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Resolution on the Proposed CSU Intellectual Property Policy

- WHEREAS:** The CSU central administration has drafted a proposed system-wide intellectual property policy, and has requested “input and feedback no later than 60 days from” March 14, 2017; and
- WHEREAS:** Sixteen CSU campuses, including CSUSB, already have Intellectual Property policies that were developed through the process of shared governance; and
- WHEREAS:** Article 39 of the Collective Bargaining Agreement does not limit faculty input, and particularly senate input, on intellectual property policies; and
- WHEREAS:** The group that produced the draft policy included no faculty representation, thereby replacing the collegial practice of shared governance with administrative mandate; and
- WHEREAS:** Adoption of the proposed policy would result in the university retaining ownership and unlimited rights to use faculty intellectual property produced with “extraordinary support” from the university; and
- WHEREAS:** The definition of “extraordinary support” in the proposed policy is excessively broad and defines routine support such as assigned time as “extraordinary support;” and
- WHEREAS:** The proposed policy would grant the CSU a free permanent license to use all instructional materials without consent from the faculty member who created them, even if they were developed without “extraordinary support;” and
- WHEREAS:** The Bayh-Dole act grants universities the right to patent inventions and retain royalties produced by federally funded faculty research, but the proposed policy would apply these same criteria to research that is not federally funded; and
- WHEREAS:** Adoption of the proposed policy would decrease the share of royalties earned by the faculty developers, thereby reducing the incentive to engage in such work, and making it more difficult to recruit and retain research-active faculty, particularly in STEM fields; and
- WHEREAS:** The proposed policy is inconsistent with AAUP guidelines on intellectual property, existing CSU campus policies, and similar policy in the UC system, now therefore be it
- RESOLVED:** That the CSUSB Faculty Senate expresses deep concerns with both the process used to create the proposed system-wide policy and with a number of features present in its content; and be it further
- RESOLVED:** That the CSUSB Faculty Senate endorses the attached white paper produced by the SJSU Academic Senate providing a more extensive analysis of the proposed policy; and be it further
- RESOLVED:** That the CSUSB Faculty Senate urges that the proposed policy be replaced by a policy that is consistent with AAUP guidelines, and into which faculty from all CSU campuses have meaningful input, and that the policy not be adopted until it is approved by ASCSU; and be it further
- RESOLVED:** That this resolution be distributed to the Chancellor, the Executive Vice Chancellor and General Counsel, the Executive Vice Chancellor for Academic and Student Affairs, the ASCSU, and all campus Academic Senates.

Approved by the CSUSB Faculty Senate


Karen Kolehmainen, Chair

5/9/17
Date