

FACULTY SENATE MEETING

NOVEMBER 20, 2001 – 3:30 pm – Ferguson Forum

Uncorrected Minutes

Meeting was called to order. Roll call and quorum declared by Keith Woodbury.

Absent: Marvin Johnson, Gary Taylor, Anup Agrawal, Mark Nelson, Ashley Evans, Laura Pedersen, Jerry Rosiak, Paul Ray, Dan Filler, Mitch Shelton, Debra Nelson-Gardell

The minutes from October 16 and 30 were approved.

Dr. Amy Ward served as substitute Parliamentarian.

Action Items:

An update was given by President Norm Baldwin concerning the **release of Student Evaluations**. The Faculty Senate Steering Committee, Planning and Operations Committee Chairs, and the Academic Affairs Committee have met with SGA officers concerning the release of student evaluations. A compromise has not been reached. Based on that and the findings of the Steering Committee faculty survey, it is the consensus of the Faculty Senate that the evaluations should not be released. Harry Hopkins, a labor attorney and professor in the Law School, believes that the student evaluation information is exempt from the Open Records Act of Alabama Act. Sandy Gordon, a University attorney, believes it is not sensitive information and should be released. Dr. Sorensen has stated that he would not force the faculty to adhere to the student's request, however, he would like a compromise to be reached. Norm will send an e-mail to Dr. Sorensen following today's meeting stating the view of the Faculty Senate and the faculty as a whole. The Provost and the Council of Deans are supportive of the faculty. The point was made that faculty are not allowed to look at student records to advise them and that the students want this information to shop for the easiest courses. The view was expressed that original purpose of the evaluations was to assist professor's efforts to improve their teaching but has digressed to a popularity ranking. There are no objections to the students forming their own faculty evaluation web page. The only other compromise entertained would be voluntary participation by the faculty. The position of the Faculty Senate – "We do not support the release of Student Evaluations" was voted on and passed with two nays and two abstentions.

The **Intellectual Property Right Policy Revisions report** was given by Terry Royed. An ad hoc committee was given the charge to review this issue by the Provost. It is "H" in the Faculty Handbook. The committee sent the revisions to the Council of Deans. The Council of Deans returned it with the addition of numbers five and six. These addressed non-institutional work and the rights of faculty's continued use of their material. These positions were the result of a faculty member selling an entire distance learning degree program to another institution. The phrase "(5) When University faculty or employees author non-institutional works, normally no royalty or other consideration shall be paid to the faculty member or employee when that non-institutional work is used for instruction at the University" was interpreted to mean that the University would not pay royalties or other considerations. The committee was puzzled by the intent and meaning of this statement. The second part of number five is "Non-institutional works shall not be sold, leased, rented or otherwise used by the faculty member or employee in a manner that competes in a substantial way with the for-credit offerings of the University unless that transaction has received the prior approval of the Office for Academic Affairs". The term

"non-institutional work" means a work prepared at the direction of the University for the use of the University in conducting its own affairs such as a handbook or press release or a work that could not reasonably be attributed to a single author or group of authors because it is the result of contributions or revisions by numerous faculty members, employees, or students. The term "non-institutional work" was so broad that the Finance Committee questioned the meaning of that phrase. The committee had some problems with the Council of Dean's additions of number five and six since it placed restrictions on an individual's work. The committee suggested that number five be modified to read "Selling, renting or leasing video or online courses requires the prior approval of the Office for Academic Affairs, consistent with the supplemental compensation policy in Chapter Three, Part VII of the Handbook." The committee added to #4 "Degree programs shall always be considered 'institutional work.'" The committee proposed to eliminate #6 which reads, "When non-institutional work is courseware, electronic or otherwise, or computer software, the faculty member or employee shall have the right to **take and use the work upon** departure from the University, subject to a perpetual, non-exclusive, royalty-free license for the University to make, use, edit, reproduce, and distribute copies of and to prepare derivative works from the work for use by the University in teaching, scholarship, and research." The question was proposed, "Do we want to declare a degree program is always an institutional work that the copyright is owned by the University?" or should this sentence be dropped. There are no guidelines to follow since policies regarding these issues are being developed all across the country. It was asked if the copyright pertains to lectures and can a student take notes and then sell them. If the notes are taken down word for word, they cannot sell them. If it is not verbatim, they can sell the notes. If the notes are printed, it can be copyrighted. The sense of the University is that if work is done using University technology or equipment, then something is owed to the University. Discussion included online courses, any alteration of material, what happens to a course when a faculty member leaves and a better definition of "degree program" is needed since there could be differing opinions of a definition. It was suggested that it would be extremely difficult to cover with wording everything "copyrightable". A motion was made and seconded to amend the proposed addition to the end of #4: "Degree programs shall always be considered 'institutional work'" by eliminating this sentence. Following discussion, this motion passed. A motion was made and seconded to modify #5 to read: "Selling, renting or leasing video or online courses requires the prior approval of the Office for Academic Affairs, consistent with the supplemental compensation policy in Chapter Three, Part VII of the Handbook." and to eliminate #6 entirely. After discussion of the rights of ownership of the University and faculty member, special rules dealing with modern media, the use of material after a faculty member leaves the University and the boundaries that should be established, the motion passed unanimously.

President's Report – (*Norm Baldwin*) A mandatory Faculty Senate meeting will be held November 27 in Room 309 Ferguson to provide an open forum for **Task Force #3** of the Strategic Planning Initiative proposals. Dean John Dolly will conduct the meeting. Appreciation was expressed to those that attended the last meeting. Chancellor Meredith in his address to the Board of Trustees reiterated that there was a February deadline and implementation would follow. The Task Force committee will meet again following the forum and form a report.

The President and Provost were very appreciative of the **resolution** passed by the Faculty Senate **commending** them for a job well done. The President is very appreciative of the quieter role of working behind the scenes the Faculty Senate has adopted concerning **Greek desegregation**. Sybil Todd and other administrators will attend the next Faculty Senate Steering Committee. Dr. Sorensen has expressed the need for the support of the faculty in the coming **funding efforts**. There is an effort to close some tax loopholes by December 31 to make up for a \$160 million dollar deficit and to prevent proration. Tax

revenues for the past four years have decreased 44%.

The SGA passed a broader Diversity Resolution than the Faculty Senate passed but were inspired by the Faculty Senate resolution. The Faculty Staff Benefits Committee continued to address the **Domestic Partner Benefits** proposal. This committee will meet again Dec. 6 and is comprised of half faculty and half staff members. They are also considering a proposal establishing TIAA matching for non-professional and tenured staff. This, at this point, is considered too costly by administration.

Vice President's Report - (*Steve Miller*) Everyone was encouraged to attend the **Legislative Breakfasts** held at Four Points Hotel every month. Governor Seigelman addressed the last meeting. This is an excellent opportunity to acquire information about the issues facing the University and to share that information with colleagues. Information will be sent concerning votes on important issues.

Planning & Operations Committee - (*Bill Keel & John Mason*) The SGA has requested consideration of a **fall break**. County and city school fall breaks would affect this since they do not coordinate their fall breaks. The SGA suggested an October break or an extension of Thanksgiving holidays. Many issues would have to be considered such as extra time off for staff, economic burden for the University, beginning classes earlier, and other obstacles.

Financial Affairs Committee - (*Keith Woodbury & Terry Royed*) This committee is addressing the request for **insurance coverage for Graduate Student Assistants**. Dr. Thrasher, Chemistry Professor, and two students visited this committee's meeting. The students will bring the first draft of a resolution back to the committee.

Student Affairs Committee - (*Alvin Winters*) This committee has had difficulty in scheduling a meeting and will attempt to meet next week. They have no report at this time.

The issue of clarification of **Senate Eligibility and Senate Reapportionment** before the next election was questioned. Steve Miller of Senate Operations answered that since the number of professors had decreased in some instances, there would be a reapportionment in the number of senators to be elected. Also, regular tenure-track faculty are the only ones qualified to represent their departments or divisions.

Legislative Agenda Committee - (*Margaret Garner*) **Constitution Reform Seminars** will begin next spring. The Faculty Senate voted to sponsor those on campus and will host those meetings. Bailey Thompson, Journalism Professor, has developed a short seminar and will present at those meetings.

The question was asked that if a sabbatical were taken, would the faculty member have to return? The Faculty Handbook states they must return after one year. This will be referred to the Faculty Life Committee and Norm Baldwin will also ask the Provost for more information.

Meeting adjourned 5:00 PM