

1. CALL TO ORDER

1.1. Land Acknowledgement

We stand upon a land that carries the footsteps of millennia of Kumeyaay people. They are a people whose traditional lifeways intertwine with a worldview of earth and sky in a community of living beings. This land is part of a relationship that has nourished, healed, protected and embraced the Kumeyaay people to the present day. It is part of a world view founded in the harmony of the cycles of the sky and balance in the forces of life. For the Kumeyaay, red and black represent the balance of those forces that provide for harmony within our bodies as well as the world around us.

As students, faculty, staff and alumni of San Diego State University we acknowledge this legacy from the Kumeyaay. We promote this balance in life as we pursue our goals of knowledge and understanding. We find inspiration in the Kumeyaay spirit to open our minds and hearts. It is the legacy of the red and black. It is the land of the Kumeyaay.

Eyay e’Hunn My heart is good.

—*Michael Miskwish, Kumeyaay Nation*

1.2. [SDSU University Senate Resolution on Principles of Shared Governance, April 9, 2019](#)

WHEREAS: Shared governance is a system of partnership, equity, accountability, and ownership that forms a culturally sensitive, inclusive, and empowering framework for developing and implementing sustainable and accountability-based decisions in service to all members of our campus and broader communities; and...

WHEREAS: Shared governance is an ongoing process in which faculty, staff, students, and administrators actively engage to share responsibility for 1) identifying and pursuing an aligned set of mission-driven sustainable outcomes and priorities and 2) active monitoring and evaluating of shared governance successes and pitfalls in service to continual improvement and the embodiment of a learning organization; and...

WHEREAS: A shared practice of, and shared commitment to, respect, communication, and responsibility will promote and support the growth and sustainment of trustworthiness within our University community...

1.3. Welcome (Butler-Byrd)

2. APPROVAL OF AGENDA (Fuller)

3. APPROVAL OF SEC MEETING MINUTES (Fuller)

3.1. SEC meeting Minutes for [4/30/2024](#)

4. ACTION ITEMS

4.1. University Research Council (URC)(Madanat)

4.1.1. Revision to Research, Classified or Otherwise Privileged Policy.....Page 03

5. INFORMATION ITEMS

5.1. Curriculum, Assessment, and Accreditation (McCall).....Page 09

5.1.1. Changes to American Institutions requirement to respond to Cal GETC

6. ADJOURN

TO: Senate Executive Committee / Senate

FROM: Hala Madanat, Chair, University Research Council

DATE: 7/5/24

RE: Action: Request from the University Research Council to revise the Research, Classified or otherwise Privileged section of the policy file

Action: The University Research Council moves that the Senate adopt the following changes to the Senate policy file.

~~Research, Classified or Otherwise Privileged~~

Research, Classified, Controlled Unclassified, Proprietary or Confidential

~~1.0 San Diego State University shall not engage in classified or otherwise privileged research.~~

1.0 Classified Research is defined as research, methods and/or results that are restricted to individuals who have U.S. government security clearances.

~~1.1 "Classified research" shall refer to projects restricted in whole or in part for purposes of national security.~~

1.1 San Diego State University (SDSU) and/or San Diego State Research Foundation (SDSURF) shall not engage in Classified Research unless all the criteria outlined below are met:

~~1.1.1 "Otherwise privileged research" shall refer to projects that involve requests from sponsors or others for the maintenance of confidentiality and that are subject to one or more of the following restrictions:~~

1.1.1 The proposed research has been reviewed and approved by the Vice President of Research and Innovation, Vice President for Information Technology/Chief Information Officer, the appropriate Dean, and Facility Security Officer (FSO).

1.1.2 SDSU and/or SDSURF has met all necessary requirements to obtain clearance to perform research and hold classified information/data as required by the contract and applicable regulations;

1.1.3 All required personnel have obtained necessary security clearances to perform the research as required by the contract and applicable regulations;

1.1.4 The project requires the use of unique specialized facilities or the participation of personnel unique to SDSU and/or SDSURF;

1.1.5 Research does not involve participation by students for work related to fulfillment of degree requirements. Sponsoring faculty are obligated to explain and document this requirement to any students working on a

classified project and discuss the fact that Classified Research may not be publishable without third party permission; and

1.1.6 Adequate access to research facilities or instrumentation on-campus used by faculty or students for nonclassified research must be maintained. The sponsoring agency must finance any instrumentation, equipment, or space renovations on-campus designated solely for Classified Research.

- a) ~~The research or its results shall be neither in whole nor in part freely publishable.~~
- b) ~~Manuscripts and other documents generated from the research shall be subject to outside sponsor restrictions on publications of more than 90 days or to editorial changes by the sponsor without consent of the author.~~
- c) ~~Proprietary information shall be restricted by confidentiality agreement(s) as to be so pervasive or so central to the research that even the general nature of the research and its methodology cannot be disclosed, and the university can no longer ensure or accept legal responsibility for adequate oversight of the research by appropriate faculty or administrators not party to the confidentiality agreement(s).~~

1.2. ~~Maintenance of confidentiality in research for protection of individual rights to privacy pursuant to the university's Guidelines on the Protection of Human Subjects, the Family Education Rights and Privacy Act, the San Diego State University Student Records Policy, and other applicable state and federal regulations shall not be construed as privileged research.~~

1.2 No thesis or dissertation shall be accepted as the basis for a degree if it is subject to restraints imposed by Classified Research.

2.0 ~~Requests by faculty members or students for exceptions to this policy shall be forwarded through the Dean of the College to the University Research Council for recommendation to and approval by the Vice President for Research and Innovation, and the President of the university.~~

2.0 Controlled Unclassified Information (CUI) is defined as information that requires safeguarding or dissemination controls pursuant to and consistent with applicable law, regulations, and government-wide policies but is not classified.

2.1. ~~Privileged research may be acceptable under the following conditions:~~

- a) ~~Brief delays in the publication of research for patenting or other proprietary purposes (one year maximum on approval of the Vice President for Research and Innovation) or for sponsor review and comment on manuscripts (not to exceed 90 days) provided that no sponsor agree that no changes in the manuscript be made without~~

~~the consent of the author;~~

- ~~b) Protection of specifically identified proprietary information essential for the conduct of the research that is disclosed to the San Diego State University investigator by an outside sponsor, person, or entity under the terms of a confidentiality agreement between the investigator, the San Diego State University Research Foundation, and the owner of the intellectual property;~~
- ~~e) Maintenance of confidentiality in certain research-related activities primarily undertaken as a service (e.g., certain subcontracted clinical trial studies) wherein the project director certifies in advance that the activity is not primarily “research” and the results are not independently publishable (on approval of the President of the university or designee).~~

2.1 SDSU and/or SDSURF may engage in research involving CUI provided all the following conditions are met:

- 2.1.1 The research has been reviewed and approved by the Vice President of Research and Innovation, the Vice President for Information Technology, and appropriate Dean;
- 2.1.2 All required personnel must complete CUI training;
- 2.1.3 All required personnel must complete export control training and Technology Control Plan (TCP), if applicable;
- 2.1.4 All required personnel must abide by SDSU CUI Policy;
- 2.1.5 Protection of specifically identified CUI is essential for the conduct of the research that is disclosed to the SDSU investigator by an external sponsor under the terms of a confidentiality agreement or other applicable agreement between the investigator, SDSURF and the owner of the CUI; and
- 2.1.6 CUI is appropriately identified by the providing agency.

~~2.2 No thesis or dissertation shall be accepted as the basis for a degree if it is subject to restraints imposed by privileged research. The Dean of the College of Graduate Studies may, however, approve requests from students to withhold library shelving of a thesis or dissertation approved by the faculty for up to one year to protect the patent or other proprietary rights of students and faculty.~~

- 2.3 Principal Investigators are obligated to document that any students who will work on any research involving CUI have received training on the proper treatment of CUI in advance and understand that certain aspects of research involving CUI may not be publishable.
- 2.4 A thesis or dissertation may be accepted as the basis for a degree on a case by case basis if it is subject to restraints imposed on research involving CUI. The Dean of the College of Graduate Studies may approve requests from students to withhold library

shelving of a thesis or dissertation approved by the faculty for up to one year to protect the patent or other proprietary rights of students and faculty.

~~3.0 In national emergencies, the President of the university may elect to accept classified research upon the recommendations by the Dean of the College, the University Research Council~~

3.0 Proprietary or business confidential research refers to projects that involve requests from sponsors or others for the nondisclosure of the project.

3.1 San Diego State University may engage in proprietary or business confidential research provided the following conditions are met:

- 3.1.1 Brief delays in the publication of research for patenting or other proprietary purposes (one year maximum on approval of the Vice President for Research and Innovation) or for sponsor review and comment on manuscripts (not to exceed 120 days) provided that sponsor agrees that no changes in the manuscript be made without the consent of the author;
- 3.1.2 Protection of specifically identified proprietary information essential for the conduct of the research that is disclosed to the SDSU investigator by an outside sponsor, person, or entity under the terms of a non-disclosure agreement between the investigator, SDSURF and the owner of the intellectual property;
- 3.1.3 Maintenance of confidentiality in certain research-related activities primarily undertaken as a service wherein the project director certifies in advance that the activity is not primarily "research" and the results are not independently publishable (on approval of the Vice President of Research and Innovation or designee); or
- 3.1.4 The research has been reviewed and approved by the Vice President of Research and Innovation, and appropriate Dean.

3.2 A thesis or dissertation may be accepted as the basis for a degree on a case by case basis if it is subject to restraints imposed by proprietary or business confidential research. The Dean of the College of Graduate Studies may approve requests from students to withhold library shelving of a thesis or dissertation approved by the faculty for up to one year to protect the patent or other proprietary rights of students and faculty.

3.3 Permissible delays

- 3.3.1 The university may enter into nondisclosure agreements to allow for the exchange of proprietary information between partnering institutions during proposal development and submission.
- 3.3.2 The university may agree to delay the submission of materials intended for publication for a maximum of 60 days to provide time for a sponsor to review such materials for confidential proprietary information that is protected under a sponsored agreement. In addition, because public disclosure of a patentable invention prior to filing a patent application precludes the availability of patent protection in most countries, the university may agree to delay the submission of materials intended for publication for a maximum of 90 days, not including the 60-day review period stated above, in order to seek patent protection.
- 3.3.3 If an agreement proposes a restriction on publication, a Publication Waiver must be reviewed and approved by the Vice President of Research and Innovation, and appropriate Dean.

3.4 Maintenance of confidentiality in research for protection of individual rights to privacy pursuant to the university's Guidelines on the Protection of Human Subjects, the Family Education Rights and Privacy Act, the San Diego State University Student Records Policy, and other applicable state and federal regulations shall not be construed as proprietary or business confidential research.

Rationale

We are writing to emphasize the critical need for our university to adopt a policy regarding research involving CUI (section 2.0) and Classified projects (section 1.0). As the landscape of research, innovation, and security evolves, we must adopt a fundamental policy that will allow the various University and Research Foundation teams to begin to develop the framework to navigate the complexities of using sensitive and Classified information.

Adopting a CUI and Classified research policy is not merely a formality but a strategic imperative. Such a policy would allow for the creation of clear guidelines for identifying, handling, and disseminating controlled and classified information within our university. It would allow for the establishment of protocols for accessing sensitive data, managing research projects, and collaborating with external partners while upholding the highest standards of confidentiality and integrity.

Time is of the essence, and delays in adopting a CUI and Classified research policy could have far-reaching consequences. Our Investigators already have opportunities to capitalize on their past research accomplishments but have been unable to act on them because of the lack of Senate approval. Chances to pursue groundbreaking insights are lost when Investigators are not allowed to secure funding for their innovative projects. A case in point is a recent project involving CUI that was seriously delayed because there was no policy that approved the use of controlled information in research. Delays in getting approvals for the exception, then in the initiation of IT security, laboratory space, equipment purchases, etc. resulted in a loss of several million dollars in funding in the second year of the project when the sponsor canceled the grant due to a lack of progress directly related to the delays.

Another urgent consideration is a matter of compliance. There is currently a federal-wide review that is being conducted by most agencies regarding compliance for all research endeavors including CUI and Classified. These reviews include institutional policies and how they align with updated Federal policies, guidelines, and standards. Given that we have conducted a CUI project but do not have a university policy that allows for this activity, could put the University at risk of non-compliance. An expeditious approval of CUI and Classified research would allow the University's research units to create or update our current University policies to meet new requirements and avoid potential non-compliance or penalties and remain in good standing with our federal sponsors of research.

This proposed policy change (attached) was presented at the April 2024 SEC meeting as well as the Senate meeting on 5/9/24. A motion was passed to bring the policy back to the University Research Council (URC) committee based on a concern brought forth by a member of the senate—specifically, a request to amend the proposed policy change to allow students to use classified research for theses/dissertations. Because classified research cannot be published, presented, etc., and there is no timeframe for classified research to be declassified (if ever), this would provide a distinct disadvantage to students who want to publicize their work. Additionally, after some fact-finding we learned this is not a common practice at other research universities; thus, the committee decided to keep the language in the proposed policy the same as was presented at SEC/Senate last month.

We submitted this policy change request for the May 2024 Senate meeting. Although we would have liked to submit this change for an earlier meeting in the spring semester, we wanted to get as much feedback from stakeholders as possible which resulted in an unfortunate delay.

Your timely consideration and vote on this crucial policy, if possible--are greatly appreciated, as it is imperative for the advancement and alignment of our university's research and strategic objectives.

To: SEC / Senate
From: Madhavi McCall, Associate Vice President, Curriculum, Assessment, and Accreditation
Stefan Hyman, Associate Vice President, Enrollment Management
Date: July 16, 2024
Subject: INFORMATION: Changes to American Institutions requirement to respond to Cal GETC

Curriculum, Assessment, and Accreditation and Enrollment Services, to fully comply with all elements of Cal GETC, are changing the American Institutions requirement to allow students to take classes from multiple disciplines. The American Institutions catalog change is as follows:

Title 5, *California Code of Regulations*, Article 5, Section 40404 requires that all students demonstrate an understanding of American history, the United States Constitution, and California state and local government.

The American Institution requirement can be satisfied in any of four ways:

A. San Diego State University courses.

By passing courses that fulfill all three requirements of American Institutions (AI): (1) American History, Institutions, and Ideals; (2) United States Constitution; (3) California State and Local Government. This will typically require students to complete two 3-unit courses. If a course is approved for more than one AI area, a student may use the course to satisfy multiple all areas listed. A maximum of six units may double count as both American Institutions and General Education (please see course descriptions). Courses that meet one or two of the three American Institutions requirements include:

AAS 100	CCS 120A	HIST 410	POL S 102	POL S 422
AAS 101	CCS 120B	HIST 413	POL S 305	REL S 390 A
AFRAS 170A	CCS 141A	HIST 445	POL S 320	REL S 390B
AFRAS 170B	CCS 141B	HIST 544A	POL S 321	WMNST 341A
AMIND 140	HIST 109	HIST 544B	POL 347A	WMNST 341B
AMIND 141	HIST 110	POL S 101	POL S 347B	

B. Transfer courses from accredited California colleges and universities.

1. Full Certification of American Institutions Requirement: Students transferring within California will fulfill the American Institutions requirement by providing certification on a transcript or other official document from a regionally accredited California university, liberal arts college, or community college that the requirement as outlined in Title 5, California Code of Regulations, Article 5, Section 40404 has been satisfied.
2. Partial Completion of American Institutions Requirement: Transfer credit may be used toward partial fulfillment of the American Institutions requirement.
3. Certification Based on High School Work: No certification based on high school work can be accepted.

C. Transfer courses from outside California or Advanced Placement credit. Students who have met both the American history and United States Constitution portion of the American Institutions requirement through any of the following:

1. Advanced Placement (AP) credit in American history or Government/Politics: American.
2. Course(s) in American history which cover a minimum of 100 years of U.S. history, including the establishment of the U.S. Constitution.
3. An American history course which covers a minimum of 100 years of history AND a course in American Government.
Student may elect to complete the California state and local government portion of the American Institutions requirement by either:

1. Taking the California Government examination available through the Testing Services office,

OR

2. Completing one of the following SDSU courses: [AAS 100](#); [AFRAS 170B](#); [AMIND 141](#); [CCS 120B](#), [CCS 141B](#); [HIST 110*](#), [HIST 410](#), [HIST 445](#); [POL S 102**](#), [POL S 320](#), [POL S 321](#), [POL S 422](#); [REL S 390B](#); [WMNST 341B](#).

D. The student has previously earned a baccalaureate degree from a college/university accredited by a regional accrediting association. This exemption applies to students who are seeking a second bachelor's degree in nursing.

**Credit will not be granted for this course if the student has taken an equivalent post-Civil War American history course or United States history AP credit.*

***Credit will not be granted for this course if the student has taken an equivalent American government course or Government/Politics: United States AP credit.*

Rational:

The current SDSU catalog states that students who fulfill American Institutions (AI) with SDSU courses do so by completing courses in pairs from the same department (History 109 and 110 or Political Science 101 and 102, for instance). Cal GETC, however, requires students take the six lower division GE social and behavioral science units in different departments. Allowing students to take American Institutions classes from two different departments would align the requirements for native and transfer students as well as ensure transfer students who are not Cal GETC certified are not required to take additional courses. It also provides greater flexibility to students in course selection which is a more aligned with the notion of "general" education.

The departments housing American Institutions classes have been consulted and have agreed to the change. CAL leadership has also been updated and have approved providing students this increased flexibility. Students can still fulfill the AI requirement by taking a pair of classes in the same department, but they would no longer be required to do so. Given that all American Institutions classes are housed in CAL, there are no FTES considerations for the college.

In addition, while students have been able to double count six units of American Institutions with GE requirements, students can now take additional classes listed within American Institutions and count them towards GE as long as they only *double count* six units. This becomes especially important with the listing of upper division American Institutions classes in this section that had not previously been listed. Finally, as this change occurs, some departments may want to submit curricular proposals to update which AI requirement a course fulfills.