The chairs of these committees shall be voting members and may be chosen from within or outside the committee. If the chair is chosen from outside the committee, the fact that one college may have two votes will be taken into account by the Academic Senate when it acts on the recommendation of the standing committee. Committee chair appointments will be submitted to each committee for its approval. The chairs of the Special Standing Committees shall be elected annually. If the committee chair is not appointed by the Executive Committee, then the chair of the committee shall be elected by a majority vote of the eligible voters on the committee. Committee chairs shall be appointed by the Executive Committee or elected by the committee's membership annually.

The chair need not be an academic senator. The chair shall be responsible for reporting committee activities to the Academic Senate. The chair shall notify the chair of the college caucus whenever a member has not attended two consecutive meetings. Committee chairs shall meet with the chair of the Academic Senate at least annually.

Proposed by: The Academic Senate Executive Committee
Date: March 28, 2000
Background: In order to continually provide new perspective on the Academic Senate and its committees, membership to these bodies have term limits placed on them. In order to provide the same benefit to Academic Senate committee leadership, this resolution recommends that an individual serve no more than six years as chair of an Academic Senate committee. Therefore, be it

RESOLVED: That Section VIII.C of the Bylaws of the Academic Senate be modified as follows:

Committee Chairs
The Academic Senate Executive Committee shall appoint the chairs of the General Standing Committees. The chairs of these committees shall be voting members and may be chosen from within or outside the committee. If the chair is chosen from outside the committee, the fact that one college may have two votes will be taken into account by the Academic Senate when it acts on the recommendation of its standing committee. Committee chair appointments will be submitted to each committee for its approval. The chairs of the Special Standing Committees shall be elected annually by a majority vote of the eligible voters on the committee. Committee chairs can serve a maximum of six consecutive years.

Proposed by: Academic Senate Executive Committee
Date: March 28, 2000