PLEASE KEEP THIS AGENDA FOR THE REMAINING THREE SENATE MEETINGS

CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, California 93407
ACADEMIC SENATE

Meeting of the Academic Senate
Tuesday, May 20, 1997
UU220, 3-5:00pm

I. Minutes:

II. Communication(s) and Announcement(s):
   A. Letter from Lamke to Munitz re San Diego State University Senate Resolution (pp. 2-3).
   B. Please calendar the next two Tuesdays for Academic Senate meetings (May 27 and June 3).

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:

IV. Consent Agenda:

V. Business Item(s):
   A. Academic Senate elections for 1997-1998 Chair, Vice Chair, and Secretary.
   B. Resolution on Campus Policy on Rights to Intellectual Property Created by Faculty, Students, and Staff: Walch, Chair of the Intellectual Property Rights Committee, second reading (pp. 4-16. Changes to the document as a result of first-reading will be distributed at the meeting).
   C. Resolution on Censure of Administration: Devore, academic senator, second reading (pp. 17-18).
   E. Resolution on Cal Poly Performance Salary Step Increase Policy: Harris, chair of the Faculty Affairs Committee, first reading (pp. 28-41).
   F. Resolution on Faculty Professional Conduct: Harris, chair of the Faculty Affairs Committee first reading (pp. 42-43).
   G. Resolution on Evaluation of Academic Deans: Harris, chair of the Faculty Affairs Committee, first reading (p. 44).
   H. Resolution on Faculty Input for Writing Job Description for Academic Administrators: Harris, chair of the Faculty Affairs Committee, first reading (p. 45).

VI. Discussion Item(s):

VII. Adjournment:
The following areas are examples of the kinds of information applicants/nominees may submit, appropriately validated, as evidence of their performance in each area. Applicants/nominees shall not be limited to the following types of evidence:

AREA I: TEACHING PERFORMANCE and/or OTHER PROFESSIONAL PERFORMANCE
(when addressing teaching performance, applicants may, but are not required to, include examples of course syllabi; samples of examinations; description of innovative pedagogy and/or traditional modes of instruction; summary of quantitative student evaluation for past two years along with grade distribution for classes that were evaluated, and the basis used for grading students).

- teaching effectiveness recognized by peers and/or students by outstanding student evaluations; outstanding peer evaluations; successful meeting of behavioral objectives for courses taught; evidence of outstanding course preparation including syllabi, course notes/handouts; successful interaction with students;
- curriculum development and application of innovative and effective teaching methods and materials including such activities as development of new courses, programs, majors, or degrees;
- nurturing a commitment to learn as a serious lifelong endeavor;
- involving students in the research and creative processes;
- scholarship of teaching (see Appendix 3--Cal Poly Strategic Plan, Section 2)
- performance of professional responsibilities by librarians, counselors, or coaches;
- techniques that show excellence in teaching;
- evidence of significant professional development as it relates to teaching excellence;
- evidence of significant scholarly activity as it relates to the subject taught.

AREA II: PROFESSIONAL GROWTH AND ACHIEVEMENT
For a full description of the following kinds of activities, see “Cal Poly Strategic Plan,” Section 2 (Appendix 3), and Administrative Bulletin 85-2, “Role and Definition of Professional Growth and Development” (Appendix 4).

- activities in the scholarships of teaching, discovery, integration, and application (see Strategic Plan -- Appendix 3);
- activities in professional growth and development as defined in AB 85-2 (see Appendix 4).

AREA III: SERVICE TO UNIVERSITY, STUDENTS AND COMMUNITY
- participation in university governance at the department, college/division, university or CSU levels;
- participation, as an advisor or mentor, in student organizations;
- mentoring colleagues;
- involvement in diversity-related activities;
- fostering collegiality;
- recruitment and retention of students and faculty;
- organizing events and activities for the sharing of ideas and knowledge;
- involvement, e.g. by presenting talks, organizing colloquia, or service as an officer, in the work of community groups related to one's teaching/professional area;
- establishing interdisciplinary, collaborative partnerships between university and the community that enhances teaching, scholarship, and service to the university.
- involvement with the K-12 community provided that these activities go beyond those required in the faculty unit employee’s normal instructional program and are related to one’s teaching/professional area;
- community-related service projects provided that these activities go beyond those required in the faculty unit employee’s normal instructional program and are related to one’s teaching/professional area;
- participation in governance and committees of the exclusive bargaining agent (CFA).

5.0 — Review by the President (5.0 moved to 8.0)

5.0 Application

5.1 The period emphasized for outstanding or meritorious performance is five academic years immediately preceding the academic year in which submission of the application/nomination is made. It is the responsibility of the applicant to make a persuasive case for the recognition of these achievements. Applicants should describe in six (6) or fewer pages (additional pages will be discarded) their vita, achievements and the significance of these activities, and examples of appropriate evidence. All documentation must be in writing (videos and communications requiring electronic access will not be considered).

5.2 Applicants/nominees shall provide the College (Unit) PSSI Committee with relevant documentation regarding outstanding or meritorious performance.

5.3 Department chair/head will verify the accuracy of the applicant’s record.

5.4 Review by College

5.4.1 Each department shall have the opportunity to select a tenured faculty member to serve on the College (Unit) PSSI Committee. The college/unit committee shall consist of at least nine members. If multiple members of a single department are necessary, their selection shall be by lot. For the purpose of considering PSSIs, coaches will be merged with the faculty of Physical Education and Kinesiology; and faculty unit employees from the Library, University Center for Teacher Education, and Counselors shall be combined into a single “Unit.” Each college and the UCTE/Library/Counselor Unit shall select a tenured faculty member to serve on the University PSSI Committee.

6.2 The college/unit committee shall elect their chairperson at the first meeting called by the dean of the college. The college/unit committee will form three-member subcommittees in charge of the exclusive evaluation of the following three performance areas: teaching, professional development, and service (rating in each area should be made independently). Each member will evaluate all applicants except their own.

The information to be considered in evaluating an applicant’s teaching proficiency includes, but is not necessarily limited to the following:
- quantitative and qualitative student evaluations of teaching;
- recognition of teaching proficiency by peers (e.g., teaching awards and peer evaluations based on classroom observations and review of course materials);
- development of new teaching methods and materials;
- use of innovative instructional techniques;
- involvement of students in conducting research or other scholarly activities;
incorporation of diversity issues into the curriculum;
development of new courses and degree programs and significant revisions of existing
courses and degrees;
participation in workshops and courses on teaching; and
professional development activity indicating that the applicant stays current in the field
(e.g., conference attendance, publications in scholarly journals).

1 to 7 points will be allotted to a candidate's level of teaching proficiency using the following
scale:

1 - Clearly Inadequate (e.g., consistently low student evaluations and unfavorable peer
evaluations, very little or no curriculum development or teaching-related scholarly
activity);
2 - Somewhat Inadequate (e.g., a mixture of low and adequate student and peer
evaluations, relatively little curriculum development or teaching-related scholarly
activity);
3 - Adequate (e.g., relatively consistent moderate student and peer evaluations, some
curriculum development or teaching-related scholarly activity);
4 - Fair (e.g., consistently moderate student and peer evaluations, moderate levels of
curriculum development or teaching-related scholarly activity);
5 - Good (e.g., moderate to high student and peer evaluations, clear evidence of some
curriculum development or teaching-related scholarly activity);
6 - Very Good (e.g., primarily attains very high ratings from students and peers,
significant accomplishments in curriculum development or teaching-related scholarly
activity);
7 - Excellent (e.g., consistently receives among the highest ratings of students and peers,
substantial contributions to curriculum development or teaching-related scholarly
activity).

Evaluations of professional growth and development should consider an applicant's scholarly
achievements, such as publications, conference presentations, music compositions, and
performances and showing of artistic works. In addition, other professional growth activities
should also be regarded, such as an applicant's obtaining an additional advanced degree,
certification or license, training or consulting with a recognized expert in one's field to
advance one's skill levels, and active participation in meetings and leadership of a recognized
professional organization in one's field.

Given the variety of types of professional development that pertain to the diverse fields
represented in the university, each department should develop more specific definitions of the
individual ratings on the scale of 1-5 points allotted to candidates level of professional
development that follows:

Level of professional development:
1 - Very Low
2 - Somewhat Low
3 - Moderate
4 - Somewhat High
5 - Very High

The scoring criteria for professional development should be completed to initiate the PSSI
process in the Fall of 1997.

Evaluations of service should consider an applicant’s involvement in departmental, college, university, and pertinent community activities. Service activities include, but are not necessarily limited to the following:
- administrative responsibilities (such as chairing a department, coordinating a program, scheduling departmental courses);
- membership in departmental, college, and university committees;
- committee leadership roles;
- consulting, public speaking, and other involvement with community entities (agencies, boards, schools, governmental bodies, businesses, etc. that are pertinent to the applicant’s field of specialization);
- advising student clubs and groups;
- involvement in diversity-related service activities;
- working with departmental advisory boards and fundraising sources;
- mentoring students and junior faculty.

Greater weight should be given to activities involving leadership and large commitments of time and effort. It should not be assumed that an individual must have engaged in all of the above types of service in order to receive the highest rating for service.

1-5 points will be allotted to the candidate’s level of service using the following scale:
1. Very Low (e.g., minimal or no clear involvement in campus committees or community activities);
2. Somewhat Low (e.g., relatively low degree of participation in small number of campus or community activities);
3. Moderate (e.g., average level of involvement in campus committee work, assumption of minimal if any leadership responsibilities, slightly active participation in community activities);
4. Somewhat High (e.g., actively involved in multiple committee and some leadership positions, clearly pursues participation in significant community activities);
5. Very High (e.g., very actively and effectively serves both the campus and the community through participation in multiple committees and roles requiring significant leadership, responsibility, and commitment of time and effort).

Scores for candidate are totalled and divided by the number of subcommittee members to score an applicant for each category (e.g., Teaching, Professional Growth and Development, Service). Each subcommittee member rates each applicant and the average score is used. Discussion among subcommittee members may take place if significant variation in scores exists. Applicants total score = scores for Teaching + Professional Growth and Development + Service. The PSSI Committee as a whole, when totalling up the scores, has the option to award a maximum of 2 additional bonus points if they find that a particular candidate has been outstanding or exceptional in ways which are not adequately reflected in the total score. Such bonus points would have to be agreed upon by the majority of the college PSSI committee members.

Recommended steps based on total score: 5 steps = a total score of 16-17 points; 4 steps = a total score of 14-16 points; 3 steps = a total score of 12-14 points; 2 steps = a total score of 10-12 points; 1 step = a score of 8-10 points; and 0 steps = a total score of 3-8 points.
Applications and nominations shall be forwarded to College (Unit) PSSI Committees consisting of tenured Unit 3 employees. No more than one Unit 3 employee from a department shall serve on the College (Unit) PSSI Committees except in cases where this would result in a committee of fewer than three people. Each member of the college PSSI committee will receive a minimum of one unit of assigned time for their service.

College (Unit) and University PSSI Committees shall review and categorize all applications. Three categories shall be used: highly recommended; recommended; not recommended. For those candidates recommended favorably, the College (Unit) and University PSSI Committees shall recommend the number of steps to be awarded. Applicants have seven calendar days after College or University PSSI Committee recommendation to provide a written rebuttal statement, not to exceed one three pages (supplemental documentation is not permitted), to respective committee chair with a copy to President.

College (Unit) and University PSSI Committees shall inform all applicants of their recommendations at the time that they are forwarded. All recommendations are forwarded to the President or his/her designee no later than _______ of each year in which PSSIs are awarded. Failure to meet these deadlines for recommendations shall automatically result in the forwarding of all applications/nominations to the President for his/her award of PSSIs. (See MOU 31.27 -- Appendix 5)

The President or designee shall review all of the applications/nominations which have been submitted, and select the recipients of the increases from among this candidate pool by ________ of each year in which PSSIs are awarded. He/she shall also determine the appropriate number of steps to be granted. (See MOU 31.28 -- Appendix 5)

The decision to grant or deny an increase for meritorious performance, and the number of steps to be granted, shall not be subject to the grievance procedure. (See MOU 31.28 and Section 8, below). Only correspondence which documents information that a faculty member was granted PSSI(s) will be placed in a faculty member's Personnel Action File.

Special Provisions (see MOU 31.29--31.31 -- Appendix 5)

At least fifty percent (50%) of the candidates receiving a PSSI must have received a positive recommendation from the University PSSI Committee provided that:

- The University PSSI Committee makes a positive recommendation for enough candidates to fully expend the campus pool for PSSIs in that fiscal year, and

- The University PSSI Committee meets the time requirement for the review and recommendations of all candidates to the President as specified above.
If the University PSSI Committee submits fewer than the minimum number of positive recommendations needed to expend fully the pool for PSSIs in any fiscal year, then the percentage of candidates receiving a PSSI that must also have received a positive recommendation from the University PSSI Committee shall be reduced proportionately from fifty percent (50%).

Relationship to RPT Deliberations

The decision to grant or deny a PSSI shall not be considered during deliberations regarding the granting of reappointment, promotion or tenure. This shall not preclude the consideration of any facts during RPT deliberations which are also considered during PSSI deliberations. (See MOU 31.35 -- Appendix 5)

Peer Review of Performance Salary Step Denials (see MOU 31.36-31.42 -- Appendix 5)

Candidates who have received a favorable recommendation from the University PSSI Committee and who subsequently fail to receive a PSSI shall be eligible to have the increase denial reviewed by a University Peer Review Panel. The rebuttal letter will be a maximum of six pages, double-spaced, and received by the appropriate date.

The University Peer Review Panel shall be Peer Panels will be constituted by the Provost and Vice President for Academic Affairs in consultation with the Chair of the Academic Senate and selected by lot from among all full-time tenured faculty who did not serve on that year’s University or College (Unit) PSSI Committees, and were not applicants/nominees for PSSI.

The Peer Panel shall begin to review the specific Performance Salary Step denial within 14 days of its selection by lot. The panel’s review shall be limited to a reconsideration of the increase denial of the nominee, and the Employer’s written response to any allegations made by the affected Employee. Except for presentations of the complainant and the administrator, the peer review will be made from the documents set forth in Section 32.39 of the MOU.

The proceeding above will not be open to the public and shall not be a hearing MOU 31.40.

No later than thirty (30) days after its selection, the Peer Panel shall submit to the President and the complainant a written report of its findings and recommendations. All written materials considered by the Peer Panel shall be forwarded to the President. When the panel has complied with Section 31.41 of the MOU, it shall be discharged of its duties for any individual case.

The President shall consider the University Peer Review Panel’s recommendations and all forwarded materials and, no later than fourteen (14) days after receipt of the University Peer Review Panel’s report, notify the affected employee and the University Peer Review Panel of his/her final decision, including the reasons therefor. Notification to the employee of the President’s decision concludes the peer review procedure and such decision shall not be reviewable in any forum.

All requests for peer review must be submitted in writing to the Provost and Vice President for Academic Affairs no later than _________ of each year in which PSSIs are awarded.

Reporting of Awards
11.1 The University shall report to the Academic Senate annually by College (Unit) the appropriate aggregate statistics regarding the number of candidates in each category, the number of recipients and the number of steps granted.

12.0 Final Disposition of All Documents Pertaining to PSSI Applications

12.1 At the conclusion of a PSSI cycle, all documents pertaining to an individual’s PSSI applications shall be: (1) for those applicants awarded a PSSI, forwarded to the administrative custodian of the applicant’s Permanent Personnel File; (2) for those applicants not awarded a PSSI, returned to the applicant.
POSSIBLE ADDITIONS TO THE
PROPOSED PERMANENT PSSI POLICY
(page 1 of 2)

Major Issues Deadlocked by Faculty Affairs Committee

1. Separating department heads/chairs in the evaluation process
   Some not participating so as to minimize departmental conflict. They did not want to
   compete with peers and disrupt internal harmony within the department.

   Would affect 2.0

Five percent or less of the total PSSI funds shall be apportioned for the
evaluation of department heads/chairs.

New 8.0 Dean’s Review

8.1 The Dean shall evaluate department heads/chairs utilizing the factors listed in
section 6.2 concerning their teaching, professional growth and development, and
service efforts.

2. Evaluation at the department level
   Best knowledge of the applicant versus most bias (negative and positive). Some
departments are highly dysfunctional when it comes to peer assessment.

New 6.0 Review by Department

6.1 Each department shall form a faculty review committee consisting of 3
elected, tenured faculty members and the department head/chair. The review
committee will be elected by all the full-time faculty of the department. If there
are not enough tenured faculty in a department to comprise the three member
committee, tenured faculty from another department within the College/Unit be
selected to sit on the review committee. The Department Head/Chair will call the
first meeting of the committee and the three elected, tenured faculty members will
determine the chair of the committee.

In the case of Librarians, Counselors, Coaches where a Department review may
not be possible, the first level of review is at the College/Unit level.

6.2 Factors listed in (old 6.2) 7.2 will be utilized in the evaluation of the
applicant’s teaching, professional growth and development, and service efforts.

6.3 Departmental Review Committees shall review and categorize all applicants.
The follow three categories shall be used: highly recommended, recommended,
not recommended. There shall be no ranking of applicants within the categories.
Each member of the committee will evaluate applicants other than their own.

6.3 Applicants have seven calendar days after the Departmental Review
Committee recommendation to provide a written rebuttal statement not to exceed 3
pages double-spaced to the respective committee chair with a copy to the
President. Any rebuttal letter will be reviewed by further review committees as
part of the applicant’s package.

Applications, recommendations, and rebuttals will be forwarded to the
College/Unit committee

3. Rebuttals not being reviewed
6.3 addition

old 7.5 Rebuttal letters will be considered as part of the review process.

4. Dean’s review. The argument against was PSSI should be a faculty issue and the influence of any administrator should be kept out. This is an illusion as the President relies heavily on each Dean’s input. The argument for inclusion is that the Dean is now legitimately visible and accountable

New 8.0 Dean’s Review

8.1 The Dean shall review all applications, the assessment and recommendations of the faculty peer review committees and may review the Open Personnel File of any candidate in his/her College/Unit to assess the overall suitability of a candidate for the award. The Dean shall utilize factors listed in (old 6.2) 7.2 to evaluate each applicant. The Dean shall forward a written assessment and recommendation of each applicant to the University PSSI Committee/President. A written assessment to the candidate will only be made if it differs from the College/Unit Committee. A positive recommendation shall include a recommendation of the number of steps to be awarded.

8.2 If the candidate has received a negative recommendation, the candidate has seven calendar days after receiving the Dean’s recommendation to provide a rebuttal statement not to exceed 3 pages double-spaced to the Dean with a copy to the University PSSI Committee/President. All rebuttal letters will be reviewed in any further evaluation processes.

5. Deletion of the university committee

Viewed only a stop-gap for large bias and inter college/unit distribution issues. Past committee members admit their knowledge of many candidates was slight. This action streamlines the evaluation process.

Action: delete reference to University PSSI Committee from the document
## PROPOSED PSSI CALENDAR FOR FALL 1997
*(PSSI DECISIONS RETROACTIVE TO JULY 1, 1997)*

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
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<tbody>
<tr>
<td>Provost apportions PSSI budget allocation to colleges (unit), with copy to Chair, Academic Senate</td>
<td>Sep 15</td>
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<tr>
<td>President issues statement concerning PSSI and outlines procedures</td>
<td>Sep 15</td>
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<tr>
<td>Colleges distribute criteria to faculty</td>
<td>Sep 15</td>
</tr>
<tr>
<td>Applications/nomination provided directly to Department Chair/Head with copy to President</td>
<td>Sep 28</td>
</tr>
<tr>
<td>Colleges (Unit) PSSI Committee Selected (minimum 9 members)</td>
<td>Oct 4</td>
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<tr>
<td>3 member Teaching/Other Professional Performance sub-committee</td>
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<tr>
<td>3 member Professional Growth and Achievement sub-committee</td>
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<tr>
<td>3 member Service sub-committee</td>
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<tr>
<td>Last day for Department Chair/Head to verify accuracy of applicant's record and to forward signed applications to College (Unit) PSSI Committee</td>
<td>Oct 4</td>
</tr>
<tr>
<td>College Committee reviews applications, forwards recommendations to Dean with copy to President</td>
<td>Dec 1</td>
</tr>
<tr>
<td>Applicant's rebuttal statement, if any</td>
<td>Dec 8</td>
</tr>
<tr>
<td>President makes award decisions after conferring with Deans</td>
<td>Jan 1</td>
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### Appeal Process

- Request for Peer Review with written complaint due in Provost and Vice President for Academic Affairs' Office | Jan 15 |
- Peer Review Panel(s) forward findings and recommendations to President | 30 days after selection |
- President notifies affected employees and Peer Review Panel(s) of final decision | 14 days after report |
### PROPOSED PSSI CALENDAR FOR WINTER/SPRING 1998

(PSSI DECISIONS EFFECTIVE JULY 1, 1998 or Final Budget)

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<th>Action</th>
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<tr>
<td>Provost apportions PSSI budget allocation to colleges (unit), with copy to Chair, Academic Senate</td>
<td>Jan 12</td>
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<td>President issues statement concerning PSSI and outlines procedures</td>
<td>Jan 12</td>
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<tr>
<td>Colleges distribute criteria to faculty</td>
<td>Jan 12</td>
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<tr>
<td>Applications/nomination provided directly to Department Chair/Head with copy to President</td>
<td>Feb 20</td>
</tr>
<tr>
<td>Colleges (Unit) PSSI Committee Selected (minimum 9 members)</td>
<td>Feb 20</td>
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<tr>
<td>3 member Teaching/Other Professional Performance sub-committee</td>
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<td>3 member Professional Growth and Achievement sub-committee</td>
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<tr>
<td>3 member Service sub-committee</td>
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<tr>
<td>Last day for Department Chair/Head to verify accuracy of applicant's record and to forward signed applications to College (Unit) PSSI Committee</td>
<td>Feb 27</td>
</tr>
<tr>
<td>College Committee forwards scores per category and recommendations to President with copy to Dean and applicant</td>
<td>May 8</td>
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<tr>
<td>Applicant's rebuttal statement, if any</td>
<td>May 15</td>
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<tr>
<td>President makes award decisions after conferring with Deans/Provost</td>
<td>May 29</td>
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<tr>
<td>Request for Peer Review with written complaint due in Provost and Vice President for Academic Affairs' Office</td>
<td>June 13</td>
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### Appeal Process

- Peer Review Panel(s) forward findings and recommendations to President
  - 30 days after selection

- President notifies affected employees and Peer Review Panel(s) of final decision
  - 14 days after report
Faculty Professional Conduct from Faculty Affairs Committee

Whereas faculty have harassed colleagues
Whereas faculty have not shown due respect for the opinion of others, especially other faculty
Whereas faculty have not been objective in their professional judgment of colleagues
Whereas there exists a Code of Ethics for faculty at Cal Poly
Whereas correction is felt to be more effective than punishment, be it

Resolved, That Employee Association Program (EAP) services be more effectively publicized to the campus community and that Administration take the lead in this matter

Resolved, That Mandatory sensitivity training for faculty/administrators be given in the content area of interpersonal conflict

Resolved, That a formal training program for department heads/chairs and college deans concerning awareness skills of interpersonal problems, conflict/dispute resolution skills and mediation skills take place

Resolved, That individual disputes/conflicts be encouraged to be voluntarily mediated with assistance from EAP staff where possible

Resolved, That a standing Committee on Professional Ethics be established by the Academic Senate in accord with the attached guidelines

Guidelines for the Committee on Professional Ethics

1. The Committee of Professional Ethics shall consist of seven full-time tenured faculty members, one from each college and the University Center for Teacher Education

2. The seven members will be elected by their respective constituencies and shall serve overlapping two-year terms. This shall be accomplished initially by having three members elected to one year terms and four elected to two year terms with the elections in following years to be for two-year terms

3. The Committee shall meet initially in the fall quarter to elect a chair. Meetings will be scheduled as needed based on case-load situations.

4. The Committee may function as an advisory group to a faculty member with a perceived peer conduct problem.

5. The Committee is empowered to investigate allegations of unethical conduct covered by the Faculty Code of Ethics except those covered by other legal means (e.g. MOU complaints and grievances, Sexual Harassment Policy, etc.)

6. Specific, advisory recommendations will be made by the Committee to rectify problem situations where possible with the approval of both the faculty member and the appropriate administrator
7. Professional censure power to cease and desist specific behavior(s) will be granted to the Committee by the Academic Senate.
Evaluation of Academic Deans from Faculty Affairs Committee

Whereas Academic Deans are currently evaluated using the Performance Evaluation Form.

Whereas Academic Deans have responsibilities toward faculty in their respective administrative units.

Whereas Academic Deans may perceive that efforts toward personnel (faculty/staff) may not be valued as highly without specific performance objectives targeted in this area.

Whereas faculty members may be unaware of efforts made by their academic Dean because of a lack of specificity of performance objectives.

Whereas a specific portion of a Dean’s efforts have not been perceived to be historically directed toward faculty.

Whereas specific performance objectives directed toward faculty can only increase collegial actions.

Whereas there are common topical areas (e.g. communication, work environment, professional growth, etc.) that lend themselves to consistent evaluation by the Provost and Academic Vice President for Academic Deans.

Whereas there is an opportunity to improve the performance of Academic Deans by increased interaction and cooperation of the faculty.

Be it Resolved that the Function of Personnel (specifically faculty) be recognized in the evaluation of Academic Deans by the Provost and Academic Vice President using the existing Performance Evaluation Form.

Be it Resolved that specific performance objective(s) be developed for Academic Deans in concert with the Academic Senate by the Provost and Academic Vice President in appropriate topical areas for faculty (e.g. communication, working environment, professional development, etc.)

Be it Resolved that the Provost and Academic Vice President continue to dialogue with the Academic Senate to improve Academic Dean performance through the use of such tools as Academic Dean Evaluation Forms, performance objectives, or any additional appropriate efforts.
Faculty Input for Writing Job Description for Academic Administrators from Faculty Affairs Committee

Whereas there is an effort to improve collegiality at the university

Whereas faculty members are currently a part of search committees for academic administrators

Whereas potential confusion or uncertainty may exist if the search committee does not draft the job description

Whereas significant concern by the search committee if the job description is drafted by another group or person is not the proper atmosphere to begin a search for candidates

Whereas being a part of the process from the very beginning increases the “ownership” of any decisions made

Whereas there would be consultation with the appointing administrative officer

Be It Resolved that the Job Description for Administrative Positions with Academic Responsibilities to the Provost and Academic Vice President be written by the designated search committee with appropriate faculty representation.
RESOLUTION IN SUPPORT OF A

4% INCREASE IN FACULTY SALARIES

#RS97-152

At its meeting of April 29, 1997, the Academic Senate unanimously approved the following resolution:

WHEREAS In 1997-98, the California State University system will be receiving a 4% annual increase from the State General Fund; and

WHEREAS The salaries of CSU faculty continue to lag behind the average salaries of faculty at comparable institutions nationwide; therefore be it

RESOLVED That the annual increase from the State General Fund in 1997-98 translate into no less than a 4% across the board increase in 1997-98 faculty salaries; and be it further

RESOLVED That until the California Post Secondary Education salary gap is closed, faculty salaries should be increased across the board at a rate of no less than the overall increase from the State General Fund each year; and be it further

RESOLVED That the San Francisco State University Academic Senate forward this resolution to the President of San Francisco State University, the Chair of the CSU Academic Senate, the Chancellor of the CSU, the President of the California Faculty Association, the CSU Board of Trustees, and the CSU Campus Senates.
ACADEMIC SENATE
OF
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, California

AS- -97/IPR
RESOLUTION ON
INTELLECTUAL PROPERTY

WHEREAS, the report of the Intellectual Property Rights Committee, if enacted, would
place unreasonable and impractical disclosure requirements (Sections IIA and IIC) on
faculty, and

WHEREAS, the report defines a university interest in every creative activity of the
faculty -- whether or not that activity is sponsored or utilizes university facilities in a
substantial way, and

WHEREAS, the report does not address the question of faculty who have not signed
Intellectual Property Rights Agreements with the university, but would apply its
requirements to all faculty, and

WHEREAS, this would constitute a change in the conditions of employment and would
be unlawful; therefore be it

RESOLVED: that the report entitled Rights to Intellectual Property Created by Faculty,
Students and Staff not be accepted until these issues are satisfactorily addressed.

Proposed by Bill Horton (CENG)
May 20, 1997
AMENDMENT TO BUSINESS ITEM B:
Resolution on Campus Policy on...Intellectual Property...

Add to Resolution on page 5, the following RESOLVED clause:

RESOLVED: That the Academic Senate recommend that a staff member (to be named by the Staff Council) be added to the Intellectual Property Rights Committee.

Proposed by Harvey Greenwald
April 4, 1997

Mr. Barry Munitz, Chancellor
California State University System
400 Golden Shore, Suite 324
Long Beach CA 90802-4275

Dear Chancellor Munitz:

The San Diego State University Senate, at its meeting on April 1, 1997, passed the following resolution which seeks your support of an annual faculty compensation increase commensurate with the percentage increase from the State General Fund to the CSU. A copy of the resolution is attached in its entirety.

You have publicly stated that closing the identified CPEC salary gap is an important priority of yours. The faculty at SDSU are ready to do what they can to help you raise salaries to the level of the other CPEC institutions and eliminate that gap. With that in mind, the SDSU Senate supports your work in this area and forwards this resolution as a means of reaffirming its position.

Thank you for your continued commitment to a compensation package that enhances morale and rewards CSU faculty for their excellence in all aspects of university life.

Sincerely yours,

Gene G. Lamke
Chair

cc: Dr. Stephen Weber, President, San Diego State University
    Mr. Terry Jones, President, California Faculty Association
    Dr. James Highsmith, Chair, CSU Academic Senate
    Ms. Martha Falgatter, Chair, CSU Board of Trustees
    CSU Campus Senates
SAN DIEGO STATE UNIVERSITY
SENATE RESOLUTION

WHEREAS, The California State University will be receiving a 4% annual increase from the State General Fund in 1997-98; and

WHEREAS, The salaries of CSU faculty continue to lag behind the average salaries of faculty at comparable institutions; therefore be it

RESOLVED: That the 4% annual increase from the State General Fund in 1997-98 translate into no less than a 4% increase in faculty compensation in 1997-98; and be it further

RESOLVED: That until the California Postsecondary Education gap in salaries is closed, faculty compensation should be increased at a rate no less than the overall increase from the State General Fund each year, and be it further

RESOLVED: That the Senate of San Diego State University forward this resolution to the President of the University; Chair, CSU Academic Senate; Chancellor Barry Munitz; CFA President; CSU Board of Trustees; and the CSU Campus Senates.

April 1, 1997
Gene G. Lamke, Chair, SDSU Senate
Laurie Edson, Vice-Chair, SDSU Senate
Daniel Whitney, Secretary, SDSU Senate

jjb
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
Memorandum

To: Harvey Greenwald, Chair Academic Senate

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

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

Date: March 6, 1997
Copies: Warren J. Baker, David B. Walch

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 *prior* 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.
Academic Senate of California Polytechnic State University
San Luis Obispo, California

AS-97/
Resolution on Censure of Administration

WHEREAS, The amount of money provided for PSSI's and salary increases in general has been grossly woefully inadequate relative to the demonstrated accomplishments of the Cal Poly faculty, causing salaries to fall further and further behind those of faculty at comparable institutions; 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

WHEREAS, The Board of Trustees, CSU administration, and Cal Poly administration have neither spoken out in favor of nor worked toward improvements in faculty compensation, choosing instead to focus on the "problem" of executive compensation; and

WHEREAS, The Cal Poly administration decided to give multiple-step PSSI's to a small minority of faculty, thereby ignoring many others who had been recommended by college and university-wide committees and thus creating indefensible inequities among faculty; and

WHEREAS, The Board of Trustees, CSU administration, and Cal Poly administration seem oblivious to the discontent with PSSI's and decline in faculty morale as a result of inadequate compensation, increased workload, and decreased availability of resources; therefore be it

RESOLVED: That the Cal Poly Academic Senate censure the campus and statewide CSU and Cal Poly 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, and, be it further
RESOLVED: That the Cal Poly Academic Senate request immediate and vigorous action from the administration and Trustees on a plan to raise faculty compensation to at least the average level for faculty at institutions in our comparison group; and, be it further

RESOLVED: That the Cal Poly Academic Senate request prompt reconsideration by the CSU administration of the PSSI program and a restructuring to ensure that meritorious accomplishments can be recognized without subverting collegiality or creating gross inequities.

Proposed by Jay Devore (CSM)
March 4, 1997
Revised April 22, 1997
RESOLVED: That the Academic Senate of Cal Poly approve the attached Policy and Review Procedures for Discontinuance of an Academic Program; and, be it further

RESOLVED: That the attached Policy and Review Procedures for Discontinuance of an Academic Program be forwarded to the President and Vice President for Academic Affairs for approval and implementation.
AS-459-96/LRPC: Revisions to
Resolution to Approval Policy and
Review Procedures for Discontinuance
of an Academic Program

Revision of March 20, 1997
by the Academic Senate Budget and
Long-Range Planning Committee

POLICY AND REVIEW PROCEDURES FOR
DISCONTINUANCE OF AN ACADEMIC PROGRAM

Many CSU campuses, including Cal Poly, San Luis Obispo, may find it necessary to reduce faculty,
support staff, and administrative positions due to enrollment declines or financial support reductions.
When financial support is reduced, the discontinuance of programs or departments sometimes emerges
as the alternative which does the least harm to the quality of remaining programs. Program and
department discontinuance are valid ways of responding to reductions in resources; however, program
discontinuance can and must be accomplished with minimal impact. Program discontinuance decisions
must be made in a reasoned way which will minimize damage to the institution, university, and to the
majority of their programs. The process should be based on the fact that the university is a
community with a responsibility for the well being and interest of students, faculty, staff, and alumni.

The following procedures have been developed in response to EP&R 79-10, January 26, 1979,
Chancellor Dumke to Presidents, "Interim Policy for the Discontinuance of Academic Programs," and
EP&R 80-45, June 12, 1980, Vice Chancellor Sheriffs to Presidents, "Clarification of Interim Policy
for Discontinuance of Academic Programs." These documents outline general procedures for program
discontinuance and request that campuses submit local discontinuance procedures.

I. PROCEDURES

A. Initiation of a discontinuance proposal
A proposal to discontinue an academic program will ordinarily be the result of regular program review
but a request for special review discontinuance may be initiated at any time by any of the following:
- a majority of the tenured and tenure track faculty of the affected department(s)
- the dean of any of the colleges involved in the program
- the Provost for the university
- the President for the university

The proposal shall clearly indicate that the proposed discontinuance is to be permanent. The proposal
shall be submitted to the Provost for review.

B. Review of a discontinuance proposal
The Provost will review the proposal for discontinuance and accept or reject the proposal. Either reject
the proposal or begin the discontinuance process within three calendar weeks. If the request for
review is approved, the discontinuance review committee will be appointed within the next three calendar weeks after approval, to conduct a review in accordance with the procedures outlined in this document and make recommendations to the Provost as required by the CSU Chancellor’s Office.

C. Appointment of a discontinuance review committee
The discontinuance review committee will consist of two groups appointed by the Provost in
consultation with the Chair of the Academic Senate agreement with the Executive Committee of the
Academic Senate.
The first group will include six persons (one nonvoting):
1. a nonvoting representative from the Academic Programs office (nonvoting), nominated by the Provost;
2. two members of the deans council representing colleges not involved in the program and nominated by the Chair of the Academic Senate;
3. one student not involved in the program, nominated by the ASI President;
4. two faculty representatives from colleges not involved in the program, nominated by the Chair of the Academic Senate; and
5. a staff representative not involved in the program, nominated by the Provost.

The second group will include at least five persons:
1. the dean(s) of the college(s) involved in the program [or a representative nominated by the deans(s)];
2. the chairs/heads of departments or the coordinators of areas involved in the program;
3. one student involved in the program, nominated by the ASI President;
4. faculty representatives involved in the program nominated by the tenured and tenure track faculty involved in the program. There will be at least one faculty from each program involved if there is more than one program being reviewed;
5. a staff representative involved in the program, nominated by the chairs/heads of departments or the coordinators of areas involved in the program;
6. at least one graduate of the program nominated by the faculty involved in the program.

D. Recommendations from the discontinuance review committee
The ultimate decision to discontinue a program rests with the Chancellor’s Office. The purpose of the discontinuance review committee is to create a report for the President and Provost on the merits or lack of merit strengths and weaknesses of the program under review. If there is no opposition to the proposed discontinuance within the committee, the proposal will be forwarded to the Provost, with a report indicating that there is no opposition. If any of the committee members oppose the discontinuance, the discontinuance review committee will generate a report, using the following two step process.

In the first step, each group will elect its own chair and create a document describing the strengths and weaknesses of the program under review, and a justification of why the program should or should not be terminated discontinued. The documents must be generated within sixteen weeks after the committee has been appointed. The merits of the program shall be assessed using the elements described in Sections II and III below, and in the Academic Program Review and Improvement Guidelines. If appropriate, the documents shall include what remedies could be taken to address weaknesses, including a precise statement of goals and a time table to reach those goals.

The chair of each group shall make the its document available to all faculty members community for comments for four weeks. A written request for comments must be sent to all the faculty and staff directly affected by the potential discontinuance at the start of the period for comments. The two groups will review the comments and revise their documents as appropriate.

In the second step, immediately following the four weeks of comments, the two groups will exchange documents and provide a written critique of the arguments presented in the document from the other group within six weeks.

The two groups will then each select five voting representatives who will then merge into a single group, with the nonvoting representative from the Academic Programs office as chair. Within four weeks, the group will elect a chair and jointly discuss and amend the documents produced. The final version of the two analyses, with the comments from the other groups critiques of the arguments
presented, and with all the information deemed relevant, shall be bound in a single document (which, at this point, should have a format similar to what is produced by the state analyst to assist voters). A tally of how many committee members voting representatives are in favor or against discontinuance shall be part of the final document sent to the Provost, the Academic Deans’ Council, and the Academic Senate for their review and recommendation.

E. Final decision on discontinuance of the program
The Provost, the Academic Deans’ Council, and the Academic Senate will forward their recommendations to the President within six weeks after receiving the final document, and the President will make the final recommendation to the Chancellor’s Office.

II. CONSIDERATIONS IN PROGRAM DISCONTINUANCE REVIEW
Considerations for program discontinuance will be similar to those for initiation of new programs. In addition to the program review criteria, the elements that will be considered in a final recommendation must also include, but will not be limited to:

1. the university Strategic Plan and Mission statement;
2. the effectiveness of the program to meet the identified needs in meeting its goals and objectives;
3. The existence of programs within the CSU which could enroll students in this program, a three-year history of student enrollment, a projection of future student enrollment, and the existence of similar programs within the CSU;
4. a three-year history of the student-faculty ratio, and the total cost per FTEF and per FTES for the program at Cal Poly and at other institutions offering comparable similar programs;
5. the effects of enrollment shifts changes on other instructional areas at Cal Poly;
6. the current or expected statewide or regional demand for graduates of the program;
7. the contributions of the program to the general education and breadth of students;
8. the effects of discontinuance on facilities;
9. the financial effects of discontinuance, including an estimate of the yearly costs or savings for the three years following discontinuance;
10. the effects on faculty and staff, including a description of what career opportunities within the CSU will offer them; agreements to transfer to other departments or to may be available; i.e., opportunities for temporary or permanent appointments at Cal Poly or visiting appointments in other branches of the CSU, retraining, etc.;
11. the impact of discontinuance on student demand.

III. INFORMATION FOR PROGRAM DISCONTINUANCE REVIEW
The information considered during the evaluation of an academic program for discontinuance will contain all the information that is needed for the creation of a new program. In addition, the information will include but will not be limited to:

A. The most recently completed Review of Existing Degree Programs with current statistical update;
B. The most recent accreditation report, if a program is accredited or approved. If the accreditation is over six years old, or if there is no accrediting body for the program; a review of the program by a panel of professionals outside the CSU with no contractual association with Cal Poly can be substituted for the accreditation report, provided the review has been completed within the last six years. The review shall contain all the elements included in an
a. If not contained in A or B:
   1. FTEF required each quarter for the past three years
   2. special resources and facilities required
   3. number of students expected to graduate in each of the next three years;

D. Conclusions and recommendations of the project team on Academic Programs, contained in the most recent edition of Academic Program and Resource Planning in The California State University.

**TIME TABLE FOR PROGRAM DISCONTINUANCE**

**Initial step**
1. Proposal to discontinue an academic program received by the Provost.

**Three calendar weeks after receipt of the proposal**
2. The Provost accepts or rejects the proposal.

**Three calendar weeks after acceptance of the proposal**
3. Discontinuance review committee appointed.

**Within sixteen weeks after appointment of the discontinuance review committee**
4. Initial report: Each of the two groups from the program discontinuance review committee produce their report and exchange it for the report from the other group.

**Within four weeks after the initial reports have been exchanged**
5. Period of comments: Each of the two groups from the program discontinuance review committee solicit comments on the reports from the university at large.

**Within six weeks after the end of the period of comments**
6. Critique of the initial reports: Each of the two groups from the program discontinuance review committee produce a critique of the findings produced by the other group.

**Within four weeks after the critique of reports have been produced**
7. Final report: The two groups from the program discontinuance review committee jointly discuss and amend, if necessary, the final document and send it to the Provost, the Academic Deans’ Council, and the Academic Senate.

**Within four weeks after the critique of reports have been sent**
8. Recommendations: The Provost, the Academic Deans’ Council, and the Academic Senate make recommendations to the President.

**NOTE:** A calendar week is five working days. Calendar weeks exclude summer breaks and the breaks between quarters.
## TIME TABLE FOR PROGRAM DISCONTINUANCE  (in weeks)

<table>
<thead>
<tr>
<th>Event</th>
<th>Weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initiation of the proposal</td>
<td></td>
</tr>
<tr>
<td>Review by the Vice President for Academic Affairs</td>
<td>3</td>
</tr>
<tr>
<td>Appointment of the committee</td>
<td>3</td>
</tr>
<tr>
<td>First step of the review</td>
<td>16</td>
</tr>
<tr>
<td>Period of comments</td>
<td>4</td>
</tr>
<tr>
<td>Second step of the review</td>
<td>6</td>
</tr>
<tr>
<td>Final document drafted</td>
<td>4</td>
</tr>
<tr>
<td>Review by upper levels</td>
<td>6</td>
</tr>
<tr>
<td>Final comments to the President</td>
<td></td>
</tr>
<tr>
<td><strong>Total time</strong></td>
<td><strong>42 weeks</strong></td>
</tr>
</tbody>
</table>
Memorandum

To: Harvey Greenwald, Chair
   Academic Senate

From: Warren J. Baker
       President

Date: September 23, 1996

Copies: Paul J. Zingg
        Glenn W. Irvin
        Michael Suess
        Carlos Cordova

Subject: Initial Response to AS-459-96/LRPC, Resolution to
         Approve Policy and Review Procedures for
         Discontinuance of an Academic Program

This is in response to the above subject Academic Senate resolution. The following are a number of initial observations of this Resolution. However, based upon the complexities involved, further administrative review by the Academic Deans’ Council, Faculty Affairs, and University Legal Counsel must be conducted. This review will begin this Fall Quarter.

General Comments:

Throughout the document, references to the Vice President for Academic Affairs should be revised to refer to the Chief Academic Officer.

References to "school" should be revised to refer to colleges or other appropriate units.

Department "heads" should be revised to "chairs/heads."

The process and information required by this policy should be consistent with the resolutions on external program review, the information required for program and course proposals, and the requirements of the Program Review and Improvement Committee.

Specific Comments:

Opening paragraph, sentence 2: as proposed, there is only one condition for discontinuance--reduction of financial support. There could be others, some of them voluntary, such as loss of student enrollments. As an example, in the past, this policy was used to discontinue the master's degree in Chemistry at the request of the Department.
I. Procedures

A. Initiation of a discontinuance proposal. This section states that a proposal to discontinue an academic program will ordinarily be the result of a regular program review. However, the opening paragraphs propose that discontinuance will occur only when there is a reduction of financial support.

The first bulleted item differentiates programs and departments, and requires a vote of the tenured and tenure-track faculty in those departments to instigate a special review. This may result in procedural difficulties if a program includes more than one department.

B. "will review the proposal for discontinuance" revise to "will review the proposal for special review."

C. The first group: 2: Two members of the Deans Council. The Deans Council's membership includes individuals who are not college deans. If the membership of this committee is intended to include college deans specifically, then please revise accordingly.

The second group: "Faculty representatives involved in the program,"--something has been omitted from this statement. Should it be item 4?

Last sentence in this section: revise to read: "There will be at least one faculty member from each program involved if more than one program is being reviewed." However, this requirement could make the memberships of these committees very complex. It is not merely a case of adding faculty members, but affects Items 1, 2, and 3 as well if the programs include more than one department and college.

D. Recommendations from the committee:

First sentence: "merits or lack of merit," revised to "strengths and weaknesses."

Paragraph 2, sentence 1: "terminated," revise to "discontinued."

Paragraph 3: it is not clear who "all faculty members" in Sentence One refers to--all faculty members on the committees? Or in the affected programs/departments? Or in the University? Item 5 of the timetable suggests this may be all faculty members in the University.

Last paragraph in item D:

Sentence 1: the "eleven members" could be considerably larger given the conditions for membership set forth in Item C.
Sentence 2: it is not clear who the "other groups" are.

Reference to the document produced by the State Analyst: this is desirable, but perhaps not achievable. The State Analyst is a disinterested party; the document called for in this paragraph will not be produced by disinterested parties.

The process set forth in this paragraph may be workable, but it is not certain that the two groups can produce the report called for, or that it would not result in unnecessary bitterness and acrimony that could be avoided by having the two reports forwarded to the Chief Academic Officer, who will then have them reviewed according to the proposed procedure.

II. Considerations in Program Discontinuance Review

Item 2: "program to meet the identified needs," revise to: "program in meeting its goals and objectives."

Item 4: FTEF and FTES data from comparable programs in other institutions might be difficult to obtain. Further, it might be problematic if the programs are not identical.

Item 5: "sifts," revise to "changes."

II. Information for Program Discontinuance Review

B. Sentence 1, revise to: "The most recent report of external review, if a program is accredited or approved."

A "panel of professionals outside the CSU." This condition needs to be consistent with the requirements for external program review, which may include reviewers from CSU institutions.

1. FTEF "required." It is not clear what "required" means in this context.

Time Table for Program Discontinuance

Item 6: "produce a critique of the arguments," revise to "produces a critique of the findings."

Item 8: as the title to the items suggests, the Academic Senate would make "recommendations" to the President, not "a recommendation.."

I would appreciate the Senate's review and comments to the above suggestions.
WHEREAS, The Academic Senate acknowledges receipt of the *Performance Salary Step Increase Policy*; therefore, be it

RESOLVED: That the Academic Senate receive the *Performance Salary Step Increase Policy*; and, be it further

RESOLVED: That the *Performance Salary Step Increase Policy* be submitted to the President and Provost for implementation.

Proposed by the Faculty Affairs Committee
May 1, 1997
CAL POLY
1996-97 PERFORMANCE SALARY STEP INCREASE POLICY

This policy is considered interim for the 1996-97 academic year. A permanent policy shall be considered by the Academic Senate prior to the conclusion of Spring Quarter 1997.

1.0 Performance Salary Step Increases

1.1 Performance Salary Step Increases (PSSIs) recognize outstanding or meritorious performance in the areas of teaching performance and/or other professional performance, professional growth and achievement, and service to the University, students, and community. (MOU 31.17 -- see Appendix 5)

1.2 The recognition of outstanding or meritorious performance by a Unit 3 employee shall be in the form of a permanent increase in the base salary of the individual, in one or more steps on the salary schedule. (MOU 31.18 -- see Appendix 5)

1.3 No candidate shall receive more than five (5) PSSIs. (MOU 31.18 -- see Appendix 5)

1.4 The effective date of all PSSIs shall be in accordance with the collective bargaining agreement. (MOU 21.11)

1.5 There is no requirement to expend all funds dedicated to the PSSI program in any given fiscal year. Any portion of the funds not expended in any fiscal year shall automatically carry forward to the PSSI pool in the next fiscal year. In the event that the PSSI program is eliminated in the future, all accumulated funds in the PSSI pool shall be used for professional development opportunities identified in Provision 25.1 of the MOU.

2.0 Eligibility and Criteria (2.0 Eligibility and Criteria moved to 4.0)

2.0 Apportionment of PSSI Allocation

As soon as the campus dollar allocation is known, the President shall apportion 85 percent among the colleges/units in proportion to the number of Full-Time Equivalent Faculty in the colleges/units. Fifteen percent of the dollar allocation is withheld for the likelihood of unequal distribution of merit and for possible oversights. The Chair of the Academic Senate shall be informed of the allocations by the Provost and Vice President for Academic Affairs in a timely fashion.

2.1 All Unit 3 employees are eligible each year to submit an application or to be nominated by other faculty or academic administrators for PSSIs.

2.2 Applicants/nominees are to be evaluated in the following areas: teaching performance and/or other professional performance; professional growth and achievement; and service to the university, students, and community.

2.3 The performance of applicants/nominees is expected to be at least meritorious in all areas.
Applicants will identify which areas they consider their performance to be outstanding and/or meritorious. Teaching performance will be given greater weight than the other areas.

2.4 For the purposes of this document, the following working definitions shall apply.

Outstanding: exceptional performance; superior to others of its kind; distinguished, excellent; readily acknowledged as a model for other faculty to follow.

Meritorious: deserving of reward or praise; cooperative and productive work with colleagues.

2.5 (Section 2.5 moved to 4.2)

3.0 Application (3.0 Application moved to 5.0)

3.1 (3.1 moved to 5.1)

3.2 Signed applications/nominations shall be submitted to the department chair/head. To go forward as an application to the College (Unit) PSSI Committee a nomination must have the approving signature of the nominee. The approving signature of the applicant/nominee authorizes access to their personnel action file to those involved in considering PSSI. Only one application/nomination may go forward for any candidate.

3.3 (3.3 moved to 5.2)

3.0 Annual Announcement for PSSI

3.1 As soon as possible after the provisions of Section 2.0 have been accomplished, the President shall announce the apportionment of the campus PSSI allocations.

3.2 By “X” date, the President shall issue a statement concerning PSSI and briefly outline the procedures to be followed.

4.0 Review by College (Unit) and University PSSI Committees (4.0 has been moved to 6.0)

4.1 (4.1 has been moved to 6.1)

4.2 (4.2 has been moved to 6.3)

4.3 (4.3 has been moved to 6.4)

4.4 Applicants for PSSI shall not serve on College (Unit) or University PSSI Committees.

4.5 (4.5 has been moved to 6.5)

4.0 Eligibility and Criteria

4.1 All faculty are eligible by submission of a one- to three-page annual summary of their performance based on the topics categories of teaching, professional growth and development, and service to the university, students, and community.
The following areas are examples of the kinds of information applicants/nominees may submit, appropriately validated, as evidence of their performance in each area. Applicants/nominees shall not be limited to the following types of evidence:

**AREA I: TEACHING PERFORMANCE and/or OTHER PROFESSIONAL PERFORMANCE**
(when addressing teaching performance, applicants may, but are not required to, include examples of course syllabi; samples of examinations; description of innovative pedagogy and/or traditional modes of instruction; summary of quantitative student evaluation for past two years along with grade distribution for classes that were evaluated, and the basis used for grading students).

- teaching effectiveness recognized by peers and/or students by outstanding student evaluations; outstanding peer evaluations; successful meeting of behavioral objectives for courses taught; evidence of outstanding course preparation including syllabi, course outlines/handouts; successful interaction with students;
- curriculum development and application of innovative and effective teaching methods and materials including such activities as development of new courses, programs, majors, or degrees;
- nurturing a commitment to learn as a serious lifelong endeavor;
- involving students in the research and creative processes;
- scholarship of teaching (see Appendix 3--Cal Poly Strategic Plan, Section 2)
- performance of professional responsibilities by librarians, counselors, or coaches;
- techniques that show excellence in teaching;
- evidence of significant professional development as it relates to teaching excellence;
- evidence of significant scholarly activity as it relates to the subject taught.

**AREA II: PROFESSIONAL GROWTH AND ACHIEVEMENT**
For a full description of the following kinds of activities, see “Cal Poly Strategic Plan,” Section 2 (Appendix 3), and Administrative Bulletin 85-2, “Role and Definition of Professional Growth and Development” (Appendix 4).

- activities in the scholarships of teaching, discovery, integration, and application (see Strategic Plan -- Appendix 3);
- activities in professional growth and development as defined in AB 85-2 (see Appendix 4).

**AREA III: SERVICE TO UNIVERSITY, STUDENTS AND COMMUNITY**
- participation in university governance at the department, college/division, university or CSU levels;
- participation, as an advisor or mentor, in student organizations;
- mentoring colleagues;
- involvement in diversity-related activities;
- fostering collegiality;
- recruitment and retention of students and faculty;
- organizing events and activities for the sharing of ideas and knowledge;
- involvement, e.g. by presenting talks, organizing colloquia, or service as an officer, in the work of community groups related to one’s teaching/professional area;
- establishing interdisciplinary, collaborative partnerships between university and the community that enhances teaching, scholarship, and service to the university.
involvement with the K-12 community provided that these activities go beyond those required in the faculty unit employee's normal instructional program and are related to one's teaching/professional area;

- community-related service projects provided that these activities go beyond those required in the faculty unit employee's normal instructional program and are related to one's teaching/professional area;

- participation in governance and committees of the exclusive bargaining agent (CFA).

5.0——Review by the President (5.0 moved to 8.0)

5.1 Application

The period emphasized for outstanding or meritorious performance is five academic years immediately preceding the academic year in which submission of the application/nomination is made. It is the responsibility of the applicant to make a persuasive case for the recognition of these achievements. Applicants should describe in six (6) or fewer pages (additional pages will be discarded) their vita, achievements and the significance of these activities, and examples of appropriate evidence. All documentation must be in writing (videos and communications requiring electronic access will not be considered).

5.2 Applicants/nominees shall provide the College (Unit) PSSI Committee with relevant documentation regarding outstanding or meritorious performance.

5.3 Department chair/head will verify the accuracy of the applicant's record.

6.0 Review by College

6.1 Each department shall have the opportunity to select a tenured faculty member to serve on the College (Unit) PSSI Committee. The college/unit committee shall consist of at least nine members. If multiple members of a single department are necessary, their selection shall be by lot. For the purpose of considering PSSIs, coaches will be merged with the faculty of Physical Education and Kinesiology; and faculty unit employees from the Library, University Center for Teacher Education, and Counselors shall be combined into a single "Unit." Each college and the UCTE/Library/Counselor Unit shall select a tenured faculty member to serve on the University PSSI Committee.

6.2 The college/unit committee shall elect their chairperson at the first meeting called by the dean of the college. The college/unit committee will form three-member subcommittees in charge of the exclusive evaluation of the following three performance areas: teaching, professional development, and service (rating in each area should be made independently). Each member will evaluate all applicants except their own.

The information to be considered in evaluating an applicant's teaching proficiency includes, but is not necessarily limited to the following:

- quantitative and qualitative student evaluations of teaching;
- recognition of teaching proficiency by peers (e.g., teaching awards and peer evaluations based on classroom observations and review of course materials);
- development of new teaching methods and materials;
- use of innovative instructional techniques;
- involvement of students in conducting research or other scholarly activities;
incorporation of diversity issues into the curriculum;
- development of new courses and degree programs and significant revisions of existing
courses and degrees;
- participation in workshops and courses on teaching; and
- professional development activity indicating that the applicant stays current in the field
(e.g., conference attendance, publications in scholarly journals).

1 to 7 points will be allotted to a candidate's level of teaching proficiency using the following
scale:

1 Clearly Inadequate (e.g., consistently low student evaluations and unfavorable peer
evaluations, very little or no curriculum development or teaching-related scholarly
activity);
2 Somewhat Inadequate (e.g., a mixture of low and adequate student and peer
evaluations, relatively little curriculum development or teaching-related scholarly
activity);
3 Adequate (e.g., relatively consistent moderate student and peer evaluations, some
curriculum development or teaching-related scholarly activity);
4 Fair (e.g., consistently moderate student and peer evaluations, moderate levels of
curriculum development or teaching-related scholarly activity);
5 Good (e.g., moderate to high student and peer evaluations, clear evidence of some
curriculum development or teaching-related scholarly activity);
6 Very Good (e.g., primarily attains very high ratings from students and peers,
significant accomplishments in curriculum development or teaching-related scholarly
activity);
7 Excellent (e.g., consistently receives among the highest ratings of students and peers,
substantial contributions to curriculum development or teaching-related scholarly
activity).

Evaluations of professional growth and development should consider an applicant's scholarly
achievements, such as publications, conference presentations, music compositions, and
performances and showing of artistic works. In addition, other professional growth activities
should also be regarded, such as an applicant's obtaining an additional advanced degree,
certification or license, training or consulting with a recognized expert in one's field to
advance one's skill levels, and active participation in meetings and leadership of a recognized
professional organization in one's field.

Given the variety of types of professional development that pertain to the diverse fields
represented in the university, each department should develop more specific definitions of the
individual ratings on the scale of 1-5 points allotted to candidates level of professional
development that follows:

Level of professional development:
1 Very Low
2 Somewhat Low
3 Moderate
4 Somewhat High
5 Very High

The scoring criteria for professional development should be completed to initiate the PSSI
process in the Fall of 1997.

Evaluations of service should consider an applicant’s involvement in departmental, college, university, and pertinent community activities. Service activities include, but are not necessarily limited to the following:
- administrative responsibilities (such as chairing a department, coordinating a program, scheduling departmental courses);
- membership in departmental, college, and university committees;
- committee leadership roles;
- consulting, public speaking, and other involvement with community entities (agencies, boards, schools, governmental bodies, businesses, etc. that are pertinent to the applicant’s field of specialization);
- advising student clubs and groups;
- involvement in diversity-related service activities;
- working with departmental advisory boards and fundraising sources;
- mentoring students and junior faculty.

Greater weight should be given to activities involving leadership and large commitments of time and effort. It should not be assumed that an individual must have engaged in all of the above types of service in order to receive the highest rating for service.

1-5 points will be allotted to the candidate’s level of service using the following scale:
1. Very Low (e.g., minimal or no clear involvement in campus committees or community activities);
2. Somewhat Low (e.g., relatively low degree of participation in small number of campus or community activities);
3. Moderate (e.g., average level of involvement in campus committee work, assumption of minimal if any leadership responsibilities, slightly active participation in community activities);
4. Somewhat High (e.g., actively involved in multiple committee and some leadership positions, clearly pursues participation in significant community activities);
5. Very High (e.g., very actively and effectively serves both the campus and the community through participation in multiple committees and roles requiring significant leadership, responsibility, and commitment of time and effort).

Scores for candidate are totalled and divided by the number of subcommittee members to score an applicant for each category (e.g., Teaching, Professional Growth and Development, Service). Each subcommittee member rates each applicant and the average score is used. Discussion among subcommittee members may take place if significant variation in scores exists. Applicants total score = scores for Teaching + Professional Growth and Development + Service. The PSSI Committee as a whole, when totalling up the scores, has the option to award a maximum of 2 additional bonus points if they find that a particular candidate has been outstanding or exceptional in ways which are not adequately reflected in the total score. Such bonus points would have to be agreed upon by the majority of the college PSSI committee members.

Recommended steps based on total score: 5 steps = a total score of 16-17 points; 4 steps = a total score of 14-16 points; 3 steps = a total score of 12-14 points; 2 steps = a total score of 10-12 points; 1 step = a score of 8-10 points; and 0 steps = a total score of 3-8 points.
Applications and nominations shall be forwarded to College (Unit) PSSI Committees consisting of tenured Unit 3 employees. No more than one Unit 3 employee from a department shall serve on the College (Unit) PSSI Committees except in cases where this would result in a committee of fewer than three people. Each member of the college PSSI committee will receive a minimum of one unit of assigned time for their service.

College (Unit) and University PSSI Committees shall review and categorize all applications. Three categories shall be used: highly recommended; recommended; not recommended. For those candidates recommended favorably, the College (Unit) and University PSSI Committees shall recommend the number of steps to be awarded. Applicants have seven calendar days after College or University PSSI Committee recommendation to provide a written rebuttal statement, not to exceed one page (supplemental documentation is not permitted), to respective committee chair with a copy to President.

College (Unit) and University PSSI Committees shall inform all applicants of their recommendations at the time that they are forwarded. A point total recording scores for Teaching, Professional Growth and Development, and Service shall be provided to each applicant for use in the improvement of performance.

Review by the President

All recommendations are forwarded to the President or his/her designee no later than _______ of each year in which PSSIs are awarded.

Failure to meet these deadlines for recommendations shall automatically result in the forwarding of all applications/nominations to the President for his/her award of PSSIs. (See MOU 31.27 -- Appendix 5)

The President or designee shall review all of the applications/nominations which have been submitted, and select the recipients of the increases from among this candidate pool by _______ of each year in which PSSIs are awarded. He/she shall also determine the appropriate number of steps to be granted. (See MOU 31.28 -- Appendix 5)

The decision to grant or deny an increase for meritorious performance, and the number of steps to be granted, shall not be subject to the grievance procedure. (See MOU 31.28 and Section 8, below). Only correspondence which documents information that a faculty member was granted PSSI(s) will be placed in a faculty member's Personnel Action File.

Special Provisions (see MOU 31.29--31.31 -- Appendix 5)

At least fifty percent (50%) of the candidates receiving a PSSI must have received a positive recommendation from the University PSSI Committee provided that:

- The University PSSI Committee makes a positive recommendation for enough candidates to fully expend the campus pool for PSSIs in that fiscal year, and

- The University PSSI Committee meets the time requirement for the review and recommendations of all candidates to the President as specified above.
8.2 If the University PSSI Committee submits fewer than the minimum number of positive recommendations needed to expend fully the pool for PSSIs in any fiscal year, then the percentage of candidates receiving a PSSI that must also have received a positive recommendation from the University PSSI Committee shall be reduced proportionately from fifty percent (50%).

9.0 Relationship to RPT Deliberations

9.1 The decision to grant or deny a PSSI shall not be considered during deliberations regarding the granting of reappointment, promotion or tenure. This shall not preclude the consideration of any facts during RPT deliberations which are also considered during PSSI deliberations. (See MOU 31.35 -- Appendix 5)

10.0 Peer Review of Performance Salary Step Denials (see MOU 31.36-31.42 -- Appendix 5)

10.1 Candidates who have received a favorable recommendation from the University PSSI Committee and who subsequently fail to receive a PSSI shall be eligible to have the increase denial reviewed by a University Peer Review Panel. The rebuttal letter will be a maximum of six pages, double-spaced, and received by the appropriate date.

10.2 The University Peer Review Panel shall be Peer Panels will be constituted by the Provost and Vice President for Academic Affairs in consultation with the Chair of the Academic Senate and selected by lot from among all full-time tenured faculty who did not serve on that year's University or College (Unit) PSSI Committees, and were not applicants/nominees for PSSI.

10.3 The Peer Panel shall begin to review the specific Performance Salary Step denial within 14 days of its selection by lot. The panel’s review shall be limited to a reconsideration of the increase denial of the nominee, and the Employer’s written response to any allegations made by the affected Employee. Except for presentations of the complainant and the administrator, the peer review will be made from the documents set forth in Section 32.39 of the MOU.

10.4 The President shall consider the University Peer Review Panel’s recommendations and all forwarded materials and, no later than fourteen (14) days after receipt of the University Peer Review Panel’s report, notify the affected employee and the University Peer Review Panel of his/her final decision, including the reasons therefor. Notification to the employee of the President’s decision concludes the peer review procedure and such decision shall not be reviewable in any forum.

10.5 All requests for peer review must be submitted in writing to the Provost and Vice President for Academic Affairs no later than _________ of each year in which PSSIs are awarded.

11.0 Reporting of Awards
The University shall report to the Academic Senate annually by College (Unit) the appropriate aggregate statistics regarding the number of candidates in each category, the number of recipients and the number of steps granted.

12.0  Final Disposition of All Documents Pertaining to PSSI Applications

12.1  At the conclusion of a PSSI cycle, all documents pertaining to an individual’s PSSI applications shall be: (1) for those applicants awarded a PSSI, forwarded to the administrative custodian of the applicant’s Permanent Personnel File; (2) for those applicants not awarded a PSSI, returned to the applicant.
POSSIBLE ADDITIONS TO THE PROPOSED PERMANENT PSSI POLICY

Major Issues Deadlocked by Faculty Affairs Committee

1. Separating department heads/chairs in the evaluation process
Some not participating so as to minimize departmental conflict. They did not want to compete with peers and disrupt internal harmony within the department.

Would affect 2.0

Five percent or less of the total PSSI funds shall be apportioned for the evaluation of department heads/chairs.

New 8.0 Dean’s Review

8.1 The Dean shall evaluate department heads/chairs utilizing the factors listed in section 6.2 concerning their teaching, professional growth and development, and service efforts.

2. Evaluation at the department level
Best knowledge of the applicant versus most bias (negative and positive). Some departments are highly dysfunctional when it comes to peer assessment.

New 6.0 Review by Department

6.1 Each department shall form a faculty review committee consisting of 3 elected, tenured faculty members and the department head/chair. The review committee will be elected by all the full-time faculty of the department. If there are not enough tenured faculty in a department to comprise the three member committee, tenured faculty from another department within the College/Unit be selected to sit on the review committee. The Department Head/Chair will call the first meeting of the committee and the three elected, tenured faculty members will determine the chair of the committee.

In the case of Librarians, Counselors, Coaches where a Department review may not be possible, the first level of review is at the College/Unit level.

6.2 Factors listed in (old 6.2) 7.2 will be utilized in the evaluation of the applicant’s teaching, professional growth and development, and service efforts.

6.3 Departmental Review Committees shall review and categorize all applicants. The follow three categories shall be used: highly recommended, recommended, not recommended. There shall be no ranking of applicants within the categories. Each member of the committee will evaluate applicants other than their own.

6.3 Applicants have seven calendar days after the Departmental Review Committee recommendation to provide a written rebuttal statement not to exceed 3 pages double-spaced to the respective committee chair with a copy to the President. Any rebuttal letter will be reviewed by further review committees as part of the applicant’s package.

Applications, recommendations, and rebuttals will be forwarded to the College/Unit committee

3. Rebuttals not being reviewed
6.3 addition
old 7.5 Rebuttal letters will be considered as part of the review process.

4. Dean’s review. The argument against was PSSI should be a faculty issue and the influence of any administrator should be kept out. This is an illusion as the President relies heavily on each Dean’s input. The argument for inclusion is that the Dean is now legitimately visible and accountable.

New 8.0 Dean’s Review

8.1 The Dean shall review all applications, the assessment and recommendations of the faculty peer review committees and may review the Open Personnel File of any candidate in his/her College/Unit to assess the overall suitability of a candidate for the award. The Dean shall utilize factors listed in (old 6.2) 7.2 to evaluate each applicant. The Dean shall forward a written assessment and recommendation of each applicant to the University PSSI Committee/President. A written assessment to the candidate will only be made if it differs from the College/Unit Committee. A positive recommendation shall include a recommendation of the number of steps to be awarded.

8.2 If the candidate has received a negative recommendation, the candidate has seven calendar days after receiving the Dean’s recommendation to provide a rebuttal statement not to exceed 3 pages double-spaced to the Dean with a copy to the University PSSI Committee/President. All rebuttal letters will be reviewed in any further evaluation processes.

5. Deletion of the university committee

Viewed only a stop-gap for large bias and inter college/unit distribution issues. Past committee members admit their knowledge of many candidates was slight. This action streamlines the evaluation process.

Action: delete reference to University PSSI Committee from the document
**PROPOSED PSSI CALENDAR FOR FALL 1997**  
*(PSSI DECISIONS RETROACTIVE TO JULY 1, 1997)*

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provost apportions PSSI budget allocation to colleges (unit), with copy to Chair, Academic Senate</td>
<td>Sep 15</td>
</tr>
<tr>
<td>President issues statement concerning PSSI and outlines procedures</td>
<td>Sep 15</td>
</tr>
<tr>
<td>Colleges distribute criteria to faculty</td>
<td>Sep 15</td>
</tr>
<tr>
<td>Applications/nomination provided directly to Department Chair/Head with copy to President</td>
<td>Sep 28</td>
</tr>
<tr>
<td><strong>Colleges (Unit) PSSI Committee Selected (minimum 9 members)</strong></td>
<td>Oct 4</td>
</tr>
<tr>
<td>3 member Teaching/Other Professional Performance sub-committee</td>
<td></td>
</tr>
<tr>
<td>3 member Professional Growth and Achievement sub-committee</td>
<td></td>
</tr>
<tr>
<td>3 member Service sub-committee</td>
<td></td>
</tr>
<tr>
<td>Last day for Department Chair/Head to verify accuracy of applicant's record and to forward signed applications to College (Unit) PSSI Committee</td>
<td>Oct 4</td>
</tr>
<tr>
<td>College Committee reviews applications, forwards recommendations to Dean with copy to President</td>
<td>Dec 1</td>
</tr>
<tr>
<td>Applicant's rebuttal statement, if any</td>
<td>Dec 8</td>
</tr>
<tr>
<td>President makes award decisions after conferring with Deans</td>
<td>Jan 1</td>
</tr>
</tbody>
</table>

**Appeal Process**

| Request for Peer Review with written complaint due in Provost and Vice President for Academic Affairs' Office | Jan 15 |
| Peer Review Panel(s) forward findings and recommendations to President | 30 days after selection |
| President notifies affected employees and Peer Review Panel(s) of final decision | 14 days after report |
PROPOSED PSSI CALENDAR FOR WINTER/SPRING 1998  
(PSSI DECISIONS EFFECTIVE JULY 1, 1998 or Final Budget)

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provost apportions PSSI budget allocation to colleges (unit), with copy to Chair, Academic Senate</td>
<td>Jan 12</td>
</tr>
<tr>
<td>President issues statement concerning PSSI and outlines procedures</td>
<td>Jan 12</td>
</tr>
<tr>
<td>Colleges distribute criteria to faculty</td>
<td>Jan 12</td>
</tr>
<tr>
<td>Applications/nomination provided directly to Department Chair/Head with copy to President</td>
<td>Feb 20</td>
</tr>
<tr>
<td>Colleges (Unit) PSSI Committee Selected (minimum 9 members)</td>
<td>Feb 20</td>
</tr>
<tr>
<td>3 member Teaching/Other Professional Performance sub-committee</td>
<td></td>
</tr>
<tr>
<td>3 member Professional Growth and Achievement sub-committee</td>
<td></td>
</tr>
<tr>
<td>3 member Service sub-committee</td>
<td></td>
</tr>
<tr>
<td>Last day for Department Chair/Head to verify accuracy of applicant’s record and to forward signed applications to College (Unit) PSSI Committee</td>
<td>Feb 27</td>
</tr>
<tr>
<td>College Committee forwards scores per category and recommendations to President with copy to Dean and applicant</td>
<td>May 8</td>
</tr>
<tr>
<td>Applicant’s rebuttal statement, if any</td>
<td>May 15</td>
</tr>
<tr>
<td>President makes award decisions after conferring with Deans/Provost</td>
<td>May 29</td>
</tr>
<tr>
<td>Request for Peer Review with written complaint due in Provost and Vice President for Academic Affairs’ Office</td>
<td>June 13</td>
</tr>
</tbody>
</table>

**Appeal Process**

| Peer Review Panel(s) forward findings and recommendations to President | 30 days after selection |
| President notifies affected employees and Peer Review Panel(s) of final decision | 14 days after report |
Faculty Professional Conduct from Faculty Affairs Committee

Whereas faculty have harassed colleagues
Whereas faculty have not shown due respect for the opinion of others, especially other faculty
Whereas faculty have not been objective in their professional judgment of colleagues
Whereas there exists a Code of Ethics for faculty at Cal Poly
Whereas correction is felt to be more effective than punishment, be it

Resolved, That Employee Association Program (EAP) services be more effectively publicized to
the campus community and that Administration take the lead in this matter

Resolved, That Mandatory sensitivity training for faculty/administrators be given in the content
area of interpersonal conflict

Resolved, That a formal training program for department heads/chairs and college deans
concerning awareness of interpersonal problems, conflict/dispute resolution skills
and mediation skills take place

Resolved, That individual disputes/conflicts be encouraged to be voluntarily mediated with
assistance from EAP staff where possible

Resolved, That a standing Committee on Professional Ethics be established by the Academic
Senate in accord with the attached guidelines

Guidelines for the Committee on Professional Ethics

1. The Committee of Professional Ethics shall consist of seven full-time tenured faculty members,
one from each college and the University Center for Teacher Education

2. The seven members will be elected by their respective constituencies and shall serve
overlapping two-year terms. This shall be accomplished initially be having three members elected
to one year terms and four elected to two year terms with the elections in following years to be for
two-year terms

3. The Committee shall meet initially in the fall quarter to elect a chair. Meetings will be
scheduled as needed based on case-load situations.

4. The Committee may function as an advisory group to a faculty member with a perceived
peer conduct problem.

5. The Committee is empowered to investigate allegations of unethical conduct covered by the
Faculty Code of Ethics except those covered by other legal means (e.g. MOU complaints and
grievances, Sexual Harassment Policy, etc.)

6. Specific, advisory recommendations will be made by the Committee to rectify problem
situations where possible with the approval of both the faculty member and the
appropriate administrator
7. Professional censure power to cease and desist specific behavior(s) will be granted to the Committee by the Academic Senate.
Evaluation of Academic Deans from Faculty Affairs Committee

Whereas Academic Deans are currently evaluated using the Performance Evaluation Form

Whereas Academic Deans have responsibilities toward faculty in their respective administrative units

Whereas Academic Deans may perceive that efforts toward personnel (faculty/staff) may not be valued as highly without specific performance objectives targeted in this area

Whereas faculty members may be unaware of efforts made by their academic Dean because of a lack of specificity of performance objectives

Whereas a specific portion of a Dean's efforts have not been perceived to be historically directed toward faculty

Whereas specific performance objectives directed toward faculty can only increase collegial actions

Whereas there are common topical areas (e.g. communication, work environment, professional growth, etc.) that lend themselves to consistent evaluation by the Provost and Academic Vice President for Academic Deans

Whereas there is an opportunity to improve the performance of Academic Deans by increased interaction and cooperation of the faculty

Be It Resolved that the Function of Personnel (specifically faculty) be recognized in the evaluation of Academic Deans by the Provost and Academic Vice President using the existing Performance Evaluation Form

Be It Resolved that specific performance objective(s) be developed for Academic Deans in concert with the Academic Senate by the Provost and Academic Vice President in appropriate topical areas for faculty (e.g. communication, working environment, professional development, etc.)

Be It Resolved that the Provost and Academic Vice President continue to dialogue with the Academic Senate to improve Academic Dean performance through the use of such tools as Academic Dean Evaluation Forms, performance objectives, or any additional appropriate efforts.
Faculty Input for Writing Job Description for Academic Administrators from Faculty Affairs Committee

Whereas there is an effort to improve collegiality at the university

Whereas faculty members are currently a part of search committees for academic administrators

Whereas potential confusion or uncertainty may exist if the search committee does not draft the job description

Whereas significant concern by the search committee if the job description is drafted by another group or person is not the proper atmosphere to begin a search for candidates

Whereas being a part of the process from the very beginning increases the "ownership" of any decisions made

Whereas there would be consultation with the appointing administrative officer

Be It Resolved that the Job Description for Administrative Positions with Academic Responsibilities to the Provost and Academic Vice President be written by the designated search committee with appropriate faculty representation.
RESOLUTION IN SUPPORT OF A
4% INCREASE IN FACULTY SALARIES
#RS97-152

At its meeting of April 29, 1997, the Academic Senate unanimously approved the following resolution:

WHEREAS  In 1997-98, the California State University system will be receiving a 4% annual increase from the State General Fund; and

WHEREAS  The salaries of CSU faculty continue to lag behind the average salaries of faculty at comparable institutions nationwide; therefore be it

RESOLVED  That the annual increase from the State General Fund in 1997-98 translate into no less than a 4% across the board increase in 1997-98 faculty salaries; and be it further

RESOLVED  That until the California Post Secondary Education salary gap is closed, faculty salaries should be increased across the board at a rate of no less than the overall increase from the State General Fund each year; and be it further

RESOLVED  That the San Francisco State University Academic Senate forward this resolution to the President of San Francisco State University, the Chair of the CSU Academic Senate, the Chancellor of the CSU, the President of the California Faculty Association, the CSU Board of Trustees, and the CSU Campus Senates.
WHEREAS, the report of the Intellectual Property Rights Committee, if enacted, would place unreasonable and impractical disclosure requirements (Sections IIA and IIC) on faculty, and

WHEREAS, the report defines a university interest in every creative activity of the faculty -- whether or not that activity is sponsored or utilizes university facilities in a substantial way, and

WHEREAS, the report does not address the question of faculty who have not signed Intellectual Property Rights Agreements with the university, but would apply its requirements to all faculty, and

WHEREAS, this would constitute a change in the conditions of employment and would be unlawful; therefore be it

RESOLVED: that the report entitled Rights to Intellectual Property Created by Faculty, Students and Staff not be accepted until these issues are satisfactorily addressed.
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, California 93407
ACADEMIC SENATE

AMENDMENT TO BUSINESS ITEM B:
Resolution on Campus Policy on...Intellectual Property...

Add to Resolution on page 5, the following RESOLVED clause:

RESOLVED: That the Academic Senate recommend that a staff member (to be named by the Staff Council) be added to the Intellectual Property Rights Committee.

Proposed by Harvey Greenwald