POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

ACADEMIC SENATE AGENDA

October 14, 1975
3:15 p.m. U.U. 220

I. Introductory Remarks - Al Settle

II. Foundation Board Presentation and Questions/Answers (Amaral)

III. Reports
A. Statewide Senate (Olsen, Wenzl, Murphy)
B. Summer Action (Jennings)
C. Administrative Council (Weatherby)
D. Academic Council (Saveker)
E. Foundation Board (Labhard)
F. President's Council (Labhard)

IV. Committee Reports
A. Budget (Nielsen)
B. Curriculum (Sullivan)
C. Election (Buffa)
D. Instruction (Chow)
E. Personnel Policy (Beecher)
F. Student Affairs (Culver)
G. General Education and Breadth Requirement (Riedlsperger)
H. Constitution and Bylaws (Gold)
I. Long-Range Planning (Saveker)
J. Personnel Review (Kann)
K. Research (Thomas)
L. Fairness Board (Langford)
M. Faculty Library (Lutrin)
N. Distinguished Teaching Awards (Roberts)

V. Discussion Items
A. Faculty Consulting and Overload Pay (Chow, Thomas) (Attachment V-A)

VI. Announcements (Labhard - unless noted otherwise)
A. Nuclear Forum (Weatherby)
B. Foundation Manual and Audit Report
C. First Year Final Report - Center for Professional Development
D. Fall Packet - Revised Constitution and Bylaws, Senate Membership List, Senate Committee List
E. Senate Office and Hours
F. Steady State Staffing
G. Executive Order 228 - Campus Peace Officers - Firearms Policy
H. Score Sheets - Items Referred to the President and Committees (Attach. VI-A,B)
I. Questionnaire - Ad Hoc Committee of Student Evaluation of Faculty
J. Executive Committee Action - Support of Proposal for Program in Criminal Justice
K. Statewide Affairs
L. Fall Conference
Memorandum

To: Hazel Jones
   Vice President for Academic Affairs

       Academic Senate Executive Committee

From: Guy Thomas
       Chairman, Research Committee

Date:

Vice President for Academic Affairs

File No.:

Copies: Dale W. Andrews
       Executive Vice President

Members

Research Committee

Subject: Proposed Revision of CAM Section 371.1A and 542
(Interim Policy on Procedures Governing Faculty Consulting and Overload Pay)

The Academic Senate Research Committee has a primary responsibility this
1974-75 academic year of making recommendations on changing CAM Section
542, Interim Policy on Faculty Consulting and Overload Pay to permanent
CAM policy.

The Research Committee has attempted to provide a vehicle for faculty to
make use of their professional competencies in consulting activities. At
every opportunity faculty should be encouraged to enhance their instructional
and professional abilities whereby they receive the professional enrichment
from these activities. The consulting activities in no way should be detri­
mental to the faculties or the University, nor be in competition with community
activities or services.

The Research Committee is recommending the proposed CAM revisions (attached)
to be adopted as permanent policy to CAM.

A. Attachment A, 371.1A, Page 1.

The Research Committee reviewed private consulting activities as they
exist in some other CSUC institutions; and, strongly believing that the
University encourages each faculty member to make use of his knowledge
as a consultant where he is professionally competent, is recommending
the revision of CAM Section 371.1A.

The revision will permit consulting activities if approved under the
proposed provisions of CAM 542.B.

B. The Committee recommended reorganization of CAM Section 542 to have four
subsections.

1. Faculty Consulting (Attachment B, 542.B1, Page 1)

   This serves as a preamble paragraph and no change was made in the
   existing language.

2. University or Foundation Sponsored (Attachment B, 542.B2, Pages 1 & 2)

   Existing language is shown with recommended Committee changes as follows:
Attachment B, 542.B2c, Page 1

The Committee deleted the last sentence ("No proprietary or secret work is permitted.") because they felt the sentence was redundant. The sentence preceding this deletion states that all results from consulting must be freely accessible to the public. The Committee felt that no violation would occur when the results must be accessible to the public.

Attachment B, 542.B2d, Pages 1 & 2

The changes in this paragraph are required to reflect correct administrative titles.


Attachment B, 542.B3a, Page 2

No change in the existing language.

Attachment B, 542.B3b, Page 2

The Committee introduced this new paragraph which would permit faculty to act as private consultants providing all provisions of this paragraph are met. The Committee felt that faculty should be encouraged to make use of their knowledge where they are professionally competent. Existing language prohibits use of State facilities (CAM Section 371.1A) when acting as a private consultant.

By permitting faculty to act as private consultants, the Committee felt that these activities would not only enhance the professional stature of faculty, but enrich the instructional programs as well. The Committee has attempted to provide a means of instructional and professional enrichment by introducing this paragraph and amending CAM Section 371.1A which will be less negative and could provide a vehicle for faculty to include certain consulting activities which may be considered as official business.

Attachment B, 542.B3c, Pages 2 & 3

The Committee recommended that the deleted sentence was very restrictive in the form of "any context." They recommended the new underlined words to serve as the prohibition language of the paragraph. The last sentence was deleted as the Section of CAM 371.1 was deleted and has been amended and is referenced in paragraph 542.B3a.
The change in this paragraph is required to reflect correct administrative titles.

4. Faculty Overload Pay  (Attachment B, 542.B4, Page 3)

No change from existing language.

C. Attachment C, Proposed Procedures and Guidelines for Reimbursement

This document has been developed by the Director of Business Affairs as procedures to follow in determining direct and indirect costs to be reimbursed to the University. Appropriate schedules and procedures have been approved by Mr. James Landreth, Director of Business Affairs.

Attachments:  
A - Draft Proposal Change for CAM 372.1A
B - 542.B Faculty Consulting and Overload Pay
C - Proposed Procedures and Guidelines for Reimbursement
ATTACHMENT A.

Section 371, Draft Proposal Change for CAM 371.1A

371 Activities Inconsistent, Incompatible, or in Conflict with Duties as an Employee

371.1 In protecting the integrity of the California State service, the law includes standards of conduct with which State officers and employees are expected to comply. In accordance with the requirements of Section 19251 of the Government Code, the following employments, activities, or enterprises of every officer and employee under the jurisdiction of the State University and Colleges are inconsistent, incompatible, or in conflict with duties as a State officer or employee:

A. The use of State time, facilities, equipment, or supplies at any time for any purpose other than the performance of official business.

"Official business may include certain consulting activities if approved in accordance with the provisions of CAM 542, B."

B. The performance for compensation other than State salary of any service for any person or public or private agency if such person or agency performs any action which is subject to review recommendation or approval by the employee or any of the employee's subordinates.

C. The performance for compensation other than State salary at any time of any service which the employee's State duties require the employee to render.

D. The acceptance of any obligations on the part of any officer or employee which would prevent the employee from carrying out responsibilities for which employed, or the acceptance of any responsibilities which would be in conflict with the purposes of the university.

E. The engaging in any activity which is contrary to a policy of the State University and Colleges or otherwise inimical to its welfare.

F. The willful violation of any law, any regulation of the Trustees or any directive of the Chancellor respecting employment or the performance of the employee's duties.

1. No member of the staff of the California Polytechnic State University Foundation or member of the staff of the California Polytechnic State University, San Luis Obispo, shall purchase or sell, borrow or use in any way whatsoever, directly or indirectly, any materials or property belonging to the Foundation or Foundation student projects, except through such procedures as the Foundation Board of Directors may prescribe. (See CAM 590.2, 590.3)
1. Faculty Consulting

The University encourages each faculty member to make use of his knowledge as a consultant in fields where he is professionally competent. Exchange of knowledge among the faculty is a normal function, and the faculty should be willing to act as consultants to each other without fee. On projects that require a lengthy or regularly continuing amount of consulting, it may be appropriate for the consultant to be paid for this service, so long as this payment is not contrary to federal or state policy, or to university policy concerning the total amount of time a faculty member may devote to extra duties for which he is paid.

2. University or Foundation Sponsored

a. A faculty member may act as a consultant to a governmental or private agency, and have access to university facilities, provided the funds are received by either the Cal Poly Foundation or by the University. In such an arrangement, the faculty member is not acting as a private consultant, but as a Foundation or University employee, and will be reimbursed at his or her salary rate.

b. If a faculty member has a grant or contract, regardless of the source of funds, university policy requires that other university faculty members reimbursed on the grant or contract shall be shown as co-investigators, faculty associates, or other title which shows the appropriate salary; the use of the word "consultant," showing an arbitrary fee, is not allowed. Exceptions to this policy may be made by the Academic Vice President when it is in the interests of the University, not the individual.

c. All results from consulting for a fee, which is accepted by either the University or the Foundation, must be freely accessible to the public.

d. No contractual commitments of any kind in research or consulting, which involve the University or the Foundation, may be made prior to approval by authorized University or Foundation officers.
The university's Proposal Approval Form outlines the normal approval procedure and signatures required. Copies are available from the Associate Dean of Graduate Studies and Research Coordinator, Research Development. The Executive Vice President gives the final approval for the University except in special instances where approval by the President is required.

3. Private Consulting

a. Faculty members may be private consultants outside the University, provided this activity does not interfere with the faculty members' obligations to the University, which are primary. Consulting should not average more than one day a week during the academic or calendar year, whichever is appropriate. [See CAM 370.2, Working Conditions and Employee Responsibilities, Academic (Instructional) Employees]

b. "When faculty members act as private consultants, with or without pay, they may desire to use specialized state facilities, equipment, services, or supplies, but any such use requires advance approval by the appropriate Department Head and School Dean, plus provision for reimbursement to the state for such use. Approval for use of state facilities, equipment, services, or supplies for private consulting may be granted only if there is no adverse effect upon the instructional functions of the University, and if there is provision for full reimbursement of direct and indirect costs to the University. The amount of direct and indirect costs to be reimbursed must be approved by the appropriate Department Head, School Dean, and the Director of Business Affairs. Appropriate procedures and schedules for determining reimbursable costs will be developed by the Director of Business Affairs. In general, no reimbursable costs will be assessed for the use of normal office space and office equipment routinely provided each faculty member, but full costs will be assessed for the use of any specialized facilities, equipment, services, or supplies." (See CAM 371.1)

c. As a private consultant, the faculty member should make it clear to his sponsor in writing that in no way does he speak or act for or represent the University or the Foundation; that he is at all times acting in his capacity as a private consultant, nor is there any University or Foundation liability for the faculty member's statements or actions as a private consultant. When

When university faculty members engage in any consulting work, particular care must be taken not to compete with
private industry. Even when the consulting work of a faculty member is handled through a State or Foundation agreement, evidence must be presented to show that any university facilities used are not readily available in private industry within a reasonable geographic area.

d. The faculty member must inform his department head of any consulting activities off campus, unless they are clearly of a minor nature constituting less than an average of two hours per week. The faculty member should be alert to any possible conflict of interest; obligations to the University take precedence. If the faculty member is a consultant and also has a federal grant or contract, possible conflict of interest may become a serious problem. In order to protect himself, the faculty member should seek advice on any possible conflict; the school dean, the Associate Dean of Graduate Studies and Research, Coordinator, Research Development, or the Academic Vice President may be helpful. (See CAM 371.3, Activities Inconsistent, Incompatible, or in Conflict with Duties as an Employee.)

4. Faculty Overload Pay

a. Faculty members on full-time appointments are considered to be paid for 100% of their time. If a faculty member is on reassigned time, as part of the normal load, this percentage of time must have been paid from either university resources or from an approved grant or contract administered by the Cal Poly Foundation.

b. The University permits overload payment (i.e., payment in excess of regular salary for basic appointment) for the following categories of overload assignments:

(1) For teaching in Extension
(2) For approved research or other grant/contract activities when payment is permitted by the sponsor
(3) For special Educational Programs, such as workshops or short courses that are not part of regularly assigned duties
(4) For consulting on a project that is formally accepted by the University or Cal Poly Foundation. Such consulting must clearly be related to the faculty member's educational duties; students should be involved in the project. (See subparagraph d. under Faculty Consulting above.)

c. The total overload permitted from all the above sources is 25% of the full-time salary.
ATTACHMENT C.

Procedures to be Followed in the Implementation of
CAM 542.B (As Recommended for Amendment by the University
Research Committee)

I. Policy

Reasonable charges will be made when University facilities are used by a
faculty member who acts as a private consultant. The purpose of this
procedure is to define relationships, to explain when charges will be
levied, and to describe procedures to be followed in obtaining approval
to use such facilities and to provide the University reimbursement.

In the conduct of consulting activities by faculty members, two broad cate­
gories of University facilities are utilized.

1. Category I Facilities:

These are facilities which are routinely provided to individual faculty
members to enable them to carry out the personal aspects of their instruc­
tional function. Examples are faculty office space and related office
furniture and equipment.

2. Category II Facilities:

These are facilities which are routinely provided to the collective
faculty to enable them to carry out the group aspects of their instruc­
tional function. Examples are classrooms, conference rooms, general
office space, shared laboratories, shared major equipment items, and
shops.

It is the policy that:

1. With respect to Category I facilities no charges will be assessed for
   their use in the conduct of private consulting activities.

2. With respect to Category II facilities, all identifiable costs will be
   used as a basis for charges to faculty members. The amount of
   reimbursement will be determined as follows:

   A. Direct Costs:

      1. All direct identifiable costs will be invoiced at actual cost.

      2. Services, such as computer processing, will be charged at estab­
         lished rates which are in effect for such services at the time
         they are rendered. Services by the Computer Center, in connection
         with private consulting, require prior approval by the Computer
         Center Director, in addition to required approval by the line
         organization and the Director of Business Affairs (see paragraph
         II.1 et seq).
3. University communications facilities shall not be used in such a way as to cause an incremental charge to the University nor will University supplies, materials, etc., be used in connection with private consulting except in situations where outside sourcing directly by the faculty member is not practical. The use of supplies and materials must be specifically approved prior to their use (see paragraph II.1. et seq).

B. Indirect Costs:

1. For building space, 35¢ per square foot per month, based on full-time usage. This charge includes utilities and custodial services. Full-time usage is defined as 40 hours per week for office space; and 75 hours per week for classroom and laboratory space.

2. For equipment, the rental rate will be 25% of the original cost (or fair market value at date of gift) and assumes a work year of 500 (in other words, the hourly rental charge will be 25% of cost divided by 500). A charge will be made for a full hour for any fraction of an hour of use. For example, use for 45 minutes will result in a charge for 1 hour; use for 7 hours and 15 minutes will result in a charge for 8 hours.

The use of the University facilities for private consulting will not be approved unless the following criteria are met:

A. The activity should be one which relates to and will probably enhance both the professional competence and teaching competence of the faculty member.

B. The activity does not conflict with assigned duties as an employee.

C. The activity will not place any financial responsibility on the State.

D. The activity will not interfere with the scheduled use of the facilities and/or equipment by the University.

E. The activity shall be conducted in such a manner as not to reflect adversely on the University or its faculty, staff, or students in any way.

When University faculty members engage in private consulting work, particular care must be taken not to compete with private industry. Even when the consulting work of a faculty member is handled through a State or Foundation agreement, evidence must be presented to show that any University facilities used are not readily available in private industry within a reasonable geographic area.

II. Procedures

The following procedures are to be followed in obtaining approval and making reimbursement to the University for use of facilities, equipment, and/or services in private consulting.
1. Obtaining Approval

The faculty member must, in memorandum form, fully describe the proposal or activity, including estimated costs. It must be submitted to the line organization as appropriate, with copies to the Coordinator, Research Development, and the Academic and Executive Vice Presidents. Normally, a proposal will be submitted through the faculty member's department head and school dean to the Director of Business Affairs. Each member of the line organization will recommend approval or disapproval. Before approving a proposal, the Director of Business Affairs will insure that the individual in charge of any University service or function, which may be affected by a proposal, is consulted and approved. Copies of recommendations made by line organization, and approval or disapproval by the Director of Business Affairs, including responses to any necessary consultation(s), will be provided to the Coordinator, Research Development, and the Academic and Executive Vice Presidents.

2. Reimbursement to University

At the completion of the consulting endeavor, but no less frequently than each calendar quarter (within 25 calendar days after completion or the end of a quarter), the faculty member performing the consulting activity will report by memorandum, the type and amount of all direct and identifiable costs (including services) associated with resources provided by the University. The report will also include full details regarding the use of the University facilities and/or equipment, including date(s) and time(s). When the usage report is a final one, it should be so indicated by labeling it a termination or final report. Reports will be submitted through the faculty member's department head (or other immediate superior, as appropriate), who shall, by endorsement, confirm the accuracy of the report, and forward it to the Director of Business Affairs, with a copy to the appropriate superior in the line organization (normally the school dean).

The Director of Business Affairs will bill (invoice) the faculty member for the total amount due, including any services (which will have been separately confirmed). Payment of the invoice may be made in person to the University Cashier, Room 131E, or may be paid through the mail by check or money order made payable to California Polytechnic State University and addressed to the attention of the University Cashier. When payment is made by mail, care should be taken to provide information with the remittance which clearly identifies the invoice(s) for which payment is being made.

Collections based on charges for use of facilities and equipment (indirect costs) will be taken by the University as General Fund reimbursement. All identifiable direct costs will be processed so that credits (negative expenditures) accrue to the same account that was charged with the original incremental cost expenditure.
# ACADEMIC SENATE
## ITEMS REFERRED TO SENATE COMMITTEES
### Fall 1975

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## ACADEMIC SENATE
### ITEMS REFERRED TO SENATE COMMITTEES
### 1975-1976

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<td>1. Athletic Policies &amp; Procedures</td>
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### ACADEMIC SENATE

**ITEMS REFERRED TO PRESIDENT**

Still Pending 1974-1975

**Fall 1975**

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Attach. VI-A, 10/14/75

Academic Senate Agenda
RESOLUTION IN SUPPORT OF THE NUCLEAR FORUM

WHEREAS, national attention and concern is focused upon the energy crisis affecting this country and other nations, and

WHEREAS, the President of the United States has called upon the electorate and responsible public and private institutions to respond to the urgency of the crisis and its attendant consequences, and

WHEREAS, it is the responsibility and obligation of the academic community to aid in the dissemination of vital information to achieve greater public awareness in the community of the problems facing all, and

WHEREAS, California Polytechnic State University, San Luis Obispo, will be the site of a forum discussing the merits of, and alternatives to, nuclear energy; now, therefore be it

RESOLVED: that it is the consensus of the Cal Poly Academic Senate to support the efforts of this balanced non-political forum sponsored by ninety-five San Luis Obispo County physicians to help resolve our national energy crisis through the promotion of such a nuclear energy public forum as will be held at Cal Poly October 17th and 18th, 1975.

This resolution of support assumes no financial or political responsibility and is offered only to demonstrate the continued willingness of the Academic Senate to welcome attempts to understand and resolve national problems.