

**2010-11 UNIVERSITY OF MINNESOTA
SEPTEMBER 30, 2010
UNIVERSITY SENATE MINUTES: No. 1
FACULTY SENATE MINUTES: No. 1
STUDENT SENATE MINUTES: No. 1**

The first meeting of the University Senate and Faculty Senate for 2010-11 was convened in 25 Mondale Hall on Thursday, September 30, 2010, at 2:32 p.m., as a joint meeting of the two bodies. Coordinate campuses were linked by ITV. Checking or signing the roll as present were 21 academic professional members, 19 civil service members, 131 faculty/academic professional members, and 18 student members. President Bruininks presided.

1. ADMINISTRATIVE RESPONSES TO SENATE ACTIONS

Information

University Senate

Amendment to the Procedure on Hiring Senior Administrators: Senate Committee Involvement (Twin Cities, Morris, Rochester)

Approved by the: University Senate March 4, 2010

Approved by the: Administration July 30, 2010

Approved by the: Board of Regents - no action required

Statement on Space Use and Cost

Approved by the: University Senate May 6, 2010

Approved by the: Administration – See comment*

Approved by the: Board of Regents - no action required

* I understand the committee has already shared its response to these questions with Vice President O'Brien and Associate Vice President Berthelsen, and I encourage the committee to continue to work with them to advance the agenda for more efficient and effective use of University space.

Faculty Senate

Presidential Faculty Compensation Proposal

Approved by the: Faculty Senate March 25, 2010

Approved by the: Administration June 10, 2010

Approved by the: Board of Regents June 22, 2010

Amendments to 2013-14 Morris Calendar and 2014-15 Morris and Twin Cities Calendars

Approved by the: Faculty Senate May 6, 2010

Approved by the: Administration July 30, 2010

Approved by the: Board of Regents - no action required

Amendment to the Faculty Compensation Policy

Approved by the: Faculty Senate March 4, 2010

Approved by the: Administration PENDING (forwarded to the President's Policy Committee)

Approved by the: Board of Regents – no action required

Amendment to the Policy on Expected Student Academic Work per Credit: Twin Cities, Crookston, Morris, Rochester

Approved by the: Faculty Senate March 4, 2010

Approved by the: Administration PENDING (forwarded to the President's Policy Committee)

Approved by the: Board of Regents – no action required

2. FINANCE AND PLANNING COMMITTEE

Audit Proposal

Information for the University Senate

Presentations by University Administrative Units

At its 4/20/10 meeting, the Senate Committee on Finance and Planning (SCFP) heard from three faculty members about their concerns regarding the size of University administration in these times of economic constraints. The Committee decided it would give their proposal serious consideration and respond to it. Although the message was sweeping, SCFP believes it contained elements that could lead to a more informed committee as well as to a more informed University community. SCFP often hears reports from various University units, largely in the context of activities or describing new programs. This proposal would require SCFP to embark on a more systematic and thorough review of the patterns of institutional spending for administrative functions, a review that SCFP hopes will receive the endorsement of the central officers.

The basic approach that would be implemented over the next year is outlined below. The primary goal would be to educate SCFP members so that they would be in a position, as a consultative body, to offer useful and informed advice to the administration and University community.

A brief outline:

1. Presentations by administrative units

15-30 minutes presentation

15-30+ minutes questions

Slides or handouts as desired

2. Format (type of information would vary by unit)

Mission/ Aims/Objectives

Staffing plan and organizational chart and job descriptions

The unit's compact plan including future

Why an activity is centralized rather than decentralized to the academic units

Description of current and projected funding sources.

Accomplishments in past year five years .

The result of this effort will be a better informed SCFP and faculty as we consult with administration on emerging issues.

Adopted unanimously August 3, 2010

**RUSSELL LUEPKER, CHAIR
FINANCE AND PLANNING COMMITTEE**

3. EDUCATIONAL POLICY COMMITTEE

Reducing the Number of Excess Credits Students Take
Information for the Faculty Senate

The Senate Committee on Educational Policy encourages the Vice Provost and Dean for Undergraduate Education to work with the colleges, departments, and the Council on Liberal Education to identify ways to reduce the number of excess credits students take to complete an undergraduate degree (that is, credits that exceed the University's stated requirement of 120 credits for a degree).

The Committee asks for a progress report at the end of fall semester, 2010.

Adopted unanimously 5/12/10

**THOMAS BROTHEN, CHAIR
EDUCATIONAL POLICY COMMITTEE**

**4. SENATE CONSULTATIVE COMMITTEE
Policy on Appointments of Academic Professional and
Academic Administrative Employees for Financial Stringency
Information for the University Senate**

**Modifying Appointments of Academic Professional and
Academic Administrative Employees for Financial Stringency**

POLICY STATEMENT

The University reserves the right to modify the appointment terms of Academic Professional and Academic Administrative (P&A) employees throughout the University system in order to address financial stringency. Specifically, the University may: 1) reduce P&A salaries or percentages of appointment during the term of an employee's appointment; or 2) impose unpaid furloughs or other mandatory unpaid absences. All P&A appointments are made subject to this right regardless of funding sources and as permitted under federal regulations. This policy is effective as of June 1, 2010.

Authority

The President will determine whether a financial stringency exists. The authority to modify terms of appointment under this policy will reside with the Vice President for Human Resources.

Implementation

Any temporary modification of terms of appointment under this policy must:

- a. Address the Financial Stringency through a process that impacts all P&A appointments within the system, as opposed to those within an individual unit or college.
- b. Have a defined term, not to exceed two years.
- c. Be communicated to both CAPA, through consultation, and directly to affected employees in a timely fashion in advance of implementation.

REASON FOR POLICY

This policy allows the University to take extraordinary action to reduce personnel costs in the face of unusual financial difficulties facing the institution. It complements policies and provision for other employee groups.

PROCEDURES

There are no procedures associated with this policy.

FORMS/INSTRUCTIONS

There are no forms associated with this policy.

DEFINITIONS

CAPA

Council of Academic Professionals and Administrators.

Financial Stringency

Financial difficulties that are unusual in extent and require extraordinary rather than ordinary responses. Refer to the Board of Regents Policy: *Faculty Tenure*, Sections 4.5 and 11, and under Interpretations - 3. *Interpretation of Section 4.5 Financial Stringency*.

Furlough

Mandatory time off of work, without pay. Furloughs allow the University to save on salary and benefit dollars to be used in meeting budget challenges under times of financial stringency.

RESPONSIBILITIES

Vice President for Human Resources

Authorizes actions taken under this policy in response to financial stringency; implements a communications plan to provide timely notice to affected employees.

President

Determines whether a financial stringency exists.

APPENDICES

There are no appendices associated with this policy.

FREQUENTLY ASKED QUESTIONS

There are numerous questions that arise under circumstances of financial stringency and modifications to appointment terms mandated to address such situations. Questions and answers will be made available at those times that address the specific actions taken by the University.

RELATED INFORMATION

Board of Regents Policy: *Faculty Tenure* - Sections 4, 5 and 11, and Interpretations (#3)

Administrative Policy: *Compensation for Academic Professional and Administrative Employees*

Administrative Policy: *Appointments of Academic Professional and Administrative Employees*

HISTORY

Effective: June 2010

5. SENATE CONSULTATIVE COMMITTEE

Policy Consultation Matrix Information for the University Senate

The consultation matrix, developed by subcommittees of the Faculty Consultative Committee and consulted with the leaders of the Student Senate, CAPA, and the Civil Service Committee, identifies which groups will consult on which policies when amendments or reviews of current policy are being considered. When a new policy is proposed, the Senate Consultative Committee decides what the consultation process should be.

The Policy Consultation Matrix is available at:

http://policy.umn.edu/prod/groups/president/@pub/@policy/@op/documents/policy/upolicy_senatrix.pdf

6. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY

FACULTY/ACADEMIC PROFESSIONALS/STAFF

Judy E. Alberta
Staff
University Libraries

1943 – 2010

Brenda Bates
Staff
AHC Clinical Research
1955 – 2010

William J. Bemrick
Professor
Vet Pathobiology
1927 – 2010

Laurie M. Brown
Staff
Extension Communications/Technical Services
1961 – 2010

Joseph P. Connolly
Staff
Family Practice and Community Health
1923 – 2010

Kelly Culhane
Academic Professional
College of Continuing Education Marketing and Promotions
1968 – 2010

Reynold P. Dahl
Professor
Agricultural and Applied Economics
1924 – 2010

Lynn Dhital
Staff
Disability Services
1944 – 2010

John W. Dickhaut
Professor
Carlson School of Management
1942 – 2010

Charles L. Easterlin
Staff
Plant Services
1936 – 2010

Lois M. Erickson
Staff
University Bookstore
1931 – 2010

James Farrell
Academic Professional
Science and Math – University of Minnesota Morris
1960 – 2010

Mark Feshbach
Professor
Mathematics
1950 – 2010

Edwin G. Joselyn
Staff
Counseling and Consulting Services
1929 – 2010

James L. Johnson
Staff
Food Service
1926 – 2010

John T. Kern
Staff
Chemical Engineering/Material Science
1956 – 2010

Eleanor S. Kureski
Staff
Allied Clinical Health – University of Minnesota Duluth
1928 – 2010

Robert P. Marvin
Professor
Agricultural Education
1918 – 2010

Donald G. Marshall
Professor
Law School
1931 – 2010

Roger P. Miller

Professor
Geography
1951 – 2010

Florence Nehasil
Staff
Curriculum and Instruction
1936 – 2010

Clodaugh Neiderheiser
Professor
University Libraries
1917 – 2010

Glenn C. Nelson
Professor
Art – University of Minnesota Duluth
1915 – 2010

Arden I. Ostergaard
Staff
Veterinary Teaching Hospitals
1918 – 2010

Gerald Ownbey
Professor
Plant Biology
1916 – 2010

Mattie Payne
Staff
Nutrition
1930 – 2010

Marchet S. Reeve
Staff
Summer Session
1929 – 2010

Gailon C. Roen
Professor
Boynton Health Services
1940 – 2009

Dorene L. Scott
Staff

Institute on Community Integration
1943 – 2010

Lorraine B. Smith
Staff
Food Science and Nutrition
1922 – 2010

James E. Stageberg
Staff
Architecture
1925 – 2010

Deon D. Stuthman
Professor
Agronomy and Plant Genetics
1940 – 2010

Danny Swenson
Staff
North Central Research and Outreach Center
1959 – 2010

Lydia G. Thompson
Staff
Business and Economics – University of Minnesota Duluth
1916 – 2010

Raymond M. Warner, Jr.
Professor
Electrical Engineering
1922 – 2010

Karl F. Wikstrom
Staff
Hydraulic Lab
1930 – 2010

Garland Williams
Staff
Facilities Management
1946 - 2010

STUDENTS

Benjamin F. Fouquette

College of Liberal Arts

Sam Nahki
College of Food, Agricultural, and Natural Resource Sciences

Aubrey A. Olson
College of Liberal Arts

David M. Phillips
College of Liberal Arts

Todd Radi
University of Minnesota Crookston

Ashley M. Welch
University of Minnesota Crookston

Kevin T. Wyum
College of Biological Sciences

7. SENATE CONSULTATIVE COMMITTEE REPORT

Professor Kathryn VandenBosch, Chair of the Senate Consultative Committee (SCC), began by thanking last year's SCC leaders, Professors Gonzales and Oakes. The first SCC meeting this year was held on September 16 to hear from Lynn Zentner on the Individual Conflict of Interest Policy that is for action on today's agenda. The committee also consulted with Carolyn Chalmers, Director of the Office for Conflict Resolution, on proposed changes to the conflict resolution policy to improve the arbitration process by capping the fees for the petitioner. The policy is expected for action at the December Senate meeting. The SCC also unanimously approved web streaming of Senate meetings to encourage open communication at the University. She noted that senators cannot participate in meetings through this method. In closing she stated that SCC is always willing to hear about items for business from senators.

MOTION A **Consent Agenda** **Action by the University Senate**

Agenda Items 8. and 9. are considered to be non-controversial or “housekeeping” in nature and are offered as a “Consent Agenda” to be taken up as a single item with one vote. Any item will be taken up separately at the request of a senator. A simple majority is required for approval.

8. MINUTES FOR MAY 6, 2010

MOTION:

To approve the University Senate and Faculty Senate minutes, which are available on the Web at the following URL.

<http://www1.umn.edu/usenate/usen/100506sen.html>

**STUART GOLDSTEIN, CLERK
UNIVERSITY SENATE**

9. COMMITTEE ON COMMITTEES 2010-11 Committees of the University Senate

MOTION:

To approve the University Senate committee memberships for 2010-11.

University Senate committee memberships for 2010-11:

DISABILITIES ISSUES - Faculty: Dale Branton (chair), Becca Gercken, Mary Kennedy, Joanna O'Connell, Julia Robinson, Susan Rose, Michael Silverman, Frank Symons, Carla Tabourne. **Academic Professionals:** Sherry Gray, Kimberly Simon. **Civil Service:** Mary Muwahid, Joanie Tool. **Students:** Miriam Krause, Amber Mayer, 2 to be named. **Ex Officio:** Donna Johnson, Peggy Mann Rinehart.

EQUITY, ACCESS, AND DIVERSITY - Faculty: Irene Duranczyk (chair), Michael Goh, Richard Graff, Michelle Page, Janet Thomas, Natalia Tretyakova, at least 1 to be named. **Academic Professionals:** MJ Gilbert, Gregory Sawyer. **Students:** Lauren Beach, Aisha El-Huni, 4 to be named. **Civil Service:** Susan Cable-Morrison, 1 to be named. **Ex Officio:** Kimberly Boyd, Peg Lonquist, Anne Phibbs, Patrick Troup.

FINANCE AND PLANNING - Faculty: Russell Luepker (chair), Sara Chambers, V.V. Chair, Judith Martin, Fred Morrison, Terry Roe, Gwen Rudney, Sellmann Schultz, Karen Seashore, Aks Zaheer. **Academic Professionals:** Michael Rollefson, Lori-Anne Williams. **Civil Service:** Steen Erikson, Kara Kersteter. **Students:** Devin Driscoll, Shruti Patil, Mandy Stahre, John Worden. **Ex Officio:** Jonathan Binks, William Durfee, Lincoln Kallsen, Lyndel King, Kathleen O'Brien, Paul Olin, Richard Pfitzenreuter, Thomas Stinson, Jeremy Todd, Michael Volna.

INFORMATION TECHNOLOGIES - Faculty: Ted Higman (Chair), David Arendale, Aaron Doering, Brent Larson, Yuk Sham, Pamela Solvie, May Vavrus, Bonnie Westra. **Academic Professionals:** Allison Jacobsen, James McDonald, Sue Van Voorhis, 1 to be named. **Civil Service:** Paul Rubenis. **Students:** Judd Dudgeon, 2 to be named. **Ex Officio:** John Butler, Steve Cawley, Billie Wahlstrom, 1 to be named.

LIBRARY - Faculty/PA: Neil Olszewski (chair), Jennifer Alexander, Michelle Englund, Elizabeth Fine, David Fox, Ronald Hadsall, J. Woods Halley, John Logie, James Orf, Danielle

Tisinger, David Zopfi-Jordan, 1 to be named. **Students:** Monica Howell, 3 to be named. **Civil Service:** Shannon McCrindle. **Ex Officio:** Jonathan Binks, LeAnn Dean, Joan Howland, Wendy Lougee, Mary Beth Sancomb-Moran, Bill Sozansky, Owen Williams, 1 to be named.

SOCIAL CONCERNS - Academic Professionals: Timothy Sheldon (chair), David Golden, Joseph Marchesani. **Faculty:** John Broadhurst, Maria Hanratty, Ahmed Heikal, Robert Morrison, Kim Robien, Marynel Ryan Van Zee, Jodi Sandfort, Michael Sommers. **Civil Service:** Susan Cable-Morison, Rebecca von Dissen, 2 to be named. **Alumni:** Sandra Krebsbach, Lisa Pogoff, 1 to be named. **Students:** Austin Loeb, Elizabeth Shay, 5 to be named. **Ex Officio:** Kaari Nelson, Michael O'Day, Amelious Whyte.

STUDENT ACADEMIC INTEGRITY - Faculty/PA: Thomas Shield (chair), Sarah Angerman, Dana Davis, Patricia Fillipi, Jennifer Goodnough, Kendall King, Francisco Ocampo, Eric Watkins. **Students:** Arthur Carlson, Andrew Olson, 3 to be named. **Ex Officio:** Sharon Dzik, Laura Coffin Koch.

STUDENT BEHAVIOR - Faculty/PA: Jeanne Higbee (chair), Peter Haeg, Todd Helmer, Julia Johnsen, Susanne Jones, Barney Klamecki, Katie Koopmeiners, Christian Mohr, Pamela Nippolt, William Ostvig, Robert Seidel, Andrea Smith, Marshall Stern, Mary Tate, Becky Yust. **Students:** Aleesa Arends, Julie Collier, Rachael Latchana, Sarah Lechowich, Terrance Paape, at least 5 to be named. **Ex Officio:** Sharon Dzik.

FOR INFORMATION:

ALL-UNIVERSITY HONORS - Faculty: James Luby (chair), Carl Adams, Jane Davidson, Gerald Fry, Roland Guyotte, John Himes, Phyllis Moen, 1 to be named. **Academic Professionals:** Peyton Owens, Patrick Troup. **Alumni:** Nancy Devine, Julia Johnson, Stephen Litton, Beth Pinkney, Todd Williams. **Civil Service:** Arlene Birnbaum, Amy L. Olson. **Students:** Sarah Hays, Matthew Venaas, 1 to be named. **Ex Officio:** Kristin Cleveland, Ruth Isaak, Lisa Meyer, Andrew Svec, William Wade, Billie Wahlstrom.

SENATE COMMITTEE ON COMMITTEES - Faculty: Joanna O'Connell (chair), Carl Adams, James Carey, William Durfee, Janet Ericksen, William Garrard, Lois Heller, Jeanne Higbee, Joan Howland, Roberta Humphreys, Leslie Sharkey, Nathan Springer, Steven Yussen. **Academic Professionals:** Elaine Challacombe, Stacy Doepner-Hove, Frank Douma, Mary Jetter. **Students:** Silvia Canelon, Danny Spors, Evan Symons, 4 to be named.

SENATE CONSULTATIVE - Faculty: Kathryn VandenBosch (chair), Peter Bitterman, Nancy Carpenter, Christopher Cramer, Shawn Curley, Nancy Ehlke, Michael Hancher, Jeffrey Kahn, Jan McCulloch, J. Michael Oakes. **Academic Professionals:** Steven Pearthree, Sarah Waldemar. **Civil Service:** Donald Cavalier, Francis Strahan. **Students:** Aaron Carlson, Bree Dalager, Thomas Haarstick, Jonathan Lundberg, Terrance Paape, Even Symons, 1 to be named. **Ex Officio:** Thomas Brothen, Carol Chomsky, Barbara Elliott, Marti Hope Gonzales, Russell Luepker.

JOANNA O'CONNELL, CHAIR

SENATE COMMITTEE ON COMMITTEES

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

END OF MOTION A

10. SENATE CONSULTATIVE COMMITTEE Senator Responsibilities Information for the University Senate

Responsibilities of Faculty Senators

In order to ensure that the faculty governance system operates effectively to represent faculty concerns and perspectives, individuals serving as Faculty Senators should:

1. Attend all University and Faculty Senate meetings or arrange for an alternate to attend
2. Review docket materials before Senate meetings and be prepared to discuss and vote on issues presented.
3. Share draft policies and policy amendments with colleagues for discussion before Senate action.
4. Distribute to colleagues in their college information on significant matters before the Senate and solicit faculty views on such issues.
5. Bring to the Senate, or one of its committees, issues of concern to their colleagues.
6. Communicate regularly with faculty governance bodies in their academic units.
7. Consider serving on one of the Senate committees.
8. Remember that, while they are elected as delegates from their academic units, “[e]ach member of the University Senate shall represent the University as a whole.”

Adopted unanimously by the Faculty Consultative Committee 8/17/06.

Responsibilities of Student Senators

In order to ensure that the University governance system operates effectively to represent student concerns and perspectives, individuals serving as Student Senators should:

1. Attend all University and Student Senate meetings or arrange for an alternate to attend.
2. Review docket materials before Senate meetings and be prepared to discuss and vote on issues presented.
3. Share draft policies and policy amendments with constituents and relevant student organizations for discussion before Senate action.
4. Distribute to constituents and relevant student organizations information on significant matters before the Senate and solicit student views on such issues.
5. Bring to the Senate, or one of its committees, issues of concern to their constituents and relevant student organizations.
6. Communicate regularly with student governance bodies.
7. Consider serving on one of the Senate committees.
8. Remember that, while they are elected as delegates from their academic units, “[e]ach member of the University Senate shall represent the University as a whole.”

Adopted unanimously by the Student Senate Consultative Committee 9/14/06.

11. SENATE CONSULTATIVE COMMITTEE
Implications of National Health Care Reform Law for the University
Discussion by the University Senate

Gavin Watt, Chair of the Benefits Advisory Committee, walked senators through a presentation on the Effects of Health Reform on UPlan, available on the web at: http://www1.umn.edu/usenate/usen/100930_health_reform.pdf. He noted that this topic would return for discussion at the December Senate meeting.

12. SENATE CONSULTATIVE COMMITTEE
Conflict of Interest Administrative Policy
Action by the University Senate

This policy is available as a PDF on the Senate website at: http://www1.umn.edu/usenate/usen/100930_coi.pdf

COMMENT:

In November 2009, a draft policy was disseminated to all faculty, P&A staff, and graduate students. The policy was posted on the Policy Library website for six weeks. During the posting

period, more than 150 comments were received. Each was reviewed and considered. In addition, Lynn Zentner received numerous additional comments via e-mail. Many comments voiced concern that the policy was too restrictive if it was to have University-wide application.

A consultation process was developed to obtain further feedback and recommendations. The policy was consulted with the President's Policy Committee (PPC), the Faculty Consultative Committee (FCC), the Senate Committee on Faculty Affairs (SCFA), the Senate Research Committee (SRC), the Twin Cities Deans Council, the Council of Research Associate Deans (CRAD), the chancellors, the International Programs Council, the Carlson School of Management Faculty Consultative Committee, the School of Public Health Leadership Group, the Council of Academic Professionals and Administrators (CAPA) Executive Committee, and the AHC Student Consultative Committee.

The University revised its approach and in April of 2010 completed a second draft that was risk-based in its approach. That draft was consulted with the following groups: the PPC, the Twin Cities Deans Council, SCFA, CRAD, SRC, CAPA Executive Committee, and FCC.

Very recently, during late summer and early fall of 2010, further consultation has taken place with the Twin Cities Deans Council, the FCC, the President's Policy Committee, and the SCC.

**KATHRYN VANDENBOSCH, CHAIR
SENATE CONSULTATIVE COMMITTEE**

DISCUSSION:

President Bruininks asked Vice Chair Carol Chomsky to preside over this discussion.

Professor Michael Oakes, former Vice Chair of the Faculty Consultative Committee (FCC), reminded senators that the Regents Conflict of Interest Policy was approved in March 2010. That policy stated guiding principles. Today the motion presented is for the administrative policy. A strong conflict-of-interest policy maintains and cultivates a stronger reputation for the University. The public is aware of the reported transgressions so the policy is in everyone's self-interest.

He stated that a draft policy was released in November 2009 which received lots of comments and pushback. The administration listened carefully and made dramatic and useful changes. This policy has been thoroughly vetted and for these efforts he would like to thank the Office of the General Counsel, Vice President Kathy Brown, Vice President Tim Mulcahy, and Lynn Zentner and her office.

The proposed policy is comprehensive and risk-based. There are two groups – low-risk and high-risk. While the policy covers both groups, the high-risk group will have extra attention devoted to them. People in the low-risk group doing non-human-subjects research or exempt human subjects research will remain in the low-risk group.

Reporting will continue as before through the REPA form. From the comments received early in the process, he would like to provide some responses. Faculty can use a free book for evaluative review. Presentations can be given at business sales conference if the presentation is evidence-based. There are no sales people to be in the Academic Health Center (AHC) without an invitation. The low-risk group can receive gifts up to \$50 annually. No ghostwriting is allowed and disclosures are required.

In closing he stated that while the FCC moves this policy for approval, this motion does not encompass some of the more stringent requirements still being determined for people in clinical-care areas. Discussions on this topic will continue. The FCC urges the administration to continue to work with the faculty on what was Appendix A.

Professor Melissa Anderson, Chair of the Senate Research Committee (SRC), said that this policy was presented and discussed at four committee meetings. At the first discussion on November 23 the draft was discussed at length. At the next two meetings the committee reviewed the draft in detail and prepared a written response based on its review, comments from FCC and the Council of Research Associate Deans, and on input from the community at large. The policy was discussed a fourth time on April 19. The committee applauded the framers of the draft for responding to concerns raised. The SRC has expressed eagerness to see the policy in place. The University's researchers are increasingly involved in initiatives with external partners. In a context of intense scrutiny by the public, the press, and national legislative and funding bodies, every conflict-of-interest situation and every point of ambiguity heightens the urgency for policy guidance. The draft policy provides such guidance in an appropriately comprehensive way.

A senator urged that this policy not be approved at this time as students are not mentioned in the policy nor was student consultation sought, except possibly through the web feedback option. Graduate assistants and student researchers are not included in the policy language so it is not clear if they are covered.

Q: Can this policy could be voted on since it was not sent to senators one week in advance of the meeting?

A: A version was sent two weeks ago and is very close to the version for approval today. The few amendments were approved by FCC which makes them friendly amendments to the motion and available for a vote today.

Another senator agreed with Professor Oakes that the reputational integrity of the University and its researchers are paramount. She believes that this policy does not provide for this integrity, as there is an absence of limits on the amount of money that received from industry. This is a serious omission and disclosures are not an effective way of dealing with conflicts of interest. Receiving compensation affects one's perspective on his or her work. There is a continued reliance on industry in this policy. There are also questions about the propriety about asking the University Senate to approve retroactively a policy that has already been adopted in one area of the University without sufficient consultation. There is also nothing in this policy that would prevent future deaths during clinical drug trials.

Vice Chair Chomsky said that the University Senate is not being asked to retroactively approve a policy. The policy that has been approved for the AHC was approved as a unit-specific policy and is not subject to Senate approval.

Q: What is the intent of the policy with respect to students? Are they covered individuals?

A: The policy applies to students as determined by the definition of covered individuals. The policy incorporates students who are involved in the design, conduct, or reporting of research. If they are not involved in research areas nor have research responsibilities, then the policy does not apply to them.

A senator spoke against the policy stating that it does not do anything new, as people currently need to report their conflicts of interest but it does not change the decisions being made.

Another senator asked that senators vote against this motion. He questioned the definition of ghostwriting. If he receives a letter from an administrator, can he assume that the administrator has written the letter, or if written by an assistant, does this count as ghostwriting? The recent incident involving Vice President Himle disgraced the University, as did the actions of Dr. Najarian and President Keller. He does not see anything in this policy to see how it applies to administrators as opposed to researchers.

Vice Chair Chomsky stated that there is a separate institutional conflict of interest policy that covers University officers, which is why it is not in this policy.

Professor Oakes responded to a few points that were raised. While there are no limits on income, the disclosure does reveal what is being earned. The Conflict of Interest Review Committees then take this information into account when developing an appropriate management plan. This is the process that happens routinely in the AHC. The issue of reliance on industry is a broader issue for the University. The clinical-trial issue is worth thinking about, but this policy is not intended to address these concerns. Instead a clinical care policy is being created to deal with this specific issues.

A senator noted that he cannot find a definition of Group A versus Group B. A clear definition is needed. He is not sure where a person serving on a textbook selection committee would fit between the two groups.

Vice Chair Chomsky stated that Group A is defined as all covered individuals ,which means all faculty and staff. Group B is more clearly defined in the policy. A position on a textbook-selection committee depends whenever a person has a business relationship in which they could profit from the selection of a textbook. High-risk is triggered if a person can benefit from a particular selection. There are many questions that will arise due to the complexity of the policy, so effort is being made to establish a FAQ and someone to respond to specific questions.

Another senator stated that faculty in the humanities seldom have opportunities for significant conflicts of interest and therefore do not realize the scale of this policy. Humanities faculty are

concerned about the effect of corporate funding on research, complaints of inadequate consultation throughout this policy, the dropping of the prohibition of industry funding of continuing medical education, the inadequacy of disclosure to address conflicts of interest, and enforcement is inadequate since the University may only learn of a conflict after an outside investigation is held and damage is done. She urged senators to vote against this policy until conflicts of interests that may do harm are prohibited.

Q: How will this policy be communicated to the people who are covered by it?

A: It would be listed in Brief and included as a new policy on the Policy website.

Q: Would a post-graduation job be considered a benefit to students under this policy?

A: It would only be a conflict of interest for a student if that student has responsibility for the design, conduct, and reporting of research. A promised job offer might be something to review under this policy. The conflict of interest review process is rigorous and is triggered when someone reaches the \$10,000 level.

Professor Kathryn VandenBosch, Chair of the FCC, reiterated the support of the FCC for this motion. This policy affects the entire University. Special considerations for the AHC or clinical care are not part of this policy and will be considered separately. This policy does allow units to impose more stringent standards.

A motion was made and seconded to extend debate by 15 minutes. A vote was taken and the motion failed with only 74 in favor, 41 opposed, and one abstention.

With no further discussion, a vote was taken and the motion was approved with 120 votes in favor and 49 opposed.

APPROVED

13. PRESIDENT'S REPORT

President Bruininks began by acknowledging the McArthur "Genius Grant" that was recently awarded to Professor Marla Spivak. The issues she studies are of world-wide importance and she is a phenomenal member of the University community. In addition, University faculty and staff secured close to \$825 million in the last fiscal year in outside funding to support research, innovation, and education. This places the University in the top 10 nationally for public institutions and is one of the highest rates of increase in higher education.

He remarked that he has appointed Dr. Aaron Friedman, current Chair of the Pediatrics Department, to the position of Vice President of the Health Sciences and Dean of the Medical School effective January 1, 2011. This is the position being vacated by Dr. Cerra, who has served for almost 15 years. There has been an exhausting three-year process to study issues and consult widely; it resulted in the combination of two senior-level positions and streamlining that will save about \$10 million per year. He wanted to publicly thank the Academic Health Science

faculty for their extraordinary work, especially in the Medical School, the deans, and many members of the external community.

President Bruininks then publicly apologized to the senators for the awkwardness in the way that the University managed the film, "Troubled Waters", and the questions that it raised regarding the University's commitment to academic freedom.

This is painful to him for a number of reasons. First, he has personally supported this film for a long time and in fact raised money and allocated private funds from his office to support it. It follows on the heels of a highly acclaimed series, "Minnesota: History of the Land", which he feels is one of the most inspirational pieces of work that the University has produced in collaboration with TPT in the modern history of the University.

Secondly, it pains him because the University has always been steadfast in support of academic freedom. He found this controversy ironic when he saw Professor David Tilman in the film, whose academic freedom President Bruininks has defended on more than one occasion. This University has defended the rights of several departments of the University during his tenure. Whenever there has been an issue, this administration has stood strongly on the side of academic freedom. If there is any doubt, the University tilts in the direction of free expression and examination of ideas. Under the leadership of faculty and the Provost, and with unanimous vote of the Board of Regents, the Academic Freedom and Responsibility Policy was recently strengthened.

As the facts surrounding the production of the film have become clear, it is readily apparent to him and other academic leaders of the University that this was and is an issue of academic freedom. He is in full support of the decision to present this film as scheduled and to conduct a public forum afterwards. This public forum was not previously scheduled but it is a useful event in an academic community. If there can be a silver lining from this incident, this is it. When the "Minnesota: History of the Land" film was shown at the Bell Museum, half the auditorium was empty. For this film, a second showing has been added since the first showing was sold out.

Professor Susan Weller, Director of the Bell Museum, is one of the finest academic leaders who he has met and she will provide the public ample opportunity to view the film and participate in a robust discussion following.

President Bruininks believes that this situation could have been handled differently and communicated more effectively. He is not blaming anyone else because as chief executive of the University, the final authority rests with him. At no point was there a question about the importance of the issues raised in this film. The issues related to the Mississippi watershed have been a preoccupation of the University and its talented faculty for more than 10 years in a consortium that is concerned with the "dead zone" and its issues in the Gulf of Mexico. He has supported these efforts as provost and president. There was also not a question whether this film should be made or shown.

He is pleased that despite this controversy, there is a consensus between faculty and administrators on the current course of action. However, he is deeply disturbed about how this

issue has been portrayed. The issue was originally brought to the attention of Vice President Himle by the faculty. In an environment that provides protection for academic freedom, it also protects the right of everyone to raise questions. The issue is how to resolve these views in the academic environment. He thinks that whenever in doubt, free speech reigns and more speech is preferred. The University needs to find ways to have reasoned debates.

President Bruininks said that he has strong confidence in Vice President Himle's leadership and integrity. It is absolutely disgraceful to argue that she, on the basis of press reports, has a conflict of interest because she owns the family 1000-acre farm or because her husband has a contract with the Minnesota Agri-Growth Council. To protect academic freedom and make it a large part of the University culture requires civility. People cannot say that someone has a conflict of interest and is guilty without evidence. Her reputation has been harmed by this incident, but piling on in public is not what he has come to appreciate as a value at the University.

He stated, once again, that Vice President Himle is a member of his Executive Team and he has full confidence in her leadership and integrity.

President Bruininks said that he will be a part of a discussion this evening with provocative leaders in higher education – Jonathan Cole, writer of the book, Renewing the Promise and Shaping the Next Century for the Great American University, on the future of research institutions in this century, and Robert Berdahl, President of the American Association of Universities.

He realizes that this will be a tough year for everyone as the state faces a \$4-6 billion structural deficit. He will have a more fulsome discussion of these issues at the December Senate meeting to garner ideas and strategies. The first priority will be to protect the current level of state support. He urged everyone to get politically engaged and test the candidates on the issue of University support.

At many of these meetings a topic of discussion has been how the community can more effectively present the case for the University and its value to state in terms of economics, civics, and culture. He is commissioning a study, along with faculty leaders, to do a better job of making this case by using verifiable and reliable quantitative as well as qualitative information. It will include what the University does on campus in addition to the impact of alumni. This study will be low cost and be paid through private fundraising. The University needs to make a strong case that this is the leading institution in the state and its most important strength and comparative advantage in this century. The University cannot continue to be great without a strong state partnership.

14. QUESTIONS TO THE PRESIDENT

Q: NRC ratings were released this week but are five years out-of-date. Therefore they do not reflect the quality of departments as they have developed. How will the University respond?

Are you talking with other institution presidents about the inadequacy of this study and the damage that it could do to higher education?

A: He has not had much time to review the findings. He does know that 69 graduate programs were reviewed and some had strong standing. The issue of whether this study is adequate is very much on the minds of leaders in the American Association of Universities (AAU) institutions. This will be on the agenda for their annual meeting. He would be better able to answer this question in December. There are concerns about this delay and the reliability of the numbers.

Q: An invitation was sent by you to attend tonight's Great Conversation, which costs \$20. Why is this event not free?

A: The University offers hundreds of free lectures. Great Conversations is a series offered through the College of Continuing Education, which is a self-supporting educational program. If he had realized that admissions was being charged, he would have found funding to offer it for free to all those who wanted to attend.

Q: A senator commended President Bruininks for his defense of academic freedom. It has been reported that the Academic Freedom and Tenure Committee, Research Committee, and the Faculty Consultative Committee will be looking into how the release of the film was precipitately cancelled on the grounds that it had not undergone adequate scientific review, and when finding these grounds baseless the administration released the film after all. Academic freedom is not the only principle at stake here. It is ancillary to an important part of the University's mission, which is to communicate the results of inquiry to the public. The University has a responsibility to communicate and not suppress information and ideas, and not to kowtow to corporate interests. The University does not have a responsibility to present balanced views. Faculty are eager to see the Senate minutes and know how this went awry and who was responsible.

A: While he agrees with much of what was just said, he insisted that there was no corporate influence. Many of the questions and issues instead came from faculty colleagues. Academic freedom permits faculty to ask questions about a piece of work that is suppose to represent a serious issue. The University needs to support an environment of questions. The issues are whether the University managed this situation well and how can it manage these issues better in the future. He cannot promise that there will not be a similar issue in the future. The University needs an honest discussion and an unyielding commitment to the value of academic freedom. Balance is reached by free discussions and more opportunities to examine and question. His biggest problem is the public indictment of people before the facts are known. This is not in keeping with the values of academic freedom that have been part of the University culture for almost 160 years. He admitted that this did not go well, and the process will be examined as a community. He does not want a culture that is always investigating its own members. An investigation does not nurture and support University values.

15. UNIVERSITY SENATE OLD BUSINESS

NONE

16. UNIVERSITY SENATE NEW BUSINESS

NONE

17. UNIVERSITY SENATE ADJOURNMENT

The University Senate adjourned at 4:08 pm.

18. FACULTY CONSULTATIVE COMMITTEE REPORT

Professor Kathryn VandenBosch, Chair of the Faculty Consultative Committee (FCC), said that FCC met monthly during the summer and weekly during the academic year except on weeks when the Regents meet. Items identified during the summer for tracking and providing advice to senior officers included budget and strategic planning for FY2012, metrics for strategic planning, and transitions in the presidency and AHC.

FCC has already dealt with the Individual Conflict of Interest and Technology Commercialization policies. Vice Provost and Dean Henning Schroeder was invited to speak on the progress towards implementing the graduate education task force recommendations. FCC reported that what faculty value is transparency in the decision-making and timeliness.

Internal communications is another topic of on going priority. Last year's FCC Chair, Marti Hope Gonzales, has provided feedback to University Relations about faculty ideas on enhancing communication on policy issues. She has agreed to serve on an internal communications infrastructure work group.

Space utilization was of interest to the Finance and Planning Committee last year. One idea that emerged was to consider the impact of a full summer semester on space utilization. An ad hoc committee has been constituted to look at this issue and make recommendations on whether it deserves in-depth analysis.

FCC received a report from Vice President Steve Cawley and provided feedback on implementation on the Policy on Securing Private Data and the transition to Google. FCC also has had conversations about increasing participation in governance for post docs and Rochester faculty.

FCC also met last week with Provost Sullivan for a discussion devoted to the embargo of the Bell Museum film "Troubled Waters". During this meeting FCC learned about the decision by the President and Provost to lift the embargo and allow the film to be shown. The co-chairs of the Academic Freedom and Tenure (AF&T) Committee joined this discussion. Everyone agreed about the importance of academic freedom. The Provost then suggested working with the AF&T

Committee to discuss related, general issues that are less clear-cut and need more attention, including academic freedom in outreach activities involving contract work. FCC will continue to be involved in these discussions as a matter of general principles and not an investigation of what has transpired.

In closing she invited senators to sign up to receive the committee's minutes.

19. FACULTY LEGISLATIVE LIAISONS UPDATE

Professor Caroline Hayes, one of the Faculty Legislative Liaison, said that she is serving in this role this year along with Professor Elizabeth Boyle. Professor Martin Sampson stepped down last spring after many years of exceptional service and she thanked him for his service to the University and for helping her navigate an extremely complex legislative and political process.

The University Senate then gave Professor Sampson a round of applause.

Professor Hayes stated that several major concerns for this year will be the budget deficit and the multiple leadership transitions at the University and the state. During this year it will be extremely important to deepen relationships that already exist and cultivating new ones. It is important to keep the University in the forefront for legislators in terms of higher education and the University's unique research mission that relates to the state's economic recovery.

As part of a standing tradition, all three gubernatorial candidates have been invited to meet with the Faculty Consultative Committee (FCC). Tom Horner met with FCC in August for an open discussion. Mark Dayton declined the invitation until after the election. Tom Emmer's invitation is still being negotiated. She encouraged senators to be involved in the political process. Many times she is asked by legislators what the rest of the faculty think on a particular topic, which is why faculty should contact their legislators.

20. FACULTY CONSULTATIVE COMMITTEE Regents Policy on Commercialization of Intellectual Property Rights Action by the Faculty Senate

UNIVERSITY OF MINNESOTA
BOARD OF REGENTS POLICY
Adopted: December 14, 2007
Discussion Draft May 18, 2010

COMMERCIALIZATION OF INTELLECTUAL PROPERTY RIGHTS

SECTION I. SCOPE.

This policy governs patents and the ownership, commercialization, and dissemination of intellectual property rights in technology created at the University of Minnesota (University).

SECTION II. EXCLUSIONS.

Subd. 1. Copyright. With the exception of the commercialization of intellectual property rights in software owned by the University, this policy shall not apply to the ownership or use of copyrighted works that are governed by other Board of Regents (Board) or administrative policies.

Subd. 2. Trademarks. With the exception of intellectual property rights in University trademarks that identify University-owned plant varieties or that are commercialized in conjunction with other technology covered by this policy, this policy shall not apply to the use of University-owned or licensed names, trademarks, or service marks.

Subd. 3. Equity Interests. This policy shall not apply (a) to the University's acquisition of equity securities in a publicly held company or appointment of a voting member to the governing body of a publicly held company or (b) to the acquisition of equity securities of a publicly held company by a University employee.

SECTION III. DEFINITIONS.

Subd. 1. Inventor. Inventor shall mean a University employee, student, or postdoctoral or other fellow who invents technology.

Subd. 2. Technology. Technology shall mean the following items and their related intellectual property rights:

- (a) a discovery or invention, patentable or not;
- (b) software owned by the University; and
- (c) trademarks owned by the University that identify University-owned or University-licensed plant varieties or that are commercialized in conjunction with other technology covered by this policy.

Subd. 3. University Official. University official shall mean a person defined as a University official in Board of Regents Policy: Institutional Conflict of Interest and any person covered by administrative policies or procedures implementing that policy.

Subd. 4. Controlling Equity Interest. Controlling equity interest shall mean the University's ownership of equity securities of a licensee sufficient to grant the University the power to direct the licensee's management. The University shall be considered to have a controlling equity interest in a licensee under this policy if:

- (a) the University owns a majority of the voting equity interest in the licensee; or
- (b) the University has the power to appoint a majority of the voting members of the governing body of the licensee.

Subd. 5. Licensee. Licensee shall mean a for-profit, privately held company to which the University licenses or assigns intellectual property rights in University-owned technology.

Subd. 6. Net Income. Net income shall mean the gross monetary payments the University receives ~~as a result of transferring~~ in consideration for granting rights in the technology less (a) the University's out-of-pocket expenditures (including legal fees) directly attributable to protecting, developing, and transferring that technology and (b) a fifteen percent (15%) administrative fee to help defray the costs associated with operating the Office of Technology Commercialization. Net Income does not include fees, charges, and other monetary payments made to the University to compensate it for administering intellectual property agreements or seeking and maintaining intellectual property protection for technology.

SECTION IV. GUIDING PRINCIPLES.

The following principles shall guide the University in commercializing technology:

- (a) The primary mission of University research is the generation and dissemination of knowledge, and academic freedom requires that faculty, staff, and students be free to pursue areas of research and study without regard to the potential for the creation of inventions.
- (b) The development and dissemination of new knowledge, technology, or scientific procedures resulting in innovative products, practices, and ideas is a valued supplement to scholarly publications.
- (c) University commercialization activities shall not inhibit the ability of University researchers to pursue research of their choosing, to publish results of their work in a timely manner, and otherwise to exercise their rights of academic freedom.
- (d) Licensing University-owned technology to private companies promotes the University's interest in successful commercial development of University-owned intellectual property. In some circumstances, a non-commercial method of distribution, such as open source sharing of technology or licensing for humanitarian needs, may be the preferred method of providing public access to, and use of, University discoveries.
- (e) The University may own a controlling equity interest and assert control over the direction and management of a licensee only when doing so (1) enhances the potential for the licensee to successfully develop and make available to the public useful products and services and (2) increases the potential value of the University's investment.

SECTION V. OWNERSHIP OF TECHNOLOGY.

Subd. 1. Ownership. The University shall be the sole owner of all rights, titles, and interests (including intellectual property rights) in and to technology:

- (a) created by University employees in the course of their employment;
- (b) created by students or post-doctoral or other fellows in the course of their academic duties or appointments; or
- (c) created by individuals, including employees, students, or post-doctoral or other fellows, using substantial University resources.

Subd. 2. Assignment of Intellectual Property Rights. Inventors assign to the University all rights, titles, and interests, if any, in and to technology owned by the University.

Subd. 3. Ownership Under Third Party Agreements. Ownership of and rights in technology are subject to the terms of written agreements between the University and third parties under

which the University, solely or in collaboration, conducts research or other activities. Under these agreements, the University may claim, disclaim, or otherwise grant or accept rights in technology as appropriate and desirable.

Subd. 4. Waiver of University Rights. Consistent with administrative policies and procedures, the president or delegate is authorized to waive or otherwise assign to an inventor all or part of the University's rights, titles, or interests in or to a technology created by the inventor.

Subd. 5. Rights to Publish. At the University's request, inventors shall delay the publication or public disclosure of any descriptions of technology for a brief period of time to permit the registration, application for, and protection of the intellectual property rights in the technology.

Subd. 6. Rights to Third Parties. The president or delegate may assign, license, or otherwise grant a third party the right to use technology royalty-free or in exchange for cash, stock or other securities, or other tangible or intangible property.

SECTION VI. DISTRIBUTION OF INCOME FROM COMMERCIALIZATION OF TECHNOLOGY.

The University shall share with inventors the net income from the commercialization of technology as follows:

- (a) thirty-three and one-third percent to the inventors;
- (b) twenty-five and one-third percent to the department, division, or center that supported the creation of the technology, to be spent in support of the inventor's research or directly related University work;
- (c) eight percent to the collegiate unit that supported the creation of the technology; and
- (d) thirty-three and one-third percent to the Office of the Vice President for Research, to be spent in support of the University's technology commercialization activities and to fund University research and scholarly activity.

The president or delegate may change the distribution to collegiate units or to departments, divisions, or centers if such amounts become disproportionate compared to their budgets or if there have been administrative organizational changes, including an inventor's movement among units or departments. The president or delegate also may distribute to inventors a portion of the net income from commercialization of technology in the form of a bonus or salary supplement.

SECTION VII. EQUITY, CONTROLLING INTERESTS, AND ASSISTANCE WITH COMMERCIALIZATION.

Subd. 1. Disposition of Equity Securities. The University shall sell the equity securities acquired under this policy as soon as prudent and in strict compliance with all applicable federal and state laws. The cash proceeds derived from the sale of equity securities shall be distributed in the same proportions as income derived from technology.

Subd. 2. Acquiring a Controlling Equity Interest in the Commercialization of Technology. In acquiring, as part of a transaction to commercialize technology, a majority or other equity

interest in a company that grants the University the power to direct the company's management or the power to appoint a majority of the voting members of the governing body of the company, the following prohibitions shall apply:

- (a) Except as permitted under other applicable Board policies, the University shall not make a cash investment in, lend money to, or guarantee the obligations of the company; and
- (b) University officials shall not purchase or invest, directly or indirectly, in the equity securities of a licensee as long as the licensee is privately held, except that University employees who are not University officials may purchase or invest, directly or indirectly, in such equity securities if permitted under Board of Regents Policy: Individual Business or Financial Conflict of Interest and other applicable Board policies.

Subd. 3. Appointment of Voting Members to Governing Bodies as Part of the Commercialization of Technology. The president shall appoint voting members to the governing bodies of privately held companies commercializing technology. A University-appointed member shall:

- (a) be a University employee with demonstrated experience and competence in technology commercialization and in the creation, management, and capitalization of privately held companies; and
- (b) be reasonably insured against liability arising from service on the governing bodies of such companies.

A University-appointed member:

- (a) shall not accept compensation for service as a member of the governing body of the company, but may accept reasonable reimbursement for service-related expenses;
- (b) shall comply with University policies and procedures;
- (c) shall discharge fiduciary and contractual responsibilities to the company, subject to the performance of University duties as provided in Board and other University policy and procedures; and
- (d) shall resign as a voting member of the governing body of the company prior to the company's becoming publicly held, unless the president or delegate approves an extension of the appointment.

Subd.4. Use of Technology Commercialization Income to Assist Commercialization by Non-University Entities. The president or delegate may authorize non-University entities to use income the University earns from technology commercialization to directly encourage, promote, or assist with the commercialization and development of University intellectual property. The commitment of financial support for particular projects shall not exceed \$250,000, consistent with Board of Regents Policy: Reservation and Delegation of Authority.

SECTION VIII. REPORTING.

The president or delegate shall report annually to the Board on University activities under this policy.

SECTION IX. IMPLEMENTATION.

The president or delegate shall implement this policy and maintain appropriate policies and procedures to administer it.

SUPERSEDES: Educational Materials dated April 14, 1967, Patent and Technology Transfer dated October 10, 1986, Intellectual Property adopted October 8, 1999, Use of Royalty Income to Support Technology Commercialization adopted March 12, 2004, and Acquiring Controlling Equity Interests in Technology Licensees adopted December 8, 2006.

COMMENT:

This proposed policy change was reviewed and endorsed by the Faculty Consultative Committee (the minutes of the discussion can be viewed in the Digital Conservancy, here: <http://conservancy.umn.edu/bitstream/62233/1/10-04-22%20FCC.pdf>, item 3) and by the Senate Research Committee (<http://conservancy.umn.edu/bitstream/62239/1/10-04-19%20SRC.pdf>, item 1).

**KATHRYN VANDENBOSCH, CHAIR
FACULTY CONSULTATIVE COMMITTEE**

DISCUSSION:

Professor Christopher Cramer, Vice Chair of the Faculty Consultative Committee (FCC), said that the Office for Technology Commercialization, which exists to help faculty commercialize the products of their research, has been funded from one source, Ziagen. In 2010 this drug provided \$13 million to the office. As the current licensing will end in 2013, a different income stream was needed. Currently there is an equal one-third licensing income split between inventor, department or college, and the Vice President for Research. The proposal would take 15 percent at the start for the Office for Technology Commercialization and then split the remaining 85 percent equally among the same three areas. This is a similar practice and amount at other research institutions.

Q: Section IV, Guiding Principles, Subsection (e) describes principles for University control. Do these principles respond to the part of the mission whereby it is the University's responsibility to convey information to the public? Is there a conflict in the exclusive licensing of certain companies to grow the SweeTango apple when others cannot?

A: All institutions license certain technologies exclusively and others non-exclusively. The Honeycrisp apple was licensed non-exclusively and over time the quality declined. When SweeTango was licensed it was decided that the license would be provided to one distributor. All growers have the ability to grow and sell this apple. However, distribution rights depend on the size of the grower. This helps all growers by keeping prices competitive and the quality high.

Q: Where is the income distribution detailed in the policy?

A: Section VI describes this distribution.

With no further discussion, a vote was taken and the motion was approved.

APPROVED

**21. COMMITTEE ON COMMITTEES
2010-11 Committees of the Faculty Senate
Action by the Faculty Senate**

MOTION:

To approve the Faculty Senate committee memberships for 2010-11. A simple majority is required for approval.

Faculty Senate committee memberships for 2010-11:

ACADEMIC FREEDOM AND TENURE - Faculty: Barbara Elliott and Karen Miksch (co-chairs), Yusuf Abul-Hajj, Tracey Anderson, Joseph Gaugler, Barbara Loken, Christine Marran, Linda McLoon, Paul Porter, Terrence Simon, Carol Wells. **Academic Professionals:** William Craig, Gary Peter. **Ex Officio:** Arlene Carney, Paula O'Loughlin.

EDUCATIONAL POLICY - Faculty/PA: Thomas Brothen (chair), Norman Chervany, Alon McCormick, Kristen Nelson, Peh Ng, Jane Phillips, Margaret Root Kustritz, Paul Siliciano, Donna Spannaus-Martin, Elaine Tarone, Michael Wade, Cathrine Wambach. **Students:** Cody Mikl, 5 to be named. **Ex Officio:** Barbara Brandt, Robert McMaster, Henning Schroeder.

FACULTY AFFAIRS - Faculty: George Sheets (chair), Ben Bornsztein, Marilyn Bruin, Vladimir Cherkassky, Richard Cline, Kathryn Hanna, Frank Kulacki, Jason Shaw, Geoffrey Sirc, Roderick Squires, James Wojtaszek. **Academic Professionals:** Randy Croce, Pamela Stenhjem. **Ex Officio:** Arlene Carney, Carol Carrier, Dann Chapman, Barbara Elliott, Theodor Litman, Karen Miksch. **Students:** Valerie Khominich, 1 to be named.

JUDICIAL - Faculty: Paula O'Loughlin (chair), David Andow, David Biesboer, Martha Bigelow, David Born, Sauman Chu, Amos Deinard, Satish Gupta, Kenneth Heller, Gordon Hirsch, Brian Horgan, Joan Howland, Kim Johnson, Thomas Larson, George Maldonado, Susan Noakes, Michael Sadowsky, Paul Shaw. **Legal Advisor:** Jan Halverson, Karen Schanfield.

RESEARCH - Faculty: Melissa Anderson (chair), Mustafa al'Absi, Anna Clark, Paul Cleary, Jerry Cohen, Donald Dengel, Demoz Gebre, Maria Gini, Tom Hays, Seung-Ho Joo, Jennifer Linde, Kola Okuyemi, LaDora Thompson, J.T. Vaughn, 1 to be named. **Academic Professionals:** Greg Haugstad, Toni Leeth. **Civil Service:** Margaret Catambay. **Students:** 3 to be named. **Ex Officio:** Arlene Carney, Robin Dittmann, Frances Lawrenz, Tucker LeBien, Timothy Mulcahy, Federico Ponce de Leon, Karen Williams, Lynn Zentner.

FOR INFORMATION:

ACADEMIC HEALTH CENTER FACULTY CONSULTATIVE - Faculty: Colin Campbell (chair), Susan Berry, Stephen Downing, Cynthia Gross, George Maldonado, Paul Olin, Ned Patterson, Cheryl Robertson. **Ex Officio:** Paul Olin.

ADVISORY COMMITTEE ON ATHLETICS - Faculty/PA: Virginia Zuiker (chair), Rayla Allison, Linda Brady, Douglas Hartmann, Ravi Janardan, Timothy Johnson, Perry Leo, Na'im Madyun, Jennifer Tigges. **Civil Service:** Patricia Roth. **Alumni:** Jean Freeman, Archie Givens. **Students:** Keanon Cooper, Brianna Haugen, Katherine Meyer, Robert Peters. **Ex Officio:** J.T. Bruett, Lynn Holleran, Joel Maturi.

FACULTY ACADEMIC OVERSIGHT ON INTERCOLLEGIATE ATHLETICS - Faculty: Timothy Johnson (chair), Linda Brady, Sean Garrick, Susan Meyer Goldstein, Murray Jensen, Perry Leo, Maureen Weiss, Virginia Zuiker, 1 to be named. **Ex Officio:** J.T. Bruett, Lynn Holleran, Sue Van Voorhis.

FACULTY CONSULTATIVE - Faculty: Kathryn VandenBosch (chair), Peter Bitterman, Nancy Carpenter, Christopher Cramer, Shawn Curley, Nancy Ehlke, Michael Hancher, Jeffrey Kahn, Jan McCulloch, J. Michael Oakes. **Ex Officio:** Melissa Anderson, Elizabeth Boyle, Thomas Brothen, Carol Chomsky, Colin Campbell, Barbara Elliott, Marti Hope Gonzales, Caroline Hayes, Russell Luepker, George Sheets.

**JOANNA O'CONNELL, CHAIR
FACULTY COMMITTEE ON COMMITTEES**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

**22. EDUCATIONAL POLICY COMMITTEE
Amendment to the Policy on Makeup work for Legitimate Absences
Action by the Faculty Senate**

MOTION:

To amend the Policy on Makeup Work for Legitimate Absences as follows (language to be added is underlined; language to be deleted is ~~struck out~~):

1. Students will not be penalized for absence during the semester or finals week due to unavoidable or legitimate circumstances. Such circumstances include ~~verified~~ illness of the student or his or her dependent, participation in intercollegiate athletic events (but see the policy Intercollegiate Athletic Events during Study Day and Finals Weeks: Twin Cities, which prohibits intercollegiate athletic competition during study day and finals week except under certain

circumstances), subpoenas, jury duty, military service, bereavement, and religious observances. Such circumstances also include activities sponsored by the University if identified by the senior academic officer for the campus or his or her designee as the basis for excused absences. The instructor has the right to request verification for absences. Such circumstances do not include voting in local, state, or national elections.

2. It is the responsibility of students to plan their schedules to avoid excessive conflict with course requirements.

3. A student must notify instructors of circumstances identified in (1) as soon as possible and provide documentation requested by ~~to the instructor to verify the reason for the absence.~~ In the event that the University declares a pandemic emergency (e.g., flu), the Senior Vice President for Academic Affairs and Provost or designee may waive the requirement that students are required to have documentation from a physician for illness.

4. If a student is absent due to circumstances identified in (1) and has complied with the notification requirement, the instructor may not penalize the student and must provide reasonable and timely accommodation or opportunity to make up exams or other course requirements that have an impact on the course grade.

~~5. The authority to determine what constitutes an excusable bereavement absence and religious observance rests with the Senior Vice President for Academic Affairs and Provost. The instructor has primary responsibility to decide if an absence is due to unavoidable or legitimate circumstances. If a student believes he or she has been wrongly denied the opportunity to make up work due to disagreement with the instructor about the legitimacy or unavoidability of an absence, the student should pursue his or her complaint using the usual process for appeals of student grievances. Chairs and deans who have questions about what constitutes an excusable bereavement absence, religious observance, or eligible dependent illness should consult with the campus chief academic officer for resolution of the disagreement. Final authority for application of this policy rests with the Senior Vice President for Academic Affairs and Provost, who is responsible for establishing consistent practices across academic units.~~

6. Instructors are encouraged to accommodate students who wish to participate in party caucuses, pursuant to Board of Regents resolution [See <http://www1.umn.edu/regents/minutes/2005/december/board.pdf>, p. 147]

~~7. This policy does not apply to final examinations.~~ applies to all course requirements, including any the final examination if it is part of the course requirements.

8. Colleges and academic units may establish specific criteria for notice and completion of work to implement this policy.

COMMENT:

When the educational policies were being reviewed in the last two years, the question arose why this policy did not apply to final examinations. The Committee on Educational Policy saw no

reason that it should not, with a few amendments. This revision, approved in November, 2009, incorporates final examinations.

The University's policy library website will contain FAQs indicating that it is expected that makeup opportunities for final examinations will be offered no later than two weeks into the following semester and where a student would go if he or she had a disagreement with the instructor about the timing or arrangements for a makeup final.

The November 2009 amendments were not forwarded to the Faculty Senate for action. In May, the Committee on Educational Policy took up an additional amendment, forwarded by the Council of Graduate Students, asking that legitimate absences include caring for dependents (e.g., sick children). The Committee concurred with the recommendation, noting that any student may have dependents, and approved a further change to the policy, subject to the caveat that an instructor has the right to request verification of the reason for the absence.

The Faculty Consultative Committee reviewed the policy and suggested the amendment to #5, in order to provide a location for resolution of disputes, should they arise, and to avoid difficulties with the definition of "dependent."

**THOMAS BROTHEN, CHAIR
EDUCATIONAL POLICY COMMITTEE**

DISCUSSION:

A senator noted that no timeframe is provided in the policy for students when requesting special treatment from faculty. Students should be reminded that faculty may not be available if a request is made after a class has been completed and that alternate accommodations are not easy.

Professor Thomas Brothen, Chair of the Educational Policy Committee (SCEP), stated that the policy provides more decision-making ability to the instructor. He suggested that faculty relay this policy and the timeframe to students during the first class.

Aaron Carlson, Chair of the Student Senate, made clear that this policy change was supported by graduate students, undergraduate students, and the Student Senate. He urged support for students who have dependents.

With no further discussion, a vote was taken and the motion was approved.

APPROVED

**23. EDUCATIONAL POLICY COMMITTEE
Amendment to the Policy on Grading and Transcripts
Action by the Faculty Senate**

MOTION:

To amend the Policy on Grading and Transcripts policy as follows (new language is underlined):

E. Other Transcript Symbols

1. **Transfer work.** There will be a symbol T, transfer, posted as a prefix to the original grade, to indicate credits transferred from another institution or from one college or campus to another within the University when reevaluation is required.
2. **Auditing a course.**
 - a. There will be a symbol V, visitor, indicating registration as an auditor or visitor, which will carry no credit and no grade.
 - b. Students auditing a course are required to pay full tuition but do not take exams and are not required to do homework. An auditor is entered on the class roster (grade report), is counted as filling a seat in a controlled entry course, and is counted in an instructor's student contact hours.
 - c. Students may not sit in on a course without registering for it.
 - d. A student will be allowed to take a previously audited class for a grade.
3. **Withdrawing from a course.**
 - a. There will be a symbol W, withdrawal, entered upon a student's record when the student officially withdraws from a course in accordance with procedures established by the student's college or campus. The W will be entered on the transcript irrespective of the student's academic standing in that course if the student withdraws from the course during the third through eighth week of class (Twin Cities) or the third through ninth week of class (Morris) or during the second or third weeks of summer sessions.
 - b. If a student officially withdraws from a course during the first two weeks of classes, there will be no record of that course registration entered on the student's transcript.
 - c. One-time late withdrawal: Each student may, once during his or her undergraduate enrollment, withdraw from a course without college approval, and receive the transcript symbol W, after the deadline for withdrawal and at any time up to and including the last day of instruction for that course. A student may not withdraw after completing the final examination or equivalent for a course.
 - d. Except as provided in the preceding section, withdrawal after the deadlines will require approval of the college and may not be granted solely because a student is failing the course; there must be extenuating non-academic circumstances justifying late withdrawal.
 - e. Section F(6)(a) of this policy prohibits students from repeating a course more than once without special permission. Taking a W in a course counts as one registration for a course that falls under the provision of Section F(6)(a).
4. **Continuation course.** There will be a symbol X, indicating a student may continue in a continuation course in which a grade cannot be determined until the full sequence of courses is completed. The instructor will submit a grade for each X when the student has completed the sequence.
5. **Course in progress.** There will be a symbol K, assigned by an instructor to indicate the course is still in progress and that a grade cannot be assigned at the present time.

F. Other Provisions

1. **Zero-credit courses.** Courses that carry zero credits do not count in either term or cumulative grade point averages. Such courses carry normal tuition and fee charges.
2. All grades for academic work are based on the quality of the work submitted, not on hours of effort. Instructors have the responsibility and authority to determine how final grades are assigned, including, in classes where they use numeric scores, the method that will be used to translate numeric scores into letter grades. (Examples: the instructor may decide that 90% equals an A, 80% a B, and so on, or the instructor may decide that the top 10% of the scores will receive an A, the next 20% a B, and so on.)
3. **Counting credits toward a University degree.**
 - a. A course that carries University credit toward a degree in one department or college must carry University credit in all other departments and colleges (except insofar as those credits exceed the limit on skills credits established in the policy Credit Requirements for an Undergraduate (baccalaureate) Degree.
 - b. A department or college has discretion to decide whether a course completed in another unit will count towards the specific college or department/program/major requirements.
4. When a student graduates, no further changes to his or her transcript will be made (to that portion of the transcript related to the program from which the student graduated) except as expressly allowed under the provisions of this policy.
5. **Releasing transcripts.** The University's official transcript, the chronological record of the student's enrollment and academic performance, will be released by the University only at the request of the student or in accord with state or federal statutes.
6. **Repeating courses.**
 - a. An undergraduate student may repeat a course only once (except as noted in section 6(c)). The college offering the course may grant an exception to this provision. [Morris only] Students who receive a grade of S or C or higher may repeat a course only if space permits. [Note Section E(3)(e): registering for a course and then taking a W in it counts as taking a course once.]
 - b. When a student repeats a course before receiving his/her degree, (a) both grades for the course will appear on the official transcript, (b) the course credits may not be counted more than once toward degree and program requirements, and (c) only the last enrollment for the course will count in the student's grade point average.
 - c. Provisions 6 (a) and (b) of this policy will not apply to courses (1) using the same number but where students study different content each term of enrollment and (2) to courses designated as "repetition allowed."
 - d. If an undergraduate student repeats a course after his/her degree has been awarded, the original course grade will not be excluded from the degree GPA nor will the new grade be included in the degree GPA.
 - e. Bracketing is the practice of not including a course in the calculation of a student's GPA and not counting the course as satisfying any degree requirements, including electives, because a student has repeated a course. When a student repeats a course, all prior attempts are bracketed and only the most recent attempt counts (except as provided in 6 (c)). No department or college may bracket the courses of another department or college for any reason other than course repetition. An F may not be bracketed with an N. A University of Minnesota

course may not be bracketed with a course taken at another institution. The Graduate School does not bracket courses.

- f. When a student enrolled in the Graduate School repeats a course, provisions 6(a) and (b) apply, but all grades for the course will be counted in the student's grade point average.

COMMENT:

The Senate Committee on Educational Policy (SCEP) has been made aware that there are a small number of students who get around the limit on enrolling in a course no more than twice (without special permission) by taking a W in the course and then re-enrolling in a subsequent term. Although the numbers are small, these repeat registrations frequently occur in high-demand courses that are pre-requisites for several fields of study. When a student enrolls in a course and then takes a W later in the term, no other student can use the seat.

While the Committee understands that the PeopleSoft system cannot (at least not now) incorporate this provision so that the system automatically prevents a student from registering for a course a third or subsequent time, both Committee members and Vice Provost McMaster believe the policy should be on the books so that advisers and faculty members can rely on it when cases of abuse appear. The Registrar does have the ability, when requested to do so by a department or college, to de-register a student from a course, and there may be times when that is the appropriate step to take.

**THOMAS BROTHEN, CHAIR
EDUCATIONAL POLICY COMMITTEE**

DISCUSSION:

A senator said that there is a difference between earning a 'W' grade in the third week versus the 11th week as it relates to the definition of repeating a course. The proposal states that earning a 'W' counts as taking the course and any future registration is considered repeating the course. A faculty concern is that a student has not gone through a course if they withdraw during the third week.

Professor Thomas Brothen, Chair of the Educational Policy Committee (SCEP), said that determining the number of withdrawals during each week would be harder than just determining the number of students who repeatedly withdraw from a class. One of the biggest issues is students taking seats in high-demand/high-enrollment courses and then repeatedly withdrawing. This has led to isolated cases of abuse.

Another senator asked if the University could withhold issuing a 'W' until after the third week.

Professor Brothen said that this approach still does not prevent students from taking seats from other students in high-demand/high-enrollment courses.

A senator stated that he is concerned about this administrative fix that can have significant academic consequences. Students only get two chances at a course. This amendment would weaken the two chances provision by creating the need for additional exemptions.

Professor Brothen said that SCEP felt that this amendment actually clarifies the previous policy amendment for two-chances at a course. Colleges already have an appeal policy. There is also evidence that students are not appropriately selecting majors and then keep trying to pass a course within that major but continually withdrawing. This behavior affects graduation rates and student finances.

Q: The faculty members UMReports sheet provides the date when a student withdrew. Did SCEP attempt to track these dates to see if most withdrawals occur in the third versus 11th week?

A: SCEP looked at transcripts on which withdrawal dates are not listed.

Q: How will the withdrawal risk be transmitted to students if approved?

A: Colleges and advisors will need to relay this information.

A senator suggested that students be prompted to display a message when requesting a withdrawal.

With no further discussion, a vote was taken and the motion was approved.

APPROVED

**24. ACADEMIC FREEDOM AND TENURE COMMITTEE
Regents Policy on Academic Freedom and Responsibility
Action by the Faculty Senate**

MOTION:

To amend the Board of Regents policy Academic Freedom and Responsibility as follows (new language is underlined; language to be deleted is ~~struck out~~):

ACADEMIC FREEDOM AND RESPONSIBILITY

...

SECTION II. ACADEMIC FREEDOM

Academic freedom is the freedom without institutional discipline or restraint to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write ~~without institutional discipline or restraint~~ on matters of public concern as well as on matters related to professional duties and the functioning of the University.

...

COMMENT:

Professors Carol Chomsky and Tom Clayton brought to the attention of the Committee on Academic Freedom and Tenure what is essentially a grammatical mistake that was inserted in the Academic Freedom and Responsibility policy when it was recently amended. As written, the phrase "without institutional discipline or restraint" syntactically applies only to "to speak or write...on matters of public concern as well as on matters related to professional duties and the functioning of the University." What inadvertently happened was that the text was disambiguated in the wrong direction, and this mistake slipped by even though dozens of people reviewed the proposed amendment (including people in the national office of the AAUP).

The Committee thus recommends moving the phrase so that it clearly covers all of the listed activities.

**BARBARA ELLIOTT, CO-CHAIR
ACADEMIC FREEDOM AND TENURE COMMITTEE**

**KAREN MIKSCH, CO-CHAIR
ACADEMIC FREEDOM AND TENURE COMMITTEE**

DISCUSSION:

With no discussion, a vote was taken and the motion was approved.

APPROVED

25. FACULTY SENATE OLD BUSINESS

NONE

26. FACULTY SENATE NEW BUSINESS

NONE

27. FACULTY SENATE ADJOURNMENT

The meeting was adjourned at 4:49 p.m.

**Rebecca Hippert
Abstractor**