I. Minutes: Approval of minutes for Academic Senate meetings of April 12, 2005 (pp. 2-3).

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

III. Reports:
A. Academic Senate Chair:
B. President's Office: President Baker will be in attendance to report on educational matters and participate in Senate discussion.
C. Provost's Office:
D. Statewide Senators:
E. CFA Campus President:
F. ASI Representatives:
G. Other: Craig Schultz, ITS: report on Poly Card

IV. Consent Agenda:

V. Business Item(s):
A. Resolution on Proposal for Cal Poly National Pool Industry Research Center: Kachlavev, Civil Engineering, first reading (pp. 4-12).
B. Resolution on Intellectual Property Policy: Opava, Dean of Research & Graduate Programs, first reading (pp. 13-32).
C. Curriculum proposal for new Ethnic Studies major: Elrod, chair of the Curriculum Committee, first reading (pp. 33-35).
D. Resolution to Change Administrative Status for General Engineering Program: Walsh, Associate Dean for CENG, first reading (pp. 36-39).
E. Resolution on Academic Calendar: Greenwald/Hood, CSM senators, first reading (p. 40).

VI. Discussion Item(s):

VII. Adjournment:
I. Minutes: The minutes for the Academic Senate meeting of March 1 and March 8, 2005 were approved as presented.

II. Communications and Announcements: None.

III. Reports:
A. Academic Senate Chair: (Hannings) a finalist for the Provost position will be on campus Thursday, April 28 for an interview, open forum, and short questions and answers presentation. The next social hour, co-hosted by the President's Office and Kennedy Library, will take place on Thursday, April 12 from 4-6 pm at Vista Grande.

B. President's Office: (Howard-Greene) ASI brought forward a request that consideration be given to selling beer by the cup at the stadium. The Provost looked at the request and determined that existing policy allows for exceptions to prohibition on campus and has agreed to a trial period of 9 home games. Cornel Morton, Vice President for Student Affairs, stated that it is most productive when students understand the implications of decision making and this opportunity allows students to demonstrate their ability to behave responsibly.

C. Provost's Office: (Detweiler) The current layout of the class roster has been revised thanks to many suggestions. The small but useful update is in the final testing stages and should be available to everyone soon. Governor Schwarzenegger's proposal to review and reform the current pension system has been withdrawn at this time; however, the issue remains for future consideration. A record number of students are expected to visit our campus this weekend and will participate in the many Open House activities. Bids are now being received for the Student Housing North Project which is the largest project in the CSU history at $265 millions and it's critical to the strategy and growth of Cal Poly. Student leaders are following the correct referendum process and voting will take place April 20 and 21. The strategic plan includes using Mustang Daily, e-mails, and a pamphlet that was sent to all students stating both sides. Any legal concerns or challenges regarding the referendum campaign should be sent in writing to the Provost's Office.

D. Statewide Senators: (Foroohar) several resolutions are scheduled for presentation at the meeting of May 15 including a resolution on policy and procedures for the hiring of MPPs as well as new policy on FERPs. (Menon) The Statewide Academic Senate is lobbying in Sacramento on a variety of CSU topics.

E. CFA Campus President: (Foroohar) The presentation by Professor George Diehr, CalPERS Board Member, on the topic of proposed retirement changes, was very successful with over 150 participants in attendance.

F. ASI Representatives: None.

G. Other: Andre Schaffner, chair of the Academic Senate Instruction Committee on the issue of registration. Currently Provost Detweiler is open to the idea of changing the registration process, particularly the three course cap which has as one of its consequences the lower than normal course loads since many student don't go back to add more units. Three ideas are being considered: (1) to increase the unit limit to 16 - this might be problematic since it undermines rationing. (2) To drop the unit limit to 8 - this idea rations too heavily but even thought it's fair, nobody gets a good schedule. (3) Do nothing. This idea was recommended to the Provost by the Academic Senate Instruction Committee although loads are down, students can progress more quickly with core
Another issue discussed by the Academic Senate Instruction Committee is the use of e-permits which creates a burden for some faculty with the additional required paperwork. The Academic Senate Instruction Committee has recommended to the Provost that open enrollment continue until the first Wednesday class. After much discussion it was recommended that any further concerns or suggestions be sent to the Provost via email.

IV. Consent Agenda: None.

V. Business Item(s):
   A. Election of Senate officers for 2005-2006: (Breitenbach) Hannings was the only faculty member who submitted a nomination for Academic Senate Chair and since no additional nominations were received from the floor, David Hannings was elected Chair by acclamation. (Hannings) Stacey Breitenbach’s nomination was the only nomination received by the Academic Senate for Academic Senate Vice-Chair and since no additional nominations were received from the floor, Stacey Breitenbach was elected Vice-Chair by acclamation.
   B. Resolution on Final Assessments: Schaffuer, chair of the Instruction Committee, second reading. This resolution replaces existing CAM 484.1-3 which deals with final examinations. This resolution provides added flexibility in determining the most appropriate terminal assessment activities for each course. **M/S/P to approve the resolution with the following modification:**

   CAM 484.1 Final Assessments
   
   **B. Nonlecture Course and I-unit Course**
   Final assessments in nonlecture courses (labs/activity course and I-unit courses) will be held during the last week of instruction in the regularly designated meeting time and location unless an alternate time and location is (1) pedagogically necessary, (2) does not create an academic scheduling conflict for any student, and (3) does not have to be scheduled by the University Scheduling Office.
   
   C. Resolution on Amendment to the Constitution of the Faculty (Representation for the College of Education): Greenwald, CSM senator, first reading. This resolution modifies the Constitution of the Faculty as follows:
   
   Article III, Section 1: Academic Senate Membership
   
   a. Colleges with fewer than 30 faculty members shall elect two senators. **All other colleges** shall elect three senators, plus one senator for each thirty faculty members or major fraction thereof. Any academic unit not housed within a college, which is otherwise not represented within the Academic Senate, shall have an opportunity to obtain representation in the Senate and/or University committees through a petition to the Academic Senate Executive Committee. The unit, upon petition, may be allocated one senator for each thirty full time faculty members or major fraction thereof who are solely affiliated with that unit.

   **It was requested to suspend the rules and move the resolution to a second reading.**

   **M/S/P to approve resolution as presented.**

VI. Discussion Item(s):

VII. Meeting adjourned at 4:55 pm.

Submitted by,

Gladys Gregory,
Academic Senate
Adopted:

ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, CA

AS- -05

RESOLUTION ON
PROPOSAL FOR CAL POLY NATIONAL POOL INDUSTRY RESEARCH CENTER

1 RESOLVED: That the Academic Senate of Cal Poly recommend to President Baker that the attached Proposal for Cal Poly National Pool Industry Research Center be approved.

Proposed by: Damian Kachlakev, Civil and Environmental Engineering Department
Date: March 24, 2005
State of California
Memorandum

To:        David Hannings, Chair
           Academic Senate

From:      Robert C. Detweiler
           Interim Provost and Vice President
           for Academic Affairs

Date:      March 24, 2005

Copies:    Peter Y. Lee
           Susan Opava
           Damian Kachlakev

Subject:   Request for Academic Senate Review of the
Proposal for the Establishment of the Cal Poly
National Pool Industry Research Center

Attached is a copy of a proposal to establish the Cal Poly National Pool Industry Research Center. In accordance with campus Administrative Bulletin 87-3 (Guidelines for the Establishment of Centers and Institutes), this proposal received conceptual approval by the Academic Deans’ Council at its meeting on January 24, 2005. I would now appreciate the Academic Senate review this proposal, if possible, prior to the close of Spring Quarter 2005. I recognize this is a late request to have this reviewed by the end of Spring Quarter, but would like to discuss it with you. Please feel free to contact Dr. Damian KacWakev of the Civil and Environmental Engineering Department, and author of the proposal, should you have any questions or would like him to make a presentation to the Academic Senate. No State funding has been requested, or needed, since the proposed Center has already received $1 million worth of donations to create the center and for five years of funding.

Thank you, and if you have any questions, please do not hesitate to contact my office.

Enclosure
PROPOSAL
CAL POLY NATIONAL POOL INDUSTRY RESEARCH CENTER

Dr. Damian Kachlakev
Civil and Environmental Engineering
California Polytechnic State University

POOL INDUSTRY NEEDS FOR RESEARCH AND INNOVATION

The establishment of the Cal Poly National Pool Industry Research Center is one of the most important projects in the history of the modern swimming pool industry. It is important to understand that this industry is an infant as compared to many of the other trades such as roofing and house framing which have been around for 1000's of years. The swimming pool industry came into real existence in the 1940's and 50's.

From its beginning, the swimming pool industry has been segmented with manufacturers, distributors and suppliers, pool builder companies and pool service companies. Currently, there are at least seven different pool & spa associations in the United States, four of which have substantial membership: National Spa and Pool Institute (NSPI), National Plasterers Council (NPC), Independent Pool & Spa Service Association (IPSSA), and United Pool Association (UPA).

COLLABORATION BETWEEN NPC AND CAL POLY

The current research being conducted by Dr. Damian Kachlakev and Dr. Nirupam Pal on etching deterioration in swimming pools has been a topic debated for over eighteen years. During its strategic planning process in 2003, the National Plasters Council (NPC) adopted a plan to make industry research one of its primary focuses. The NPC has realized the importance to find solutions to pool surface related issues by scientific, methodological and professional approach and long-term dedication to industry-specific research. As a result the NPC formed a research committee to generate, manage and guide the industry research. The committee includes members from the plastering industry, material manufacturers, chemical companies and pool service industry.

After an extensive search of research entities, including universities and research centers nationwide, California Polytechnic State University in San Luis Obispo, California was selected for its outstanding program, faculty and research programs. NPC's research committee has worked with the Cal Poly professors to define a research protocol that supports sound, factual, realistic and application-based solutions for the pool industry. The research efforts are led by two Cal Poly professors and a petrographer. Dr. Damian Kachlakev from the Civil and Environmental Engineering is the NPC Research Program Director. Dr. Nirupam Pal from the same department is Research Manager and Co-Principal Investigator for the NPC Research Program.
GOALS OF THE NATIONAL POOL INDUSTRY RESEARCH CENTER (NPIRC)

When establishing the goals and assessing the impact of the Center on the national pool industry, it is important to note that similar test facility does not currently exist in United States. The long-term goals of the research center include:

- Complete service, analysis, research and development, related to the swimming pool industry, spas, and other recreational water facilities;
- Provide qualitative knowledge to assist manufacturers; builders, service agents and customers of the recreational water industry;
- Assessment and evaluations of submerged cementitious products in recreational water facilities (swimming pools);
- Research and development of new materials for the pool industry;
- Assessment and research of various chemicals with varying balances affecting the carbonate system of the aqueous solution;
- Development of new and improvement of existing pool cleaning systems;
- Commercialization of new developed products and techniques;
- Any other problems as they arise and which research, understanding and solution becomes priority to the pool industry.

IMPORTANCE OF THE NPIRC FOR THE INDUSTRY AND CAL POLY

Two factors must be considered when evaluating the importance of the NPIRC. First, is that currently there is no other institute, research center or commercial firm specializing in this research. Second, it's important to understand the potential longevity of the NPIRC at Cal Poly.

Currently, the swimming pool industry is a twelve billion dollar a year business in the USA. It is estimated that only 7% of all US homes have swimming pools, 61 million have the economic capacity and available backyard space with no pool and 3 million have Above Ground Pools that could be converted to In Ground Pools. With these facts, the swimming pool trade will continue to be a major trade through the next century.

In summary, the Cal Poly NPIRC is the first ever research center of its kind. Under the leadership of the National Plasterers Council, funding through financial contributions, donated labor and materials have made this dream a reality. Additionally, the NPIRC has included the other major association's representation, in addition to NPC, on the Center Advisory Board. The NPSI, UPS, and IPSSA all have representation in the NPC Research Foundation and Research Committee, and have been involved in the construction of the center. This represents over 18,000 member companies throughout the United States.

FUNDING STRATEGIES FOR THE NPIRC

The collaboration between NPC and Cal Poly started during the summer of the 2003. Cal Poly is the only research institution where the NPC conducts and intends to conduct
studies. Summary of the funded current activities and pending grants is provided in Tables 1 and 2.

Table 1: Funded Projects

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PROJECT TITLE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>Construction of Test Pools, Modesto, CA</td>
<td>$50,000</td>
</tr>
<tr>
<td>2003-2004</td>
<td>Etching Deterioration of Swimming Pools- Phase 1</td>
<td>$141,000</td>
</tr>
<tr>
<td>2004</td>
<td>Construction of NPCCPRC-Cal Poly Campus</td>
<td>$850,000</td>
</tr>
<tr>
<td>2004-2005</td>
<td>Etching Deterioration of Swimming Pools- Phase 2</td>
<td>$181,071</td>
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Table 2: Pending Grants and Contracts

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PROJECT TITLE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-2009</td>
<td>Industry Driven Research</td>
<td>Guaranteed $150,000 to $200,000 per year provided by the NPC</td>
</tr>
<tr>
<td>2004-2006</td>
<td>Performance of White Cement Mixes in Swimming Pools- Portland Cement Association (PCA)</td>
<td>$150,000</td>
</tr>
</tbody>
</table>

As outlined in the above tables, the pool industry already spent $1,222,000 just over the last two years since collaborating with Cal Poly's researchers. Of that amount $322,000 is in project funding through the Cal Poly Foundation and $900,000 went for development of new infrastructure (construction of the NPIRC). The construction of the NPIRC was completed during the summer of 2004 and is now a fully operational facility. The commitment to support the Center just from the NPC Inc. for the next five years is estimated between $750,000 to $1,000,000 total.

The NPIRC will be self-supporting from the very beginning. The major portion of funding for the research center will be provided by the NPC through their Foundation. The research amount will be determined each year by joint Cal Poly-NPC Research Committee. The NPC commits to providing at least $150,000 per academic year to the NPIRC.

In order to show its long-term commitment to Cal Poly's NPIRC, in September 2004 NPC started a Research Endowment Fund. The Fund was started with $90,000 with the intention to grow to $3,000,000. Thus, the interest will generate enough money to provide annual funding to the center close to $300,000.

Table 3 shows the administrative budget of the Center. Based on the current research grants of about $150,000 per year in direct funds, the 35 % indirect cost and minimum of
25% of the indirect cost returned to the Center, the administrative budget is estimated at least $13,000 per year. This is a conservative estimate, which may increase to $30,000 or even $40,000 per year as the amount of the research grants increases.

Table 3: NPIRC Projected Administrative Budget

<table>
<thead>
<tr>
<th>REVENUE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year 1</td>
</tr>
<tr>
<td>External Funding (based on $150,000 per year)</td>
<td>$13,125</td>
</tr>
<tr>
<td>Profit from Workshops</td>
<td>$1,000</td>
</tr>
<tr>
<td>Center &quot;Start-up Funds&quot;</td>
<td>$15,000</td>
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<tr>
<td>Research Endowment Fund</td>
<td></td>
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<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td><strong>$29,125</strong></td>
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</table>

<table>
<thead>
<tr>
<th>EXPENSES</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel Conferences and Workshops</td>
<td>$6,000</td>
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<tr>
<td>Workshops Organization</td>
<td>$4,000</td>
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<tr>
<td>Center Director Release Time</td>
<td>$6,700</td>
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<tr>
<td>Staff/Student Office Personnel</td>
<td>$4,800</td>
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<tr>
<td>Long Distance / Communications</td>
<td>$1,000</td>
</tr>
<tr>
<td>Office Supplies/Small Equipment</td>
<td>$4,000</td>
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<tr>
<td>Publications, newsletter, etc.</td>
<td>$1500</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td><strong>$28,000</strong></td>
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</table>

**TOTAL BALANCE**

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,125</td>
</tr>
<tr>
<td>2</td>
<td>$1,375</td>
</tr>
<tr>
<td>3</td>
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<td>4</td>
<td>$2,625</td>
</tr>
<tr>
<td>5</td>
<td>$2,625</td>
</tr>
</tbody>
</table>

**BYLAWS**

**MISSION**

To study various problems of the national pool industry in all its components and develop industry-oriented solutions of the problems. To explore, develop and implement new materials, cleaning systems, and advanced techniques for construction, maintenance and rehabilitation of swimming pools.

**STRUCTURE OF THE NPIRC**

The administrative hierarchy that governs the NPIRC is briefly outlined below. It is intended that the internal governance of the Research Center will generally be free of administrative hierarchy. However, some administrative structure must be maintained, therefore the following should be implemented.
1. The membership of the Center shall elect a Director, based on the recommendation of the Advisory Board.

2. The Director shall appoint an Associate Director.

3. Advisory Board shall be established and will consist of no more than ten (10) individuals from the Industry, Government and Academia with appropriate expertise and credentials.

4. Consultants and Collaborators will be sought to provide guidance in various aspects associated with the Center goals.

**ACTIVITIES**

The following main activities shall be carried out by the Center:

1. Management, coordination and performance of research on topics (protocols) determined on a yearly basis by the membership, the Advisory Board and the NPC Research Committee. Research topics will vary from one year to another and will be primarily dictated by the pool industry needs.

2. The Center shall seek funding opportunities and research grants from State, Federal and national and international organizations and the pool industry as a whole.

3. The Center shall serve as an entity for consulting and advising the pool industry, the materials manufacturers, the community and all other interested parties on subjects related to the research conducted by the Center.

4. The Center shall file patents for developments and innovations.

5. Consistent with the provisions of the University's Intellectual Property Policy, the Center shall retain, on behalf of its members, all rights to its findings, developments and innovations, including, but not limited to, products for commercialization purposes. Through the University/Cal Poly Foundation, efforts will be made to grant rights and licenses to interested parties and organizations on an individual basis.

6. Members shall be encouraged to take advantage of the state-of-the-art research utilizing it into various classes taught by the members at Cal Poly or elsewhere.

7. The Center shall collaborate with appropriate Department(s) to establish a multidisciplinary Master of Science degree program in cementitious materials.
Introduction

Annual Pool Industry Revenue: $12 - 16 billion
- Currently only 7% of households have pools;
- 61 million homes have the economic capacity and space to add a pool.

- The National Pool Industry Professional Organizations
  - National Plasters Council (NPC);
  - Independent Pool and Spa Service Association (IPSSA);
  - United Pool Association (UPA);
  - National Spa and Pool Institute (NSPI);
  - Together they represent over 16,000 member companies in the USA.

Pool Industry Problems
- Deterioration of pool plastering surfaces;
  - Decades old problem known as "spot etching"
- Lack of standardization, problems with material & chemical selection and formal training
- Lack of scientific approach;
  - Studies by builders, service agents, plasters with pseudo-scientific results;
  - Mixed and contradicting results.
- Legal problems of the industry;
  - Polarization in the industry, technical debates and lawsuits for millions of dollars.

Objectives of the NPIRC
- Serve as an R&D institution for the US pool industry;
  - Industry-driven research topics
- Provide knowledge to builders, manufacturers, service companies;
  - Workshops, seminars, publications
- Develop new (improve existing) materials and cleaning systems for the pool industry;
- Commercialization of new developments.

Funded Projects 2003-2005

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PROJECT TITLE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>C...</td>
<td>......</td>
</tr>
<tr>
<td>2003</td>
<td>E...</td>
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<td>2003</td>
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<td>......</td>
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<tr>
<td>2003</td>
<td>E...</td>
<td>......</td>
</tr>
<tr>
<td>2003</td>
<td>C...</td>
<td>......</td>
</tr>
</tbody>
</table>

Secured Future Funding
- 2005-2009: NPC Industry Driven Research
  Guaranteed $150,000 to $200,000 per year;
  - Commitment of $750,000 to $1,000,000
  - Funding Organization: NPC Research Foundation
- Research Endowment Fund
  - Goal: $3,000,000
  - Started: August 2004 with $90,000
  - Current Funds (Dec. 2004): EXCEEDS $1,000,000
Expected Future Funding

- Portland Cement Association: $150,000
- Clear Water Tech- SLO: $15,000
- Super Bohder, Phoenix, AZ: $15,000
- Universal, White Cement Company, Inc
- Pool Equipment Manufacturers
- Manufacturers of Alternative Pool Surfaces (Fiberglass, tile, marble, etc.)
- Manufacturers of Pool Cleaning Solutions and Equipment

Administrative Budget

<table>
<thead>
<tr>
<th></th>
<th>$ AMOUNT PER YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>1</td>
</tr>
<tr>
<td>Revenue</td>
<td>29125</td>
</tr>
<tr>
<td>Expenses</td>
<td>28000</td>
</tr>
<tr>
<td>Balance</td>
<td>1125</td>
</tr>
</tbody>
</table>

NPIRC Importance to Cal Poly

- There is no other research facility (public or private) in the US specializing in pool research;
- Longevity of the Center
  - It is expected that the pool industry will grow
- All major pool industry professional organizations are represented in the Center
  - Unification of the industry

NPIRC Modesto, CA Pools

Construction Summer 2005

NPIRC Cal Poly
RESOLVED: That the Academic Senate of Cal Poly recommend to President Baker that the attached Intellectual Property Policy presented by the Intellectual Property Review Committee be adopted.

Proposed by: Intellectual Property Review Committee
Date: April 6, 2005
Principal Differences between Current and Proposed Intellectual Property Policies.

1. In current policy University claims ownership of all IP developed by faculty, staff and students using University resources. Proposed policy gives ownership to faculty and student creators/inventors, but University claims an equity interest in properties developed using University resources. University continues to claim ownership of staff IP.

2. Current policy did not distinguish between IP that can be copyright protected and IP that can be patented. Proposed policy treats these two classes of IP separately and also separately addresses software - which may be copyrighted, patented, or both.

3. Current policy did not separately address rights of students and faculty. Proposed policy does that and gives more rights to students than the current policy.

4. Current policy allowed faculty to earn up to $100,000 per year per intellectual property before sharing revenues with the University. Proposed policy reduces that amount to $50,000 per year per intellectual property.
INTELLECTUAL PROPERTY POLICY

D-R-A-F-T

Wednesday April 6, 2005

1. GENERAL

A. Purpose. The University is committed to providing an intellectual environment in which all members of the academic community - whether engaged in lifelong professional development, students pursuing an educational objective or staff dedicated to their own career goals - learn to the fullest extent possible. The University also recognizes and values creativity and innovation as part of this learning process. Similarly, the University recognizes the importance of, and wishes to encourage, the transfer of new knowledge, generated in the private sector for the public good. At the same time, as a publicly funded institution, the University must be a good steward of the public resources provided to it, and must safeguard against the use of public funds for private gain.

B. Scope. This policy addresses the rights to, use in, and protection of intellectual property created by University students. Issues not directly considered in this policy, including disagreements concerning its application or interpretation, will be addressed by policies and rules. Issues not explicitly covered by this policy, such as policies and rules affecting the use of the University's names or symbols elsewhere, will be addressed.

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, research, 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 sets forth general principles and procedures, and it has not been designed to address every conceivable circumstance. Under principles of fair play, the inventor(s)/creator(s) and the University mutually operate so that no one will unfairly exploit inadvertent errors or omissions in the written policy. 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 Intellectual Property Review Committee (see IIIA.2), shall play a primary role in the establishment and periodic revision of this policy, in the review and recommendation of resolutions to disputes arising under it. This committee shall have a majority of members who are faculty without administrative appointments, and 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.

6. **Reasonableness in Licensing.** When the University owns intellectual property under this policy, 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 inventor or creator has no financial interest in the licensee. Otherwise, such participation shall be consistent with conflict of interest regulations or University policy.

D. **Policy Application.** This policy takes effect immediately and supersedes all prior intellectual property policies.

E. **Key Terms.** For purposes of this policy, the following key terms are defined as follows:

1. **"Intellectual property" means inventions, discoveries, innovations, and copyrightable works.**

2. **"Inventions", "discoveries" or "innovations" include tangible or intangible inventions, whether or not reduced to practice and tangible research products whether or not patentable or copyrightable.** Such research products include, for example: computer programs, integrated circuit designs, industrial designs, databases, technical drawings, biological materials, and other technical creations.

3. **"Copyrightable works" mean original works of authorship fixed in tangible media of expression.**
   
   a. **"Works of authorship" include literary, musical, dramatic, audiovisual, architectural, pictorial, graphic and sculptural works and sound recordings.**
Computer programs are works of authorship to the extent they are protected by the federal copyright laws.

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

4. "Software" means computer instructions (algorithms and code), data and accompanying documentation.

a. "Algorithm" means a logical arithmetical or computational procedure that if correctly applied ensures the solution of a problem.

b. "Source code" means an original computer program written by a programmer in human-understandable form. It is converted into the compiler or assembler in order to run on a computer.

c. "Object code" means the form of a program that is executable by a machine, or usable by an assembler that translates it directly to machine-understandable language. This form of software is not readable or modifiable by human beings other than through extraordinary effort.

5. "Net proceeds" means the net amount received in each fiscal year from the transfer or licensing of intellectual property reasonably attributable to such intellectual property, including without limitation any reasonable expense of patent prosecution, application, issuance and maintenance charges; transfer or licensing costs; and development costs. All expenditures, special advances and repayment terms shall be identified and detailed in writing at the time they are made. The costs attributable to intellectual property protection and commercialization of University and Foundation personnel will not be included in the determination of costs attributable to intellectual property protection and commercialization.

6. "Equity interest" refers to beneficial rights (such as royalties) derived from intellectual property owned by another.

7. "Disclosure statement" means a written general description of a creation by the creator used to help assess the nature, extent and likely intellectual property interests in and development potential of the creation.

8. "Faculty" means members of Collective Bargaining Unit 3, as well as visiting professors, volunteer professors, and other individuals who may temporarily carry
out research and creative activities at Cal Poly in a capacity other than that of staff or student.

9. "Staff" means all non-faculty employees of the University or Foundation.

10. "Student" means any individual enrolled in the University, or working in a student capacity under the auspices of the University/Foundation even if not enrolled at the time.

11. "Sponsor" means any external individual or entity, whether public or private, that enters into a formal agreement with the University, whereby the Sponsor provides support for a project to be carried out by University faculty, staff and/or students.

12. "Extraordinary resources" means, in the case of faculty, University and Foundation resources that would not normally be available to them or easily available to them outside the University, as well as resources that would not normally be available to most faculty at the University. In the case of students, "extraordinary resources" means resources that are not available to the majority of University students in the course of their programs of study. The Intellectual Property Review Committee (Section III. A. 2) will be responsible for assessing the University's contribution to a specific intellectual property in cases of disagreement between the inventor/creator and the University.

11. OWNERSHIP AND OTHER INTEREST

   The following sections cover Copyright and Patent interests at A. and B. Note that Software considerations are specially detailed in section C.

A. Copyright

1. Framework. This section deals with the ownership of copyrightable intellectual property created by faculty, staff and students (in separate sections). Faculty creations are governed by section II. A. 2; staff creations are governed by section II. A. 3; and student creations are governed by section II. A. 4.

2. Faculty Creations

   a. Faculty own the copyright resulting from scholarly and creative publications they develop. The University's equity interest is determined by the circumstances listed below.

   b. If the University provides extraordinary resources toward the creation of copyrightable property, the faculty will own the copyright but the University will be entitled to an equity interest in the profits derived from the
commercialization of the intellectual property, according to the provisions in section II.D.

c. If the University initiates a creative project, solicits faculty participation in the project, and provides funding for the project, possibly including compensation/release time for the faculty member, the University will own the intellectual property rights developed through the project. Under these circumstances, there will be a written document, signed by the faculty member, acknowledging the University's ownership of the copyright to all new intellectual property. At the discretion of the University and by prior written agreement between the parties, faculty members engaged in creating intellectual property under these circumstances may share in profits that result from the project. Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

d. If the University and an outside sponsor enter into an agreement to carry out research or other creative activity, faculty who participate in the project shall comply with the conditions of the agreement regarding ownership, protection and licensing of intellectual property developed under the agreement. Faculty involved in creating intellectual property under these circumstances may earn profits that result from the project. Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

3. Staff Creations.

a. The University owns the copyright to works created by University staff in the course and scope of their employment.

b. Staff persons own the copyright to all works created by them without the use of University resources and developed outside the course and scope of their employment, and the University has no equity interest in any proceeds derived from them. Staff persons are advised to notify the Dean of Research and Graduate Programs about their external activities if they have concerns that the University might claim ownership interests in any intellectual property resulting from those activities.

c. The University or Foundation may employ or engage individuals under specific contractual terms that allocate copyright ownership rights between the parties in a different manner than specified above. Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

d. There may be occasions when University staff also serve as faculty for the University. Under these circumstances, written agreements should be entered into in advance of undertaking any research or creative activity to clarify...
whether the individual is acting in their staff or faculty capacity in carrying
out the activity. Unresolved questions on ownership may be directed to the
Intellectual Property Rights Committee and a recommendation regarding
ownership rights will be made to the President. Such agreement(s) shall
supersede this policy to the extent that any provisions conflict.

4. **Student Creations.**

   a. Students will normally own the copyright to the scientific and creative
   publications they develop, including works fulfilling course requirements
   (term papers and projects), Senior Projects, and Thesis/Projects. Students retain copyright ownership as long as
   the work results in the creation and do not receive University resources in support of the work. Nonetheless, by enrolling
   in the University, the student grants the University, a nonexclusive, royalty-free, assignable license to mark on, modify, publicize and retain the work as may be required by the faculty, department, or the University. The University is not entitled to an equity share in any ownership profits, except in circumstances covered below.

   b. When the student is employed by the University and the creation falls within the scope of that employment, the student either owns the copyright according to the same standards that govern faculty creations under Section II.A.2.b, or the student is bound by the written agreements governing the allocation of copyright ownership to staff creations, under Section II.A.3 above.

   c. If the student receives extraordinary University resources that further the creation or development of the creative work, then the student owns the copyright, but the University retains an equity interest in the creation, using standards that govern faculty creations under Section II.A.2.b.

   d. If the student works on a sponsored project or a special intellectual property agreement and the creation falls within the scope of that work, then the student is bound by the written agreements governing the allocation of copyright ownership.

   e. If the student is employed by an outside entity (not the University or Foundation) and the creation falls within the scope of that employment, then the student normally will be bound by a contract with the outside entity, including any provisions for copyright ownership, and the University will have no rights to the intellectual property developed.

B. **Patents.**

   1. **Framework.** This section deals with the ownership of patentable intellectual property created by faculty, staff, and students (in separate sections). Faculty
inventions are governed by section n.B. 2.; staff inventions are governed by section n.B. 3; and student inventions are governed by section n.B. 4.

2. Faculty Inventions.

a. Faculty own the intellectual property resulting from their scholarly activity. The University's equity interest is determined by the circumstances listed below.

b. If the University provides extraordinary resources to the creation of intellectual property, then the faculty will own the intellectual property rights, but the University will be entitled to an equity interest in the profits derived from the commercialization of the intellectual property, according to the provisions in section ILD.

c. If the University initiates a creative project, solicits faculty participation in the project, and provides funding for the project, including compensation/release time for the faculty member, the University will own all intellectual property developed through the project. Under these circumstances, there will be a written document, signed by the faculty member, acknowledging the University's ownership of all new intellectual property. At the discretion of the University, and by prior written agreement between the parties, faculty involved in developing intellectual property under these circumstances may share in the profits that result from the project. Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

d. If the University and an outside sponsor enter into an agreement to carry out research or other creative activities involving faculty, the faculty who participate in the project shall comply with the conditions of the agreement pertaining to ownership. The intellectual property terms of such agreements, even when they deviate from the ownership provisions of this policy, will be negotiated with the sponsor by the Dean of Research and Graduate Programs, in consultation with the involved and the appropriate Dean(s). Such agreement(s) shall supersede this policy to the extent that any provisions conflict.

3. Staff Inventions.

a. The University shall own all intellectual property rights in works created by University staff in the course and scope of their employment.

b. The University has no equity interest in any proceeds derived from intellectual property that is created by staff without the use of University resources and that is developed outside the course and scope of employment. Staff persons
are advised to notify the Dean of Research about their external activities if they have concerns that the University might claim ownership interests in any intellectual property that results from those activities.

c. The University or Foundation may employ or engage individuals under specific contractual terms that allocate intellectual property rights between the parties in a different manner than specified above.

d. There may be occasions when University staff also serve as faculty for the University. Under these circumstances, written agreements should be entered into in advance of undertaking any research or teaching activity to clarify whether the individual is acting in their staff or faculty capacity in carrying out the activity. Unresolved questions on ownership of intellectual property shall be directed to the Committee and a recommendation on regarding ownership rights will be made to the President. Such agreements shall supersede this policy to the extent of any provisions in conflict.

4. Student Inventions. Students enrolled at the University may create valuable intellectual property while fulfilling academic requirements, in conjunction with University employment, and/or through the use of University resources. The ownership interests in such intellectual property depend on the particular circumstances surrounding the creation. In particular, students must be careful to differentiate their own creative contributions from those of their faculty instructors and mentors. The following parameters apply:

a. The student is not paid for the work that results in the creation and does not receive significant University resources in support of the work. In these circumstances, the student owns the creation. This is true even if the intellectual property is created to fulfill course requirements or other academic requirements. Nonetheless, by enrolling at the University, the student grants the University a nonexclusive, royalty-free license to mark on, modify, publicize and retain the work as may be required by the faculty, department or the University. The University is not entitled to an equity share in any ownership profits, except in the circumstances covered below.

b. The student is employed by the University and the creation falls within the scope of employment. In these circumstances, either the University or the supervising faculty owns the intellectual property, according to the same standards that apply to staff creations under sections IL.B.3, or faculty creations under Section II.B.2.

c. The student receives extraordinary University resources that further the creation or development of the intellectual property. In these circumstances, the student owns the intellectual property, but the University retains an equity
interest, using the same standards that govern faculty creations under section n.B.2.b.

d. If the student works on a sponsored project or under a special intellectual property agreement and the creation falls within the scope of that work, then the student is bound by the written agreements governing the allocation of intellectual property rights.

e. The student is employed by an outside entity (not the University or Foundation) and the creation falls within the scope of that employment. Under these circumstances, the student normally will be bound by a contract with the outside entity, including provisions intended to protect and allocate intellectual property rights, and the University will have no rights to the intellectual property developed. University resources may not be used unless a prior special intellectual property agreement is in place (see d. above).

C. Software.

1. The proprietary protection available for software is unique in that both copyright and patent are available. Copyright protection may cover the expression of the software ideas in a tangible medium, while patent protection may cover algorithmic inventions. Due to this, software should first be considered under the patent provisions of this policy and is therefore subject to disclosure. Underlying algorithms that appear to have commercial value. After consideration of patent protection for valuable software algorithms, copyright, at II.A, should be considered as additional or alternative protection.

2. In accordance with section I.C.1, and absent a specific agreement to the contrary, the University favors the copyright and publication of source code as well as its object code. "This is in contrast with the common commercial practice that utilizes trade secrecy for source code in order to prevent the dissemination and discussion of any innovative ideas it reveals. As with the underlying algorithms that, if patented, must be published so that they may be studied and discussed by other researchers, the University believes that source code should be published in a form that is amenable to research and will promote scientific progress. The object code is similarly subject to copyright.

D. University Equity Interests. When the University provides extraordinary resources to the creation of intellectual properties, it enjoys an equity interest in the net proceeds derived from those properties. The University's equity interest is determined by the extent of use of University resources. The amount of the University's equity interest in a particular intellectual property will be agreed upon before pursuing protection/commercialization. In no case will the University's share be greater than 50%. The amount that an individual creator/inventor must render to the University, in recognition of its equity interests, is determined as follows:
1. When the amount of net proceeds received from an intellectual property subject to University equity interest is equal to or less than $50,000 in a fiscal year, then the University is not entitled to any portion of the net income derived from that intellectual property.

2. When the amount of net proceeds received from an intellectual property subject to University equity interest is greater than $50,000 in a fiscal year, the net proceeds in excess of $50,000 will be allocated between the University and the creator(s)/inventor(s) based on the previously determined equity interest agreement.

III. ADMINISTRATIVE PROCEDURES

A. The University

1. University Administration. The University President is responsible for policy property and affecting the University's relations with agencies, private companies, research sponsors, industry, and the public. The Office of the Provost, through the Dean of Research and Graduate Programs, and the Cal Poly Foundation, shall implement and administer this policy, including evaluation of intellectual property terms in agreements with inventors and creators, public research sponsors, industry, and the public. The Office of the Provost, through the Dean of Research and Graduate Programs, and the Cal Poly Foundation, shall implement and administer this policy, including evaluation of intellectual property terms in agreements with inventors and creators, public research sponsors, industry, and the public.

2. Intellectual Property Review Committee. The University President shall appoint an Intellectual Property Review Committee. The Committee shall be composed of eleven members, 8 of whom shall be members of the faculty, without administrative appointments, and nominated by the Academic Senate. These 8 appointees shall represent each college, as well as Professional Consultative Services. 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. A faculty member shall chair the Committee. Faculty appointees shall serve three-year staggered terms. The Committee shall review and monitor University activities on matters relating to the allocation of the University's net proceeds from intellectual property.

When necessary, the Committee shall review invention disclosures and other information to evaluate the University's contribution to the development of particular intellectual properties. In many cases the inventor/creator will reach an agreement with the University concerning ownership rights and equity interest without the need for review by the Committee. In making its assessment, the Committee will rely on information provided by both the inventor/creator and the
University. Committee deliberations will be in closed session to protect proprietary information. Similarly, committee records will be kept confidential and committee members will be bound to maintain confidentiality. The purpose of the review will be to help the parties reach agreement within the framework of this policy.

In the event of any disagreement among interested parties concerning interpretation or application of this policy, the Committee will serve as the appellate body advisory to the University President. 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, if any, and an accounting of income and disbursements of the Commercialization Fund and the Research Fund (see IV-B). 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.

3. University Assistance. The protection and commercialization of intellectual property requires close attention to relevant law. For example, for a patentable invention, one must carefully and properly document developing the invention from conception to reduction to practice. In addition, there are reasons to preserve secrecy for certain time periods so that the invention can be adequately protected. These secrecy considerations often run counter to the typical academic approach of quickly sharing knowledge in the form of presentations at meetings and publications in scholarly journals.

Even when the University does not own intellectual property under this policy, or enjoy an equity interest in it, the Office of Research and Graduate Programs can provide guidance to faculty and students about the basic process for and issues regarding protection of intellectual property. Further, under certain circumstances in which the University holds an equity interest, legal, financial, and business assistance may be provided to faculty who wish to protect or commercialize their intellectual property. The University's decision to provide such assistance would be made on a case-by-case basis.

At the very least, inventors/creators should file a disclosure statement (see Section IIIC.1) with the Office of Research and Graduate Programs. The disclosure serves as an important element in the protection process since it is dated and includes a description of the invention, including when it was conceived and reduced to practice. The Office of Research and Graduate Programs, as a disinterested party, maintains this disclosure as documentation to support potential patent claims. When the University/Foundation provides legal,
financial, business and/or other extraordinary services to support intellectual property interests, they are entitled to recoup expenditures from gross proceeds derived from those intellectual property interests that are successfully commercialized.

4. **Inactivity.** If a determination has been made that the University owns or has an equity interest under this policy in a particular intellectual property, a decision to pursue protection and commercialization of that property will normally be made within six months of a request by the inventor/creator for such a decision. Failure of the University to respond within six months does not mean that the University relinquishes its rights. Such a waiver of rights requires a positive action by University authorities.

If the University decides to pursue protection and commercialization, it must then act diligently in this regard. If the University fails to act diligently, the inventor/creator may request reconsideration of the decision to pursue protection/development. Alternatively, if the University decides not to pursue protection/development of the intellectual property, it will renegotiate its ownership with the creator/inventor.

**B. The Foundation**

3. **Transfer and Development.** At the request of the University, the Foundation may serve as the transfer and development agent for those with legal and/or equity rights to intellectual property under this policy. Actions to evaluate protection...
typically also involve the assessment of commercial viability, and may 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.

4. 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.

In providing the above services the Foundation shall be entitled to recover its direct costs.

C. The Creator/Inventor.

1. Required Disclosures. This policy addresses circumstances in which the University owns intellectual property created by faculty, staff and students, or enjoys an equity interest in it. When these circumstances exist, the faculty, staff or students who create the intellectual property shall file a disclosure statement with the Dean of Research and Graduate Programs. At the appropriate time, the Dean of Research and Graduate Programs may refer the disclosure to the Intellectual Property Rights Committee, which will assess rights of all interested parties consistent with other sections of this policy.

2. Use Rights. When the University owns intellectual property under this policy, the inventor/creator must cooperate with the University and Foundation, at the University’s expense, 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/creator, if he/she so chooses, will be an active participant in decisions regarding the further development, commercialization and/or licensing of the intellectual property.

D. Assignments of Interest.

1. 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 inventor(s)/creator(s), 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.

B. Intellectual Property Funds. When the University owns intellectual property or enjoys an equity interest in it, the University's share of net proceeds derived from that intellectual property generally shall be allocated among a Commercialization Fund, a Research Fund, the inventor/creator's academic department/academic unit, and college. Nonetheless, allocation of the University's share is ultimately at the discretion of the President. The Commercialization Fund is intended to support the protection and commercialization of specific intellectual properties developed in the future by University faculty, staff, and students. The Research Fund is intended to support research and development of intellectual property.

V. IMPLEMENTATION

The Dean of Research and Graduate Foundation and University officials, shall develop and maintain on a current basis, appropriate procedures and practices to carry out the provisions of this policy statement, including the process for evaluating and determining the allocation of net proceeds derived from intellectual property, subject to review by the Intellectual Property Review Committee. Any significant proposed practices involving the application or interpretation of this policy.

VI. PERIODIC POLICY REVIEW

The Intellectual Property Review Committee shall review this policy as needed, and make recommendations for changes as deemed appropriate.
Memorandum

To: Dan Howard-Greene  
Executive Assistant to the President

From: Susan Opava  
Dean of Research and Graduate Programs

Subject: Intellectual Property Review Committee

Date: April 7, 2005  
File No.: C.policy:IPR Comm.estab  
Copies: R. Detweiler, M. Fiala, C. Turner

The University's Intellectual Property Policy, approved in January 1999, calls for the establishment of an Intellectual Property Review Committee:

Article IILA.2. Intellectual Property Review Committee. The University President shall appoint an Intellectual Property Review Committee. The Committee shall be composed of eleven members, eight of whom shall be members of the faculty, without administrative appointments, and nominated by the Academic Senate. These eight appointees shall represent each college, Professional Consultative Services, 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. A faculty member shall chair the Committee. 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.

When necessary, the Committee shall review invention disclosures and other information to evaluate the University's contribution to the development of particular intellectual properties. In many cases the inventor/creator will reach an agreement with the University concerning ownership rights without the need for review by the Committee. In making its assessment, the Committee will rely on information provided by both the inventor/creator and the University. Committee deliberations will be in closed session to protect proprietary information. Similarly, committee records will be kept confidential and committee members will be bound to maintain confidentiality. The purpose of the review shall be to help the parties reach agreement within the framework of this policy.

In the event of any disagreement among interested parties concerning interpretation or application of this policy, the Committee will serve as the appellate body advisory to the University President. 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, if any, and an accounting of income and disbursements of the Commercialization Fund and the Research Fund (see IV-B). 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.

An Intellectual Property Review Committee was established in September, 2001, in conformance with the policy, with the exception that the committee was appointed by the Provost rather than the President (see attached memo of 9/26/01). Members were elected for staggered terms as indicated in the policy and memo and a chair was selected. The current Committee membership is attached.

It seems appropriate for the Intellectual Property Review Committee to be recognized as a standing university committee. To that end I have attached a description of the composition and functions of the committee, following examples provided to me by Mary Fiala. Please let me know if you need any other materials or have any questions. Thank you.
State of California  
MEMORANDUM

To:        Members, Intellectual Property Review Committee

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

Date:    September 26, 2001

Copies: Warren J. Baker

Subject: Appointment to the Intellectual Property Review Committee

Based upon the recommendations of the Academic Senate and the procedures called for in the Intellectual Property Policy, I am pleased to appoint you as initial members of the Intellectual Property Review Committee.

The University's Intellectual Property Policy was approved in January 1999, and a copy is included herewith for your ease of reference. Please refer to Page 5 which articulates the duties and responsibilities of the Committee.

I have asked Dr. Susan Opava, Dean of Research and Graduate Programs, to call the first meeting of the Committee. At that meeting, a faculty member can be elected as Chair. In addition, the eight faculty appointees are to serve three-year staggered terms. The terms for each member can be identified at this meeting as well.

Your service on this very important University committee is very much appreciated. If you have any questions, please contact Dr. Opava, at 756-1508. Thank you.

Enclosure

Members, Intellectual Property Review Committee
Philip Tong, Dairy Science Department
Art Chapman, Architecture Department
Lee Burgunder, College of Business
Clark Turner, Computer Science Department
Harvey Levenson, Graphic Communication Department
Christopher Kitts, Biological Sciences Department
Roberta Herter, University Center for Teacher Education
Lynn Gamble, University Library
Ed Sullivan, Landscape, Civil and Environmental Engineering Department
(Chair, Academic Senate Research and Professional Development Committee)
Susan Opava, Dean, Research and Graduate Programs
Samuel Aborne (student representative)
Robert Cloven, Information Technology Services (ex-officio member)

Luanne Pose
Intellectual Property Review Committee

Function

This committee is mandated under the University's Intellectual Property Policy. The function of the Committee is to review and monitor University activities on matters relating to the administration of this policy; to review proposed changes to the policy; and to participate in the future development of the policy. The Committee also administers a review process for the allocation of the University's net proceeds from intellectual property. When necessary, the Committee reviews invention disclosures and other information to evaluate the University's contribution to the development of particular intellectual properties.

In the event of disagreement among interested parties concerning interpretation or application of the Intellectual Property Policy, the Committee serves as the appellate body, advisory to the University President.

Membership

The Committee shall be composed of eleven members, eight of whom shall be members of the faculty, without administrative appointments, and nominated by the Academic Senate. These eight appointees shall represent each college, Professional Consultative Services, 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. A faculty member shall chair the Committee. Faculty appointees shall serve three-year staggered terms.

College of Architecture and Environmental Design  Faculty  Nominated by Academic Senate
College of Agriculture  Faculty  "
College of Business  Faculty  "
College of Education  Faculty  "
College of Engineering  Faculty  "
College of Liberal Arts  Faculty  "
College of Science and Mathematics  Faculty  "
Professional Consultative Services  Faculty  "
Chair, Academic Senate Research and Professional Development Committee  Faculty  Ex-officio
Research and Graduate Programs  Dean  Ex-officio
ASI  Student  Nominated by ASI President

The University President shall appoint the Committee, which will report to the Provost and Vice President for Academic Affairs.

Meetings

The Committee will meet at least quarterly during the academic year and as often as necessary to carry out its functions.
## Intellectual Property Review Committee
### Membership Roster
**Fall, 2004**

<table>
<thead>
<tr>
<th>College</th>
<th>Member</th>
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<tr>
<td>College of Agriculture</td>
<td>Philip Tong, Dairy Science Department</td>
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<tr>
<td>College of Architecture and</td>
<td>Art Chapman, Architecture Department</td>
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<tr>
<td>Environmental Design</td>
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<tr>
<td>College of Business</td>
<td>Vacant</td>
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<tr>
<td>College of Education</td>
<td>Roberta Herter</td>
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<tr>
<td>College of Engineering</td>
<td>Clark Turner, Computer Science Department</td>
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<tr>
<td>College of Liberal Arts</td>
<td>Harvey Levenson, Graphic Communication</td>
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<td>Department</td>
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<tr>
<td>College of Science and Mathematics</td>
<td>Christopher Kitts, Biological Sciences</td>
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<td>Department</td>
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<tr>
<td>Professional Consultative Services</td>
<td>Lynne Gamble, University Library</td>
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<tr>
<td>Chair, Academic Senate Research</td>
<td>Edward Sullivan, Civil &amp; Environmental</td>
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<td>And Professional Development</td>
<td>Engineering Department</td>
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<tr>
<td>Committee</td>
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<tr>
<td>Dean of Research and Graduate</td>
<td>Susan Opava</td>
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<tr>
<td>Programs</td>
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<tr>
<td>Ex Officio Member</td>
<td>Luanne Fose, Information Technology Services</td>
</tr>
<tr>
<td>ASI</td>
<td>Spencer Roberts</td>
</tr>
</tbody>
</table>
1. **Title of Proposed Program.**

Bachelor of Arts in Comparative Ethnic Studies

2. **Reason for Proposing the Program.**

Comparative Ethnic Studies is an important and valuable area of study that is indispensable to the academic experience of all students. Most of the resources - both curricular and institutional - needed for a strong and viable degree program in Comparative Ethnic Studies already exist at Cal Poly and it is quite realistic to envision the new major to be in place by Fall 2006. The demand for the major unquestionably exists, as evidenced by a flourishing minor program in Ethnic Studies and positive student response to a pilot survey that indicate strong support for the new major. Also, the prospect for the sustainability of the new major is quite high, as evidenced by the commitment of new resources by the College of Liberal Arts as well as the Office of the Provost. A growing number of faculty, staff, students, and members of the community have voiced their support for the major and there has never been a better time than now to seriously consider this possibility. The presence of a major degree program in Comparative Ethnic Studies will make a valuable contribution to Cal Poly in a number of significant ways, particularly in the much-needed area of curricular and cultural diversity of the campus and the nearby community. All signs indicate that the positive ripple effect created by the major is assured to be wide reaching, conspicuous, and significant.

3. **Anticipated Student Demand.**

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>3 years after initiation</th>
<th>5 years after initiation</th>
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</thead>
<tbody>
<tr>
<td>Number of Majors</td>
<td>12</td>
<td>42</td>
</tr>
<tr>
<td>Number of Graduates</td>
<td>0</td>
<td>7</td>
</tr>
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4. **Indicate the kind of resource assessment used in developing the program proposal. If additional resources will be required, the summary should indicate the extent of department and/or college commitment(s) to allocate them.**

Resource assessment was achieved in consultation with the Dean and Associate Dean of the College of Liberal Arts. The only substantial additional resources required will be a new full-time faculty position for the Ethnic Studies Department. The Provost's office has committed to
assist the CLA by contributing 100% support for this new line the first year of the major, 2/3 support the second year (with CLA assuming 1/3), 1/3 the third year (CLA assumes 2/3), and by the fourth year, CLA assuming 100%.

5. **If the program is occupational or professional, summarize evidence of need for graduates with this specific education background.**

Not applicable.

6. **If the new program is currently a concentration or specialization, include a brief rationale for conversion.**

A minor in Ethnic Studies is currently available. A major in Comparative Ethnic Studies would make a valuable contribution to Cal Poly and the bulk of the resources needed to establish this new major already exists.

7. **If the new program is not commonly offered as a bachelor's or master's degree, provide compelling rationale explaining how the proposed subject area constitutes a coherent, integrated degree major which has potential value for students. If the new program does not appear to conform to the CSU Board of Trustee policy calling for "broadly based programs," provide rationale:**

Not applicable.

8. **Briefly describe how the new program fits with the departmental/collge/uni strategic plans.**

`The creation of a major in Comparative Ethnic Studies is fully consistent with the stated goals and mission of the university, to instill in its graduates an ability to "appreciate the benefits of a diverse campus community," and to "discover, integrate, articulate, and apply knowledge." Increased diversity at Cal Poly, both curricular and population-wise, has been a long time goal of the University. The Commitment to Visionary Pragmatism report explicitly calls for in the Cal Poly Graduate a uniquely balanced and integrated knowledge and understanding of technology, mathematics, sciences, humanities, and social sciences; for someone who understands the interrelationship of personal, civic, and economic roles; and understands and functions in an increasingly multicultural, multiracial, and international environment. The College of Liberal Arts has taken a leadership position in curricular issues regarding diversity. In 1992, the Academic Senate approved the addition of a United States Cultural Pluralism course to all students' Baccalaureate Degree requirements beginning with those enrolled in 1994. The CLA offers 85% of these courses, In 1994, the Academic Senate approved the creation of the Ethnic Studies minor, also housed in the College of Liberal Arts. On January 25, 2005, the College of Liberal Arts College Council, which is made up of all the department chairs in the college, unanimously supported the creation of a major in Comparative Ethnic Studies. Thus, establishing this major would be the strongest evidence of this commitment by the College and the University and is consistent with the goals and missions of both.`
Proposal for a **Major** in Comparative Ethnic Studies

**Required Major Courses**

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>ES 112</td>
<td>Introduction to Comparative Ethnic Studies in the U.S.</td>
<td>4</td>
</tr>
<tr>
<td>Choose any 3 courses</td>
<td>ES 241 Survey of Indigenous Studies (4 units)</td>
<td>12</td>
</tr>
<tr>
<td>Choose any 3 courses</td>
<td>ES 242 Survey of Africana Studies (4 units)</td>
<td></td>
</tr>
<tr>
<td>Choose any 3 courses</td>
<td>ES 243 Survey of Latino/a Studies (4 units)</td>
<td></td>
</tr>
<tr>
<td>ES 350</td>
<td>Gender, Race, Science &amp; Technology (USCP)</td>
<td>4</td>
</tr>
<tr>
<td>ES 390</td>
<td>Research Methodology in Comparative Ethnic Studies</td>
<td>4</td>
</tr>
<tr>
<td>ES 410</td>
<td>Advanced Topics in Comparative Ethnic Studies</td>
<td>4</td>
</tr>
<tr>
<td>ES 450</td>
<td>Fieldwork in Comparative Ethnic Studies</td>
<td>4</td>
</tr>
<tr>
<td>ES 461</td>
<td>Senior Project</td>
<td>4</td>
</tr>
<tr>
<td>Advisor Approved Electives</td>
<td></td>
<td>40</td>
</tr>
</tbody>
</table>

Minimum 20 units must be from courses offered by the Ethnic Studies Department. The remaining elective courses can be chosen from Ethnic Studies-related courses offered by other departments. (See an Ethnic Studies advisor for a list of qualifying courses.)

**Elective Courses**

Minimum 20 elective units must be 300-400 level.

**Support Courses**

- Language other than English (all 8 units must be in the same language)
- STAT 217 Introduction to Statistical Concepts and Methods (B1)*

**General Education (GE)**

72 units required.

| Area A Communication (12 units)         | 4 |
| A1 Expository                           |   |
| A2 Oral Communication                   | 4 |
| A3 Reasoning, Argumentation, and Writing|   |
| Area B Science and Mathematics (16 units) |   |
| B1 Mathematics/Statistics *4 units in Major | 4 |
| B2 Life Science                         | 4 |
| B3 Physical Science                     | 4 |
| B4 One lab taken with B2 or B3 course   |   |
| B5 elective                             |   |
| Area C Arts and Humanities (16 units)   |   |
| C1 Literature                           | 4 |
| C2 Philosophy                           | 4 |
| C3 Fine/Performing Arts                 | 4 |
| C4 Upper-division elective              | 4 |
| Area D The American Experience (40404)*4 units in Major | 0 |
| D2 Political Economy                    |   |
| D3 Comparative Social Institutions *4 units in Major | 0 |
| D4 Self Development (CSU Area E)        | 4 |
| D5 Upper-division elective              | 4 |
| Area F Technology Elective (upper division) (4 units) | 60 |

**Electives**

32 units minimum 8 units must be 300-400 level.

Minimum 20 elective units must be 300-400 level.
WHEREAS, The General Engineering program is presently an academic unit located in the College of Engineering; and

WHEREAS, A status change from General Engineering program to Biomedical and General Engineering Department is being proposed; and

WHEREAS, This change is consistent with and necessary for the development of the Senate approved Biomedical Engineering baccalaureate degree granting program in the College of Engineering; and

WHEREAS, The functional modifications in changing to department status are: a change in the title for the program "coordinator" to "department chair", the reassignment of faculty internal to the college, and the hiring of two new faculty. These are all changes internal to the college; and

WHEREAS, The funding necessary to carry out these changes has been identified and made available from funds within the College of Engineering; and

WHEREAS, Said change in status has been approved by the College of Engineering (CENG) department chairs, CENG College Council, CENG Curriculum Committee, CENG Dean, and is being concurrently reviewed by the Academic Deans' Council; therefore be it

RESOLVED: That the Academic Senate of Cal Poly endorse the change from General Engineering program, as an academic unit, to the academic department of Biomedical and General Engineering Department.

Proposed by: College of Engineering
Date: April 8, 2005
As a follow-up to an e-mail communication from Bonnie Long today, enclosed is a formal request from Dr. Daniel Walsh, Associate Dean of the College of Engineering, providing justification for his request to form the Biomedical and General Engineering Department. This request has the endorsement of Dr. Peter Lee, Dean of the College of Engineering. The formation of this department request is being made following the Academic Senate and campus approval of the establishment of the Bachelor of Science degree program in Biomedical Engineering. That request is currently at the CSU Chancellor's Office for review. The department will house two distinct degree programs that are not necessarily closely related, i.e., Biomedical Engineering and General Engineering. In addition, the Academic Deans' Council has endorsed the formation of this department, yesterday, April 11.

I would appreciate it if the Academic Senate would review this request as soon as possible this quarter.

Thank you, and should you have any questions regarding this issue, please do not hesitate to contact Dan Walsh directly.

Enclosure
MEMORANDUM

To: Robert Detweiler, Provost and Vice President for Academic Affairs
   And
   David Hannings, Chair, Academic Senate

Via: David Conn, Vice Provost, Academic Programs

Via: Dean's Council

Via: Peter Lee, Dean, CENG

From: Dan Walsh, Associate Dean, CENG

Date: April 8, 2005

File: Copies:

Subject: Formation of the "Biomedical and General Engineering Department"

This is a request to change General Engineering Program to the Biomedical and General Engineering Department. The department will administer two majors (Biomedical Engineering with 170 students and General Engineering with 120 students). It will have faculty and staff, an office suite, autonomous academic and personnel review procedures, and will administer several hundred thousand dollars in grants and endowments.

This change in status is supported by the College of Engineering (CENG) Department Chairs, CENG College Council, CENG Curriculum Committee, CENG Dean, and will be reviewed by the Academic Senate and by the Academic Deans' Council.

This change is supported by the College because Biomedical Engineering, and General Engineering have outgrown their informal structure. At this juncture, a wealth of industrial demand, coupled with student and faculty interests, have created an intellectual engine that requires a departmental structure to support its students. Furthermore, the University has been directed to grow and the College has chosen Biomedical Engineering as one of several focus areas for this growth. The proposed structure for Biomedical Engineering will provide for the infrastructure to forge an even more successful program.

The functional modifications in changing to department status include a change in the title for the program "coordinator" to "department chair", the reassignment of faculty internal to the college, and the hiring of two new faculty. All changes are internal to the College, and the
funding necessary to carry out these changes have been identified and made available from funds within the College of Engineering.
WHEREAS, Not all calendar days' schedules have the same number of meetings each quarter; 'and
WHEREAS, It is instructionally sound to minimize the variation in the number of calendar days' schedules each quarter; therefore be it
RESOLVED: That the Academic Senate of Cal Poly ask the administration of Cal Poly to adopt the policy that each academic quarter consist of a minimum of nine (9) offerings of calendar days' schedules; and be it further
RESOLVED: That this policy be put in place commencing as soon as possible.