

## FPPC MINUTES FRIDAY, FEBRUARY 21, 2025

Present : Barbara LeMaster, Erlyana Erlyana, Richard Marcus, Patricia Pérez, Rick Reese, Lily House-Peters, Jamie Lee Tran, Leslie Andersen, Estella Chizhik, Roger Lo

Not Present: Ted Stankowich, Anna Ortiz (Dean Representative)

Agenda Approval: Approved unanimously.

Minutes from 2-7-25 Approval: 8 approve. 1 abstain.

Chair Report:

- Reviewed steering committee
- Chair of Committee on Athletic. Chris Karajov. He said he will come in if needed.
- Found policy for UAC which is called Policy on Faculty Awards, policy 21-05.
- Discussed SPOT with Academic Senate Chair. He understands it will not be completed this year.
- Verified that FPPC charge is only located on the FPPC website.
- FAR Policy – communicated with Brenda Vogel regarding FPPC questions from last meeting.
- Erly: Had committed to going to AS but has a conflict with one of the remaining meetings. Second/backup volunteered: Patricia Perez will attend on behalf of FPPC.

## OLD BUSINESS:

### 1. Review work on Intellectual Property, Copyright and Patent policy/policies. Meet with Jade Sche at 1:00 p.m. (time-certain).

<b>FEDERALLY FUNDED RESEARCH</b> The US government funds technical research and development <ul style="list-style-type: none"><li>• To meet government needs for a technology solution to a problem</li><li>• To assist in economic development by helping bring new technologies to the marketplace</li><li>• To provide a return to the US taxpayer from the technology through:<ol style="list-style-type: none"><li>1. Job creation in the US</li><li>2. Substantial manufacturing in the US</li><li>3. Net economic benefit to the US</li></ol></li></ul>	<b>FEDERALLY FUNDED RESEARCH</b> <ol style="list-style-type: none"><li>1. The government wants to encourage use of new technologies in the marketplace<ul style="list-style-type: none"><li>• Terms of agreement encourage research technology owners to bring technologies to the marketplace</li></ul></li><li>2. The government wants to encourage further research and development<ul style="list-style-type: none"><li>• Intellectual property protection (e.g., patents and copyrights) protect technology owners to discover their technologies without losing value in the marketplace</li></ul></li></ol>	<b>PUBLIC BENEFIT AS A MISSION</b> <ul style="list-style-type: none"><li>• New discoveries can benefit the public <i>if</i> they can be effectively transferred to the public (i.e., commercialized)</li><li>• Public institutions such as research universities are not commercially oriented</li><li>• Commercialization by the private sector is frequently the <b>ONLY</b> way new discoveries from public agencies will be developed<ul style="list-style-type: none"><li>➢ Further investment in applied research and development from entrepreneurs and industrial/corporate partners may be required</li></ul></li></ul>	<b>BAYH-DOLE ACT (1980)</b> <ul style="list-style-type: none"><li>• Universities may elect to obtain title to inventions developed through federal funding rather than obligating inventors to assigning inventions to the federal government</li><li>• Government retains non-exclusive license to practice the invention</li><li>• Government retains march-in rights</li><li>• Standardized IP clauses/terms in federal contracts and grants</li></ul>
<b>New NSF TIP Directorate</b> National Science Foundation Division of Science Resource Development Designing for the Future: A New Horizon 	<b>REVISIONS TO REGULATIONS OF THE BAYH-DOLE ACT (2018)</b> <ul style="list-style-type: none"><li>• The contractor is now <b>obligated to require</b> its employees to assign rights in a subject invention to the contractor</li><li>• Government now has <b>unlimited</b> time period to assert ownership to an invention following discovery of the contractor's non-compliance with the Bayh-Dole's disclosure and election requirements</li><li>• Contractor must now provide 60-days notice to the government prior to statutory deadline to abandon provisional patent application or discontinue patent prosecution</li></ul>	<b>UNIVERSITY MUST ASSUME OWNERSHIP OF IP FROM RESEARCH</b> <ul style="list-style-type: none"><li>• To comply with the Bayh-Dole Act for sponsored research</li><li>• To abide by the Internal Revenue Service provisions against private inurement</li><li>• To maintain the University's non-profit status</li><li>• To protect the University's ability to perform research and use the results of prior research efforts</li></ul>	<b>ASSUMING OWNERSHIP ENABLES NEW RESOURCES AND SUPPORT</b> <ul style="list-style-type: none"><li>• Provide expertise to manage and funding to procure IP protection</li><li>• Funding and investments to bring innovation from lab to market</li><li>• Facilitate and attract collaborations and partnerships with industry</li><li>• Create opportunities to form new startups, jobs, and internships</li><li>• Engage with organizations such as National Academy of Inventors</li></ul>
<b>Traditional Academic Copyrightable Works</b> <p>"Traditional Academic Copyrightable Works" means a subset of copyrightable works created independently and at the Creator's initiative for academic purposes. Examples <b>include, but are not limited to</b>, lecture notes and materials, course syllabi, instructional <b>texts and manuscripts</b>, or plans, patterns, and works of art or design or educational software (also known as courseware or lesson wares) that the Creators may design for courses taught in the University, and specifically for students who matriculate at CSULB.</p>	<b>Traditional Academic Copyrightable Works</b> <p>All intellectual property rights and usage rights in Traditional Academic Copyrightable Works are <b>owned by the Creator(s)</b> unless otherwise specified in an agreement with the University.</p> <p>The <b>university shall make no claim of ownership or financial interest in course materials</b> prepared under the direction of a faculty member unless the university and faculty member have so agreed in a separate, voluntary agreement.</p> <p>Faculty members who are no longer employed as such by the University <b>retain their intellectual property and usage rights</b>.</p>	<b>CSULB COPYRIGHT POLICY</b> The University may also have: <ol style="list-style-type: none"><li>1. perpetual license/usage rights for Traditional Academic Copyrightable Works limited to Course catalog descriptions and standard course outlines submitted and approved via the university curriculum process</li><li>2. an agreement for negotiated rights to copyrightable works created with use of Extraordinary Support from the University</li></ol>	<b>CSULB COPYRIGHT POLICY</b> <p>When determining ownership and license rights in copyrightable works, the term <b>"University Assesses Ownership Prescribed"</b> includes office space, library facilities, student and staff support, ordinary access to laboratories, media studios, computers and networks, and value. <b>Additional items that include submissions accepted by the University for its own scholarly purposes, such as submitted and accepted data, computer-processed resources also include facilities and resources used in the creation of works of art or design and all profits, performance awards and equipment.</b></p> <p>The President has ultimate authority for the stewardship of Intellectual Property developed at the University. The President, the Associate Vice President for the Office of Research and Economic Development (ORED), or designee, in consultation with the <b>Advisory Committee on Patents and Copyrights</b>, shall administer this policy.</p>



- a. Lily: Faculty start up etc. How does that interact with requirement additional outside employment? Jade: usually the faculty is the technical person, rather than running a business outside of the university, and still is able to not exceed 25% over their CSU salary.
- b. Richard: Is the focus on work product? Concern is with IRB and research ethics. Human Subjects research produces valuable individual data. Are the data held by the scholar (and thus protecting research ethics)? Jade: Yes, unless there is extraordinary funding in which case, a separate contract would be made between the faculty member and the university.
- c. In the pipeline from university faculty work to Industry or Foundation they have individual agreements. The Office of Research has to negotiate each situation individually. In those cases we allow for that flexibility with those organizations.
- d. Leslie: We are still out of compliance with the Act driving an urgency, is that correct? Jade: Yes. It has changed since we last wrote policy. Leslie: Last time it was discussed and approved by the Academic Senate in 2015-2016 it took a year and then was not passed by the president because the CSU was going to write one. That is now abandoned. We can go ahead, but my concern is first that you are up for this on the floor of the Senate and if it is of some urgency do you want to consider coming into compliance by another method? This is not going to be a quick process when it hits the senate. It will be discussed and amended line by line. Jade: I am grateful for your review so that we can address that. We want to make sure to expedite as we can. Leslie: I understand that but the compliance with the Act is only one aspect of it. Wouldn't you want to get compliance another way? Jade: No. We want to go through the normal policy approval pipeline. We have more flexibility on the Copyright policy. The Act only concerns the Patent. Leslie: Maybe we pass the two policies separately and work on the Patent first. Barbara: Yes. That is the plan.
- e. Barbara: Consistent with Richard's question. Faculty are concerned with sharing their rights. If you get an NSF or NIH, work done on those grants is something that the university will also own? Jade: Yes. If copyrightable work, however, that is the exception of ownership and ownership falls to faculty. Patent work falls to the university, with a percentage of profits going back to the faculty creator(s). If you use extraordinary resources, Ex) grant, then screenplay, then used department resources for sets and costumes – that is exceptional resources, which could involve a separate contract between the faculty member and the university in terms

of recouping extraordinary development funds. Barbara: What about work products such as books? Jade: Nothing like that. Book publication is a traditional faculty work product, and as such, would be copyrighted by the faculty member(s) without a separate contract with the university. Barbara: Does this include dictionaries, etc that may earn money? Jade: Correct. Barbara: A federal grant alone does not change customary or traditional work, thus any profits from this traditional work go to the faculty member, right? Only “extraordinary” university funds would require a faculty member-to-university contract regarding profits? Jade: Correct.

## **2. Review FAR Policy, discuss requested changes.**

- a. Barbara: Brenda shared two documents with me, one is the “Highly Engaged FAR,” and the other is the “NCAA FAR Handbook” where the terms and terms limits are recommended to be no term limit.
- b. Barbara: In the current FAR policy, 95-02: Terms are 4 years. Nominate two to be considered by the AS. The AS recommend one or more to the president. There is an overlapping term in the policy.
- c. Lily: Noted Richard’s point: units. If someone wants this position, how could they apply for it if the incumbent has no term limits? FAR is an appointed position, with 6 units per semester release time. This is a lot. Barbara: I asked Brenda about our ideas of limiting the terms, and possibly also limiting how long one person could continue as a FAR. I told her that term length and term limits are the concern of the Council. She suggests 4 or 5 year terms with no restriction on how many terms a FAR can have.
- d. Lily: Is there an evaluation during the term? Barbara: Not in the current policy, but we did talk about putting in an evaluation piece in the revised policy. What does everyone think about leaving the terms to four years, or changing it to five years?
- e. Discussion: Term limits. Richard, Lily discussing in comparison to Chairs which are generally 3 years limited to two terms. Keeping the comparison to chairs, a discussion by Erly, Barbara, Lily, Richard, and Patricia supporting adding assessment or review into policy.
- f. Barbara: Assessment. How frequent? Currently every four years. Richard: it depends if we are being formative or evaluative. Barbara et al: Evaluative. Richard: then agree, every four years evaluation.
- g. Barbara: Can we first agree on a term limit? Current it is 4 years. How many think that leaving it at 4 years is a good idea? Unanimous: 4 years.
- h. Barbara: Now let’s talk about how many terms a given FAR can have. Currently the policy says two terms.
  - i. JamieLee – I move that we adopt Brenda’s recommendation of having no term no limits. Motion not seconded.
  - ii. Richard: Chairs policy says “Normally a department chair shall serve no more than two (2) consecutive terms.” What if we similarly use “normally”, giving some flexibility? Barbara: Can you make a motion?

Richard: I move that “Normally a FAR shall serve no more than two (2) consecutive terms.” Seconded. Passed unanimously.

- i. Barbara: We have agreed that we want an evaluative piece in the policy. What if we say something like this: “A FAR shall be evaluated by the President or designee at the end of the third year of each term they serve.” Consensus. Since we do not have a quorum any more, we cannot vote on this right now. We will roll this over as one of our first items to vote on at the next meeting. Estella: Can the Committee on Athletics serve as an advisory role and evaluate the representative? Barbara: I don’t know. The president could designate the COA to do the evaluation. I will reach out to the COA before our next meeting. We should table this until the next meeting.

**3. Review policy AS 21-05, the University Awards Committee (UAC) policy, and the UAC requested policy changes as follows:**

- a. Not all colleges provided a rationale for their recommendations. Rationale is helpful to the University Awards Committee and helps determine whether the colleges followed DEI criteria and other best practices.
  - i. Barbara: Need to find out where the nominations come from. FPPC needs to write something. What about adding the phrase “*and for how the nominee was selected*” in the policy at: 4.3 “The letter of nomination, signed by the nominator(s), shall identify the nominee and shall provide a brief rationale for the nomination *and for how the nominee was selected* (The italic is proposed language to address the issue.) Barbara: I just noticed that the help sought by the committee addresses college application submissions, but the policy lists that anyone can send in an application on their own, or nominate others. It’s curious that “all colleges” is being mentioned. I will reach out to the UAC to get clarification on this issue before our next meeting. Tabled for next meeting due to no quorum.

- 4. Review the AS 19-03 policy regarding the University Mini-grant, Summer Stipend Committee (UMSSC) in terms of new University RTP document. (Policy name is “Policy and Procedures for Supporting Research, Scholarly, and Creative Activities.”** Barbara: I will compare the policy to the new university RTP before our next meeting.
- 5. Discuss proposed composition and charge of new ad-hoc committee to find a replacement instrument for SPOT.** Barbara: I recommend the charge: “Explore best practices across the CSU and engage the university community to propose a new Student Perception of Teaching instrument. (General consensus among the remaining FPPC members.)

#### DRAFT New FPPC Ad-Hoc Subcommittee

**Charge:** Explore best practices across the CSU and engage the university community to propose a new Student Perception of Teaching Instrument.

**Members:** Provost and Senior Vice President for Academic Affairs (or designee),  
Associate Vice President for Research and Sponsored Programs (or designee),  
Full-time tenured faculty members elected by their respective colleges:

1. Four (2) from the College of Liberal Arts;
2. Two (1) from each of the other colleges; and
3. One (1) full-time tenured librarian;
4. One (1) full-time lecturer
5. One (1) part-time lecturer
6. One (1) undergraduate student
7. One (1) graduate student

**Term:** Elected members serve until the committee proposes a new instrument.

- a. The steering committee questioned whether a librarian should be on this committee since Librarians are not evaluated in this way. Patricia: “Optional”? Rick: Second that. Barbara: Just like other Senate committees and subcommittees the work can move forward if not all positions are fillable.
- b. Barbara: Change full-time tenured faculty to a tenure/tenure-track faculty member from each college.
- c. Barbara: How do we select the lecturers and students since it is not one per college? Richard: Other committees serve as the “nominating” committee for their subcommittees. Perhaps follow that norm. Estella: Concern because lecturers do not get service time. Barbara: Yes, it is a universal problem. However, there are lecturers who want the opportunity to serve on committees, and there may be lecturers who would like to be part of this committee since they are also evaluated in this way. Erly: I put the COVID Task Force membership and membership qualification language in the chat. Perhaps we could use this as a model for the membership on the evaluation committee. Barbara: This looks good! I will use this to make up a new membership list and circulate it at the next meeting in two weeks.

6. **Review the Faculty Hiring policy with a DEIA lens, look at new FEA section, then at completed sections for section-by-section vote.** We have run out of time. Please take a look at the Faculty Hiring policy that we worked on last semester, along with the new FEA sections written by Patricia for evaluation at our next meeting.

Meeting Dates for Spring Semester (1<sup>st</sup> and 3<sup>rd</sup> Fridays, 12:30-2:30 p.m. online):

February 7, 2025 (time-certain meeting with Brenda Vogel at 1:00 p.m.)

February 21, 2025 (time-certain meeting with Jade Sche at 1:00 p.m.)

March 7, 2025

March 21, 2025

April 18, 2025

May 2, 2025