

Minutes*

Senate Committee on Faculty Affairs
Tuesday, October 16, 2012
2:30 – 4:30
238A Morrill Hall

- Present: Scott Lanyon (chair), William Beeman, Ben Bornsztein, Kathryn Brown, Arlene Carney, Linda Chlan, Jennifer Fillo, Sophia Gladding, Tabitha Grier-Reed, Joseph Konstan, Frank Kulacki, Theodor Litman, Rishabh Mishra, Joe Ritter, George Sell, Pamela Stenhjem
- Absent: Dann Chapman, Randy Croce, Carl Flink, Karen Miksch, Benjamin Munson, James Wojtaszek
- Guests: Nan Wilhelmson (Human Resources); Professors Janice Conway-Klaassen and Stephen Wiesner (Clinical Laboratory Science), Professor Carol Wells (Medical School), General Counsel Mark Rotenberg, Associate General Counsel Greg Brown; Professor Judith Garrard (School of Public Health; Benefits Advisory Committee)

[In these minutes: (1) faculty productivity statement; (2) faculty entrepreneurial leaves; (3) intellectual property rights and faculty rights in online courses; (4) updated from the Benefits Advisory Committee]

1. Faculty Productivity Statement

Professor Lanyon convened the meeting at 2:30 and turned to the draft statement on "Assessing Faculty Productivity at the University of Minnesota" that the Committee had prepared last year in response to Texas and Florida legislative proposals to measure faculty productivity by the tuition they generate and the research grant funding they obtain. The Committee forwarded the draft to the Faculty Consultative Committee (FCC), which made some editorial suggestions and finally concluded it would send it back to this Committee to ask it to consider it as something that might be an editorial in the *Chronicle of Higher Education* or put to other uses this Committee thought wise. He asked the authors to review the draft statement.

Professor Beeman said that he and Professor Konstan had collaborated on it but that Professor Konstan had done most of the writing. They were trying to get away from the idea that faculty productivity can be measured in hours or dollars and cents; down that path lies madness and decisions to eliminate language and studio arts courses because they do not meet some productivity standard. They believed that measuring by cost per student or some equivalent standard was not educational sound and had no philosophical basis.

Professor Beeman recalled that last year FCC had asked for the statement. The University was dealing with the legislature and there was a lot of talk in education circles about faculty productivity, and people saw decisions around universities to eliminate languages, classics, linguistics, and so on, and also

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

saw that the metrics being used were mostly cost-benefit: How much money does an individual faculty member or a class generate for the institution. They found such an approach unintellectual.

Professor Konstan recalled the measurement standard being used in Texas and said that with respect to the question posed by FCC, the statement that he and Professor Beeman drafted failed because what probably was needed was one page. Instead they wrote a document as an orientation to faculty work.

Professor Lanyon said the statement represented good work and should not be dropped. What framed the document was a handful of absurdities, such as that faculty who spend more are called more efficient (that is, many measures of faculty productivity measure federal dollars [or research dollars] spent as an outcome [spending more dollars is good], rather than measuring the actual research as an outcome, so the result is that a more expensive university that gets \$500,000 to do research that a cheaper one could do for \$300,000 is viewed as more productive [it raised and spent more money] rather than as less productive [it cost more to get the same work done]. Or rank silliness such as believing that a system is more efficient if it passes more students through without assessing quality. None of the faculty want efficiency to be measured by the number of students going through without looking at the losses.

Professor Sell suggested that the statement should not single out individual faculty members; it says the faculty do X. He also offered other editorial suggestions and urged that the Committee should not respond to the world's asking about evaluation on a per-faculty basis but should instead respond as it wishes about the faculty as a group. Professor Lanyon agreed but said the statement cannot start with that premise. He asked if a new version of the statement is needed, one for internal use.

Professor Ritter said that one basic point must be that faculty members do such a wide range of things that numeric ratings do not capture them—unless there are 100 or more columns on the spreadsheet. It should be possible to have profiles and illustrative points, such as publication without grant funding, for example.

Professor Beeman said they were also trying to address a fundamental misunderstanding in the public about what faculty members do. In Massachusetts, for example, Scott Brown has accused Elizabeth Warren [Harvard Law School] of being paid \$350,000 to teach one course—that is an easy sell, and modern literature and movies do not capture faculty work because they cannot. So there is also a problem in public understanding that needs to be addressed.

Professor Kulacki spoke about the importance of department leadership and the need to get away from numeric measures of scholarship. He added that as faculty members go through the course of their careers, productivity means many things, and at the department level, heads and chairs have the duty to create a departmental effort in which the whole is greater than the sum of its parts. It is the management of the tripartite mission of the faculty—individually and collectively—that is key to measuring productivity. He also said that the importance of money in the mix of productivity measures must be understood because in many programs, such as engineering and the physical sciences, state funds are tied to undergraduate education via credit hours or capitation, while graduate education depends on the existence of extramural funds. The situation in CLA is different, he noted, but said that CSE and CLA are the two large colleges where the issue of productivity comes into sharpest focus. He recommended that the draft statement before the Committee be reconsidered as it appears self-serving.

Professor Konstan pointed out that the statement came out of Committee discussions about people not knowing what the faculty do and that the faculty and the institution do not do a good job of getting the word out, even with University Relations. No document would get to everyone; are there audiences that should be addressed? He said he would be glad to send it to the *Chronicle* without any further endorsement by the Committee and to let others take a different cut for different audiences.

Professor Bornshtein asked what the statement was a response to—a claim that the research university is broken? Nothing that specific, Professor Konstan said; it was a number of comments that this model does not work and that universities should adopt a business model, and the barrage of publicity around the Texas events. There are other discussions around the country about mechanizing teaching and suggesting that all will become the University of Phoenix, which is problematic, Professor Beeman added. They were also dealing with the fact that basic research has almost disappeared from the private sector and is now conducted almost exclusively in the research university. The statement might be framed in a more positive lights, but if the research university is eliminated because it does not generate X dollars per student, the society will be devastated.

Much depends on the audience, Vice Provost Carney commented. Another *Chronicle* article, with the cognoscenti talking to each other, may not be helpful, but the faculty can expect to be accountable. It's not accountability that's the issue, it's the metric used. The draft statement does not say that. It could say that the faculty believe they should be accountable and that it is reasonable to expect accountability, and metrics that others devise may not be right, but any metrics need to be understandable. And the statement needs to be careful about tone (e.g., with respect to efficiency, some faculty members might say they need pay no attention to efficiency, but she believes that is the wrong position to take). If the faculty acknowledge they need to be fiscally responsible and to give students the best they can for a reasonable cost, they will avoid much criticism. Dr. Carney observed that faculty members are people with important intellectual lives that make extraordinary contributions to the state and nation.

Committee members continued the discussion; Professor Lanyon asked what message it wished conveyed to whom. Professor Konstan suggested conveying it to the faculty, some of whom may not think all that closely about the subject; there is something to be said for having a document somewhere to capture and address misconceptions.

Ms. Stenhjem noted that she is a P&A member of the Committee and did not know if the statement could speak for the many staff who do faculty-like work. There should be thought given to whether they should be included—or if there should be a parallel document to address what P&A staff to and how they also give back to the state. She said that she is all over the state and nation and asked the Committee if it would be beneficial to include the P&A staff.

Professor Bornshtein agreed with Professor Konstan that there is value in the statement for the faculty. But if the Committee's job is to respond to public misconceptions, there needs to be a campaign by University Relations. The statement could also go to the *Daily* or the *Chronicle*. He asked what the function of the Committee should be, and whether it should modify or endorse the draft.

Professor Beeman said, in response to Ms. Stenhjem, that the P&A staff should be included.

Professor Lanyon said he would return to FCC about whether University Relations has been involved in the statement and if different components of the statement might be used with different

audiences. He asked Committee member to contact him about the audiences that might be addressed. Professor Konstan commented that one does not know what the right step is until the Committee knows what is to be done with the statement. If it is to be written by a couple of faculty members, it can go forward. If it is to be a Faculty Senate statement, it will need more time so that people are comfortable with what they are voting on.

2. Faculty Entrepreneurial Leaves

Professor Lanyon now asked Ms. Wilhelmson to provide an update on proposed changes to the Faculty Development Leaves policy to create entrepreneurial leaves for faculty.

Ms. Wilhelmson noted that the Committee had discussed the entrepreneurial-leave proposal earlier; she highlighted the proposed changes that have been made since the earlier discussion.

The approved reasons for taking an entrepreneurial leave have been expanded; initially they were more narrowly focused on development of University intellectual property but now include "other types of activities that can demonstrate substantial institutional benefit or an innovative and collaborative project relating to the public good are also eligible for consideration."

The leaves are available to tenured and tenure-track faculty; in the case of the latter, they must also extend their probationary period. Dr. Carney emphasized that probationary faculty members should take the steps necessary to extend the probationary period BEFORE they go on leave in order to avoid problems later.

With the adoption of this policy and the change in the Regents' policy permitting entrepreneurial leaves, there are now three different faculty development leaves, Ms. Wilhelmson observed: sabbaticals, single-semester leaves, and entrepreneurial leaves. One question that has arisen concerns the overall frequency with which a faculty member may take leaves.

Dr. Carney said that she cannot create a complex algorithm to govern the frequency with which faculty members may take various leaves. Members of the Senate Research Committee noted that there are also other leaves that faculty members may obtain (e.g., Guggenheims), and a department could be in a difficult situation if a faculty member were gone for three or four years on various leaves strung together. She said she did not want a complicated formula, but a policy could say, for example, that over a seven-year period, no faculty member could be gone for more than three years on leave. (She said she would not count internal leaves, such as to the Institute for Advanced Studies, because the faculty member remains at the University.)

Professor Konstan said he worried that a formula could discourage people from serving at NSF, for example, which is two years minimum and often may involve a third year. That is a huge benefit for the University; a formula might deter people from doing valuable work. But the problem might be solved by using a formula such as no more than 6 years of leaves out of 12 years, for example.

Professor Konstan also asked about intellectual property and entrepreneurial leaves. Does the University retain an interest in the intellectual property? Is this a question that should be referred to the Senate Research Committee? That question needs to be resolved before very many people take these leaves; a company would worry if there would be a University interest in intellectual property developed

while the faculty member was on an entrepreneurial leave. Ms. Wilhelmson said that Mr. Straate would have to respond to that question.

Professor Beeman asked if people are expected to receive an income from outside the University while on an entrepreneurial leave. (They are.) What about a book leave? Books are covered under the sabbatical policy, Dr. Carney said. What if one is not eligible for a sabbatical but is offered a lot of money to write a book on a hot topic, Professor Beeman asked? The book is intellectual property; why would the leave not cover that situation? Professor Lanyon said that one is entitled to a sabbatical; this is more discretionary and the dean must accept the case. Dr. Carney pointed out that the policy explicitly grants entrepreneurial leaves for the development of University intellectual property.

The question is what to do with intellectual property that is developed while the faculty member is on leave, Professor Konstan said. This needs to get sorted out, Dr. Carney agreed. She said she will be asked all the questions and she does not like to have to extrapolate from policy to provide answers.

Professor Ritter asked why the entrepreneurial leave is categorized as a faculty development leave when it is more for intellectual property development. The implication is that there are benefits for everyone, Ms. Wilhelmson said.

Professor Ritter also asked why there needs to be a formula at all. The timing of leaves can be changed around if they would create hardships for a department. These are at the discretion of the chair. Dr. Carney said she receives too many questions that she cannot answer or where a policy allows too much discretion. Or chairs may come under pressure to grant a leave or sabbatical and want a policy reason to say "no." The addition of entrepreneurial leaves only complicates the problems for departments Professor Lanyon added.

Professor Beeman said that these leaves should cover theatrical or curatorial work and similar activities. Dr. Carney agreed but said that they are more like working with a company and are different from writing a book.

The Committee agreed that it wished to see a revised version of the policy that addressed the frequency issue. Professor Konstan also suggested it speak to a leave as for the benefit of the University versus for the benefit of the faculty member. If someone takes a leave and develops a cure for cancer, it would not be wise for the University to demand the person pay back the benefits costs if the University decided it would be better for the person to keep working with the company on the cancer cure. Ms. Wilhelmson noted that there is a waiver provision in the policy.

Professor Lanyon thanked Ms. Wilhelmson for joining the meeting and said he would schedule time for her to return in the near future.

3. Intellectual Property Rights and Faculty Rights in Online Courses

Professor Lanyon welcomed Professors Conway-Klaassen, Wells, and Wiesner, and Messrs. Brown and Rotenberg, to discuss intellectual property rights and online courses.

Professor Wells provided a brief introduction to the topic. With traditional education, faculty members were fairly confident that they had sole ownership of their instructional materials, i.e., they

could take their instructional materials with them to another institution or they could negotiate with a publisher to publish an instructional text using these materials. However, interpretive challenges to the copyright policy can be associated with online course offerings.

The copyright policy states that the University shall own copyright in "directed works" created by University faculty. However, difficulties arise in interpreting the definition of a "directed work." A directed work is based on an "agreement" between the University and the faculty member, on a "specific request" by the University, and on support by "substantial University resources" beyond those provided to other faculty members in the unit. Unfortunately, as they will try to explain, the terms "agreement," "specific request," and "substantial resources" are vague, and faculty can be unaware of situations where they (perhaps unknowingly) become involved in a directed work. Clarification of these terms is their primary goal today.

Professor Wells told the Committee she invited Professors Conway-Klaassen and Wiesner with her to help explain why this clarification is needed. They are in the CLS (Clinical Laboratory Science) program, a relatively small allied health program. Professor Conway-Klaassen is the Program Director and Professor Wiesner is an assistant professor in the program. The program has been given an administrative directive to put at least a portion of their instructional offerings online. They have thus been involved in online education for a number of years and are likely ahead of the curve in stumbling onto the nuances associated with interpretation of the copyright policy. As online education becomes more prevalent at the University, it is likely that more and more faculty will encounter these issues. Importantly, Jan & Steve see where clarification of the policy is needed upfront so faculty do not inadvertently discover (after-the fact) that the University is (surprisingly) claiming ownership of specifically developed course offerings.

Professor Conway-Klaassen provided a brief history of the program, explaining that it was charged to develop a hybrid educational model in order to meet the demand for health-care practitioners around the state. She is the director responsible for the program; because of its mission and culture, the talk about intellectual property ownership, directed work, and substantial resources causes problems because the terms are vague. They are present at the meeting to raise questions.

What is confusing, Professor Wiesner said, is whether the criteria for a directed work must be met at once—simultaneously—or if they can evolve or accumulate. If there is a call for proposals from the University, is that a specific request? If not, is the granting of funds in response to a proposal a specific request by the University? Those are gray areas. The faculty members in their program are directed to provide coursework online; if asked to change a traditional course to an online course, a junior faculty member must do so or worry about facing a charge of insubordination or non-performance. If they agree to do so, have they entered into an agreement that can have an impact on ownership of course materials? If doing the work requires "substantial resources" and those resources are provided, does this then satisfy two criteria for a directed work? What if a faculty member's efforts meet two of the criteria for directed work even though he or she had no choice in doing it? If there is a University grant program and a faculty member submits a proposal because the program director has asked that the faculty member develop online course materials, does that constitute an agreement to perform the work? If one accepts University funding, is an agreement between the faculty member and the program director then implied? Not all of this happens at the same time, it can occur over time, and the faculty member does not know something has become a directed work.

Professor Conway-Klaassen said it is important for her to understand the application of the policy so she knows it and can inform faculty members about it. But what of the administrative level above her program, which may have a different understanding? One distinction between the CLS program she directs and others may be that they have a very rigid curriculum they must teach and there is not a great deal of flexibility for faculty members.

Professor Bornshtein asked if a faculty member has refused to do certain work. Not exactly, Professor Conway-Klaassen responded. They may develop a creative part of a course that a publisher wants, so the program needs to operationalize ownership. Professor Lanyon observed that this question could arise with any course that is presented online; Professor Wells agreed. So did Professor Conway-Klaassen, who added that because there are commercialization opportunities in CLS, things can get sticky.

Professor Konstan said that he saw three different issues. One, does someone know when he or she has been asked to and agreed to do directed work? When the policy was put into place, this Committee and/or the Committee on Finance and Planning recommended that agreement to perform directed must be in writing; there is something to be said for having it in writing. Two, it is an infringement of academic freedom and faculty autonomy to be in a unit where the faculty have no choice but to create directed works? Today it may only be CLS; in the future, it could be many units. Is it a mistake to establish such units? Or should such units not have tenured faculty lines (i.e., the faculty should be tenured in other units, and have the option of whether to work on such directed works)? Three, there are things that are different when it comes to online courses—specifically, online courses often involve software as an integral component (e.g., to grade student work, provide simulated labs, or offer feedback. Under University policy software is treated differently from other copyrighted academic work products. Unlike a book, where a faculty member holds the rights, the University asserts ownership of software as "technology"—not just the patents but the copyright as well. It isn't clear whether software is actually defined—might the encoded video lectures that cause a computer to display the lecture be interpreted as University-owned software in the future?

It is easy to reiterate the point that agreements on directed work must be memorialized in writing; the other two issues are more difficult, Professor Konstan concluded.

Professor Beeman observed that this discussion is taking place in the context of a number of universities putting courses online for free. Did the faculty members grant permission to do so? Professor Conway-Klaassen said it is her understanding that the institutions negotiated with the faculty members—in sometimes contentious negotiations—and they agreed to disagree but there was some compensation. There have been a lot of different outcomes.

Professor Beeman asked "what is intellectual property?" Is it content? Or the form in which the content is delivered? One could offer a course at the University and then use a different method to offer it outside the University.

Vice Provost Carney said that she had been involved in most of the discussions around revision of the University's copyright policy and noted that Professor Wells had not mentioned the teacher's exception in the copyright policy, which provides that a faculty member owns the copyright to all that he or she writes. In this case, if a faculty member is told to teach a course, is that a directed work? A chair or head can tell a faculty member to teach a course, under the provisions of the tenure policy, but that

does not make the course into a directed work. With respect to resources, many faculty members have received internal grant funding to support work that has nothing to do with online courses and there is no question that the faculty member does not lose copyright ownership in that work. Simply because one responds to a Request for Proposals about online courses does not automatically mean it becomes a directed work. She said she was not sure that all of the assumptions behind the questions being posed were valid.

Professor Lanyon said, apropos of Professor Konstan's comments, that one solution is that something is only a directed work if there is a piece of paper signed by the faculty member and a department head/chair (or someone with authority to sign) indicating agreement. Dr. Carney said that the procedures require a written agreement so that no one is hoodwinked.

Mr. Rotenberg said that a number of interesting questions have been raised. Some are more easily answered, some require a more nuanced evaluation. His office can make a commitment, jointly with the provost if the provost is willing, to help interpret the policies and give meaning to cases where there is ambiguity about the definitions of "agreement," "specific request," and so on. Either the University can write volumes of policies and definitions or he and the provost can commit themselves to an ongoing process of interpretation in context. It is a commitment the two offices need to make. It may be that they can provide an easy answer or there may be need for a dialogue.

Professor Conway-Klaassen related that in discussions she has had with administrators above CLS, there is note that the copyright policy talks about something paper. In the new environment in which they operate, it is sometimes difficult to interpret the policy vis-à-vis electronic media. They need clarification.

Dr. Carney said her office would welcome questions. Mr. Rotenberg said as he can say, as a University officer, that the bias of the policy is in favor of protecting faculty rights in teaching materials. Underling the meaning of "agreement" is an intentional, volitional act that represents a meeting of the minds, and the language does not contemplate an accidental agreement. The policy bias is that the faculty own their work products and ownership only shifts with an intentional meeting of the minds. With respect to academic freedom, if there is an intentional act on the part of a faculty member to provide a work product for the University, and there is no coercion, then there has been no violation of someone's academic freedom.

Professor Wiesner said he was glad to hear Mr. Rotenberg say what he did because that has not always been the experience of faculty members in the unit. There have been times when interpretations of the policy have conflicted. Professor Wells said she knows of faculty members who have discovered they engaged in a directed work only after the work was created. She asked whose responsibility it is to inform faculty that something is a directed work, especially young faculty members: Should someone inform them or is the onus on them to find out?

Mr. Brown said that Dr. Carney was correct: A directed work agreement must be in writing. He said that this requirement is included in the definition of a directed work in the Administrative Policy: *Copyright Ownership*. Absent a written agreement governing its creation and ownership, faculty-authored works are not directed works and the copyright in them is held by the faculty author. For such an agreement, the University and the faculty member must have a meeting of the mind about who holds copyright, how something will be created, whether resources are shared if the product goes outside the

University, who has the authority to modify the material, and so on. While there may be a lack of specificity in policy about what is meant by the phrase "substantial resources," that lack is not fatal because the agreement must be written and signed by the University and the faculty author(s) and in it, the parties can agree as between themselves and as applied to the creation and ownership of that work, whether such a level of resources was used or not.

This discussion raises management issues around directed work, Professor Ritter commented. In the absence of directed work, faculty members can take their work and leave the University—but the University can keep on using it; is that a big problem in CLS? Professor Bornshtein asked if they raised the questions because of a perceived violation of the policy or because they anticipate problems? Professor Conway-Klaassen said they do not see a violation but have they run into some rough spots and they encounter situations where different assumptions are being made.

Professor Bornshtein asked Dr. Carney and Mr. Rotenberg who enforces the rule when work that a faculty member created is used without his or her consent. Where is the relief? And if there is nothing in writing? Mr. Brown said that who owns the copyright/content and who has the right to use it are separate questions. If there is no written agreement, faculty members do their work, using University resources, then the University may use the course but it has not captured ownership of the content. One could argue there is an implied license: The faculty member was aware that the University intended to put the materials online, so there could be an implied license but not ownership. The problem is that one does not know what the terms of the license are (e.g., should there be compensation for use? What is the term of the license?)

Another case might be a module in a course that could be commercially exploited, in a work already created, Professor Beeman observed. Has anyone tried to stop faculty members from going forward with their work? They have not, Professor Conway-Klaassen said, they want to make a pre-emptive strike to be sure that they have the procedures and agreements tied down. They are experienced with the law and copyright, she said to Messrs. Brown and Rotenberg, while they are content experts. The modules are already developed and faculty members want to know if they can go forward to interested publishers or for commercial sales equivalent to a chapter or a book. She is not sure that they can and she receives different answers to the question.

Mr. Rotenberg reiterated his offer to help—that is why they are here, as in-house counsel. He observed that Mr. Brown's argument about the implied license is just that—an argument. It might be persuasive and dispositive in some cases and might be weak in other cases.

Professor Bornshtein asked who adjudicates disagreements. There are many appeals procedures inside the University. Ultimately, it is the courts, Mr. Rotenberg pointed out. Dr. Carney said that before anyone seeks relief, the issues have to be identified. That would happen before any grievance arises. One would file a grievance only if one did not like the result. And before a grievance arises, they are learning about the issues that need clarification, Mr. Rotenberg added.

Professor Conway-Klaassen said that their purpose, in bringing forward the issues, is to raise operational questions. Are they blazing the trail? Will there be more issues as time goes on? They need guidance in operationalizing the procedures.

Vice Provost Carney responded to an earlier comment by Professor Wiesner: There is no such thing as insubordination in the tenure policy. She emphasized that it is important for anyone on a probationary appointment has recourse: Her number is the directory. It would be inappropriate to bring up insubordination because that is never part of the tenure process.

Professor Lanyon thanked the guests and asked Mr. Brown if he would be willing to return to the Committee to answer a series of questions that had been posed before the meeting but that time had not permitted be answered. He said he would be glad to do so.

4. Update from the Benefits Advisory Committee (BAC)

Professor Lanyon turned finally to Professor Garrard, vice chair of the Benefits Advisory Committee (BAC), to provide an update from it.

Professor Garrard reported that the BAC meets for two hours twice per month and has representation from all over the University. It has four faculty members: Fred Morrison, Richard McGehee, Roger Feldman, and her, as well as two retiree faculty members.

Professor Garrard said she would inform the Committee of five things.

1. In terms of activities for the year, it has received feedback on the dental, pharmacy, and medical plans and presented the results to the companies, which have promised to do better. The change to Medica as the sole plan administrator has gone well.
2. They have issued a Request for Proposals for data warehouse services.
3. They are looking at what the Affordable Care Act may mean if upheld—or if it is not.
4. There were questions about whether the Wellness Program was worth it. The BAC received a scientific analysis that was subsequently published in a peer-reviewed journal; the return on investment has been positive and the program should continue.
5. The Employee Benefits Office (which BAC advises and which has members on BAC) conducted a dependent-eligibility-verification program. A number of dependents have been withdrawn from University health plan coverage, without penalty, a number of people have raised questions, and a number have not responded. The effort more than paid for itself in terms of the number of dependents who have been withdrawn or because people realized they were not eligible. The University has a self-funded health plan, Professor Garrard noted, and these are "our dollars, our health, and our benefits."

Professor Litman reminded the Committee that open enrollment begins November 1 and he urged people to attend benefit fairs. Everyone is also encouraged to get a flu shot.

Professor Garrard also pointed out to the Committee, for those thinking about retirement, that if one opts out of the University's health plan for Medigap coverage, one cannot opt back in later.

Professor Garrard also reported that the University has managed to hold down premium costs. There will be no surprises this year, she said; the big question is the effect that the Affordable Care Act will have. The University has a platinum program that it may have to slim down because of penalties if it

does not, penalties that would bankrupt the institution. She pointed out that it would not be the University doing anything to employees, it would be because of federal law.

Professor Lanyon thanked Professor Garrard for her report and adjourned the meeting at 4:30.

-- Gary Engstrand

University of Minnesota