

Minutes*

Faculty Consultative Committee
Monday, June 12, 2000
10:30 – 1:30
Room 220 Natural Resources Administration Building
& Cherrywood Room, St. Paul Student Center

Present: Fred Morrison (chair), Muriel Bebeau, Linda Brady, Mary Dempsey, Richard Goldstein, Stephen Gudeman, David Hamilton, Leonard Kuhi, Joseph Massey, Jeff Ratliff-Crain, Charles Speaks, Billie Wahlstrom

Regrets: Wilbert Ahern, Susan Brorson, Les Drewes, Roberta Humphreys, Mary Jo Kane, Marvin Marshak, Judith Martin, V. Rama Murthy, Paula Rabinowitz

Guests: Vice President Christine Maziar

[In these minutes: Mitsubishi boycott; academic appointments; intellectual property policy--procedures; miscellaneous items]

1. Mitsubishi Resolution

Professor Morrison convened the meeting at 10:40 and drew the attention of Committee members to a copy of a resolution adopted by the University Senate in 1996 on recommendation of the Committee on Social Concerns. The resolution called on the University to boycott Mitsubishi because of its environmental practices. Within the last few days, the Physics shop has had a purchase order with Mitsubishi rejected by Purchasing because of the Senate resolution and asked that the Committee consider suspending the resolution. This request was supported by the faculty member who chaired the Committee on Social Concerns at the time the resolution was introduced to the Senate; he reported that few other universities have followed the boycott and that the resolution was never intended to harm University research.

Professor Morrison said it has been his impression that the University is the one harmed most by these kinds of resolutions. At the same time, if the Committee recommends to the President that the resolution be suspended, the resolution does not mean anything. He said he believed the request should be sent to the current Committee on Social Concerns for review.

Professor Hamilton said that there is much unrest in the world about Mitsubishi but that at the same time, depending on what the equipment was needed for, failure to be able to purchase it could have a severe impact on research in Physics (which might also have an effect on other institutions if the research is being conducted jointly).

It was agreed that (1) Physics should be asked to provide more information to the Committee, if time is of the essence, and it could consider advising the President that it would not object if he suspended

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the resolution in this case, and (2) the Committee on Social Concerns should be asked to consider whether the Senate should rescind the resolution.

2. Academic Appointments

Professor Morrison next reported, in response to a question from Professor Dempsey, that he has marked up a copy of an academic appointments procedure document from the Office of the Executive Vice President and Provost; the revision is due back to him soon. The document represents an attempt to operationalize the recommendations of the two task forces that have looked at the issues of academic appointments, chaired by Professor Bales and Dean Brandl. He reported that Professor Bales is reasonably comfortable with the document.

3. Intellectual Property Policy--Procedures

Professor Morrison next turned to Professor Hamilton to lead a discussion of the proposed Intellectual Property Policy procedures. [Note: much of this discussion replicates that which occurred at the June 6, 2000, meeting of the Senate Research Committee; these minutes will note only additional points that were made in the presentation and discussion.]

Professor Hamilton noted that implementation of the Intellectual Property policy had been put off until July 1 in the expectation that the procedures would be approved by the Senate and the President. The development of the procedures slipped a little so they were unable to bring them to the last Senate meeting of the year.

They are now finished. They were brought to the Senate Research Committee, which approved them unanimously. The procedures are now before this Committee for temporary approval until they can be presented for action at the next Senate meeting.

The new policy is very beneficial to faculty; it defines faculty rights in a way few policies do: regular academic work product is totally owned by the faculty member, not the University. Vice President Maziar is to be thanked for this policy, approved at a time many universities are grabbing intellectual property as fast as they can, especially in the area of distance education. Under the terms of this policy, as long as distance education is part of the regular academic work of a faculty member, it is owned by the faculty member, not the University.

Professor Hamilton then reviewed the several pieces that make up the procedures. Points that arose in the discussion were these:

-- Students own the copyright but not the intellectual property in their work. For example, Professor Hamilton mentors a student in his lab and that student discovers something new and useful. The student writes up the discovery as a thesis. The student owns the copyright to the thesis; the discovery is owned by the University as a product of University research and the faculty member receives the one-third of the income because it came from the faculty member's grant and project. When there is a "big winner" like the Glaxo-Wellcome settlement, Professor Hamilton observed, there is almost no way to avoid going to court.

-- The material transfer agreements are supposed to provide a protection for faculty members, Dr. Maziar commented. There are a lot of "reach through" intellectual property claims concerning use of

materials so care must be taken in how the transfer agreements are worded. Uniform agreements will be used as much as possible; intended largely for biological materials, they can be adapted for use with other materials.

-- Disputes will be resolved by the Vice President for Research. The Vice President will also make an annual report to the Senate Research Committee on the number, nature, and resolution of the disputes. The entire area of intellectual property is still evolving around the country; if they identify an issue that appears to be causing a lot of disputes they will consider drafting additional procedures, Dr. Maziar told the Committee.

-- The Intellectual Property Policy acknowledgement initially created a concern that the University was asking people to sign something akin to loyalty oaths. That concern largely dissipated when it became understood that the University interest is in complying with federal law, which requires that employees of all federal contractors (which includes the University) sign a document acknowledging that work sponsored by the federal government is subject to the provisions of federal law and that employers are responsible for so notifying employees. The acknowledgement will not be required of all faculty members, many of whom have no federally-funded sponsored research; that would create ill-will even though the policy is faculty-friendly. They tried for balance, Vice President Maziar explained; only those who have federally-funded research will be asked to sign and all new employees will be asked to sign the acknowledgement form.

One part of the policy that is still confusing, Professor Ratliff-Crain said, is in the area of who owns what part of web-based courses. The introduction to the procedures speak to the issue but there is nothing in the procedures themselves. Dr. Maziar responded that these are only procedures; the POLICY provides that web-based materials belong to the faculty unless there was agreement beforehand that this would be commissioned work. The University has the right to use materials that were jointly-developed.

Some are still confused, Professor Ratliff-Crain said. Faculty are asked to develop a course, and maybe receive money from the University; once it is done, who owns what? That should be spelled out in the original document, Dr. Maziar said; these decisions must be made case by case. There are various levels of support provided for development of educational materials, ranging from the significant to that which any faculty member should expect in the course of doing his or her job. There is no taxonomy of these cases being developed.

These procedures are clearer for the products of research than they are for web-based courses, Professor Ratliff-Crain concluded. Dr. Maziar and the Committee agreed that there may need to be additional procedures, in simple language, for web materials.

Professor Morrison said the policy had come a long way in four years; he complimented Vice President Maziar and Professor Hamilton for their work. Dr. Maziar said that much of the thanks should go to Professor Carol Chomsky for her clear writing of the policy. She said she was proud of the policy; one faculty member, new to the University and an expert on intellectual property, said this policy should become a model for other institutions.

Professor Morrison said he would accept a motion to advise the President to accept the procedures and to place them on the docket of the first Senate meeting in the fall. The motion was seconded and received unanimous support from the Committee. Professor Morrison thanked Dr. Maziar for her contributions and for joining the meeting.

4. SCEP Member

Professor Morrison noted that the Executive Vice President's office had requested that the Director of Academic Counseling and Student Services for intercollegiate athletics be made a member of the Senate Committee on Educational Policy. His question, he said, is whether it is appropriate for the individual to be a member of the committee that is supposed to set educational policy.

The Committee considered whether to approve this request, suggest that he be appointed an ex officio, non-voting member, or asked to serve in a third, liaison role. One concern expressed was that if he is appointed to the committee, there are others who could claim with equal logic that they had an interest in the discussions and recommendations from SCEP.

It was agreed that the Committee would take up this issue again at its next meeting.

5. Other Business

-- Professor Morrison reported that he is having an extremely difficult time getting people to agree to serve on the two new athletic committees. There is not a lot of fondness for the two athletic programs at this time, he observed.

-- The agenda for the retreat at Morris will be set in July and will include the changing age and seniority structure of the faculty as well as academic appointments.

-- Academic publishing, and the recent statement reported on by the Chronicle of Higher Education will be taken up at the Morris retreat. Resource people should be scheduled to join the Committee for the discussion. Professor Morrison said it was his sense that one can pass resolutions without effect; there must be a functioning system that will provide journals at a reasonable cost. Rather than just saying prices are too high there needs to be a capital investment by universities or professional societies to make the system work.

The statement also called for less emphasis on publishing articles when evaluating faculty for tenure, Professor Gudeman commented. It is interesting that so many leaders signed that statement; it is a separate issue that can be debated.

It was agreed that Professors Kuhl and Massey would gather information for the Committee in time for its next discussion of the issue and that Associate Vice President Vic Bloomfield would also be asked to help.

Professor Morrison then adjourned the meeting in order that Committee members could join the Twin Cities Council of Deans for lunch.

-- Gary Engstrand