

Minutes\*

**Senate Research Committee  
Monday, April 30, 2007  
1:15 - 3:00  
238A Morrill Hall**

- Present: Steven Ruggles (chair), Linda Bearinger, Arlene Carney, Sharon Danes, Genevieve Escure, Steven Gantt, Tryphon Georgiou, Bridget Helwig, Shikha Jain, Paul Johnson, James Luby, Ellen McKinney, Timothy Mulcahy, Mark Paller, Federico Ponce de Leon, Thomas Schumacher, Virginia Seybold, Charles Spetland, Barbara VanDrasek, Sanford Weisberg, Jean Witson
- Absent: Richard Bianco, James Cotter, Dan Dahlberg, Donald Dengel, Robin Dittman, Jennifer Linde, Kathryn Olson, Selam Rodriguez, George Trachte, Michael Volna
- Guests: University Librarian Wendy Lougee, Greg Brown (General Counsel's Office); Provost E. Thomas Sullivan, Professor Claudia Neuhauser; Professors Michael Cherlin (School of Music), Paula Rabinowitz (English), and Ann Waltner (History, Director of the Institute for Advanced Studies); Associate Vice President Ed Wink; Melinda Sewell (Office of the Vice President for Research)

[In these minutes: (1) commercialization of intellectual property rights; (2) draft policy on centers and indirect cost recovery funds; (3) draft Regents' policy on copyright; (4) Institute for the Advancement of Science and Engineering; (5) infrastructure needs in the humanities]

**1. Commercialization of Intellectual Property Rights**

Professor Ruggles convened the meeting at 1:20 and turned to Vice President Mulcahy to lead a discussion of the revised draft of the Regents' policy on Commercialization of Intellectual Property Rights.

The biggest change from the last discussion the Committee had, Dr. Mulcahy said, is that he is NOT recommending any change in the royalty distribution. The Committee discussed that point at length, and he later spoke with members of the Board of Regents and others, and the conclusion was that they would not recommend a change. The views of the Committee played an important role, he said, so sometimes the process works the way it should.

There are three intellectual property policies being collapsed into one, Dr. Mulcahy said, and copyright is being put into a different policy because it is a form of intellectual property that is not commercialized. (Discussion of the copyright policy follows later in these minutes.)

"Rights" is a key term in the policy title, Dr. Mulcahy related. They have also replaced the term "creator" with "inventor," and "intellectual property" has been replaced with "technology" to keep things

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\* 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.

distinct from copyright. "Regular academic work product" will be covered by the copyright policy. Two new guiding principles have been incorporated in the policy:

(b) The creation of knowledge that can be used to generate products, services, and rewarding jobs is a valued academic work product that supplements publications on a faculty member's record of scholarly research.

(d) Licensing University-owned technology to private companies should promote 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.

There is also redrafted language about ownership. In the old version, intellectual property from postdocs and students was owned by the University; the new language provides that "The University shall be the sole owner of all rights, titles, and interests (including intellectual property rights) in and to technology: . . . (c) created by individuals, including employees, students or post-doctoral or other fellows, using considerable University resources." There is a legal definition of "considerable University resources" and the intent is to clearly define expectations, Vice President Mulcahy said.

## **2. Centers and Indirect Cost Recovery Funds Distribution Policy**

There has been significant revision of the policy concerning centers and the distribution of indirect cost recovery (ICR) funds. The substantive change is that interdisciplinary and inter-college centers involved with major grants can benefit from ICR funds. Originally the policy only covered University-wide centers, but after discussion with the Committee and others, he decided it should apply to all intercollegiate centers and also large centers within colleges. Professor Ruggles saw the revision, Dr. Mulcahy said, and had a couple of questions about it.

What is the status of the draft now, Professor Ruggles asked? Dr. Mulcahy said that definitions will be changed to address the questions that were raised. The policy is still being drafted so is not ready for Committee review, he said, but he will make sure it is sent to the Committee once completed. The central point is that centers will be eligible as academic units to share in ICR funds.. Professor Ruggles said he will solicit comments on the draft by email.

As originally drafted, the intent of the policy was to define University-wide centers so it would be possible to determine which ones would be qualified to receive ICR funds. When other centers were brought under the coverage of the policy, the provisions got somewhat muddy and the definitions became secondary to establishing the policy. Dean Dubrow is also working on the sun-setting provisions, which will not be ready until the fall. The new policy is much broader, Professor Ruggles reported, and says that dollars should follow contributions and investments. There has been a mechanism in place for the last six months to split ICR funds between colleges; one way to do so is to set up two separate budgets, but that is not the only way to do it.

### **3. Regents' Policy on Copyright**

Professor Ruggles turned now to University Librarian Wendy Lougee to begin a discussion of the proposed Regents' copyright policy.

Ms. Lougee began by noting that the policy focuses on copyrighted works – that is, those works that are fixed in tangible form. She and Professor Gurak serve as co-chairs of the task force that drafted the proposed policy; the group also contained five other faculty from across the University. They considered policies at many other institutions. Ms. Lougee noted that there has been a trend in the 1990's for such policies to move from University ownership toward faculty ownership of works; more recently institutional policies have incorporated contexts in which a balance of interests can be represented. She walked the Committee through the draft policy, which follows.

#### **SECTION I. SCOPE.**

This policy applies to the dissemination, ownership, and use of copyrighted works by University of Minnesota (University) employees and students.

#### **SECTION II. DEFINITIONS.**

**Subd. 1. Academic Work.** An “academic work” is a scholarly, pedagogical or creative work. Academic works do not include works created in connection with the administration of the University.

**Subd. 2. Faculty.** “Faculty” are members of the faculty as defined under Board of Regents Policy: *Employee Group Definitions* and University employees who have faculty-like appointments (*viz.*, individuals who teach or conduct research at the University and in connection with those activities have primary responsibility for the intellectual content of the activity).

**Subd. 3. Substantial University Resources.** “Substantial University resources” are University resources of a kind or quantity over and above those that are ordinarily available to most or all similarly-situated University employees or students.

**Subd. 4. Instructional Work.** An “instructional work” is an academic work created in connection with a course, program or service offered or being developed by the University.

**Subd. 5. Student.** “Student” is a registered student at the University, including undergraduate students, graduate students and post-doctoral fellows.

**Subd. 6. Work.** “Work” is an original work of authorship protected under applicable copyright laws.

#### **SECTION III. GUIDING PRINCIPLES.**

**Subd. 1. Balancing Interests.** As a public research university, the University’s mission is to promote the generation, preservation and dissemination of knowledge. The University’s mission is best achieved by balancing the University’s interests with a clear recognition of the tradition that University faculty and students own the copyrights in their academic works.

**Subd. 2. Ownership.** The tradition that faculty own the copyrights in their academic works promotes academic freedom and creates incentives for them to create and disseminate academic works, which in turn, generate future research and scholarship.

**Subd. 3. Preserving Rights for the University Community.** When publishing academic works, University faculty and students are strongly encouraged to request or retain rights for use by the University community, and to consider licensing options that ensure maximal scholarly and public access

to their work. The University has an interest in having access to and the right to use instructional works created by University faculty and students.

**Subd. 4. Fair Use.** The University recognizes and respects the legal rights of copyright holders. At the same time, the University supports a robust interpretation of the fair use exception that enables educational uses of copyrighted works in ways consistent with the University's educational mission. Thus, the University is committed to promoting a culture in which access to and the lawful use of others' materials is recognized as fundamental to both the process and goals of scholarly inquiry.

#### **SECTION IV. COPYRIGHT OWNERSHIP.**

**Subd. 1. Ownership of Academic Works.** In accordance with academic tradition, all University faculty and students shall own the copyrights in academic works they create, except the copyrights in works owned by the University or an outside sponsor under this policy.

**Subd. 2. University Ownership.** The University shall own the copyrights in the following works created by a University employee or student, acting alone or jointly with others:

- (a) works created by University employees acting within the scope of their employment, except for academic works created and owned by faculty under this policy;
- (b) works created with the use of substantial University resources;
- (c) works specially commissioned or ordered by the University and for which the University has agreed to compensate or provide other support to the creator;
- (d) works created in connection with the administration of the University;
- (e) works created pursuant to a contract with an outside sponsor that provides that the University will own the copyrights in the works.

**Subd. 3. Written Acknowledgements.** The University and University employees and students shall execute necessary or desirable written instruments or agreements to evidence and protect ownership of copyrights and copyright licenses in accordance with this policy.

**Subd. 4. Ownership under Sponsored and other Outside Funded Agreements.** The ownership of copyrights in works created under an agreement with an outside sponsor shall be determined in accordance with its terms and applicable law. Before outside funding is accepted, the University, the outside sponsor, and any other interested parties shall agree in writing on ownership of the copyrights.

**Subd. 5. Collaborative Works.** When creating significant collaborative works, the University, University employees and students, where feasible, shall agree in advance and in writing on the ownership of the copyrights. When the collaborative effort will involve the use of substantial University resources or is a work commissioned or ordered by the University, the University and the creators must sign appropriate written contracts before work is begun. When works are to be created collaboratively with other institutions or entities or with individuals who are not University employees or students, the University's interests and rights in such works shall be recognized and protected by contract in a manner consistent with this policy.

**Subd. 6. Works Created by Independent Contractors.** Ownership of the copyrights in works created by independent contractors will be determined in accordance with the contract between the University and the independent contractor and applicable law. The University will enter into appropriate written contracts with independent contractors before they provide services to the University that may result in the creation of copyrighted works.

**Subd. 7. University's Right to Use Instructional Works.** The University will have a perpetual, royalty-free right to exercise the rights of a copyright owner in instructional works created by University employees and students, but only for educational and administrative purposes consistent with the University's mission and academic norms, including, for example, for purposes of obtaining or

maintaining accreditation. Upon the written request of a University employee or student who has created an instructional work, the University shall remove the employee's or student's name from the work.

**Subd. 8. Conflicts of Interest.** University employees will not use and will not authorize or license others to use their academic works in a manner that competes with courses, programs or services offered or known by the employee to be under development by the University.

#### **SECTION V. USE OF COPYRIGHTED WORKS.**

University employees and students shall comply with all copyright laws, licenses and permissions.

#### **SECTION VI. IMPLEMENTATION.**

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

Ms. Lougee explained that the definition in Section II(3), "Subd. 3. Substantial University Resources. 'Substantial University resources' are University resources of a kind or quantity over and above those that are ordinarily available to most or all similarly-situated University employees or students," ) could vary by field. Section III(3), "Subd. 4. Fair Use. The University recognizes and respects the legal rights of copyright holders. At the same time, the University supports a robust interpretation of the fair use exception that enables educational uses of copyrighted works in ways consistent with the University's educational mission. Thus, the University is committed to promoting a culture in which access to and the lawful use of others' materials is recognized as fundamental to both the process and goals of scholarly inquiry," is a new wrinkle that recognizes authors have rights.

Vice President Mulcahy referred to Section IV(7)

"University's Right to Use Instructional Works. The University will have a perpetual, royalty-free right to exercise the rights of a copyright owner in instructional works created by University employees and students, but only for educational and administrative purposes consistent with the University's mission and academic norms, including, for example, for purposes of obtaining or maintaining accreditation. Upon the written request of a University employee or student who has created an instructional work, the University shall remove the employee's or student's name from the work."

If a faculty member develops course materials while here, and is subsequently recruited away from the University, the faculty member is free to take the materials he or she developed, but the University can also keep them and continue to use them. Ms. Lougee said the individual can ask to have his or her name removed.

Once the faculty member leaves the University, he or she can change the course materials, Professor Johnson commented. That is correct, Ms. Lougee said, and it then becomes a derivative work. The University could also change the work, which would also create a derivative work. Mr. Brown explained that material is copyrighted once it is finished, whether or not a formal copyright is registered. The University could modify the materials and copyright the new version, but the faculty member would own the copyright to the first version. The faculty member could also modify the materials after leaving the University and copyright the new version; the University would have no rights to that new version.

What about development of software by professional staff members, Professor Ruggles asked? The University owns the software; what about an article the staff member might publish about the software? Ms. Lougee said the staff member would have the copyright on the article, since the article was not required by their job. Provided, Mr. Brown added, they do not use "substantial University resources," as defined in Section II(3). Professor Ruggles said that in his department they recognize and reward staff members who write articles, even though it is not part of their job and they do use University resources. Mr. Brown said that resources used to write a paper are not what the policy refers to.

Professor Escure said it is not clear what "substantial University resources" means; it is vague. Ms. Lougee said the phrase allows a context, so the meaning can vary between departments. The language is both comparative and quantitative, Mr. Brown said: it addresses the resources available to a faculty member compared to others in the same field; did the faculty member receive resources different in kind and in quantity? The amount received must also be enough more to justify describing it as "substantial."

Mr. Brown explained that he had helped develop both the copyright policy and the Commercialization of Intellectual Property Rights policy; the latter refers to "considerable University interest," which is different from "substantial University interest" because there is no comparative aspect to "considerable." In the case of intellectual property, the University wants to capture patent rights (not copyright rights) and takes the position that if someone uses more than a minimum of University resources, the University wants ownership in the intellectual property. They did not want to define the phrase by a de minimus approach; the point in the case of commercialization of intellectual property is that the amount of resources used is meaningful. If there are questions, Ms. Lougee observed, the policy does call for written agreements, which can clarify ownership rights. There must be a tight nexus between the resources used and the work produced, Mr. Brown also said; if someone were given an augmentation, there would have to be a nexus between it and the work.

Mr. Schumacher asked about Section IV(7), "University's Right to Use Instructional Works. The University will have a perpetual, royalty-free right to exercise the rights of a copyright owner in instructional works created by University employees and students, but only for educational and administrative purposes consistent with the University's mission and academic norms, including, for example, for purposes of obtaining or maintaining accreditation. Upon the written request of a University employee or student who has created an instructional work, the University shall remove the employee's or student's name from the work." Mr. Schumacher commented that if a faculty member develops a web-based course, the University can continue to offer that course in perpetuity, and asked whether this is a significant change in policy. The University does not own the course but it has the rights associated with ownership, Dr. Paller agreed.

What if the faculty member signs a licensing agreement to market the course, Mr. Schumacher asked? What impact does this language have on that faculty member's rights? .

One question that comes from faculty in sessions on intellectual property, Mr. Brown reported, is about ownership of web courses. When faculty need extra resources to develop a web-based course, who owns the course? Both the University and the faculty member, he said. Dr. VanDrasek said the owner receives the money; if the University licenses it, it would receive the money. Mr. Brown said the University right is not to license the course, but to use it internally. If there are tuition and fees coming in

as a result of the course, this policy does not address the issue. The University could not self-publish or use a third-party publisher. It could, however, publish or license a derivative, Mr. Brown said.

Ms. Lougee suggested adding the word "its" to Section IV(7), so it would read "The University will have a perpetual, royalty-free right . . . only for ITS educational and administrative purposes." So when someone does not want to teach an introductory course, for example, Mr. Schumacher said, as this is written, the department chair could say that someone else will teach the course — "and will use your syllabus and materials." Is that what is intended by this language, he asked?

Professor Escure said that Section IV(2)(b) should be removed: "The University shall own the copyrights in the following works created by a University employee or student, acting alone or jointly with others: . . . (b) works created with the use of substantial University resources;" The language could lead to a lot of dissension and debate, she said. There are a lot of variations in fields; it is the University's mission or role to support faculty research and she did not see why the University should own the work, especially in fields where there is very little funding available. She said she did not know what the phrase means or who decides. What does IV(2)(b) imagine, Professor Ruggles asked? What about an English professor who uses a supercomputer for highly complex linguistic analyses. Ms. Lougee said that there would be added cost and someone would need to decide if it were "substantial." Professor Ruggles maintained that the English professor should not lose copyright just because of supercomputer use; if a faculty member in the sciences would not, why should the English professor? He said that the decision should not vary by field.

Could a faculty member use course materials at another institution, Ms. McKinney asked? Ms. McKinney noted that this might be of particular concern to adjunct instructors and graduate teaching assistants that might be teaching the same course at two institutions at the same time. She further voiced the concern that there is no system currently in place to make part-time faculty aware of these restrictions in the use of their course materials. The material could not be used at another institution without the University's permission, Mr. Brown said. And nothing bars such an agreement, Ms. Lougee pointed out. Ms. Witson pointed out that Section IV(2)(b) does not require an agreement ahead of time; it might help if the policy called for negotiation first in the case of the use of "substantial University resources." Mr. Brown said that administrators might not want that requirement because if an agreement were not reached, the faculty member would own the work even if he or she had used substantial resources. The argument is "were resources used? in an amount different from colleagues?" and "were the resources substantial?" There are two arguments that faculty can use against University ownership. Professor Ruggles said that II(3) is vague.

Who has the responsibility to start the negotiations, Professor Seybold asked? The University? The faculty member? And how are faculty made aware of a potential issue? That is why the default is important. Mr. Brown agreed; for the University to avail itself of the protections, the policy must be robust so that faculty have access to timely and competent copyright advice. The details will need to be in an administrative policy. In the case of an adjunct faculty member, a point Ms. McKinney raised, the best person to raise the issue is probably the faculty member. If the faculty member created something while at the University, he or she is best positioned to know. In other cases, when the University is making resources available, it should address the question. Does that mean when someone receives a Graduate School grant-in-aid, the University must say the grant will not affect the faculty member's copyright rights, Professor Ruggles asked? It is difficult to understand when the University would have a

claim, he said. He also said that "substantial University resources" is oxymoronic: if the individuals are similarly-situated, that means they have the same amount of resources available.

Mr. Schumacher suggested that an administrative policy be developed to answer these questions. Regents' policies are very general but there is a need to answer questions about what and when.

Mr. Schumacher also commented on Section IV(8), "Conflicts of Interest. University employees will not use and will not authorize or license others to use their academic works in a manner that competes with courses, programs or services offered or known by the employee to be under development by the University," in response to the question from Ms. McKinney. Is the intent of this provision to apply to individuals while they are still University employees, and if so, could that be made more clear so that it does not cover faculty who leave the institution and want to use their course materials at their new institution?

Professor Escure asked about the conflict of interest provision as well as about Section IV(2)(a), "University Ownership. The University shall own the copyrights in the following works created by a University employee or student, acting alone or jointly with others: (a) works created by University employees acting within the scope of their employment, except for academic works created and owned by faculty under this policy." To what extent can faculty share information? What does "scope of employment" mean? Mr. Brown said it means work within the person's assigned job duties and the idea that the institution can capture ownership is standard: the employer owns employees' work. The intent here is to make a broad exception, which is needed to comply with federal law. Sections IV(2)(c), (d), and (e) seem to be different, while (a) grants ownership to the faculty. In terms of conflict of interest, he said, the question is about competition; sharing information among faculty members is not competition and thus not a conflict of interest. The conflict-of-interest provision is about licensing materials for use by another institution or otherwise exploiting it; it is not about collaborating with a colleague at, for example, another Big Ten university.

Professor Ruggles noted that the time for discussion had expired but a lot of questions remained. Mr. Brown agreed that the issue of the adjunct faculty need to be dealt with. Vice President Mulcahy agreed with Mr. Schumacher that who makes the decision, and how, is important; as written, ownership defaults to the University, but the intent is not that it default to the faculty member, so this will be a key point. Professor Johnson said the policy needs to be brought back to the Committee; Mr. Brown responded that that will have to be in May, since the intent is to bring the policy to the Board of Regents in June. It was agreed that revisions would be distributed to the Committee by email.

Professor Ruggles thanked Ms. Lougee and Mr. Brown for bringing the policy to the Committee.

#### **4. Institute for the Advancement of Science and Engineering**

Professor Ruggles now welcomed Provost Sullivan and Professor Neuhauser to the meeting to discuss the Institute for the Advancement of Science and Engineering.

Provost Sullivan began by recalling that the idea of the Institute came out of the strategic positioning process; Professor Neuhauser chaired the Provost's Advisory Committee, which developed preliminary recommendations about it.



Professor Neuhauser distributed a handout containing the executive summary of the report of the Advisory Committee, the membership, and an outline of the components of the report. She made the same point the Provost did, that the idea of the Institute came out of strategic positioning, and she noted that a number of task forces recommended it. She made a number of points about the Institute.

-- One reason to establish it is that the University has not sufficiently leveraged its strengths. Data on funding indicates an over-reliance on single-investigator grants; for the period 1999-2006 for CBS, CFANS, IT, Medical School: 71% of awarded grants list one PI, 52% of awarded grants requested less than \$100K (4.4% of total funding), less than 1% of awarded grants requested more than \$5 million (21% of total funding), and other institutions' research funding grew much faster than Minnesota's.

-- The mission of the Institute is to establish the University of Minnesota as a leader in interdisciplinary research in the sciences and engineering: to engage in world-class interdisciplinary research at the intersection of biological, chemical, physical, engineering, and computational sciences to promote science-based solutions to some of the biggest challenges in energy, the environment, and human health. To achieve this goal, the University must maintain and continue to promote disciplinary strength.

-- The Institute will be system-wide, faculty-driven, and enabling collaborations within the University and with researchers outside of the University.

-- Faculty will have temporary membership in the Institute as members of research teams and will keep their positions in their home departments. They will continue to carry a regular teaching and service load and will be permitted to buy out teaching only under exceptional circumstances. It will be important to include junior faculty, but improved mentoring and monitoring of their progress will be needed in order not to jeopardize their chances for tenure, and there will be ways to include faculty from the coordinate campuses.

-- The Institute will be comprised of small teams (about 12), funded extramurally, with temporary faculty membership (the duration of grant/theme). The emphasis is on teams, not individual PIs, who will keep membership in home departments. It will have focused themes (about 3-4) that are faculty-driven and that will change over time. Potential themes listed in report are materials, energy, multi-scale approaches, biological engineering, bio-inspired design, climate change, neuroscience, and so on, but the report is not intended to prescribe the actual themes that are adopted. "There is a potential overlap with existing institutes. This is on purpose for finding the right niche.

-- The infrastructure of the Institute is to include permanent physical space, instrumentation and equipment, communication via video conferencing, and the necessary cyberinfrastructure. It is expected the Institute will grow organically, reaching its final size in six or seven years.

-- The Institute will have two grant programs. One, a Theme Development Grant Program, with grants that will last 2-3 years and carry the expectation that the research will secure funding from the outside (if no attempts are made, the Advisory Committee recommends that colleges pay back the grant funds). Two, a Future Theme Grant Program, for high-risk projects that suggest new themes; they may not lead to anything but they provide an opportunity to try something out, and they will not need to be competitive at the federal level. The Institute will also have graduate fellowships and a sabbatical program.

- In terms of education and training, the Institute will not offer degree programs but it will have graduate training programs and provide undergraduate research experiences and postdoctoral training.
- The Institute will have advisory committees (internal and external).
- There will be a director and technical/administrative staff; the number of staff will grow over time as the Institute reaches full capacity; initially there will not be any staff. The technical staff will, for example, help take care of data.
- It is expected the Institute will partner with Office for Public Engagement to offer public lectures and an informative web page.
- There will be rigorous and regular review and assessment of different components of the Institute, both by international reviewers and by representatives of industry.
- The barriers to the success of the Institute are both budgetary and cultural. The budgetary barriers include cluster hires that require collaboration/coordination across colleges, balanced by the importance of keeping disciplines strong. ICR funds alone will not sustain Institute and their use should not negatively impact departments (that is, reduced disciplinary funding of those involved in the Institute). The cultural barriers are the need for flexibility, especially initially to accommodate different practices (9-month versus 11-month appointments, requirements to bring in academic salary), and colleges must collaborate to make this a success and must anticipate future needs in upcoming research areas (not once they are already hot).
- The Institute should include external partnerships, such as researchers from other institutions, in order to become more competitive for interdisciplinary grants (which will be included in the grants program). Within the state there should be collaborations with industry, as appropriate, and the Institute should facilitate start-ups, which is part of the role of a land-grant university as a driver of the economy. The research at the Institute will not all be applied, but applied research should be important.
- The time to maturation for the Institute is expected to be 6-7 years, and longer for center grants.
- In terms of budget and financial planning, the Institute should have a development officer to engage in fund-raising and it should have diverse sources of funding. Long-term sustainability is the goal, although that will take some time.

Professor Johnson asked if there would be some initial funding to get things off the ground. Professor Neuhauser said there would need to be an investment of \$200,000 to \$400,000 per theme development grant by the University. There would be 2-3 grants awarded twice per year, totaling about \$1 to 1.5 million annually. The total support, after six or seven years, would be about \$4 million for grants and fellowships, mostly funded on donations and endowments, and about \$2 million for other expenses. Professor Johnson asked if the Committee could have a copy of the report; Provost Sullivan said it is still in draft and meetings are still occurring to discuss it.

Dean Ponce de Leon asked how membership in the Institute would be determined. Professor Neuhauser said it would be primarily through the grants program; once someone obtains an extramurally funded grant, they would be awarded full membership.

Some Institute "themes" might seek a center grant, and would be spun off, Professor Ruggles asked? They would be, Professor Neuhauser said. The themes will not last forever, she repeated. It would serve as an incubator, Professor Ruggles commented. There will be a period of outside review, the Provost said; and nothing will be assumed to be permanent.

Professor Ruggles thanked the Provost and Professor Neuhauser for their report.

## **5. Infrastructure Needs in the Arts and Humanities**

Professor Ruggles turned next to several invited guests from the arts and humanities to discuss infrastructure needs in their fields: Professors Michael Cherlin (School of Music), Paula Rabinowitz (English), and Ann Waltner (History, Director of the Institute for Advanced Studies). He noted the Committee had had a similar discussion about infrastructure needs in the social sciences earlier in the semester, and these two sessions were intended to look at other areas beyond the natural sciences and engineering, the usual focus of infrastructure issues.

Professor Waltner began by identifying four needs in the arts and humanities. One need is better support for the libraries. The support has improved in the last couple of years, but it is still not where it needs to be. A second need is for space, including everyone in the Social Sciences Building but especially in the arts and dance. People have ideas in the performing arts but no space in which to stage them. A third need is for an understanding of how difficult it is for faculty in the arts and humanities to obtain funding for a research assistant; faculty can get a year off but they have nowhere to go to obtain research support funding. The Graduate School grant-in-aid is often their only source of funding. The fourth need is recognition of the work of composers and choreographers and that the need for funding of a professional troupe is as important for them as a lab is for a scientist—they need people to enact what they create.

And a fifth need, Professor Rabinowitz added, which is the number-one need, is time, especially in the humanities, to sit and think and then write. This is something for which there is no funding. The National Endowment for the Humanities is conservative and Guggenheims are very rare. Faculty in the humanities are dependent on the University giving them time. She advocates a year of thinking—everyone in the University should receive a year to think—but time means money. Apropos space, as a symbolic form of cultural capital, she pointed out that her department, English, has temporarily been located in an engineering building for 45 years.

Professor Rabinowitz also said that every model of grants does not fit what humanities faculty do. For instance, the summer graduate research program is an unfunded mandate to work with graduate students over the summer; faculty are not opposed to working with graduate students but doing so over the summer, when we do our research and writing (usually a solitary act) cuts into our time. The modus operandi of Humanities scholars is unrecognized in models of research at the University; they feel at odds with the prevailing understanding of research.

When she was on the Faculty Consultative Committee, Professor Rabinowitz recalled, one of the senior officers gave a presentation on funding minority scholars and mentioned a \$7000 grant; he said that was about equal to his pencil budget and he could not believe what arts and humanities people could do with \$7000. She said that was correct; the humanities faculty are the University's super-cheap date.

Professor Cherlin told the Committee he runs the Collaborative Arts Program and the needs they anticipate are primarily in space. They have been given six new faculty lines, and each individual will be one-half time in collaborative arts and one-half time in their academic department. They are slated to receive an additional six positions for the arts, with the same arrangement. He noted several activities taking place in the program.

-- They have hired a consortium of choreographers on a fee basis and have special space needs for them; they are begging for space.

-- They have appointed a puppet maker who needs a low-tech lab to make things; they are again begging for space.

-- They have hired a math Ph.D. who is a jazz musician and who does mathematical modeling of music.

-- They looking into a consortium in France that they could bring in on a rotating basis—but again, they need facilities.

Professor Cherlin returned to Professor Waltner's point: what they would like to have is "labs" for the performing arts. They have, for example, the best acoustic space in the Twin Cities by anyone's standards (the Ted Mann hall); it would be nice for the musical community if they could afford to have string quartets in the hall and if the School of Music could have a string quartet in residency (which world-class schools of music do). String quartets are the premier classical music and will be for a long time, but there is no series in the Twin Cities (something that world-class cities have, and it differentiates the provincial from the real city). The same is true for contemporary music ensembles; a world-class contemporary music series in Ted Mann hall would "put the University on the map." He said he did not know about the needs of the dance program but surmised they are probably the same; Northrop is not good space for dance because it is too large and has lousy acoustics.

Professor Cherlin also agreed with Professor Rabinowitz: if humanities and arts faculty must go through sensitivity training in order to have a research assistant, they know that the training will have nothing to do with anything they would EVER do—all that training has to do with the Medical School, but the humanities faculty have to spend two one-half day periods on training that has nothing to do with their work. That treats the humanities faculty like second-class citizens, and if they are to be so, the University should just say so and be frank about it. They should not be held up as peers and treated like they have problems similar to those in the Medical School.

Professor Rabinowitz told the Committee that she teaches film—and was hired in part to teach film, but was told when hired that "film is a bottomless pit" of expense and would not receive a lot of support. Now that film has been digitized, that is not true, but there are no spaces to view films and the class schedule does not allow film classes because it "violates the sacred algorithm" for class scheduling. Recently the University is hiring film-makers and scholars, who have to jerry-rig what they can, but there is no film lab and no place to hold and maintain equipment.

Professor Cherlin said that he has a colleague who received a Guggenheim as a film-maker but who, since the University has no studio for him, is renovating his basement at home. It is difficult to

imagine the University requiring a scientist to do that. There is also no place on campus except the Bell Museum to show film, Professor Waltner added.

Do the University's peers do better for the arts and humanities, Professor Weisberg inquired? They do, Professor Rabinowitz affirmed. Professor Escure reported, apropos how cheap humanities faculty are, that Stanford is providing \$5000 to each faculty member in the arts and humanities. The University could do that, or think about 12-month appointments for them so they do not have to spend their summers scrounging around for support. Right now they each receive about \$1000 in support.

There are some expensive items on the list, Professor Ruggles commented, such as a world-class string quartet and dance facilities. All of these needs are in units in CLA, the budget of which changes depending on the revenues brought in from tuition and ICR. The situation seems contradictory: it seems that the only way to increase funding is to increase teaching, but that takes away from the time the arts and humanities faculty need. This points out the absurdity of the budget model, he said; these are critical fields for a university that have no way to generate the revenues needed to cover their costs.

Professor Johnson said it is puzzling that CLA would invest in new faculty but not in the facilities they need to do their work. A question from the perspective of the budget model is whether there have been discussions between the arts and humanities departments and the CLA dean. The budget model subcommittee has repeatedly heard that all requests flow up from the deans and the central administration decides on the allocation of O&M dollars (nearly the exclusive source for the arts and humanities) through the compact process. What discussions have the departments had with the dean? Have their views been represented? Has their case been taken to central administration?

At the macro level, there has been a lot of consultation between the chairs and the dean, Professor Rabinowitz said, and the dean knows what has just been said at this meeting. It seems that the requests do not receive support higher up. The word "book" does not appear in the CLA compact, she observed; in her view, it is because the social science model gets translated from the college to higher levels, which makes the arts and humanities faculty sound like an afterthought. For the college, it is like divining entrails to figure out what to write to obtain funding, and what is in the compact is based heavily on models that seem gleaned from science and industry. One cannot just ask for time. The case gets made and then rejected at higher levels, Professor Johnson asked? Professor Rabinowitz said the College understands the case; she does not know what happens after that. It is possible the College could make the case and the Provost rejects it, Professor Johnson observed.

What is needed is not new and sexy, Professor Ruggles said, but colleges need to put up new and sexy items to get the attention of central administration. And there is no useful product at the end, Professor Rabinowitz added; if everything must be instrumentalized, it is not possible to make the case for the humanities. Moreover, Professor Waltner said, faculty lines recur, so if they are offered, a department takes them even if they have no facilities for the individuals; they take what they can get in the way of facilities. They have a space problem because they are thinking about things in new and exciting ways (e.g., working with the French consortium). (Dean Ponce de Leon suggested that the programs looking for space might inquire about the theater and ballroom in the St. Paul Student Center.)

Another problem, Professor Waltner said, is that the amount of money available for the compact process is fairly small. That is changing, Professor Johnson responded; the new process determines where much of the O&M money flows. One consequence of the budget model is that for poor fields the

compact process is to make up the funding they need, but that process does not work for continuing support for old expenses—the deans have to write a grant proposal.

Dean Ponce de Leon said there are two issues: one, the infrastructure should be aligned with directions of the programs, and two, faculty time management and allocation of time for activities, which is a matter of negotiation within the colleges.

While it is relatively easy to get funding for new ideas, Professor Waltner said, it is very difficult to obtain funding for activities that have been up and running for awhile. The University must learn to deal with failure—and with success. She is dealing with interdisciplinary faculty groups that need \$4000 per year to continue, but she is not sure she can find the money for them. The University must be careful about its infatuation with the new; she pointed out that there has just been a celebration of a website in its 11<sup>th</sup> year to support women of color in writing—but it runs on almost no support.

Mr. Schumacher asked to what extent revenues have been decreased because of classes offered by other colleges that would ordinarily have been in CLA. Has there been a reduction in revenue because of internal competition? Professor Rabinowitz said she did not know. She recalled seeing an ad posted by one of the engineering departments for someone to teach writing. According to rumor, this is a huge problem, Professor Ruggles said. Tuition-sharing is supposed to help, and it costs a college to offer a course, Professor Weisberg said, but loss of revenue is nonetheless a potential problem. It is a problem if all the college's revenue comes from tuition, Professor Rabinowitz pointed out.

The Committee does not know if it is a problem, Dr. VanDrasek said. It was promised, when IMG was introduced, that course offerings would be tracked and audited and would be policed; that has not happened and the Committee should suggest it would be a good idea.

The fundamental problem is how to think about the University, Professor Escure maintained. Is it here to develop ideas and teach students critical thinking or to think about lucrative goals?

There is a huge disconnect between the Graduate School (which is woefully underfunded) and the colleges, Professor Rabinowitz contended. It is not possible to run a university without graduate students, and in her department they are funded almost entirely through teaching—and graduate students are more expensive than lecturers. Hiring lecturers undermines tenure and the integrity of the research university, and CLA has resisted that trend as much as it can (except in some of the languages); with the creation of the new Writing Studies department, the English department negotiated for its students to teach, but who knows what will happen in the future? Does the University want graduate students who will become productive scholars who are also involved in the education of undergraduates, which is the hallmark of the research university, she asked? Or does it not, and prefer to go to the Wal-Mart version of the university? There is a tension between the Graduate School and the colleges that makes no sense to her, Professor Rabinowitz said. For the departments with no grant coattails, and with pressure to cut costs and increase revenue, there is pressure on graduate programs, especially in CLA.

Professor Waltner said she has never understood why nothing can be done for graduate student fringe benefit rates. Those are dollars the University charges itself but the costs hit different areas differently (except for grants). The high rate means that graduate students are an expensive way to deliver the curriculum. But they are essential to the University, Professor Rabinowitz pointed out. Professor Ruggles said he would wager that one of the top predictors of the best universities is the

funding they provide for the humanities. It would make sense to build those areas to become a top-three university because doing so would not break the bank.

Professor Rabinowitz thanked the Committee for listening. Humanities and arts faculty sometimes feel that no one does, and every model of research makes the humanities faculty feel invisible. Their needs are minimal, but there are needs.

Professor Ruggles thanked the guests and adjourned the meeting at 3:30.

-- Gary Engstrand

University of Minnesota