

Guidance for CSU Policies on Intellectual Property

“The Congress shall have Power . . . To promote the Progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries . . . ” United States Constitution, Article I.

Intellectual Property, Fair Use, and the Unbundling of Ownership Rights

SECTION 6 Illustrative Scenarios

The following scenarios illustrate the application of the principles and policy positions suggested in this booklet. Because we have not sought to be prescriptive about policies and legal ownership, the resolution of specific situations will often depend on many variables. Most of all, these scenarios illustrate the opportunities for flexibility and creativity in the application of legal principles related to copyright ownership.

Student Projects

A student is enrolled in a required graduate research course in preparation for earning a master’s degree. One of the standard requirements of the course is to engage in research studies in connection with a professor and in support of that professor’s ongoing research program. The student submits his findings in writing, and the professor would like to include some parts of the student’s work in a final, published version of the research study.

The federal copyright law vests initial ownership of copyright with the creator(s) of original works. We believe university policy should not alter this entitlement for students. Clearly students retain copyright for term papers, theses, and other projects that students complete in their own name as part of their course assignments and degree programs, regardless of the supervision, guidance, or even detailed assistance that an instructor may have provided. Although the student is working directly for and under the guidance of the professor, the student’s work is in furtherance of a degree program, and the student is clearly not “employed” nor paid to do the work. Indeed, the student is more than likely paying fees or tuition. In this scenario, university policy should provide that the student holds the copyright to the work submitted.

We realize that this outcome may not be seen by some as “serving the needs” of the department or the professor. In creating such an instructional program, the department is free to ask students to sign a document that either licenses or transfers (assigns) to the professor or university the rights to their work or their patentable idea, if any. A student who declines to sign such a license or assignment document should not suffer any penalty. Instead, the department might develop an alternative project that would still allow the student to meet the academic requirements of the course or program.

A contrasting scenario which require some clarification is the case of a student employee, such as a research assistant. In such cases, students’ intellectual property rights should be clearly addressed in writing at the time of employment. Whatever the ownership situation is for an employed student research assistant, the ownership of copyright and patent rights should be in writing and disclosed to the student prior to his or her employment. In the absence of a written document the copyrights of such student employees may belong to the employer. In any use of student works, the professor and the university should demonstrate great sensitivity to the interests of the student. Students come to the university in quest of intellectual, social, and economic growth. The university must foster an environment that allows students to pursue their fullest potential and to reap the benefits of their achievements. Any faculty or university use of student work should give them all appropriate credit. In fact, student work is often an “education record,” and disclosure may be subject to the student’s federally protected rights of privacy. On the other hand, faculty may want to share student papers as examples of student work or even to submit them, for example, to services that screen papers for plagiarism. The issue becomes more complex when online services, such as some plagiarism screens, retain copies of submitted papers in their data bases. As copyright holders, students should be informed in the course syllabus both that a copy of their completed work will be sent to any such service and whether their work will become a part of the service’s database.

The university should develop consent forms to clear the appropriate copyright rights as needed. We urge campuses, schools, and departments to institute education programs for faculty, staff, and students about the proper legal and ethical uses of student works and inventions.

Nota bene: We need to remind ourselves that only the “expression” in the work by the student or by anyone else is subject to copyright protection. Ideas and facts are not protectable through copyright. Thus, the research data and findings themselves – whether they originate with the student or the professor – have little if any such legal protection. If anyone wants to control the use of such factual works, the data or findings should be disclosed only with care and only with an agreement as to their proper use.

74 **California State University San Marcos**

75 **Copyright Assignment Agreement for Course Project**

76
77 As part of a course project at California State University San Marcos (CSUSM) for
78 [Course name] _____,
79 the undersigned student has created or contributed to the following work, which has the potential for use
80 in future educational activities:
81 [Describe the work] _____
82 _____.

83
84 The copyright of such intellectual property is governed by California State University System (CSU)
85 Intellectual Property guidelines. Copyright ownership rests with the creator of intellectual property,
86 which in this case is the student. In order to utilize the student-created work for other educational
87 activities, the undersigned student grants to CSUSM the non-exclusive right to use (i.e., copy, distribute,
88 display, create, perform, transmit and create derivative works for nonprofit educational purpose) the
89 student-created work and any associated documentation, data files or libraries developed for this course
90 project.

91
92 The student agrees and acknowledges that this assignment has been made voluntarily and without any
93 expectation of academic credit at CSUSM.

94 The student warrants that he or she has full power and authority to make this agreement and that
95 the work does not infringe any copyright, violate any property rights, or contain any scandalous,
96 libelous, or unlawful matter.

97 This agreement shall be construed and interpreted according to the laws of the State of California
98 and shall be binding upon the parties hereto, their heirs, successors, assigns, and personal
99 representatives.

100
101 _____
102 Project Title

103
104 _____
105 Student's Printed Name

106
107 _____
108 Student's Signature

109
110 _____
111 Faculty Supervisor's Signature

112
113 _____
114 Date

Wording and Explanation of the Proposed Amendments

AMENDMENT 1: WORDING/GRAMMAR/USAGE CHANGES

Rationale: This amendment involves editing the Constitution's language in ways that do not result in substantive changes to the articles. All changes are in wording, grammar, or usage. (Highlighted throughout the document.)

AMENDMENT 2: ADDITION OF ARTICLE 5.3.1 TO SPECIFY TERMS FOR ACADEMIC SENATE OFFICERS

Rationale: This amendment adds a missing article, one which specifies the terms for Academic Senate Chair, Vice-Chair/Chair-Elect, and Secretary, as well as clarifies the terms of succession should the Chair or Vice-Chair/Chair-Elect not be able to finish out their terms. (Lines 90-95.)

AMENDMENT 3: CHANGING ARTICLE 5.4.2 REGARDING WHEN ACADEMIC SENATORS RECEIVE SUPPORTING DOCUMENTATION FOR AGENDA ITEMS

Rationale: The article currently specifies that senators will receive the Academic Senate agenda and supporting documentation at least two academic days prior to the meeting. The two-day requirement for specific items may be waived with a two-thirds vote. In reality, such documentation often doesn't reach senators until one day before the meeting. This amendment changes the article so that there is a one-day requirement for receipt of specific items, and removes the need for a vote. (Line 106.)

AMENDMENT 4: ADDITION OF NON-VOTING MEMBER TO APC

Rationale: At the request of APC, the Project and Degree Audit Coordinator is being added as a non-voting member of the committee. (Line 205-6.)

AMENDMENT 5: ADDITION OF NON-VOTING MEMBER TO PAC

Rationale: At the request of PAC, the Learning Outcome Assessment Fellow is being added as a non-voting member of the committee. (Line 325.)

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PREAMBLE

This Constitution and Bylaws **document** establishes the basis upon which effective participation and deliberation shall take place in formulating, evaluating, and recommending policy by which the University shall be governed. It is intended to provide the governance structure of the University Faculty based on a philosophy of shared responsibility for University leadership, to facilitate coordination and cooperation between and among the several parts of the University organization, and to provide means of expression on matters of academic concern by the University Faculty.

Article 1: Names

The name of the representative body within the Faculty shall be the Academic Senate of California State University San Marcos (CSUSM), hereinafter referred to as the Academic Senate or the Senate.

Article 2: Purpose

The purpose of the Faculty shall be to perform functions assigned to it by law, by the Board of Trustees of The California State University (CSU), and by the President of the University; to formulate, evaluate, and recommend to the President of the University policies and procedures pertaining to the development, maintenance, and improvement of the University program; and to serve as a forum for expressing the opinions of faculty members on matters affecting the operations of the University. Generally, the Academic Senate will act as the representative body of the Faculty in order to discharge these duties.

Article 3: Faculty Membership

Voting members of the Faculty shall consist of tenured and tenure-track persons holding faculty rank, library faculty, Student Services Professional-Academic Related faculty (hereafter, SSP-AR), and full-time temporary faculty holding at least one-year appointments in academic departments.¹ **Faculty with the voting franchise shall be called eligible faculty.**

Persons with substantial managerial and supervisory responsibilities that involve faculty and academic programs are excluded from membership. Persons holding MPP appointments are excluded.² Persons with work assignments that are substantially similar to the duties and responsibilities of persons holding MPP appointments are excluded.^{3,4,5} **Faculty with the voting franchise shall be called eligible faculty.**

Article 4: Faculty Meetings

The Faculty shall meet twice a year in regularly scheduled meetings. Special meetings of the faculty shall be called at the request of the President of the University, at the request of the Executive Committee, or at the request of ten percent of the members of the eligible faculty by written petition. The Chair of the Academic Senate shall preside at such meetings.

Article 4.1: Quorum

One half of the members of the eligible faculty shall constitute a quorum.

Article 4.2: Agenda and Notice

All members of the Faculty will be provided with an agenda for regular meetings of the Faculty at least two academic days prior to the meeting.

Article 5: The Academic Senate

The Academic Senate is the official representative body of the Faculty.

Article 5.1: Senate Membership

Voting members of the Senate shall consist of those members of the Faculty and the representative of the part-time temporary faculty who have been duly elected or appointed to the Senate according to this Constitution and Bylaws of the University Faculty and the Academic Senate; **the CSUSM representatives to the Academic Senate of ~~The~~ the California State University; the Associated Students, Incorporated, representative; and the staff representative; together with the Chairs of the Academic Policy Committee; Budget and Long-Range Planning Committee; Faculty Affairs Committee; General Education Committee; Library and Academic Technology Advisory Committee; Nominations, Elections, Appointments, and Constitution Committee; Program Assessment Committee; Student Affairs Committee; and University Curriculum Committee, if they were not otherwise elected to a Senate seat.**

Article 5.1.1: Representative Proportion of Membership

The Senate shall be representative of the full-time faculty in proportion to the number of full-time eligible faculty in each College/School not within a College (hereafter, School)/Library/Student Services Professionals - Academic Related (hereafter, SSP-AR). The number of seats for each College/School/Library/SSP-AR will be that unit's proportion of the total eligible faculty (not including lecturers, and each faculty member **can may** only be counted for one college), multiplied by

60 50. Fractional seats will be rounded up if they are .5000 or greater and rounded down otherwise, except that each unit will be
61 guaranteed a minimum of one seat.

62
63 **Article 5.1.2: Terms of Membership**

64 Senate terms of office run concurrently with the academic year. Senators shall serve staggered two-year terms. For election
65 procedures, see the Academic Senate Election Rules and Guidelines.

66
67 **Article 5.1.3: Ex-Officio Membership**

68 Ex-officio, non-voting members of the Senate shall be the President of the University, the Provost and Vice President for
69 Academic Affairs, all Vice Presidents, the Associate Vice Presidents and Deans within Academic Affairs, a representative
70 selected by the CSUSM Chapter of the California Faculty Association (CFA) President (if not already a member of the
71 Senate), the past Chair of the Senate (if not already a member of the Senate), and others approved by the Senate.

72
73 **Article 5.1.4: Participation of Ex-Officio Members**

74 Ex-officio, non-voting members, unless otherwise noted, shall be extended the right to participate in debate, but may not
75 introduce motions or vote.

76
77 **Article 5.2: Election Procedures**

78 The Senate Nominations, Elections, Appointments, and Constitution Committee shall solicit nominations and prepare a ballot
79 of nominees for the Academic Senate from each of the Colleges, Schools, the Library, and from among the eligible SSP-AR
80 faculty (hereinafter referred to as units). The ballot shall specify the number of senators that the unit shall elect according to
81 the proportioning rule. Whenever possible, the number of nominees should be adequate to provide voters with a choice. A
82 sample ballot shall be published at least two weeks before the date of election. Faculty may directly nominate candidates by a
83 request submitted to NEAC.

84
85 **Article 5.3: Senate Officers**

86 The Officers of the Senate shall consist of a Chair, Vice-Chair/Chair-Elect, and Secretary. The Vice-Chair serves as Chair-
87 elect prior to becoming Chair. The officers of the Senate shall be voting members of the Senate. For election procedures, see
88 the Academic Senate Election Rules and Guidelines.

89
90 **Article 5.3.1: Senate Officers' Terms**

91 The Officers of the Senate shall serve one-year terms. The Secretary may be re-elected to serve an additional term(s). In the
92 event the Chair becomes unable to serve, the Vice-Chair/Chair-Elect shall assume the role of Chair for the remainder of the
93 term, as well as the term for which s/he was elected and an election will be conducted by NEAC for Vice-Chair/Chair-Elect.
94 If the Vice-Chair/Chair-Elect becomes unable to serve their term as Chair, NEAC will conduct an election for Chair in
95 accordance with the Academic Senate Election Rules and Guidelines.

96
97 **Article 5.4: Senate Meetings**

98 The Senate shall meet at least four times during each of the fall and spring semesters. The Chair of the Senate may call
99 special meetings of the Senate upon two days notice.

100
101 **Article 5.4.1: Quorum**

102 More than half of the number of voting members of the Senate membership constitutes a quorum.

103
104 **Article 5.4.2: Agenda and Notice**

105 All members of the Faculty will be provided with an agenda for regular meetings of the Senate at least two academic days
106 prior to the meeting. All senators shall receive supporting documentation for agenda items at least ~~two-one~~ academic days
107 prior to the meeting. ~~The Senate may waive the two-day notice requirement for specific items upon a two-thirds vote of~~
108 ~~those present at the meeting.~~

109
110 **Article 5.4.3: Parliamentarian**

111 The Parliamentarian shall be named by the Executive Committee of the Academic Senate at its last meeting of the academic
112 year from a list of nominees forwarded ~~from by~~ NEAC. For the selection procedure, see ~~the~~ Academic Senate Election Rules
113 and Guidelines. The Parliamentarian shall be a non-voting, ex-officio member of the Senate, must be tenured with a
114 minimum of two years' experience in the Academic Senate, and possess a good knowledge of Robert's Rules of Order.

115
116 **Article 5.4.3.a1: Parliamentarian Duties**

117 The Parliamentarian is to attend all full meetings of the Academic Senate and shall be seated next to the Chair of the Senate.
118 The Parliamentarian shall advise the Chair rather than the body-at-large on Robert's Rules of Order, but has the authority to

advise the Chair when he/she is not adhering to said Rules. The Parliamentarian shall attend the new Senator orientation to present a brief overview of Robert's Rules of Order. The Parliamentarian shall also be available to Academic Senators for consultation on matters related to Academic Senate meeting procedures. N.B.: If this amendment passes, the Election Rules and Guidelines will be modified to include the following: Guidelines for Election of the Academic Senate Parliamentarian NEAC shall distribute a call for Parliamentarian no later than one week after the announcement of the spring election results. NEAC will forward the list of nominees to the Executive Committee who will select the Parliamentarian by the last Executive Meeting of the academic year. Should no nominees come forward by the end of the academic year, the incoming Senate Chair shall appoint a member from the Senate to act as interim Parliamentarian until NEAC is able to solicit nominees. Once nominees are solicited, the Executive Committee shall select the Parliamentarian. The interim Parliamentarian shall be a non-voting member while acting as Parliamentarian.

Article 6: Standing Committees of the Senate

The Academic Senate shall have the following Standing Committees:

1. Executive Committee (EC)
2. Academic Policy Committee (APC)
3. Budget and Long-range Planning Committee (BLP)
4. Faculty Affairs Committee (FAC)
5. General Education Committee (GEC)
6. Library and Academic Technology Advisory Committee (LATAC)
7. Nominations, Elections, Appointments, and Constitution Committee (NEAC)
8. Program Assessment Committee (PAC)
9. Promotion and Tenure Committee (PTC)
10. Student Affairs Committee (SAC)
11. University Curriculum Committee (UCC)

Article 6.1: Standing Committee Membership

Faculty voting members of the Standing Committees of the Senate will be drawn from the Faculty eligible for the Senate according to the Academic Senate Election Rules and Guidelines. Faculty Committee members shall serve staggered two-year terms except for the members of the Executive Committee, which draws its membership from current chairs of the standing committees. The chair of each standing committee shall be elected by the voting members of the committee from the eligible faculty on the committee. Student members and staff members shall serve one-year terms, with the exception of staff members of the Library and Academic Technology Advisory Committee, who will serve two-year terms.

Colleges or schools in development with fewer than ten full-time tenure track faculty members will be represented as voting members in standing committees in the following way: the faculty of colleges/ schools in development ~~can may~~ choose, before the Spring election, the standing committees to which they will send one representative. The chosen committees ~~should shall~~ be reported to the Academic Senate Office by March 15. The selection of the committees should be conducted by the college/ school by voting. The voting should be anonymous and a simple majority is sufficient. The election of the representatives will be conducted according to the Academic Senate Election Rules and Guidelines.

Colleges or schools in development ~~have to must~~ send representatives to a minimum number of committees; ~~but however,~~ ~~depending on the size of the college/school,~~ the maximum number of committee seats is ~~also~~ restricted by the number of eligible faculty; (see the following table).

Number of eligible faculty members of the college/school	Number of committee seats for the college/school
1	1-2
2	2-4
3	3-6
4	4-8
5	5-10
6	6-10
7	7-10
8	8-10
9	9-10

Once a college or school in development has ten or more eligible faculty members, its representation in all standing committees will be guaranteed by a change ~~of to~~ the Constitution and Bylaws.

167 **Article 6.2: Other Committees**

168 In addition to the regular Standing Committees, the Academic Senate may create ad hoc or special committees for specific
169 purposes.
170

171 **Article 6.3 Annual Reports**

172 Each Standing Committee is required to submit an annual report to the Senate at the last Senate meeting of the academic
173 year.
174

175 **Article 6.4: Executive Committee (EC)**

176 Voting members of the Executive Committee shall be composed of the Chair of the Senate, who will serve as Chair of the
177 Executive Committee; the Vice-Chair and the Secretary of the Senate; one of the CSUSM representatives to the Academic
178 Senate of ~~The the~~ California State University; and the Chairs of the Academic Policy Committee; Budget and Long-Range
179 Planning Committee; Faculty Affairs Committee; General Education Committee; Library and Academic Technology
180 Advisory Committee; Nominations, Elections, Appointments, and Constitution Committee; Program Assessment
181 Committee; Student Affairs Committee; and University Curriculum Committee. Each College, School, and the Library will
182 be guaranteed at least one voting Executive Committee seat; ~~When necessary,~~ the Colleges, Schools, and Library will elect
183 their Executive Committee representatives from among their Senators. The President and the Provost and Vice President for
184 Academic Affairs shall sit as ex-officio, non-voting members. The President, or the President's designee, of the CSUSM
185 ~~Chapter~~ of the California Faculty Association shall serve as a liaison to the Executive Committee and as an ex-officio, non-
186 voting member of said committee.
187

188 **Article 6.4.1: Executive Committee Duties**

189 The Executive Committee shall set the agenda of the Senate, refer tasks to committees, coordinate work of the Academic
190 Senate and Senate Committees, and prepare monthly reports of Senate activities. If necessary, the Executive Committee may
191 be convened to formulate policies and act for the Senate when the Senate is not in session. During periods when neither the
192 Senate nor the Executive Committee is in session, the Chair of the Senate may act for the Senate and for the Executive
193 Committee. It is common practice for the chair to consult with Executive Committee members as a way to inform his or her
194 decisions.
195

196 **Article 6.4.2: Senate Review of Executive Committee Actions**

197 Policy actions and other recommendations made by the Executive Committee in the name of the Senate when the Senate is
198 not in session shall be brought to the next Senate meeting as information items.
199

200 **Article 6.5: Academic Policy Committee (APC)**

201 The Academic Policy Committee shall consist of voting faculty members drawn from the eligible faculty. The eligible
202 faculty of each College/School/Library shall elect a representative from the eligible faculty of that College/School/Library to
203 serve as a member of the committee. ~~One additional faculty member shall be elected by the eligible faculty to represent the~~
204 ~~faculty at large. The eligible faculty shall elect at large one additional faculty member.~~ The membership of the Academic
205 Policy Committee shall also include as non-voting members the Associate Vice President for Academic Affairs--Academic
206 Programs, the Dean of Graduate Studies, ~~and~~ the Associate Vice President for ~~Enrollment Management Services,~~ ~~and the~~
207 ~~Project and Degree Audit Coordinator.~~ One student representative appointed by the Associated Students Incorporated shall
208 also be a non-voting member of this committee.
209

210 **Article 6.5.1: Academic Policy Committee Duties**

211 The Academic Policy Committee shall have general oversight of all issues related to the creation, revision, and
212 implementation of academic policies, procedures, regulations, and guidelines. The committee shall articulate and implement
213 academic standards through the creation of academic policies; and shall seek to safeguard the University's institutional
214 accreditation and the quality of its academic programs. In pursuit of these duties, the committee may create ad hoc
215 subcommittees.
216

217 **Article 6.6: Budget and Long-Range Planning Committee (BLP)**

218 The Budget and Long-Range Planning Committee shall consist of voting faculty members drawn from the eligible faculty.
219 The eligible faculty of each College/School/Library shall elect a representative from the eligible faculty of that
220 College/School/Library to serve as a member of the committee. ~~One additional faculty member shall be elected by the~~
221 ~~eligible faculty to represent the faculty at large. The eligible faculty shall elect at large one additional faculty member.~~ One
222 college Dean appointed by the Provost, an Associate Vice President for Academic Affairs appointed by the Provost, one
223 Instructional and Information Technology Services (IITS) representative appointed by the Dean of IITS, and one student
224 member appointed by the Associated Students Incorporated shall be non-voting members of the committee.
225

226 **Article 6.6.1: Budget and Long-Range Planning Committee Duties**

227 The Budget and Long-Range Planning Committee shall serve as the deliberative body of the faculty on budget and resource
228 use for annual and long-range planning issues. It shall participate in and provide recommendations for the construction of
229 Academic Affairs' budget requests and represent the faculty through participation in university budgeting. The committee
230 shall, in its long-range planning capacity, actively participate in the University's strategic planning process including
231 university accreditation, and review proposals submitted for the University Academic Master Plan. BLP shall make
232 recommendations on resources (for example, library, laboratory, and information technology) for new and existing academic
233 programs. In pursuit of these duties, the committee may create ad hoc subcommittees.

234
235 **Article 6.7: Faculty Affairs Committee (FAC)**

236 The Faculty Affairs Committee shall consist of voting members drawn from the eligible faculty. The eligible faculty in each
237 College/School/Library shall elect a representative from the eligible faculty of that College/School/Library to serve as a
238 member of the Faculty Affairs Committee. **Three additional faculty members shall be elected by the eligible faculty to**
239 **represent the faculty at large. ~~Three (3) additional faculty members of the Faculty Affairs Committee shall be elected at large~~**
240 **by the eligible faculty.** The membership of the Faculty Affairs Committee shall also include as a voting member a
241 representative of the temporary faculty elected by the temporary faculty; and as non-voting members the Provost and Vice
242 President for Academic Affairs, or the Associate Vice President for Academic Affairs--Academic Resources, and a
243 representative from the CSUSM Chapter of the California Faculty Association (CFA) elected by the membership of CFA.
244

245 **Article 6.7.1: Faculty Affairs Committee Duties**

246 The Faculty Affairs Committee shall address issues that affect faculty members and their ability to carry out their
247 professional responsibilities. FAC shall have general oversight of personnel policies and procedures including those of
248 compensation, retention, tenure, and promotion. The committee shall recommend changes in the Faculty Handbook and
249 shall review and recommend the annual calendar of dates for **reappointmentretention**, tenure, and promotion. The Faculty
250 Affairs Committee recommends procedures and policies for equal opportunity, retirement, leaves of absence, and sabbatical
251 or special leaves. The Faculty Affairs Committee shall propose policy regarding faculty development in the areas of
252 teaching, research/creative activity, and service. Furthermore, the committee makes recommendations to the office of the
253 Provost and Vice President for Academic Affairs concerning all of these issues. The committee shall propose policy and
254 provide procedures for resolution of faculty disciplinary issues, and issues of academic freedom and workload. The
255 committee shall work in consultation with CFA, the university administration, and other appropriate bodies. In pursuit of
256 these duties, the committee may create ad hoc subcommittees.
257

258 **Article 6.8: General Education Committee (GEC)**

259 The General Education Committee shall consist of voting members from the faculty and up to eight ex-officio, non-voting
260 members. The voting faculty members shall be elected from the eligible faculty by the eligible faculty as follows: two
261 faculty members each from the divisions of Mathematics & Sciences, Arts & Humanities, and Social Sciences in the College
262 of Arts and Sciences (from two separate disciplines in each division) and one faculty member from each of the other
263 Colleges/ Schools/Library. The committee shall also include as non-voting, ex-officio members the General Education
264 Coordinator, the Vice President for Student Affairs or designee, the Associate Vice President for Academic Affairs--
265 Academic Programs or designee, and the Associate Vice President for Enrollment Management Services or designee. One
266 at-large student representative appointed by the Associated Students Incorporated shall sit as a non-voting member of the
267 committee.
268

269 **Article 6.8.1: General Education Committee Duties**

270 The General Education Committee has general oversight of all issues related to the General Education program and the
271 following specific graduation requirements: the U.S. History, Constitution and American Ideals Requirement, the Language
272 Other Than English Requirement, the Computer Competency Requirement, and the Graduate Writing Assessment
273 Requirement. The committee makes appropriate recommendations regarding the operation of the General Education
274 program and fulfillment of the graduation requirements specified above. In compliance with State mandates, the committee
275 shall be responsible for reviewing, approving, and evaluating all new and existing lower and upper-division courses used to
276 meet the General Education and specified graduation requirements; make recommendations on academic and student policies
277 impacting the General Education program and the specified graduation requirements; establish and provide for periodic
278 internal and external reviews of General Education policies and practices in a manner comparable to those of major
279 programs; review articulation agreements with community colleges for courses satisfying General Education and the
280 specified graduation requirements; provide information to the Provost and Vice President for Academic Affairs regarding the
281 General Education program and the specified graduation requirements; and be a resource for academic advising to ensure
282 student fulfillment of General Education and the specified graduation requirements. In pursuit of these duties, the committee
283 may create ad hoc subcommittees.
284

285 **Article 6.9: Library and Academic Technology Advisory Committee (LATAC)**

286 The Library and Academic Technology Advisory Committee shall consist of voting members drawn from eligible faculty,
287 Academic Affairs staff, and students. The eligible faculty in each College/ School/Library shall elect representatives from
288 the eligible faculty of their College/School/Library to serve on the committee as follows: two representatives from the
289 College of Arts and Sciences, and one representative from each of the other Colleges/Schools/Library. The Library staff shall
290 select one Library staff member; the **Instructional and Information Technology Services (IITS)** staff shall select one IITS
291 staff member; the Academic Affairs staff shall select one staff member; and the Associated Students Incorporated shall select
292 two student members. Staff members of LATAC shall serve staggered two-year terms. The committee shall include as ex-
293 officio, non-voting members the Dean of the Library and the Dean of **Instructional and Information Technology**
294 **Services IITS**.

295
296 **Article 6.9.1: Library and Academic Technology Advisory Committee Duties**

297 The committee shall be charged with advising, as necessary, the Dean of the Library and the Dean of **Instructional &**
298 **Information Technology Services (IITS)** on matters related to the Library and to academic technology. The committee shall
299 have the authority to draft policies falling under the jurisdiction of the Academic Senate as they relate to library and
300 academic technology issues. The committee will inform the University **c**ommunity about library and academic technology
301 policies, financial standing, library collections and services, academic technology and services, and media issues. The
302 committee will also serve as a channel of communication for expressing faculty, staff, and student needs and expectations to
303 the Library and IITS. In pursuit of these duties, the committee may create ad hoc subcommittees.

304
305 **Article 6.10: Nominations, Elections, Appointments**
306 **and Constitution Committee (NEAC)**

307 The Nominations, Elections, Appointments and Constitution Committee shall consist of voting members drawn from the
308 eligible faculty. The eligible faculty in each College/School/Library shall elect one representative from each
309 College/School/Library. **Two additional faculty members shall be elected by the eligible faculty to represent the faculty at**
310 **large, with the eligible faculty to elect at large the additional two faculty members.**

311
312 **Article 6.10.1: Nominations, Elections, Appointments, and**
313 **Constitution Committee Duties**

314 The Nominations, Elections, Appointments, and Constitution Committee shall solicit nominations, prepare slates, and
315 conduct elections for all elected Senate offices, Standing Committees, and Statewide Academic Senate representatives, make
316 nominations to the Senate for committee appointments, recommend ways to improve committee operations and the formation
317 or disbandment of committees, **and** review and suggest amendments to the Constitution and Bylaws. In pursuit of these
318 duties, the committee may create ad hoc subcommittees.

319
320 **Article 6.11: Program Assessment Committee (PAC)**

321 The Program Assessment Committee shall consist of voting members drawn from the eligible faculty. The eligible faculty in
322 each College/School/Library shall elect representatives from the eligible faculty of their College/School/Library to serve on
323 the committee as follows: one representative from each of the divisions of Mathematics & Sciences, Arts & Humanities, and
324 Social Sciences **within** the College of Arts and Sciences, and one representative from each of the other
325 Colleges/Schools/Library. **One additional faculty member shall be elected by the eligible faculty to represent the faculty at**
326 **large. The eligible faculty shall elect at large the additional faculty member.** The committee shall include as a non-voting
327 member the Associate Vice President for Academic -Affairs – Planning and Academic Resources, the Dean of Graduate
328 Studies, **and the Learning Outcomes Assessment Fellow.**

329
330 **Article 6.11.1: Program Assessment Committee Duties**

331 The Program Assessment Committee shall have general oversight of all issues related to the processes of program evaluation
332 and planning (PEP), as outlined in the PEP policy document. The committee shall also discharge those duties specifically
333 assigned to it within the PEP policy document. These duties include, but are not limited to: advising programs undergoing
334 PEP review with regard to the processes, objectives, and specific tasks associated with that review; serving as a liaison
335 among the Senate, Academic Affairs, Dean of Graduate Studies, College/Library Deans, and the programs undergoing
336 review; examining, reviewing, and reporting to the Senate with regard to the progress and outcomes of program self-
337 assessment and planning processes, as conducted by programs undergoing PEP review; and making recommendations to the
338 Senate regarding the outcomes of these review processes. In addition the committee shall make recommendations to the
339 Senate regarding revisions and amendments to PEP policies and procedures. In pursuit of these duties, the committee may
340 create ad hoc subcommittees.

341
342 **Article 6.12: Promotion and Tenure Committee (PTC)**

343 The Promotion and Tenure Committee shall consist of tenured full professors and librarians drawn from the eligible faculty.
344 The eligible faculty in each College/School/Library shall elect representatives from the eligible faculty of their
345 College/School/Library to serve on the committee as follows: one member from each of the divisions of Mathematics &
346 Sciences, Arts & Humanities, and Social Sciences **within** the College of Arts and Sciences, and one member from each of the
347 other Colleges/Schools/Library if there are faculty who meet the criteria to serve on this committee. The eligible faculty
348 shall elect at-large one additional tenured full faculty member. When SSP-ARs or faculty members from Colleges and
349 Schools under development are under review and no representative of the member's group is currently serving on the PTC, a
350 tenured full faculty member will be elected by the eligible College/School faculty or SSP-ARs to the PTC for that review
351 only.

352 353 **Article 6.12.1: Promotion and Tenure Committee Duties**

354 The committee shall be charged with implementing its duties in accordance with the Faculty Personnel Procedures for
355 Retention, Tenure, and Promotion and the Collective Bargaining Agreement (CBA) and to make recommendations to the
356 Provost and Vice President for Academic Affairs on retention, tenure, and promotion.

357 358 **Article 6.13: Student Affairs Committee (SAC)**

359 The Student Affairs Committee shall consist of voting members drawn from the eligible faculty. The eligible faculty in each
360 College/School/Library shall elect a representative from the eligible faculty of the College/School/Library to serve as a
361 member of the committee. **Two additional faculty members shall be elected by the eligible faculty to represent the faculty at**
362 **large.**~~The eligible faculty shall elect two additional faculty members at large from among the eligible faculty.~~The committee
363 shall include as ex-officio, non-voting members the Vice President for Student Affairs or a designee, and the faculty athletic
364 liaison. Two student members appointed by the Associated Students Incorporated shall also be non-voting members of this
365 committee.

366 367 **Article 6.13.1: Student Affairs Committee Duties**

368 The Student Affairs Committee shall provide advice and recommend policy on all student issues including but not limited to
369 policies and procedures related to academic environments, student government, student diversity, student organizations or
370 activities, athletics, student discipline and welfare, student research competition, lottery grants, and matters concerning
371 admissions, retention, advising, and commencement. In pursuit of these duties, the committee may create ad hoc
372 subcommittees.

373 374 **Article 6.14: University Curriculum Committee (UCC)**

375 The University Curriculum Committee shall consist of voting faculty members drawn from the eligible faculty. The eligible
376 faculty of each College/School/Library shall elect representatives from the eligible faculty to serve as members of the
377 committee as follows: one faculty member each from the divisions of Mathematics & Sciences, Arts & Humanities, and
378 Social Sciences **within** the College of Arts and Sciences, one faculty member each from the other Colleges/Schools/Library.
379 **One additional faculty member shall be elected by the eligible faculty to represent the faculty at large.**~~The eligible faculty~~
380 ~~shall elect at large one additional faculty member.~~The membership of the University Curriculum Committee shall also
381 include as non-voting members the Associate Vice President for Academic Affairs--Academic Programs, the Associate Vice
382 President for Enrollment Management Services, and the Chair of the General Education Committee or designee. One student
383 representative appointed by the Associated Students Incorporated shall also be a non-voting member of this committee.

384 385 **Article 6.14.1: University Curriculum Committee Duties**

386 The University Curriculum Committee shall have general oversight of all issues related to the review of proposed
387 curriculum. The committee shall review proposals for new and revised curricula, courses, and degree programs, and teacher
388 preparation programs and it shall make recommendations to the Senate regarding their approval. Through the review of
389 proposed curriculum, the committee is charged with oversight for the academic soundness and quality of the curriculum. As
390 directed by the Senate, the committee shall review articulation agreements with community colleges for consistency with
391 established graduation requirements. The UCC, in collaboration with the Dean of Extended Learning, shall originate and
392 review proposals affecting Extended Learning. In pursuit of these duties, the committee may create ad hoc subcommittees.

393 394 **Article 7: Parliamentary Authority and Rules**

395 In all cases not provided for by other provisions, the most recent edition of Robert's Rules of Order, Newly Revised, shall
396 govern the conduct of business of the Senate and its Standing Committees.

397 398 **Article 7.1: Voting**

399 All decisions of the Faculty or the Academic Senate, their committees and subcommittees, shall be made by majority vote
400 except where parliamentary procedure or the Constitution and the Bylaws specify otherwise.

402 **Article 8: Amendments of the Constitution and Bylaws**

403 The Constitution and Bylaws of the University Faculty and Academic Senate may be amended in accordance with this
404 article.

405 **Article 8.1: Initiation**

406 Amendments to this Constitution and Bylaws ~~can~~ may be initiated by a majority of the Academic Senate; by the Executive
407 Committee of the Academic Senate; by the Nominations, Elections, Appointments and Constitution Committee (NEAC); by
408 a petition to NEAC signed by at least twenty percent of the members of the eligible faculty; or by the President.
409

410 **Article 8.2: Notice**

411 NEAC shall distribute copies of successfully initiated amendments to this Constitution and Bylaws to the eligible faculty at
412 least ten academic days in advance of any referendum for approval.
413

414 **Article 8.3: Referendum**

415 A referendum to consider approval of a successfully initiated amendment shall be conducted by NEAC within twenty
416 academic days after successful initiation. Voting shall be anonymous.
417

418 **Article 8.4: Adoption of Amendments**

419 In order for an amendment to this Constitution and Bylaws to become effective, more than one-half of the eligible faculty
420 must vote in the referendum, and the amendment must receive a favorable vote of at least two-thirds.
421

422 **Article 8.5: Amending Title Changes in the Constitution and By-Laws**

423 Title changes of committees or personnel listed in the Constitution and By-Laws may be made to the Constitution by the
424 Executive Committee of the Academic Senate, upon recommendation from the Nominations, Elections, Appointments and
425 Constitution Committee without the referendum process noted in Article 8.4.
426
427

Endnotes

- 428
429
430 1. Disputes shall be resolved by the Executive Committee of the Academic Senate.
431
432 2. MPP, addressing the employment rights, benefits, and conditions of The CSU employees designated as 'management' or
433 'supervisory' under the HEERA. The Calif. Code of Regulations, Title 5.Education.Division 5: Board of Trustees of The CSU,
434 Article 2.2: Management Personnel Plan uses definitions as specified in HEERA. Supervisory and managerial employee work
435 assignments are described in HEERA.
436
437 3. HEERA California Codes, Government Code, Section 3580.3 "Supervisory employee...With respect to faculty or academic
438 employees, any department chair, head of a similar academic unit or program, or other employee who performs the foregoing duties
439 primarily in the interest of and on behalf of the members of the academic department, unit or program, shall not be deemed a
440 supervisory employee solely because of such duties; ... Employees whose duties are substantially similar to those of their
441 subordinates shall not be considered to be supervisory employees.
442
443 4. HEERA California Codes, Government Code, Section 3560-3562.1. Definitions: Section 3562 (1) - "managerial employee
444 means any employee having significant responsibilities for formulating or administering policies and programs. No employee or
445 group of employees shall be deemed to be managerial employees solely because the employee or group of employees participate in
446 decisions with respect to courses, curriculum, personnel and other matters of educational policy. A department chair or head of a
447 similar academic unit or program who performs the foregoing duties primarily on behalf of the members of the academic unit or
448 program shall not be deemed a managerial employee solely because of those duties."
449
450 5. CBA 2002 contract, Article 20, Workload: Administrator as used in the CBA refers to an employee serving in a position
451 designated as management or supervisory in accordance with HEERA. The CBA provides further definitions of faculty.
452
453 "The primary professional responsibilities of instructional faculty members are: teaching, research, scholarship, creative
454 activity; and service to the University, profession and to the community. The performance of instructional responsibilities extends
455 beyond duties in the classroom and includes such activities as: preparation for class, evaluation of student performance, syllabus
456 preparation and revision, and review of current literature and research in the subject area, including instructional methodology.
457 Research, scholarship and creative activity in the faculty member's field of expertise are essential to effective teaching. Mentoring
458 students and colleagues is another responsibility that faculty members are frequently expected to perform.
459
460 The assignment of a librarian may include, but shall not be limited to, library services, reference services, circulation services,
461 technical services, online reference services, teaching in library subject matter, service on system-wide and campus committees and
462 task forces and activities that foster professional growth, including creative activity and research.
463
464 The assignment of Counselor faculty may include, but shall not be limited to, individual counseling, group counseling,
465 consultation and referral, intern training and supervision, teaching, service on system-wide and campus committees and task forces
466 and activities that foster professional growth, including creative activity and research.
467
468 Faculty members have additional professional responsibilities such as: advising students, participation in campus and
469 system-wide committees, maintaining office hours, working collaboratively and productively with colleagues, and participation in
470 traditional academic functions."