

MINUTES

SENATE FACULTY AFFAIRS COMMITTEE (SCFA)

Thursday, November 19, 1998

3:00-5:00 p.m.

229 Nolte Center

Present: Kent Bales (Chair), Josef Altholz, Gary Balas, Gerry Baldrige, Avner Ben-Ner, Carole Bland, Carol Chomsky, Robert Fahnhorst, John Fossum, Eville Gorham, Roland Guyotte, Marcia Pankake, James Perry, Anne Pick, Richard Purple, Geoffrey Sirc, Thomas Walsh

Regrets: Carol Carrier, Janet Holdsworth, Cleon Melsa, Caroline Turner

Guests: None

Others: C. Robert Morris

These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

[Meeting topics: subcommittee reports, Focus on the Future--Workshops for Young Tenure Track Faculty, Intellectual Property Policy]

1. Approval of Minutes

The October 22 minutes were approved as presented.

2. Subcommittee Reports

Benefits Subcommittee--Professor Balas reported that the Benefits Subcommittee met on December 2 to make final modifications to the administrative procedures for the Interim Regents' Policy on Faculty Development Leaves before its presentation to the Faculty Senate on November 5. The language that raised the most debate, both in the subcommittee and on the floor of the Senate, pertains to the accrual of credit section where it states that credit is not accrued during approved leaves when a person's appointment to University-sponsored research programs is for more than half-time, resulting in a faculty appointment of less than half-time. While the Faculty Senate approved the language as presented, the Benefits Subcommittee will be reconsidering this item.

Faculty Retirement Subcommittee--Professor Altholz expressed disappointment that the administration has not responded to the Faculty Retirees' Bills of Rights approved by the Senate last spring. The committee suggested that either Professor Bales or Sara Evans be asked to contact the president directly on this matter.

Tenure Subcommittee--Professor Chomsky anticipates that the subcommittee will have a major responsibility in the modification of the Tenure Code if the recommendations of the Joint Committee on Academic Appointments are approved. The subcommittee will also follow up on the implementation of post-tenure review within units during the winter and spring quarters.

SCFA also noted that there has been no response to concerns expressed about short-term cancellations of summer session classes and Professor Bales agreed to follow up on that matter as well.

3. Focus on the Future--Workshops for Young Tenure Track Faculty

Professor Purple discussed an AAUP proposal to ask the Faculty Consultative Committee (FCC) to co-sponsor a series of workshops for young tenure-track faculty. The objectives of the workshops are twofold: 1) to identify the major concerns of young faculty and hear their suggestions for improvement, and 2) provide them with information about the governance system and the AAUP as faculty organizations concerned with building a community of scholars. The FCC has endorsed this initiative and agreed to co-sponsor the workshops. At this time, Professors Murthy, Hogan, and Purple have agreed to serve on the organizing committee and other faculty are being sought. Professor Purple would like to have at least one other SCFA representative on the committee.

When asked if these workshops would be done in conjunction with the new employee orientation workshops, Professor Purple responded that they would to some extent, but the expectation of the organizing committee is to bring a cross mix of tenure track faculty together with senior faculty for small discussion groups.

The initiative is in its formative stage and Professor Purple said the committee welcomes suggestions. SCFA favored the initiative and recommended that the committee think about marketing techniques and consider incentives to motivate people to attend.

4. Intellectual Property Policy

Professor Bales reported that Vice President Maziar met with the Faculty Consultative Committee (FCC) earlier in the day to discuss, among other things, the proposed Intellectual Property Policy. She told the FCC that the policy as currently written makes too many claims by the University on faculty work products and she welcomed the opportunity to work with the appropriate governance committees on a redraft of the policy.

Several questions were raised, the answers to which were not clear to the committee:

- To what extent does the University "own" a faculty member's time and work product?
- Can a course created by a faculty member at the University be taught elsewhere?
- If during the course of a faculty member's research s/he sees there is a business opportunity, can s/he form a company?
- Who owns "data" produced during the course of faculty research?
- Can such data be shared with others outside the University?
- What about the ethical question that arises when a person discovers a vaccine that s/he wants to share for no profit? The proposed policy states that the University would have control.
- What happens when a faculty member leaves the University part way through a research project--what claim does the University have to the unfinished work? Can the faculty member take it with him/her?
- What is the definition of "proprietary information?"

Many expressed strong opposition to the so called "loyalty oath" listed as Schedule B in the proposal and most indicated that they would not be willing to sign such an agreement.

It appears in Section III, Subd. 2.a, that by using the term "assert," the University is saying that it won't assert any rights it might have and that muddies the language. It would be better to say that the University shall HAVE no ownership rights. . . .

Another objection involved the language in Section III, Subd. 2.a.i.a, that excludes from "regular academic work products" work prepared as a specific assignment within the scope of a person's employment responsibilities. The definition of what is a "specific assignment" is open to broad interpretation and the committee recommended deleting it from the policy altogether.

Some discussion was generated about the distribution of income in Section IV and whether it is appropriately apportioned. Professor Altholz noted that the greatest argument concerning this section involved the distribution between the colleges/schools and departments.

Members also expressed confusion about how much of a faculty member's time the University owns. For example, does it include the time spent "thinking" while mowing his or her lawn? Precisely, where is the line drawn?

Professor Pankake thought the policy would be more easily understood and accepted if under Section III, Ownership, it said faculty members shall be the sole owner of all intellectual property, etc. and then list the exceptions under which the University would have claim to ownership. In other words, turn the language around. Others echoed support of her recommendation.

SCFA turned next to Professor Morrison's analysis of the proposed policy and expressed general agreement with the points he raised, particularly with his second point relating to the duties and obligations of the faculty member and the University.

In general, SCFA considered the document to be flawed and poorly stated. Professor Bales asked for volunteers to serve on a small redrafting committee and Carol Chomsky and Joseph Altholz agreed to represent SCFA.

5. Report of the Joint Committee on Academic Appointments

There seems to be approval for the concepts outlined in the report of the Joint Committee on Academic Appointments, said Professor Bales. However, there appear to be two sticking points: 1] the quota system (i.e., setting a ratio for the number of non-tenure track faculty the University or a unit may have) and 2] how to define the P&A doing faculty-like work within the context of the Tenure Code and other University policies.

With regard to setting quotas, it may be important to identify areas for exception, such as the Libraries. Clearly, the University is currently exceeding the recommended ratios and the report might recognize that fact and call for a reasonable decrease over a period of time.

Due the shortage of time, SCFA did not discuss this issue further, but agreed that it would be difficult to make a recommendation concerning appropriate ratios without seeing the numbers and where they exist.

6. Faculty Representative on the Academic Staff Advisory Committee

Professor Bales reported that he had not as yet secured a faculty member to serve on the Academic Staff Advisory Committee. He asked again for volunteers and/or recommendations from the committee.

7. Commercialization of Technology

Vice President Mariar's paper *Making Connections: Enhancing the Creation, Transfer and Commercialization of Technology Processes at the University of Minnesota* was distributed for information. It will be taken up at a subsequent meeting to which Dr. Maziar will be invited.

8. Joint Committee on Faculty Workload

Professor Bales asked for the committee's opinion regarding establishing a joint committee on faculty workload. The idea was initiated by the Finance and Planning Committee due to changes in workload in recent years. For example, since the advent of email, a faculty member no longer has stated office hours as s/he may spend considerable time each day responding to student inquiries. The decrease in clerical and facilities management support in recent years and its impact on faculty was also cited.

The committee urged that if such an endeavor is undertaken, a way should be found to measure workload other than by hours and to include the time a faculty member spends on scholarly activities that are not easily measurable such as the time spent on reflection and thought.

In general, SCFA supported the initiative but agreed more information concerning the charge and time commitment are needed before it can endorse the project.

9. Nominations for membership on the Board of Regents

Professor Bales invited SCFA to submit nominations for membership to the Board of Regents. The committee identified 8-10 potential candidates.

The meeting was adjourned at 5:00 p.m.

-- Martha Kvanbeck