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RESOLUTION OPPOSING THE PROPOSED CSUC DRAFT ON COPYRIGHT POLICY

WHEREAS The proposed CSUC Policy on Copyright is needlessly absolute and restrictive and infringes on academic freedom and the traditional and customary rights of authors; and

WHEREAS The proposed CSUC Policy on Copyright's main concern is the protection of the rights of the institution at the expense of the rights of the individual; and

WHEREAS The proposed CSUC Policy on Copyright would discourage faculty publication and creativity because it would impose ownership agreements unacceptable to most faculty members; and

WHEREAS A University acquires prestige every time one of its members produces a scholarly piece of work and therefore stands to lose the products that bring scholarship and prestige to an academic institution; and

WHEREAS When a scholar produces a book or any other work as part of his duties, or is specifically commissioned to prepare a particular work, the University can assume all literary or artistic property rights under the Copyright Act; therefore

BE IT RESOLVED That the Academic Senate of California Polytechnic State University oppose the proposed CSUC Policy on Copyright; and

BE IT FURTHER RESOLVED That the Academic Senate of California Polytechnic State University recommend that the CSUC prepare a general policy to the effect that books and other copyrightable materials created entirely through the individual initiative of an employee belong to the employee and that the employee has the right to copyright the material and to receive any subsequent royalties; whereas materials created as part of one's duties or by direct commission belong to the CSUC system, and the system has a right to claim the copyright.

Attachment IV-A
I. Purpose:

It has been the traditional practice of higher education in the United States that in the absence of a provision to the contrary, books and other copyrightable materials created entirely through the individual initiative of an employee belong to the employee and that the employee has the right to copyright the material* and to receive any subsequent royalties.

On the other hand, where the employee either has been hired to create a specific product or has been assigned the duty to create a specific product, it has been the practice for colleges and universities to claim the copyright in and exclusive ownership of the final product.

It is a purpose of this policy to affirm these traditional practices.

There are many possible factual variations, however, between the two examples noted above. These variations occur when an educational institution or system supports, in one form or another, employee research and creative effort. The traditional practice of higher education fails to offer clear conclusions in regard to who owns the copyright in products produced, at least in part, through the support of the educational institution or system. Therefore, it is a further purpose of this policy to provide a clear and equitable means to determine the respective rights of The California State University and Colleges and the employee in copyrightable products, the development of which is supported by The California State University and Colleges.

II. Application of Policy:

Except as provided in Section V (A), this policy applies only to The California State University and Colleges supported products (hereinafter CSUC supported products), as that phrase is defined in Section III.

III. Definitions:

Author: For purposes of this policy an "author" is one or more individuals, singly or as a group, who has created, written, developed, originated, or produced any copyrightable product. The term author includes, but is not limited to, employees, licensees, and students of The California State University and Colleges. The term author does not include those

*This right extends to lecture notes developed by an employee in the course of his employment with the campus (Williams v. Weisser, 273 Cal.App.2d 726 (1969)).
who contribute to the production of a copyrightable product in a non-creative support staff manner, such as those who offer purely clerical assistance.

**Owner:** The term "owner" refers to the party who owns or controls rights to copyrightable materials, whether under copyright or otherwise, and who has the right to sell, assign, distribute, or license the use of such material.

**Copyright:** A "copyright" is the right of the owner not to have an expression of creative or intellectual labor copied or used without consent of the owner.

**Product:** The term "product" refers to an author's expression of creative or intellectual labor and includes, but is not limited to, writings, musical or dramatic compositions, sound recordings, films, lecture notes, and other pictorial reproductions, computer programs, listings, flow charts, manuals, codes, instructions, software, and other copyrightable works.

**Employee:** The term "employee" includes executive, administrative, academic, non-academic and student-assistant employees employed by The California State University and Colleges. The term employee also includes agents and servants, whether or not compensated, of The California State University and Colleges.

**Assignment of Rights:** An "assignment of rights" is a transfer of rights under copyright or otherwise by the owner.

**License:** A "license" creates a contractual relationship in which the owner, under a copyright or otherwise, grants permission for use of the copyrighted material.

**Infringement:** "Infringement" of a copyrighted work occurs when a substantial portion of it is copied or used for composition without the permission of the copyright owner.

**Fair Use:** "Fair Use" is a use of the copyrighted materials which is permitted by law even though no express authorization is granted by the copyright owner.

**Public Domain:** Material is said to be in the "public domain" if it is not protected by a copyright law, and therefore available for copying without infringement.

The California State University and Colleges: For purposes of this policy, "The California State University and Colleges" includes all campuses of The California State University and Colleges, the Chancellor's Office, the various extension, summer and external degree programs of The California State University and Colleges, The Consortium of The California State University and Colleges, other campus consortium programs, and any other entity
of The California State University and Colleges. The term, The California State University and Colleges, does not include auxiliary organizations (as that term is used in Education Code Sections 24054 et. seq.) of The California State University and Colleges.

Educational Purpose: This term shall be liberally construed so as to refer to any use in furtherance of the primary function of The California State University and Colleges.

The California State University and Colleges Supported Product: Products are CSUC supported if:

A. The author has made a significant use of The California State University and Colleges' resources in his or her development of the product without personal charge to himself or herself. For purposes of this provision "resources" includes, but is not limited to, the facilities, funds, equipment, materials, or staff services of The California State University and Colleges; or

B. The author has been hired, commissioned or assigned, including a released or assigned time assignment, the specific task to develop the product by The California State University and Colleges.

IV. Interpretation and Administration of Policy:

The Chancellor shall appoint a systemwide copyright committee, with fewer than five nor more than seven members composed of representatives of the teaching faculty and administration of campuses of The California State University and Colleges and two representatives from the Chancellor's Office staff. The committee shall be assisted by non-voting representatives of the Chancellor's offices of Business Affairs and General Counsel. The systemwide committee shall advise the respective campus copyright committees on questions of interpretation and application of this policy and shall from time to time review this policy and recommend such changes as are needed. The committee shall be bound by such interpretation of law as may be offered by the Office of General Counsel.

V. Designation of Products as CSUC Supported:

A. Any author who creates a product, whether the author considers the product CSUC supported or not, shall initiate inquiry as to whether the product is CSUC supported. The author will make such inquiry by preparing a report of the relevant facts and forwarding it to his or her immediate supervisor or instructor. The immediate supervisor or instructor, after appropriate consultation, including consultation with his or her supervisor, shall submit a written recommendation on the
matter to the campus copyright committee, which shall review the matter and make a recommendation to the campus president. Each campus shall determine the membership and organizational make-up of its copyright committee. Any decision reached by the campus president on whether particular materials are CSUC supported is, on request of the author, subject to review by the statewide copyright committee which shall review the matter and make a recommendation to the Chancellor, whose decision shall be final. When it is determined under this paragraph V (A) that a product is CSUC supported, a designation shall be made as to whether or not the author was hired, commissioned or assigned the task to develop the product.

B. In those instances in which a copyrightable product is produced by an employee of the Chancellor's Office, or an employee or student of any other entity of The California State University and Colleges other than a campus, the matter shall be referred to the copyright committee of such entity. As in the case of a decision reached by a campus president after reviewing the recommendation of the campus copyright committee, any decision of the designated copyright committee is subject to review by the statewide copyright committee and the Chancellor. For convenience the designated committee will be referred to throughout this policy as a campus copyright committee.

C. Materials are presumed to be produced by the author on his or her own time and with his or her own resources, if they are produced while the author is on a campus leave with or without pay from The California State University and Colleges. Notwithstanding such presumption, authors who create a product on such leave must make such inquiry as is required by Section IV (A) of this policy. Further, materials will be deemed to have been produced by the author on his or her own time and with his or her own resources, if they are produced pursuant to a class in which the author is enrolled, provided that the author has not been hired, commissioned or given assigned time to create such materials.

D. (1) No author may secure a copyright in any product until the author has secured a determination under Paragraph A, above.

(2) In the event an author copyrights a CSUC supported product without initiating a determination under Paragraph A, above, the author shall, upon being advised of a determination that the product copyrighted in the name of the author is CSUC supported, convey a license to The California State University and Colleges granting
it all of the rights, benefits and remuneration to which it is entitled under this policy and forfeiting all of the author's rights, benefits and remuneration to which the author would otherwise be entitled under this policy.

(3) Should an author fail or refuse to convey the necessary license The California State University and Colleges may bring an action for copyright infringement against such author and, if the product is judicially determined to be CSUC supported the author shall reimburse The California State University and Colleges for all reasonable costs associated with such judicial relief.

(4) In the event the campus copyright committee, the campus president concurring, determines that the author has demonstrated good cause for not securing a determination under paragraph A the author will be excused from the provisions of paragraph D(2) and (3), providing the author conveys to The California State University and Colleges a license granting all rights, benefits and remuneration to which it is otherwise entitled under this policy.

E. In reaching a determination that a product is CSUC supported, caution should be exercised in regard to an employee's use, without personal charge, of substantial equipment, materials, staff services or time for which the employee is compensated. It is a misuse of an employee's position to create a product under such circumstances, unless the employee has been hired, commissioned or assigned the specific task to develop a product.

VI. Ownership:

A. Except as hereinafter provided ownership of the copyright of CSUC supported products shall be vested in the Trustees of The California State University and Colleges when the author has been hired, commissioned or assigned the duty by The California State University and Colleges to develop the product. Accordingly, as soon as such products are completed the author shall so notify appropriate officers of The California State University and Colleges and permit representatives of The California State University and Colleges to affix the necessary copyright caption "c" and other information necessary to preserve The California State University and Colleges' copyright.

The Trustees shall copyright such materials when it appears that copyrighting will be in the best interests
of the California State University and Colleges and the author but this shall not affect an author's right to make personal use of the contents of the materials, so long as The California State University and Colleges' copyright is protected in the subsequent use.

Further, it is the policy of The California State University and Colleges that an author may actively encourage marketing of CSUC copyrighted materials he or she has created. In this regard, The California State University and Colleges shall, consistent with this policy, assign such rights or grant such licenses as are necessary to enable an author to actively pursue the marketing of a product he or she has created.

The Trustees shall also take action as appropriate to prevent infringement of such materials.

If the Trustees elect not to copyright the product, the author may do so upon serving notice of his intention to do so, and conveying to The California State University and Colleges a license to use the product, free of charge, within The California State University and Colleges, for educational purposes, for the life of the copyright, and any renewal thereof. If the author elects to copyright the product any royalties shall be subject to paragraph VII.

In the event neither the Trustees nor the author elect to copyright the product it shall be released to the public domain.

Any materials copyrighted by the Trustees pursuant to this policy shall accord the author full recognition as the author of the product. Further, the author shall retain, whether or not the author continues to be an employee, licensee or student of The California State University and Colleges, the right to periodically review the material to determine its continued relevancy and accuracy, and the author may, with the approval of the appropriate campus copyright committee, make updated notations or deletions or additions in the product as appropriate. In the event the author determines that further use of the product would be damaging to his or her professional reputation, he or she may request the president or other appropriate administrative officer of The California State University and Colleges to discontinue use of the product. In the event it is determined, after such request, to continue the use of
the product, the author may appeal this decision to the systemwide copyright committee, which committee shall review the matter and make a recommendation to the campus president.

B. When an author has made a significant use of The California State University and Colleges resources in the development of a CSUC supported product but has not been hired, commissioned or assigned the duty by The California State University and Colleges to develop the product the author shall, whether or not the author continues to be an employee, licensee or student of The California State University and Colleges, retain ownership of the copyright in such product, subject to the conditions set forth in this statement of policy.

C. When, pursuant to this policy, the author owns the copyright in a CSUC supported product, The California University and Colleges will receive from the author a license to use the product free of charge, for educational purposes, for the life of the copyright, and renewal thereof, throughout The California State University and Colleges system.

VII. Policy on Use of Materials:

A. This policy identifies two categories of use of copyrighted materials.

1. Internal Use: Use by The California State University and Colleges or employees for educational purposes; and

2. External Use: Use by The California State University and Colleges for other than educational purposes or use by anyone outside The California State University and Colleges.

B. Use of California State University and Colleges Supported Products Internal to The California State University and Colleges.

It is the policy of The California State University and Colleges, consistent with the provisions of Section VI, above, that all CSUC supported products copyrighted pursuant to this policy shall be available for use without fee of any kind for any educational purpose by any campus or any entity of The California State University and Colleges.
C. Use of California State University and Colleges Supported Products External to The California State University and Colleges.

1. When The California State University and Colleges owns the copyright, it will receive the first $10,000 in royalties derived from the sale, leasing, licensing or other marketing of the product. After The California State University and Colleges has received $10,000 in royalties it shall continue to receive 75% of the royalties and the author shall receive 25%.

2. When the author owns the copyright of a CSUC supported product The California State University and Colleges shall receive 50% of all royalties until it has received $10,000. After The California State University and Colleges has received $10,000 in royalties the author shall receive all royalties.

3. In those instances in which more than one author has developed a product, the authors themselves must determine their respective share of any royalties.

VIII. Production and Use Involving Non-University Agencies or Involving Other Educational Systems:

Notwithstanding any of the provisions of this policy to the contrary, The California State University and Colleges may administer funds provided by non-California State University and Colleges agencies (such as the Federal Government) or in conjunction with other non-California State University and Colleges governmental entities or a consortium thereof under contract or grant to pay for staff time, services, or materials incidental to the production of educational materials.

In such cases, The California State University and Colleges may enter into agreements with such agencies recognizing their rights, in whole or in part, to the ownership of the materials produced and the copyright to such materials and to the net income from their use, and to reasonable participation in determining the conditions of use. The campus president or other appropriate administrator (in a consortium, for example) shall inform staff members receiving payments from funds provided by non-university agencies for the production of educational materials as to the rights reserved to such agencies under the agreement between these agencies and the campus.

Similarly, in the event an author creates a CSUC supported product in cooperation with a person or persons outside The California State University and Colleges System, that author's interest in such product will be governed by this policy and The California State University and Colleges may enter into such agreements with such outside person or persons as may be necessary to copyright such product and distribute any income from the use of such product.
On December 13, 1974, I advised you that the Senate's recommendation to include a provision in the Campus Administrative Manual concerning changing of grades in the absence of an instructor had been referred to the Academic Council for review and recommendation.

Vice President Jones has notified me that the Academic Council has added their endorsement to the following proposed paragraph to be added to CAM Section 617.2. I am approving this addition effective immediately.

The assignment of final grades is the responsibility of faculty members. Under unusual or emergency circumstances requiring a change of grade in the absence of the faculty member who assigned it, or if an instructor is on leave for one or more quarters or is no longer a member of the faculty, the department head is responsible. The department head may delegate authority for determining the grade, but the department head's signature is required for the grade change itself.

The new provision will be incorporated in an upcoming revision of CAM Chapter 6.
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TO: Members of the Academic Senate CSUC
Chairs of Campus Senates/Councils

FROM: Charles C. Adams
Chairman, Academic Senate CSUC

RE: Promotions Budgeted for 1975-76

Reports and rumors about the number of faculty promotions in the 1975-76 budget are understandably producing confusion and concern on the campuses. I have been delaying this memorandum on the subject in the hope that I could discover something more cheerful and informative to transmit, but I believe some Academic Senate report of the current situation should be made.

The ultimate version of the Trustees' budget included a request for 1184 promotions ($954,222). The Governor's budget reduced the dollar request by $699,623. This leaves $255,000 for promotions. You may hear the remainder expressed in terms of the number of promotions ranging from 310 to 330. The differences arise from variant ways of translating dollars into promotions at the two basic levels. The stark fact is that the promotions allocation has been reduced to less than 30% of the original request.

Since the publication of the Governor's budget we have been trying to determine the rationale for the reduction so as to assess its status and to devise strategies for changing it. This information has been hard to come by because in this budget cycle there has apparently been none of the customary discussion and negotiation between Chancellor's staff and Governor's staff before the final formulation of the budget. On Monday, January 27, we were informed by Vice Chancellor Hanner that his discussions with the Department of Finance that day had indicated that its staff was fairly firm in its defense of the reduction. They were referring to a "billet system" which would allow movement into the upper ranks only as "slots" in those ranks were vacated.

On Wednesday, January 29, Governor Brown attended the meeting of the Board of Trustees, and, in his initial statement addressed several features of his budget for CSUC, including the reduction of promotion funds. He spoke favorably of a billet system, commenting that we "cannot all be chiefs." He implied rather clearly that each campus should come up with a configuration as to the distribution of "bILLETS" or "slots" in each rank appropriate to the functions and programs of that campus. He said that the current promotion appropriation (300+) was "transitional." This comment and his general remarks on promotions seemed to imply that in the next budget we could expect fewer, if any, outright promotion monies. The idea seems to be that, with what we have and the 1975-76 budget allocation, we
could achieve a self-perpetuating billet system.

The Governor expressed his willingness to engage immediately in a dialogue on the issues. However, the decision was made to move on with the set agenda and return later to such an ad hoc discussion. The agenda consumed approximately four hours (instead of the usual hour), with the result that a tentative plan was devised to hold a special "dialogue" meeting on the budget in the near future. Seeing that the billet system would not be examined at that meeting, I took the opportunity to advise the Board, including the Governor, that we were "ready and willing" to discuss the promotions matter that afternoon, at a special meeting, or whenever. The Governor, after commenting on his view of the importance of faculty in a university, virtually offered us the opportunity to discuss the promotions issue with him by appointment. Immediately after the meeting he instructed me as to the procedure for arranging a meeting between himself and the Executive Committee. We began that process the next morning. Initially we were given reason to believe the meeting would occur before February 15. Yesterday we were informed that there may be some delay. The "whether and when" of the meeting are at the moment conjectural. Meanwhile we are preparing approaches and materials to use in presentations on the subject of promotions patterns and projections.

On another front, Senator Alquist, at the suggestion of U.P.C., has introduced an urgency bill which would restore the $699,623. I understand that a petition campaign on the campuses is being organized. Both of these moves may be helpful, perhaps eventually critically necessary. At the moment, the Executive Committee is hopeful for an early opportunity to dissuade the Governor from his present course. If we could convince him, if only for this year, to abandon the billet approach, we could get him either to amend his budget or to determine not to blue pencil any addition the legislature might provide. His attitude toward the matter will be of great importance early and late in the budgetary process.

We will attempt to get as much information as we can and to influence a favorable change as soon as possible. You may wish meantime to inform yourselves campus by campus, as we are doing systemwide, as to your current campus distribution by rank, the mix of full-time and part-time faculty, the rate of turnover, the average number of promotions awarded each year in recent years, the consequences of varying rates of promotion on rank distribution five, ten, or fifteen years hence. I can see at the moment no alternative to a continuation of the regular promotion review and recommendation process. If at length we are limited to the funds contained in the Governor's budget, a fitting response will then have to be worked out.
Memorandum

To: President Robert Kennedy

From: Dave Grant
Secretary, Academic Council

Subject: Capital Outlay and Enrollment Alternatives

Larry Voss requested a report of the Academic Council's discussion and action, if any, on the topic of Capital Outlay and Enrollment Alternatives prior to the availability of the minutes so that you would have the necessary information early. The following is the substantive information from the Academic Council's meeting of Monday, February 3:

Reports (From School Councils and other organizations)

Business and Social Sciences - Favored freezing enrollments because the prospects of needed capital outlay seem very uncertain.

Engineering - Alternative #3 seems the best - the University must grow along projected patterns if the emphasis areas are to be maintained.

Architecture - School Council has not met since the convocation.

Agriculture - Voted in favor of Alternative #3.

Human Development and Education - impact of declining enrollments in Education and education-related areas necessitates reassessment of all areas.

Science and Mathematics - Supported the substance of Alternative #3, but only for 1975-76; it would be next to impossible to freeze enrollments at the 1974-75 level because too many commitments had already been made; that it would be impossible to make commitments beyond the present cycle at this time.

Communicative Arts and Humanities - Majority favored Alternative #3.

Academic Senate - Executive Committee voted in favor of Alternative #3: 7 yes, 4 no, 3 abstentions. The topic will be on the agenda of the next meeting of the Senate.

Staff Senate - Representative absent and no report.

ASI - No report available since the topic has not yet appeared on an agenda.

Action of Academic Council

M/S/P That the subject become a business item. Passed unanimously.

M/S/P That the Academic Senate supports the continuation of the implementation of the admissions cycle for 1975-76, but that plans for enrollment past 1975-76 be delayed until the status of facilities available beyond 1975-76 is known. 9 yes, 0 no, 1 abstention.
CAMPUS VISIT

Chancellor Glen Dumke and Statewide Dean of Student Affairs David Kagan

February 18, 1975

Arrive Swiftaire - 9:40 a.m. flight

1. Airport pickup - President Kennedy
   Return to campus 9:40

2. Open meeting with students in Room 220
   University Union, Chancellor Dumke and
   Dean Kagan to meet with representative students
   from all campus segments, e.g., E.O.P., Disabled,
   Veterans, graduates - a broad cross section of
   students who will receive notice of the meeting
   through campus media. 10:30 - 11:50

3. Lunch - President's Council
   12:00 - 1:30

4. Meeting with Academic Senate, Staff Senate
   Representatives and Department Heads, Room 220,
   University Union 1:45 - 3:00

5. Coffee break - Staff Dining Room
   Informal opportunity for faculty and staff to
   get acquainted with the Chancellor 3:15 - 3:45

6. Chancellor Dumke to meet with President Kennedy;
   Dean Kagan to meet with Dean Chandler and Student
   Affairs staff 4:00 - 5:00

7. Depart - Swiftaire 6:00

Attachment V-F
SUMMARY OF RESPONSES FROM GROUPS TO ENROLLMENT ALTERNATIVES FOR CAL POLY SLO, BASED ON UNIVERSITY CONVOCATION OF JANUARY 21, 1975

1. Academic Council

The Academic Council supports the continuation of the implementation of the admission program for 1975-76. Enrollment plans past 1975-76 should be delayed until the status of the University's facilities beyond 1975-76 is known.

See also the one-page summary by Dave Grant, Secretary, Academic Council, of reactions by School, which is attached.

2. Student Personnel Council

It was the consensus of the group that alternative no. 3 should be pursued. It would recognize that enrollment growth as envisioned by no. 3 should be examined on a year to year basis.

3. Academic Senate Executive Committee

In the end the Executive Committee reluctantly agreed to support alternative three. However, I would be less than candid if I failed to state the obvious; that there is a great deal of uncertainty, fear, and frustration centered around the implications of choosing any one of these alternatives.

4. Personnel Policies Committee, Academic Senate

The Personnel Policies Committee would like to go on record with a somewhat guarded endorsement of Alternative #3 as presented by President Kennedy at the University Convocation on January 21, 1975. Realizing that the third alternative is the most expedient politically, the Committee as a whole supports that concept; however, individually nearly all Committee members expressed deep concern over the problems as yet unsolved, which have arisen with the current level of student enrollment and, for that reason, seemed to favor a no-growth policy.

5. Instructional Department Heads Council

"As a Council we wish to go on record supporting Alternative #3 set forth in your Convocation Speech of January 21, 1975 with the additional phrase appended to this alternative, 'and with proper support for such growth'." The alternative would then read,

"3. By continuing to grow at the already established rate of 13,800 for 1975-76, with approximately 200-300 annual FTE increases until we reach 15,000 in 1979-80 and obtain a minimum of 20 trailers for faculty office space as of Fall, 1975, and with proper support for such growth."

"We ask that you consider carefully the ramifications of growth continued after 1975-76 if a significant building program is not funded for the forthcoming academic year."

"We as a Council are tremendously concerned about the limited number of promotions allocated to the System and, in turn, to individual campuses. We strongly urge you to plead for considerably more funds for promotions than has been currently budgeted."
6. Associated Students, Inc.

Motion #6 MSP UNAN (Loudon, Ronca) "Move that SAC, as a voice of the Associated Students, Inc., endorse the third alternative with a friendly amendment in response to Dr. Kennedy's request for input to solve the enrollment facilities dilemma."

The third alternative plus the friendly amendment reads as follows; "By continuing to grow at the already established rate of 13,800 for 1975-76, with approximately 200-300 annual FTE increases until we reach 15,000 in 1979-80 and obtain a minimum of 20 trailers for faculty office spaces as of Fall, 1975; and at this time, Tenaya Hall will be used again as a residence hall and an annual evaluation will be conducted to re-evaluate the status of increased enrollment and its impact."

7. CSEA Board of Directors

"The Board of Directors of CSEA Chapter 97 recommends to the President of the California Polytechnic State University, San Luis Obispo, Alternative 3 of the three basic alternatives presented by the President at a convocation on January 21, 1975.

"Alternative 3 is recommended with the proviso that these facilities be considered temporary and that continued efforts be made to obtain adequate faculty, support staff, classrooms, offices and parking facilities."

8. Marcus Gold, "A last resort alternative"

By moving all of the School of Architecture, except for their special labs to an area such as the General Fireproofing Plant you can accomplish all of these objectives.

You gain:

- classrooms in the Engineering West and Cardboard Jungle area.
  (The Architecture students are the most adaptable on campus. Provide them with space for their individual cubicles and an area for classrooms and they will do the rest.)

- office space in the area vacated by Architecture instructors moving to G.F. There is 5,000 sq ft of office space available there.

- student housing in Stenner Glen in the area vacated by Arch.
Committee on Professional Responsibility

a. The Committee on Professional Responsibility shall be comprised of a senior member and junior member elected by and from each school from the senior members in the associate or professor ranks and a senior member and junior member elected by and from the Professional Consultative Services from the junior members in the associate or professor ranks. The senior member and junior member from each school shall be from different departments where applicable. The senior members and junior members shall serve two-year staggered terms, with a maximum of two consecutive terms. The junior member becomes the senior member at the start of the second year of the term and the newly elected member from that school becomes the junior member. Administrators and department heads are not eligible for membership. The chairmen shall be elected from and by the committee. A functional committee is dependent upon a quorum, which shall consist of a member from each school and Professional Consultative Services.

d. The allegations of unprofessional conduct shall be made in writing with copies going to the person so charged and to the members of the Committee on Professional Responsibility. Allegations shall be accompanied by full documentation and evidence. If it is the committee's determination that an allegation is not accompanied by sufficient evidence, or is from too extreme a source to merit investigation, it shall return the document with an explanation to the initiator and inform the accused of the charge and of the committee action.

c. Any employee of the University who teaches as part of his assigned duties, or who is eligible to vote in the election of University Academic Senators, or who is eligible to serve as a voting member of the Academic Senate, may be charged with unprofessional conduct.

d. In the event a breach of conduct is believed to have occurred and an internal resolution is unachievable, the ensuing procedures shall be followed:

1. Allegations of unprofessional conduct shall be made in writing with copies going to the person so charged and to the members of the Committee on Professional Responsibility. Allegations shall be accompanied by full documentation and evidence. If it is the committee's determination that an allegation is not accompanied by sufficient evidence, or is from too extreme a source to merit investigation, it shall return the document with an explanation to the initiator and inform the accused of the charge and of the committee action.
The Committee on Professional Responsibility shall begin the procedure within four weeks of receiving the allegation. The committee may in any time determine the validity of the same as not amounting to professional misconduct. If the committee determines the validity of the allegation, the committee shall notify the subject presenting the complaint and the subject shall be provided for the purpose of the hearing with appropriate notice. The subject shall at such reasonable time be required to submit such an answer to the committee as the committee may require. The committee shall decide by the majority vote of the members of the committee the case at the hearing of the complaint, and that decision shall be final and binding on the subject.
1. He shall be given the opportunity to submit evidence refuting the allegation.

2. He shall be provided with a copy of all evidence presented to the committee and shall be given a reasonable time (no longer than 10 days, but an extension of time may be granted upon written request of the person charged) to respond to any evidence submitted.

3. He shall have the right to be accompanied by a person of his own selection who shall have the right to participate in the hearing.

4. He shall have the right to submit questions through the committee chairman to the individual making the allegation. The answers solicited shall be made available to him and to the committee.

f. The investigation and proceedings of the committee shall be kept in strict confidence by all concerned, except as it is otherwise necessary on the part of the Committee on Professional Responsibility in resolving the allegation.
REPORTS

1. The FTE faculty count as of February 1975 permits the Schools of Agriculture and Natural Resources and of Architecture and Environmental Design to add one additional Senate representative.

2. The abuse of the faculty book borrowing privilege has been brought to the attention of the Faculty Library Committee. The privilege may be lost if abuses are not remedied. The Committee is also studying periodical usage in order to determine what periodicals will be eliminated due to reduction in funds. Faculty will have input on this at the department level.

3. Chancellor Dumke will be visiting the campus on February 18, 1975, and will meet with senators in UU 220 from 1:45 to 3:00 p.m.

4. Presently before the State Senate is SB 275 (Collective Bargaining) which would establish a personnel review board similar to the National Labor Relations Board which would determine procedures for the establishment of the bargaining agent and the mix of the various bargaining units. One area on which the Senate could provide input concerns the composition of the bargaining unit: 1) should department head's be considered faculty or management? and 2) should part-time faculty be included in the unit?

5. The Distinguished Teaching Awards Committee is now accepting nominations for the distinguished teaching award for both the campus and system-wide. Please send your nominations to the Academic Senate Office - Tenaya 103.

ACTIONS

1. The Professional Responsibilities Committee Bylaws Amendment was accepted as a first reading item and will be voted upon at the next Senate meeting.

2. The following resolution concerning the CSUC proposed Copyright Policy was passed unanimously by the Senate.

   WHEREAS The proposed CSUC Policy on Copyright is needlessly absolute and restrictive and infringes on academic freedom and the traditional and customary rights of authors; and

   WHEREAS The proposed CSUC Policy on Copyright's main concern is the protection of the rights of the institution at the expense of the rights of the individual; and

   WHEREAS The proposed CSUC Policy on Copyright would discourage faculty publication and creativity because it would impose ownership agreements unacceptable to most faculty members; and
WHEREAS A University acquires prestige every time one of its members produces a scholarly piece of work and therefore stands to lose the products that bring scholarship and prestige to an academic institution; and

WHEREAS When a scholar produces a book or any other work as part of his duties, or is specifically commissioned to prepare a particular work, the University can assume all literary or artistic property rights under the federal Copyright Act; therefore

BE IT RESOLVED That the Academic Senate of California Polytechnic State University oppose the proposed CSUC Policy on Copyright; and

BE IT FURTHER RESOLVED That the Academic Senate of California Polytechnic State University recommend that the CSUC prepare a general policy to the effect that books and other copyrightable materials created entirely through the individual initiative of an employee belong to the employee and that the employee has the right to copyright the material and to receive any subsequent royalties; whereas materials created as part of one's duties or by direct commission belong to the CSUC system, and the system has the right to claim the copyright.

3. The following resolution was adopted (52/0/1) concerning funding for promotions

The Academic Senate of California Polytechnic State University believes that this policy of promotion by merit (Assembly Concurrent Resolution 70), is still the most equitable one and urges the Academic Senate CSUC to pursue this matter vigorously as outlined in Charles Adams' letter of February 6, 1975, and urges President Kennedy to pass on the following resolution to Chancellor Dumke, the Board of Trustees, the appropriate representative of the California State Legislature and Governor Brown:

RESOLVED That the Academic Senate of the California Polytechnic State University urges Governor Brown to restore to the budget the funding necessary to meet the number of promotions recommended by the Board of Trustees for the California State University and Colleges for the year 1975-76.

4. It was voted to invite President Kennedy to discuss with the Senate at his convenience the status of the capital outlay and enrollment dilemma. The Chair will arrange a suitable date for a meeting.

ANNOUNCEMENTS

1. At a Statewide Academic Senate Budget Workshop, it was learned that the budget is tied to formulas based on past funds usage which allow little opportunity for new programs. It was noted that the total volume of the budget has been held about constant while growth has been swallowed by increased FTE. The Academic Senates of three campuses (Chico, Los Angeles, and Sacramento) are involved in the review of the budgeting process on their campuses.