

FPPC MEETING
MARCH 1, 2024
12:30-2:30

Erlyana Erlyana (EE)
Panadda (Nim) Marayong (Nim)
Hossein Jula (HJ)
Tianjiao Qiu (TQ)
Rick Reese (RR)
Barbara LeMaster (BL)
Monica Lounsbury (ML)
Leslie Andersen (LA)

1. MINUTES FROM THE LAST MEETING – A few changes have been made by LA.

Nim – If we cannot share with the college, can we share with limited number of people?
Leslie Andersen – made some spelling changes

The minutes were approved.

2. We are looking at the document, Intellectual Property XX-XX (The policy that supersedes PS 07-05). This is the document where LA combined the Patent Policy and the Intellectual Policy together into one document called Intellectual Property Policy XX-XX

LA noticed that there is duplication between the old policy and this one.

EE sent this to her college Faculty Council. The FC asked how we would like the feedback. Do we want it shared with only FC members or shared with all faculty? Are we all doing the same? I can share with the dean, chair, and FC.

Nim has shared it with her college FC and Dean and Chair, and asked for emailed feedback to her.

LA: The senate representatives should be bringing the information back to the college. Maybe that's when the entire college looks at it.

Nim – getting as much feedback and recommendations at this time is probably best before sending it forward to the AS. I asked before about our role – do we give input, then who makes the changes? There is a lot of legal stuff in the document that maybe we cannot do something about, but we might get questions for clarification, etc.

EE's concern is that if we do not equally distribute this document from FPPC outward, then it could become an issue of not including other people/units in this process.

LA: We are out of compliance and are being pushed forward by ORED. It sat in Academic Senate (AS) worked on this policy for one year. If there is a compliance issue and we are being rushed to comply with this act, then there should be guidelines of what to do. Pei-Fang (PF) said that there needs to be a policy. LA said that it is not going to happen quickly.

(BL): My hope is that we do not rush the IP policy, that we consult faculty as widely as possible for feedback on the document. Faculty are concerned about IP. (An example was given of how professor's work posted on Blackboard/Beachboard/Canvas could be taken and given to other faculty hired to teach the same class without an IP to prevent it.)

TQ – It's an IP issue related to the law, we need a professional to meet with us on this. We need to discuss and know whether our work belongs to us, and where the law may prohibit that. This is such a big topic – teaching material, research findings/publications, and so on. Having us take charge of this could be problematic. The output by us may not be relevant to the real application in this area.

LA: I agree. The 2016 policy, in our folder, was written by a university-wide committee, written by people who had expertise in this area. We're almost going back to our SPOT issue. This group may not be the appropriate group to take this on. You're right – I know a lot about copyright and IP, because that's one of the areas that I handled, in fact there is a conference going on right now, and a session on IP right now that I'll have to listen to later. The impetus for this is "we're out of compliance!". So let's get in compliance for the federal grants only that need to be in compliance with this act. I took that whole paragraph 'Bayh-Dole Act' out because I don't think that belongs in policy. That's the impetus for this whole thing. It only applies to grants from federal agencies. This is a small part of this policy.

LA: Even if we rush it through this council, it will not get rushed in AS. My conflict is that there is urgency about this compliance. Hossein had to leave so we've now lost our quorum. We can continue to discuss this, but I'm wondering...I don't want to give the impression that we're just passing the buck, but I think there needs to be someone else involved in this process to make sure that this passes muster legally and people who know about this who have experience in this area...

Nim: We need to do our due diligence and not be pressured by a quick timeline. I also agree to have an expert work with us. Can we invite Jade? Would that be the right expert?

LA: I asked PF that – whose policy is this? And who is going to have...if we make changes, can ORED overturn our changes, and she assured me that this is a senate policy.

BL: It would be a good idea, as discussed earlier, if each FPPC representative reaches out to the same constituencies. Also, we can leave the legal issues to the Academic Senate review.

NIM: It's good to invite those stakeholders now. Why not invite Jade Sche, Director of Innovation at ORED? He gave us the presentation on this whole thing last semester.

TQ: The university needs to spend some money to invite legal experts to sit on this committee to tell us about the legal aspect of it.

BL: Our job is to get feedback from our faculty.

LA: A lot of this has been vetted by the AS in the past. This combined document is new. But the document was not written by scratch.

BL: Why not figure out who to share the document with from FPPC so that we share the document uniformly across the university?

LA: I need to make PF aware that we will not be finished with this by the end of the semester. If she wants to let ORED know that. If they want to go in some direction for the 'Bayh-Dole Act'. Because not only will we be done with this by the end of the semester, the AS won't be either, and may take at least another year. I need to at least make PF aware of that.

We can incorporate comments from our colleges to make sense of some of this. Encourage the colleges to be very specific about what they want, and give us reasons for the changes requested. That is what will help us to craft this the way we want to send it to Senate.

You could take this and save it ourselves. This is Nim's or this is Erly's and share it with your faculty on One Drive, and let them make copies just like we're doing.

BL: For my college, it's best to go with the FC, let the reps take it back to their departments and make a document to provide to their FC rep, then the reps take it back to FC. But it would be good to agree on who we want to include – I heard previous, the dean and department chairs as well.

Nim: I agree to leave it up to each college for the best way to get information.

LA: Yes, each FPPC rep should handle this the best way for their college. I'm not sure what kinds of concerns will come up.

Nim: Comments so far are about clarifications questions. Monica brought up that IP is important for accreditation. There need to be more definitions.

LA: I raised with Jade that I thought there needed to be more definitions. As much clarification as we can make is only beneficial.

TQ: I'll give you an example of some concerns. There are online classes. Some faculty were asked to develop modules, then tenure-track faculty members were asked to share it with lecturers. Every detail is there, and is given to other faculty groups who come in to teach the same course. Think about the future, the university can just use your material as university

property and allow any part-timer to use your online materials when hired to teach the same class.

LA: It already says clearly, the only thing about ownership, 1) course catalog descriptions and 2) Standard Course Outlines. Then there are several things that are defined, IP created with extraordinary support, etc. and only when the creator and the university has entered into a contractual agreement. There is nothing in here that says that the university owns any course material. We can spell that out, one after another, and make that more clear. It already does say in Section 1.5 it only says these things under these bullets – discoveries, inventions, or patents...

Nim: 2.1 Can we define who at the university setting who the “creator” can be, students? Faculty? Staff? Administrators? It seems that it applies to everyone, but some definitions would make it more clear.

LA: It looks like there are some conflicts between some things noted in these bulleted points under 2.1. Are these definitions accurate? The university is not claiming any traditional academic copyrightable works...

TQ: We need to define what we mean by this exactly –

BL: “traditional” is becoming outdated fast.

LA: The document does provide examples that “include but aren’t limited to” the ones they provide. We can add more examples. The document notes that “Other exceptions may be granted on a case by case basis”

TQ: It makes no sense. We use Word to write our papers. Word belongs to the university. Does that mean that all of our writing belongs to the university?

LA: It does say that work belonging to the university has to be done in a contractual process. I thought “sponsored research” should be defined. I took 3.0 from the patent policy (about “sponsored research”) and stuck it in here. I conflated the two policies. I didn’t make any changes to this part of the policy at all. It’s not part of my wheelhouse.

It looks like if you write a book when on sabbatical the university owns it. There is conflict with this and something written earlier in the document. That will need to be cleared up.

Nim: This is a merged document?

LA: I think I asked you to share this merged document. There is so much overlap between the IP and the Patent policy document.

Nim: Is it in our purview to merge the two documents?

LA: Yes. This is now our policy. We could even throw this out if we want. Both are our purview.

Nim: It makes more sense as having just the one document rather than two overlapping documents, but I just wanted to be clear about our merger of the two documents.

LA: This IP policy has to be differentiated from the other policies. This is an intellectual property policy. Take out things that are duplicated in the patent policy, and have one IP policy.

Let's put this aside for now. I'll contact PF and let her know there is no way we will be finished with this by the end of the year.

If there is a big urgency for federal compliance, then it needs to be taken care of in a different way. We get done when we get done, and we may ask for assistance, then they can hash it out on the senate floor.

LA: Let's go to the FACULTY HIRING POLICY.

Let's go to the simple markup document. We'll take this on again next time, but how does everyone feel about the direction this is going. My thought is that it should be short and sweet – do not put procedures in here. We want to outline big ideas that we want procedures written from.

LA: I added (tenure/tenure-track and recruited full-time lecturer faculty)

Nim: Do you want to have a subcommittee to work on this so that we can move it more quickly?

Rick: I agree with Nim that there is a group needed to work on this. Lecturers have the same process to go through. I think including full-time lecturers in this is important.

ML: We have two ways to become a full-time lecturer – one is via a search, the other is just increasing the part-time lecturer time base

LA: Is it important to have "recruitment" there?

RR: yes

TQ: In my college, only time increase is used. I don't even know how to promote a person into a full-time lecturer position.

ML: There is a lot of work a-foot to diversify non-tenure-track lines. Right now we're talking about professors of practice, artisan residency, etc. Maybe we need to use different language there.

LA: I think that's great! Whoever works on this document can attend to using different language there.

Who wants to be this group?

Nim, Rick, Erly and hopefully Patricia (and Barbara possibly, depending on timing of meetings)

LA: Remember there is the outline I made, there is the original DEI statement from PF and said what should we do with this? Then there is a second one where LA compared it with the faculty affairs protocol, then Patricia's protocol.

EE: Is this a group that will work separately?

LA: Yes, and report back to this group. The goal is to have something to give to AS faculty exec as the 'missing piece' or whatever – they may just put it in the trash. At the beginning of the semester the AS was not excited about us doing this, but we decided that we thought it was important for us to do this.

You will see other things that I took from other CSU policies that I thought may be important to this. You have all of the links.

This will allow us to go back to looking at SPOT. Dave put together that statistical report about SPOT, Dave and Trixie Remoso who also worked on this. They have other insights on SPOT that they would like to share with us by having coffee with LA. LA can report on this at the next meeting.

LA: Does anyone object to having a short meeting today? We could adjourn now.

Consent from the group to adjourn @ 2 p.m.