Meeting of the Academic Senate  
Tuesday, April 8, 1997  
UU220, 3-5:00pm

I. Minutes:

II. Communication(s) and Announcement(s):

III. Reports:
A. Academic Senate Chair:
B. President’s Office:
C. Provost’s Office:
D. Statewide Senators:
E. CFA Campus President:
F. Staff Council representative:
G. ASI representatives:
H. IACC representative:
I. Athletics Governing Board representative:
J. Other:
K. Hiram Davis - report on Library

IV. Consent Agenda:

V. Business Item(s):
A. Resolution on Credit/No Credit Grading: Keesey, chair of the Curriculum Committee, first reading (pp. 2-3).
B. Resolution on the Restructuring of the Academic Senate Library Committee: Greenwald, facilitator for the Library Ad Hoc Committee, first reading (p. 4).
C. Resolution on Censure of Administration: Devore, academic senator, first reading (p. 5).
D. Resolution on Campus Policy on Rights to Intellectual Property Created by Faculty, Students, and Staff: Walch, Chair of the Intellectual Property Rights Committee, first reading (pp. 6-18).

VI. Discussion Item(s):
The Cal Poly Plan: continuing discussion.

VII. Adjournment:
Adopted:

ACADEMIC SENATE
OF
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, California

AS- 97/
RESOLUTION ON
CREDIT/NO CREDIT GRADING

WHEREAS, The number of courses a student may elect to take CR/NC should be kept to a minimum; and

WHEREAS, Students should have the option of taking a limited number of courses CR/NC; and

WHEREAS, Some balance must be found between limiting the number of courses that may be taken CR/NC and allowing students to enroll in a small number of such courses for the reasons outlined above; and

WHEREAS, Some departments (or equivalent unit) may approve of their majors taking a major or support course CR/NC, or a GEB course CR/NC, while some departments would not approve, and individual departments should properly have the right, and be allowed to retain the flexibility, to make this decision; therefore, be it

RESOLVED: That students be permitted to take a maximum of 16 units of courses CR/NC in accord with the following specifications:

* no more than 4 units CR/NC in major or support courses, subject to approval by the student’s major department or equivalent unit;

* no more than 4 units CR/NC in GEB courses, subject to approval by the student’s major department or equivalent unit;

* no more than 8 units CR/NC in free electives, where applicable, and/or in extra units beyond the degree requirements.

Rationale: The number of courses a student may elect to take CR/NC should be kept to a minimum, for reasons that include the following: It is generally recognized, as evidenced in testimony from recipients of Cal Poly’s Distinguished Teaching Award (e.g., memo from Dr. Snetsinger dated 10 Nov. 1996), that students who enroll in a course CR/NC often do not take such courses as seriously as their graded courses, working toward a lower standard and consequently learning less in CR/NC courses; as Drs. Greenwald and Hampsey have stated, "Those involved in teaching GEB courses have complained that the students who take GEB classes CR/NC are often working for a C-. The data from Tom Zuur supports this contention. There were 40 percent more A's and B's among all students than among CR/NC
Resolution on CR/NC Grading

students. There were 40 percent fewer D's and F's among all students than among [CR/NC] students. The result is a pronounced downward shift of grades among CR/NC classes" (memo dated 10 Oct. 1996);

Senate Resolution AS-464-96 abolishing the option of taking GEB classes CR/NC was passed in a near-unanimous vote by the Academic Senate in Spring 1996 and approved by President Baker in Fall 1996;

Students at Cal Poly cannot elect to take major or support courses CR/NC because these courses are considered vital to their education, and GEB courses cannot be taken CR/NC because they are considered equally vital to students' education; as President Baker has stated, this resolution "particularly underscores the status of GEB as a partner with the major programs at the University" (memo dated 9 Dec. 1996); as Dr. Zingg has stated, General Education should not be seen as a "second class citizen" in the curriculum (ASI Board of Directors minutes dated 6 Nov. 1996); as Drs. Greenwald and Hampsey have stated, "The implied message that GEB classes are somehow less important is one that teachers of GEB classes find objectionable. If we want to consider Cal Poly a premier institution, then GEB must be taken seriously" (memo dated 10 Oct. 1996);

Prospective employers have been known to disapprove of CR/NC courses on transcripts, which may adversely affect students' ability to obtain jobs;

Graduate school admissions boards have been known to disapprove of CR/NC courses on transcripts, with some graduate schools refusing to accept CR/NC courses for credit, and other schools automatically converting CR's to C's or F's.

Students should have the option of taking a limited number of courses CR/NC, for reasons that include the following: Students may explore unfamiliar areas of the curriculum or enroll in challenging courses without undue risk to their grade point average; President Baker has encouraged the Senate "to protect both the exploratory purpose of CR/NC grading and the principle of curricular choice through free electives" (memo dated 25 Sept. 1996);

Students may take a higher course load during certain quarters in order to move more quickly toward graduation;

Transfer students who have taken some courses CR/NC elsewhere may have an easier time making the transition the Cal Poly and thus move more quickly toward graduation.

Proposed by the Academic Senate Curriculum Committee
February 27, 1997
Background Statement: During the winter of 1996, an Ad Hoc Library Committee was created with the charge to investigate the following questions:

1. Should the Library Committee be a Senate or university-wide committee?
2. What should the membership of the committee be?
3. What should the committee’s responsibilities be?

The following resolution represents the recommendation of the Ad Hoc Library Committee.

WHEREAS: The Library serves the needs of a broad range of groups including faculty, undergraduate students, graduate students, staff, administration, and members of the community; and

WHEREAS, The Library is increasingly involved with and affected by technology; therefore, be it

RESOLVED: That the Bylaws of the Academic Senate be amended as follows:

6. Library Committee
   a. Membership
      The ex officio members of the Library Committee shall be the Dean of Library Services, the Provost or designee and an ASI representative.
   b. Responsibilities
      The Library Committee shall act as a fact-finding body and consult with the Academic Senate, the Library, and the administration on matters dealing with library affairs and policy. The committee shall report to the Academic Senate. The duties of the Library Committee are threefold:
      1. to actively monitor faculty concerns about university library resources, policy, and services;
      2. to work with the dean of the library in developing library policies which meet the needs of faculty, staff, and students; and
      3. to advise and consult with the university administration about: (a) the state of the Library’s resources, services, and policies, and (b) the university’s commitment necessary to assure that the library adequately serves the teaching, research, and public service missions of the university.

Proposed by the Ad Hoc Library Committee
March 20, 1997
WHEREAS, The amount of money provided for PSSI's and salary increases in general has been grossly inadequate relative to the demonstrated accomplishments of the Cal Poly faculty; and

WHEREAS, President Baker, in concert with the Provost and college deans, deviated substantially from the recommendations for awarding PSSI's made by the various college committees and the university-wide committee, thus pounding another stake into the heart of collegiality; and

WHEREAS, Chancellor Munitz and the Board of Trustees seem much more concerned with executive compensation levels than with closing the salary gap between the CSU faculty and faculty teaching at comparable institutions; and

WHEREAS, the university administration seems totally oblivious to the precipitous decline in faculty morale as a result of the foregoing actions and policies; therefore, be it

RESOLVED: That the Cal Poly Academic Senate censure the campus and statewide administrations for their arrogance and blatant lack of concern for faculty welfare, and for their pursuit of policies harmful to the continued excellence of Cal Poly's academic programs.

Proposed by Jay Devore (CSM)
March 4, 1997
WHEREAS, The Academic Senate acknowledges receipt of the campus policy on Rights to Intellectual Property Created by Faculty, Students, and Staff; therefore, be it RESOLVED: That the Academic Senate receive the campus policy on Rights to Intellectual Property Created by Faculty, Students, and Staff; and, be it further RESOLVED: That the campus policy on Rights to Intellectual Property Created by Faculty, Students, and Staff be submitted to the President and Provost for implementation.

Proposed by the Intellectual Property Rights Committee
March 6, 1997
State of California

Memorandum

To: Harvey Greenwald, Chair
Academic Senate

Date: March 6, 1997

From: Paul J. Zingg
Provost and Vice President for Academic Affairs

Copies: Warren J. Baker
David B. Walch

Subject: Draft Campus Policy on Rights to Intellectual Property
Created by Faculty, Students, and Staff

Attached is a memorandum from Dr. David Walch, Chair of the Intellectual Property Rights Committee, transmitting the draft policy on Rights to Intellectual Property Created by Faculty, Students, and Staff. As noted in Dr. Walch’s memorandum, this policy has been in development for the past two years, and is now ready for campus review and consultation.

I would appreciate the Academic Senate’s deliberation on this document during the Spring Quarter. I will also be referring this item to the Academic Deans’ Council and consultation with the faculty at large.

Thank you in advance for reviewing this matter. If you have any questions, please do not hesitate to contact me or Dr. Walch.

Attachment
MEMORANDUM

To: Paul J. Zingg, Provost

From: David B. Walch, Chair
Intellectual Property Rights Committee

Re: Draft -- “Rights To Intellectual Property Created By Faculty, Students, And Staff”

Attached is a draft copy of the policy for “Rights To Intellectual Property Created By Faculty, Students, and Staff.” As you may be aware the development of the proposed policy has been nearly two years in the making. The assignment has proven to be both interesting and challenging. The Committee was initially established by former Vice President for Academic Affairs Robert Koob in early 1995. Since that time the Committee has met on a regular basis to develop the attached draft. The process has included consultation with President Baker as well as a “legal” review from the perspective of Cal Poly’s legal counsel Carlos Cordova.

Members of the Committee have had the opportunity to review and comment on the draft that is attached and have come to agreement on most aspects of the document. I believe it would be accurate to note that there is some concern on issues such as retroactivity and basis of university interest. It was felt however that the draft has reached a point where it would benefit from further dialogue and review from the Dean’s Council, the Academic Senate, and the faculty at large. It is understood that the Dean’s will share the draft policy with their respective faculties and solicit their views as appropriate. Members of the Committee, particularly those representing faculty, felt strongly that the Academic Senate be given the opportunity to review and make recommendations on any proposed policy.

You should be aware that the January 21, 1997 “Unit 3 Memorandum of Understanding-Intellectual Property Rights” may precipitate some confusion on the status of intellectual property rights. Of particular concern was a portion of the summary statement included in the MOU’s cover memorandum (paragraph 3) which refers to CSU’s right to claim ownership and works made for hire. Though University legal counsel Carlos Cordova has not undertaken a complete review of the entire MOU he did make a preliminary examination of the above noted paragraph and concluded that the portion cited did not appear to be in conflict with the draft policy. It is understood that, at this point, the MOU is regarded as a “tentative” agreement and it would seem appropriate to involve the Committee prior to any formal endorsement by the University.
The Committee looks forward to further review of the draft policy and is most anxious to see an intellectual property rights policy in place and functioning within the near future. (In conjunction with the timetable for review I was informed that if the draft policy is forwarded to the Academic Senate within the next few days it can be placed on their Executive Committee’s agenda for the first meeting of the Spring Quarter. It is understood that this would allow for Senate deliberations during the Spring Quarter.) I would be remiss if I did not express appreciation to each member of the Committee for their sustained effort in developing the policy. As previously noted it has been a long time aborning and they have been more than conscientious in their efforts to develop an intellectual property rights policy that will be of value to the entire university community.

* Committee Members:
  Lee Burgunder (Business)
  Carlos Cordova, Ex Officio (University Legal Counsel)
  Jay Devore (Statistics)
  Robert Griffin (Foundation)
  Dan Krieger (History)
  Art MacCarley (Electrical Engineering)
  Susan Opava (Research and Graduate Programs)
  Phillip Tong (Dairy Technology Center)
  Sam Vigil (Civil/Environmental Engineering)
I. GENERAL

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

B. Purpose. The purpose of this policy is to encourage, support, and reward research and scholarship, and to recognize the rights and interests of the inventor or creator, the public, the external sponsor, and the University. It is acknowledged that the public and the University derive significant benefit from such activities.

This policy statement shall be implemented in keeping with the University's mission, those principles expressed in Section IC below, and other policy statements relating to sponsored research.

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 applies to all faculty, staff and students, whether or not particular intellectual property is patentable, and regardless of the
specific characteristics of a given discipline or the level of funding, facilities, and technical support available for the creative effort.

This policy continues the present exemption of scholarly texts and articles from the rules normally governing proprietary interests in intellectual property.

This policy sets forth general principles and procedure, and it has not been designed to address every conceivable circumstance. Under the Principle of Fair Play, the creators and the University mutually operate so that no one will be allowed either to deliberately create or exploit inadvertent exceptions to this policy to his or her own advantage. 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 designated committee, 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. The committee designated under this policy shall have a majority of members who are faculty without administrative appointments, and the committee 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, by requiring that such activities be disclosed in advance. If the activities are consistent with this policy and its principles, the faculty, staff member or student should have no reason to avoid disclosure.

6. Reasonableness in Licensing. 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 creator has no financial interest in the licensee. Otherwise, such participation shall be consistent with conflict of interest regulations or University policy.

D. Key Terms. For purposes of this policy, these key terms are defined as follows:

1. "Disclosure Statement" means a written general description of an invention or creation by the inventor/creator used to
help assess the nature, extent, and likely intellectual property interests in and development potential of the invention/creation.

2. "Literary and Artistic Works" mean original works of authorship fixed in tangible media of expression.

3. "Works of authorship" mean works subject to the federal copyright laws, including literary, musical, dramatic, audiovisual, architectural, pictorial, graphic and sculptural works and sound recordings. Computer programs are works of authorship to the extent that they are protected by the federal copyright laws.

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

5. "Scholarly works" mean books, articles and other literary and artistic works developed without commercial objectives, for the primary purpose of disseminating knowledge or beauty.


7. "Net Proceeds". The term "net proceeds" means the net amount received in each fiscal year from the transfer or licensing of intellectual property after deduction of all costs reasonably attributable to such intellectual property, including without limitation any 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.

8. The terms "Inventions", "Discoveries", or "Other Innovations" include tangible or intangible inventions, whether or not reduced to practice, and tangible research results whether or not patentable or copyrightable.

Such research results include, for example, computer programs, integrated circuit designs, industrial designs, data bases, technical drawings, biological materials, and other technical creations.

9. The term "equitable interest" refers to beneficial rights (such as royalties) derived from intellectual property owned by another.
II. OWNERSHIP AND OTHER INTERESTS

A. Faculty and Student Ownership. Faculty and students own their intellectual property. The University may, however, have an equitable interest in the net proceeds from such intellectual property.

1. Basis of University Interest. The University’s equitable interest in net proceeds derived from intellectual property is based on the financial support and other resources provided by the University and used in the creation or development of that intellectual property.

2. Determination of Equitable Interest. The University’s equitable interest in net proceeds derived from a particular intellectual property will vary in proportion to the degree or extent of University investment in or support for the creation or development of that property. This interest will not exceed fifty percent (50%) of the net proceeds. The University share in net proceeds will apply only to proceeds in excess of $100,000 annually for a particular intellectual property. This figure may be revised upward by the President following recommendations from the Intellectual Property Review Committee.

There are two situations in which the University generally will not assert an equitable interest:

a). Intellectual property rights assigned to an external entity under a sponsored project agreement administered by the University/Foundation.

b). Intellectual property created under independent research or other external activity that is consistent with University and college policies, and that was disclosed in writing to the faculty member’s Dean at the beginning phase of the research or activity.

For (a) and (b) above it is the responsibility of the faculty member to disclose and resolve in advance with the Dean any potential conflict of interest or shared claims of ownership of intellectual property. If no potential conflict of interest or claim-overlap to intellectual property is apparent, the faculty member need only include in the disclosure statement the name of the company, if any, for whom the work is being done, the subject area of the work, the expected level of effort, and a statement that no potential conflict or ownership claim-overlap exists over intellectual property. In order to maintain a spirit of collegiality, inventors or creators have the responsibility for full and open disclosure to the Dean concerning all matters relating to the commercialization of intellectual property in which the University may have an equitable interest.
Faculty members working with students on research projects must inform those students in advance of the provisions of this policy.

B. Staff and Works-for-Hire. Inventions or creations by staff (non-faculty) directly incident to their employment or engagement - such as a specific job requirement or assigned duty - belong to the employer (University or Foundation). The employer shall have an equitable interest in net proceeds derived from works and inventions by staff employees, not incident to their employment, where employer resources have been used in the development of the work or invention.

Staff creations or inventions not involving employer resources (including the creator/inventor work-time) are owned exclusively by the creator/inventor and the University will not assert an equitable interest in any net proceeds. Open and full disclosure in advance of such creative activity, or as soon thereafter as is practicable, is a prerequisite to a fair determination or allocation of ownership to staff creations or inventions.

The University or Foundation may employ or engage individuals under terms that include a priori determination or allocation of intellectual property rights between the parties.

III. ADMINISTRATIVE PROCEDURES

A. 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 Vice President for Academic Affairs, through the Dean of Research and Graduate Programs, and in coordination with the Cal Poly Foundation, shall implement and administer this policy, including the evaluation of patentability or other forms of intellectual property protection, filing for patents, negotiation of use rights, and the pursuit of infringement actions.

B. Intellectual Property Review Committee. An Intellectual Property Review Committee shall be appointed by the University President. The Committee shall be composed of ten members, seven of whom shall be members of the faculty, without administrative appointments, and nominated by the Academic Senate. These seven appointees shall represent each college 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. The Committee shall be chaired by a faculty member. 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.
The Committee serves as the appellate body advisory to the University President in the event of disagreement among interested parties in the interpretation or application of this policy. 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, and an accounting of income and disbursements of the Commercialization and Research Funds. 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.

C. Disclosures. Intellectual property invented or created by University faculty, staff or students using University resources or resources administered by the University or Foundation, or within the inventor's or creator's scope of employment, shall be disclosed in writing ("Disclosure Statement") to the Dean of Research and Graduate Programs. Disclosure Statements shall be held confidential to the extent permitted by law. The Dean of Research and Graduate Programs will refer the disclosure to the Intellectual Property Rights Committee, which will assess rights of all interested parties consistent with Section II of this policy.

D. Use Rights. The inventor or creator will cooperate with the University in the protection and development of disclosed intellectual property, including executing appropriate written instruments to perfect legal and equitable rights. It is anticipated that the inventor or creator will be an active participant in the use-rights process, including participation in any licensing decisions.

Inventors or creators having an interest in a potential license may request that the potential licensee be given the right of first negotiation, consistent with University policy on conflicts of interest or other applicable University policies.

E. Inactivity. If the University determines not to pursue protection and/or development of particular intellectual property, it will relinquish its equitable claim to net proceeds from that intellectual property. The University's decision will normally be made within ninety (90) days after the Disclosure Statement date. The University must then act diligently to pursue protection and commercialization of the property.

F. Nondisclosure. It is customary and prudent for those having access to any proprietary information on specific intellectual property to execute nondisclosure agreements. The Dean of Research and Graduate Programs will be responsible for securing and maintaining such agreements in the chain of intellectual property protection and use-rights processing, consistent with applicable law.
G. **Assignments of Interest.** 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 inventors or creators, 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.

Only net proceeds will be allocated. Annually, or upon request, the Dean of Research and Graduate Programs will provide an inventor or creator with a current financial statement relating to his or her specific intellectual property.

B. **Intellectual Property Funds.** A portion of the net proceeds (see Section IV. C. below) derived from the transfer or use of intellectual property shall be allocated to a Commercialization Fund for the protection and commercialization of specific intellectual property developed in the future by University faculty/students.

A portion of the net proceeds (see Section IV. C.) derived from the transfer or use of intellectual property of sufficient profitability shall be allocated to a Research Fund to support research on and development of specific intellectual property.

C. **Allocation of Net Proceeds from Intellectual Property.** Net proceeds derived from intellectual property are intended primarily to support inventors and creators in their research efforts and also to assist their respective colleges and departments. The University’s portion will normally be allocated among the Commercialization and Research funds, the department/academic unit and the college. However, allocation of the University’s share is ultimately at the discretion of the President.

V. **CAL POLY 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 discovered or having interests therein held by the faculty, students, staff, or the University.

A. **Perfection of Rights.** The perfection of legal and equitable rights 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 projects on behalf of the University and the principal investigator. Sponsored research agreements may have specific invention or creation disclosure requirements, and patent/copyright and licensing provisions requiring compliance through the Foundation.

The Foundation, in cooperation with the Dean of Research and Graduate Programs, will develop and document a standardized confidential invention disclosure and reporting process for the protection of the rights and interests of the inventor or creator, consistent with this policy statement and sponsored project requirements.

B. Protection. At the request of the Dean of Research and Graduate Programs, or in satisfaction of sponsored research 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.

C. Transfer and Development. The Foundation often serves as the transfer and development agent for those with legal and/or equitable rights to intellectual property subject to this policy statement. Actions to evaluate protection typically also involve the assessment of commercial viability, and may, in most circumstances, 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 licensors.

D. 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, and may also serve in a similar capacity for other interest-holders at their request.

E. Foundation Services. In providing the above services the Foundation shall recover its costs as defined in Section I.D. in accord with established University and Foundation cost recovery policy.

VI. IMPLEMENTATION

The Dean of Research and Graduate Programs, in cooperation with the Foundation Executive Director, shall develop and 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: (1) ownership and/or interest in intellectual property of the nature described in Section II above; and (2) net proceeds derived from intellectual property subject to Section IV above. The Intellectual Property Review Committee shall be consulted on any significant proposed practices involving the application or interpretation of this policy.
VII. **PERIODIC POLICY REVIEW**

The Intellectual Property Review Committee shall review this policy as needed, and at least every four years, to make recommendations for any changes.
WHEREAS, The number of courses a student may elect to take CR/NC should be kept to a minimum; and

WHEREAS, Students should have the option of taking a limited number of courses CR/NC; and

WHEREAS, Some balance must be found between limiting the number of courses that may be taken CR/NC and allowing students to enroll in a small number of such courses for the reasons outlined above; and

WHEREAS, Some departments (or equivalent unit) may approve of their majors taking a major or support course CR/NC, or a GEB course CR/NC, while some departments would not approve, and individual departments should properly have the right, and be allowed to retain the flexibility, to make this decision; therefore, be it

RESOLVED: That students be permitted to take a maximum of 16 units of courses CR/NC in accord with the following specifications:

* no more than 4 units CR/NC in major or support courses, subject to approval by the student’s major department or equivalent unit;

* no more than 4 units CR/NC in GEB courses, subject to approval by the student’s major department or equivalent unit;

* no more than 8-16 units CR/NC in free electives, where applicable, and/or in extra units beyond the degree requirements. That is, 8-16 units, depending on how many of the maximum total of 16 units CR/NC have not been already used in major/support courses or GEB courses.

Rationale: The number of courses a student may elect to take CR/NC should be kept to a minimum, for reasons that include the following: It is generally recognized, as evidenced in testimony from recipients of Cal Poly’s Distinguished Teaching Award (e.g., memo from Dr. Snetsinger dated 10 Nov. 1996), that students who enroll in a course CR/NC often do not take such courses as seriously as their graded courses, working toward a lower standard and consequently learning less in CR/NC courses; as Drs. Greenwald and Hampsey have stated, "Those involved in teaching GEB courses have complained that the students who take GEB classes CR/NC are often working for a C-; The data from Tom Zuur supports this contention. There were 40 percent more A’s and B’s among all students than among CR/NC
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Graduate school admissions boards have been known to disapprove of CR/NC courses on transcripts, with some graduate schools refusing to accept CR/NC courses for credit, and other schools automatically converting CR's to C's or F's.

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Students may take a higher course load during certain quarters in order to move more quickly toward graduation;

Transfer students who have taken some courses CR/NC elsewhere may have an easier time making the transition the Cal Poly and thus move more quickly toward graduation.

Proposed by the Academic Senate Curriculum Committee
February 27, 1997
Revised April 8, 1997
Memo:

To: All members of the Academic Senate
via: Harvey Greenwald, Chair

From: Craig Russell (Music)

Subject: Resolution on Censure of Administration

This morning I was blissfully reading the Mustang Daily when I came across casual mention that there was a resolution on censure brewing in the Senate. I ran over to the Senate Office, got a copy of the resolution, read the minutes of the Executive Committee meeting at which this document was agendized, and then ran across campus to talk the whole thing over with Harvey Greenwald and Jay Devore, both of whom were kind enough to give me a large chunk of their day to fill me in on developments.

Here are a few of my thoughts.

1) Some Senate members wish to move this resolution to a second reading tomorrow and then vote on it. I strenuously object to this idea because it precludes the faculty as a whole from participating in the debate. I know people feel passionately about this issue; so do I. I ask you to consider though, does the senate's passion about an issue justify denying a faculty member (such as me and my colleagues who are not on the Senate) the possibility to participate. I am formally asking you to allow this to move through today as a first-reading item. Please, preserve the rights of all faculty member to be part of this important discussion.

2) The Resolution as it stands is fuzzy in its logic and needs to be cleaned up. For starters, the "Whereas" clauses should lead with rigorous logic to the "Resolved" clause. Now, please explain to me how "the amount of money provided for PSSI's and salary increases in general has been grossly inadequate [TRUE]" leads inexorably to the conclusion that the the Senate should "censure the campus and statewide administrations for their arrogance and blatant lack of concern for faculty welfare." There are a whole stack of reasons, gobs of them, that have caused our salaries to be low, and it remains to be shown that the big meanie was arrogance. If arrogance is the cause, we have to support that somehow. I could go through the other points, but let's do that if this makes it to a second reading!

3) I hate the PSSI system as it stands. It is fraught with injustices, it is a monumental time-waster, and it succeeds in taking hard-working and excellent faculty and often humiliating or demoralizing them. [For further reading, I suggest you consult the brilliant document that Steve Marx drafted for our PSSI Committee in Liberal Arts and a document that I signed. Steve is our Tom Jefferson.] Now, maybe Warren Baker likes the PSSI system—and maybe he doesn't. I don't know the answer here. Has anyone asked him directly? Should we try to communicate with him and the other administrators before we
impugn his and their character? And in the event that Baker does like the PSSI system—so what? That isn’t unethical and doesn’t constitute malfeasance of office which is implied by a resolution of censure.

Is he unethical merely because he might hold an opinion that I do not share? Goodness, I hope not!! I have had a zillion stupid opinions that I later regretted—but my mistaken opinions do NOT show that I was inherently immoral or unethical (and that is what censure implies). Friends, there IS a difference.

4) I get nervous when our document makes claims about what other people think. I much prefer stating what I think or what we as a faculty think. I have every right to offer my own opinion—but not to put words into other people’s mouths or to represent their thoughts for them. Let me give you one example of what disturbs me: the last “Whereas” clause states that the “university administration seems totally oblivious to the precipitous decline in faculty morale.” How do we know that? I have no idea what Warren Baker tells the Trustees over dinner. I haven’t a clue what he has told Munitz behind closed doors. I much prefer leaving Baker out of this and simply stating what I perceive to be true: “The faculty has undergone a precipitous decline in faculty morale.” Now that IS true.

5) I like winning. I hate losing. I would much rather make a stance on PSSI’s and have the system reformed or scrapped than make a stance and only succeed in miffing every administrator in the state. Let’s win on this. We are much more likely of being successful in achieving our goals if we keep our heads, make cogent and logical arguments, and persuade administrators and legislators of our view point. Imagine, for a moment, that a student comes to your office to ask for a change-of-grade and he begins by stating that you have driven a stake into the heart of student-teacher relations, that you are arrogant and blatantly lack any concern for student welfare, and that you have pursued policies harmful to the excellence of his educational experience at Cal Poly. (Does this impassioned rhetoric sound familiar?) I would try to remain open-minded, but it would be tough. A direct, logical and intelligible argument would get the change-of-grade form in the mail a whole lot quicker.

OK, that’s it. I agree with the initial intent of this document as a wake-up call to the state and local administrators that the PSSI system is not a good one. Let’s fix it. I’ll see you at the meeting.

Thanks,
Craig Russell (Music Dept.)
350 total applications

168 awards

182 denials

Of 168 awards:

162 were HIGHLY RECOMMENDED by University Committee
   (only designation used by that committee)
   6 were NOT RECOMMENDED by University Committee

136 were HIGHLY RECOMMENDED by the college committees
28 were RECOMMENDED by the college committees
  4 were NOT RECOMMENDED by the college committees

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Of 182 denials:

48 were HIGHLY RECOMMENDED by the University Committee
   (only designation used by that committee)
134 were NOT RECOMMENDED by the University Committee

22 were HIGHLY RECOMMENDED by the college committees
89 were RECOMMENDED by the college committees
71 were NOT RECOMMENDED by the college committees
WHEREAS, The number of courses a student may elect to take CR/NC should be kept to a minimum; and

WHEREAS, Students should have the option of taking a limited number of courses CR/NC; and

WHEREAS, Some balance must be found between limiting the number of courses that may be taken CR/NC and allowing students to enroll in a small number of such courses for the reasons outlined above; and

WHEREAS, Some departments (or equivalent unit) may approve of their majors taking a major or support course CR/NC, or a GEB course CR/NC, while some departments would not approve, and individual departments should properly have the right, and be allowed to retain the flexibility, to make this decision; therefore, be it

RESOLVED: That students be permitted to take a maximum of 16 units of courses CR/NC in accord with the following specifications:

* no more than 4 units CR/NC in major or support courses, subject to approval by the student’s major department or equivalent unit;

* no more than 4 units CR/NC in GEB courses, subject to approval by the student’s major department or equivalent unit;

* no more than 8-16 units CR/NC in free electives, where applicable, and/or in extra units beyond the degree requirements. That is, 8-16 units, depending on how many of the maximum total of 16 units CR/NC have not been already used in major/support courses or GEB courses.

Rationale: The number of courses a student may elect to take CR/NC should be kept to a minimum, for reasons that include the following: It is generally recognized, as evidenced in testimony from recipients of Cal Poly’s Distinguished Teaching Award (e.g., memo from Dr. Snetsinger dated 10 Nov. 1996), that students who enroll in a course CR/NC often do not take such courses as seriously as their graded courses, working toward a lower standard and consequently learning less in CR/NC courses; as Drs. Greenwald and Hampsey have stated, "Those involved in teaching GEB courses have complained that the students who take GEB classes CR/NC are often working for a C-. The data from Tom Zuur supports this contention. There were 40 percent more A’s and B’s among all students than among CR/NC
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students. There were 40 percent fewer D's and F's among all students than among [CR/NC] students. The result is a pronounced downward shift of grades among CR/NC classes" (memo dated 10 Oct. 1996);

Senate Resolution AS-464-96 abolishing the option of taking GEB classes CR/NC was passed in a near-unanimous vote by the Academic Senate in Spring 1996 and approved by President Baker in Fall 1996;

Students at Cal Poly cannot elect to take major or support courses CR/NC because these courses are considered vital to their education, and GEB courses cannot be taken CR/NC because they are considered equally vital to students' education; as President Baker has stated, this resolution "particularly underscores the status of GEB as a partner with the major programs at the University" (memo dated 9 Dec. 1996); as Dr. Zingg has stated, General Education should not be seen as a "second class citizen" in the curriculum (ASI Board of Directors minutes dated 6 Nov. 1996); as Drs. Greenwald and Hampsey have stated, "The implied message that GEB classes are somehow less important is one that teachers of GEB classes find objectionable. If we want to consider Cal Poly a premier institution, then GEB must be taken seriously" (memo dated 10 Oct. 1996);

Prospective employers have been known to disapprove of CR/NC courses on transcripts, which may adversely affect students' ability to obtain jobs;

Graduate school admissions boards have been known to disapprove of CR/NC courses on transcripts, with some graduate schools refusing to accept CR/NC courses for credit, and other schools automatically converting CR's to C's or F's.

Students should have the option of taking a limited number of courses CR/NC, for reasons that include the following: Students may explore unfamiliar areas of the curriculum or enroll in challenging courses without undue risk to their grade point average; President Baker has encouraged the Senate "to protect both the exploratory purpose of Cr/NC grading and the principle of curricular choice through free electives" (memo dated 25 Sept. 1996);

Students may take a higher course load during certain quarters in order to move more quickly toward graduation;

Transfer students who have taken some courses CR/NC elsewhere may have an easier time making the transition the Cal Poly and thus move more quickly toward graduation.

Proposed by the Academic Senate Curriculum Committee
February 27, 1997
Revised April 8, 1997