

Faculty Senate Resolution

To: SCSU President J. Philip Smith

From: Arthur Paulson, President of the SCSU Faculty Senate

The attached Resolution of the Faculty Senate regards: **Retroactive Royalties Return from Intellectual Property Sold to Students**

The Resolution is presented to you for your ☒ APPROVAL
☐ INFORMATION

After considering this resolution, please indicate your action on this form and return it to the President of the Faculty Senate.

In accordance with the CSU-AAUP Contract (Article 5.10), the President of the University will return the Resolution to the President of the Senate within 15 school days of the receipt of the Resolution.

cc: Ellen Beatty

Arthur C Paulson
Arthur Paulson, President, Faculty Senate

10/31/2003
Date

ENDORSEMENT of Faculty Senate Resolution, F-03-01

To: Arthur Paulson, President SCSU Faculty Senate
From: J. Philip Smith, President of the University

1. Motion APPROVED _____
2. Motion DISAPPROVED _____ ☒ (attach statement)
3. Motion NOTED _____
4. Comments _____

11-17-03
Date

J. Philip Smith
Signature

Retroactive Royalties Return from Intellectual Property Sold to Students

Whereas the State Ethics Commission has ruled that their policy on faculty profiting from selling their own intellectual property to students in their classes is effective as of Fall 2001, and

whereas the SCSU Faculty was not informed of this policy until February 2003, and

whereas the Ethics Commission requested that CSU put into practice a procedure whereby their ruling would be implemented, and

whereas SCSU in fact has developed and implemented a policy approved by the CSU System Office which allows faculty to receive profits from selling intellectual property to students in their classes if the property meets certain criteria, and

whereas, for the period from Fall 2001 to Spring 2003, the SCSU Faculty are being denied the review and appeals process present in the above mentioned prospective SCSU policy,

therefore, be it resolved that:

retroactive enforcement of the Ethics Commission ruling for the period before the SCSU procedure was in place is not legitimate and is egregiously unfair to the affected faculty, and

therefore, be it further resolved that:

if retroactive enforcement of the Ethics Commission ruling does occur, it shall be done according to the prospective SCSU policy; that is, there shall be opportunity for review of faculty requests for exemption.

Approved by the Faculty Senate 10/29/03

Were I a Senator, I would have supported this resolution. However, as President of the university I am legally obligated to observe the interpretations of the Ethics Commission. Since the Senate is objecting to an interpretation made by the Ethics Commission, I suggest that the objections and the reasons for them be communicated directly to the Commission.