

Minutes

Commission on Faculty Affairs

September 3, 1999

Members present: Mitzi Vernon, chair; Pat Hyer for Peggy Meszaros, Paul Knox, Janet Johnson, Rick Fell, Mario Karfakis, Kamal Rojiani, Anne Zajac, Richard Cothren, Jackie Davis, Craig Ganoe

Members absent: Hara Misra, Kathryn Clarke-Albright, Deborah Mayo, John Crunkilton

Mitzi Vernon, Vice-President of the Faculty Senate and Chair of CFA, called the meeting to order and members introduced themselves.

1. Business Matters:

Conflicts with the usual Friday afternoon meeting time were discussed along with proposals for either a Tuesday or Thursday alternative. The alternatives created as many or more conflicts than the established meeting time so it was left as 3:30-5:00 on the first and third Fridays, generally in room 325 Burruss.

Since Mitzi's studio class is scheduled for Monday, Wednesday, and Friday afternoons, she requested occasional back-up from another CFA member to attend University Council occasionally to present minutes. Anne Zajac agreed to do this as necessary.

Vernon requested a volunteer to take minutes on a regular basis, but no volunteers were forthcoming. Hyer agreed to take the minutes for this meeting.

2. Overload Pay Issues

Pat Hyer provided background on the guidelines for overload compensation for faculty involved in distance credit continuing education programs. Current policy does not allow "overload" pay for full-time faculty members except when they are involved in NON-CREDIT continuing education programming offered through the Division of Continuing Education. The Board of Visitors authorized development and pilot testing of such guidelines. During 1997-98, the Commission developed a set of draft guidelines under which faculty members could be paid additional salary when there was a contracted credit course to be delivered via distance learning (either on-site or via technology). To date, there have only been one or two instances where the guidelines have actually been used. However, concerns were raised both by the Division of Continuing Education and by the College of Engineering that the payment scales included in the draft guidelines would not be sufficient to attract faculty to become involved in delivering contract credit courses. Ted Settle, director of continuing education, requested that CFA consider allowing demand and market value to determine the pay scale, just as we currently do in determining faculty pay for non-credit activities. The College of Engineering had proposed a percentage of salary rather than flat amounts by rank, but Malcolm McPherson agreed that setting pay based as part of the budgeting and contract negotiations process would be acceptable to them. CFA members discussed this proposed change and agreed in general that the established pay scale would not be especially attractive to some of the very faculty members who would most likely be asked to deliver such programming and that it should be allowed to vary, both up and down, to accommodate availability of funding from the contracting organization and demand for the faculty member's expertise.

Which university entity should have primary responsibility for negotiating such contracts was also considered. Sponsored Programs has been handling such contracts, primarily with military or defense agencies and the College of Engineering, although in the past school systems have contracted for delivery of education coursework. Ted Settle

had proposed language that suggested that Continuing Education would "frequently be involved in marketing, program planning and development, and in negotiating contracts but that the contract would be managed by Sponsored Programs." Several members expressed reservations about this statement of CE involvement and preferred the simpler statement that Sponsored Programs would usually negotiate and manage such contracts, allowing CE to enter the picture in those cases where necessary and appropriate.

Hyer agreed to look at the two proposed changes and see if anything further needed to be done. If so, such language would be distributed in advance and CFA will reach closure on the issue at the next meeting.

3. Campus Climate Survey

Vernon suggested that the Faculty Senate, and perhaps also CFA, may be interested in reviewing and discussing the report produced following the survey of all faculty members on the campus climate for diversity. The results were presented at a forum at the end of spring term and the report was printed over the summer. The Senate has expressed interest in a presentation of the findings at one of their meetings.

Hyer distributed copies of the report and briefly summarized the major findings. In general, the campus climate is perceived very differently and far more accepting by white males than it is by women, faculty members of color, those with disabilities, and non-heterosexuals. While the majority of members of these groups felt that their treatment within the department and by colleagues was generally professional and fair, they were much more likely to have experienced and witnessed problems with racism, sexism, homophobia, and other insensitivities than were white male faculty members. They were more critical of the university's progress and commitment and generally more supportive of efforts to diversify the student body, faculty, and curriculum. Differences between male and female faculty members were significant for almost all dimensions in the survey. Differences by race and ethnicity were also significant and in some cases, dramatic. African Americans reported far more negative perceptions of the climate than whites.

Members agreed that they would take a look at the document and see if there was anything that the CFA should respond to at this point.

There was interest expressed in learning more about the new proposed search procedures introduced in the College of Arts & Sciences. Hyer agreed to contact Bob Bates and ask him to attend the next meeting of CFA to describe the changes and his goals.

4. Other issues for possible consideration: Vernon reported that she had received two calls concerning the issue of the weight accorded external letters particularly in a decision involving promotion to full professor. After a brief discussion, she agreed that she would bring the issue to CFA after investigating it further and determining that the concerns were appropriate for a policy conversation.

Kamal Rojiani expressed some concern about feedback to faculty members as part of the annual evaluation process, particularly the long lag between turning in the faculty activities report and the letter the faculty member receives with his or her raise following Board action in November. Others responded that it was departmental or college practice to meet with faculty members or to write a letter during or immediately after the summer to give feedback on the faculty member's efforts; the letter concerning the merit adjustment then came later. Apparently this two-stage evaluation process is not functioning in all departments.

The next meeting will be Friday, September 17th at 3:30 p.m.

Recorder: Patricia Hyer

Minutes Commission on Faculty Affairs September 17, 1999

Members present: Mitzi Vernon, chair; Pat Hyer for Peggy Meszaros, Rick Fell, Hara Misra, Mario Karfakis, Kathryn Clarke-Albright, Kamal Rojiani, Richard Cothren, Deborah Mayo, Jackie Davis, Craig Ganoë.

Members Absent: Janet Johnson, Paul Knox, John Crunkilton, Anne Zajac

Guests: Robert Bates, Myra Gordon, Donna Ferrandino

Mitzi Vernon, CFA chair, called the meeting to order. Minutes from the September 3, 1999 meeting were approved with a minor correction. In the absence of other volunteers, Hyer agreed to take minutes.

1. College of Arts and Sciences Pilot Revision of Faculty Search Procedures:

Dean Bates introduced Associate Dean Myra Gordon and Assistant to the Dean Donna Ferrandino, who have been instrumental in developing revised procedures for conducting faculty searches in the College of Arts & Sciences. Bates outlined the several factors that led to the conclusion that there were real opportunities in Arts and Sciences to hire more women and faculty of color than were currently being hired through existing search procedures.

á Arts & Sciences is a very large college with 600+ faculty members. 25-35 new tenure-track faculty members are hired every year.

á The number of anticipated retirements in the coming 5-6 years provides both the opportunity and the responsibility to "remake" the faculty throughout the university over the next decade. We must ask what kind of faculty do we need and want to have?

á Many are convinced that if Virginia Tech is going to be successful in the future, the faculty will have to be different and more diverse to serve a more diverse student body and to reflect a breadth of perspectives and scholarly interests.

á He defines diversity very broadly and does not confine it to the federally protected categories. More representation of both the nation and the world are needed. The effort is not about recruitment of African Americans exclusively, but Bates believes that issues related to African Americans are especially deserving attention given Virginia Tech's history, the difficulties we have had recruiting and retaining African American faculty members, and the demography of the state.

The college has developed revised faculty search procedures in consultation with a number of offices on campus. The intent is to pilot these procedures in the College of Arts & Sciences, eventually using them university wide. They consider the procedures a work in progress. The dean and his staff have met with three search committees to date and the conversations have been very helpful in refining and clarifying the procedures, thinking through what some of the problems will be and what some of the potential solutions are that would help achieve the ultimate goal of more diverse outcomes. Some good things have already resulted. For example, the revised procedures stress the importance of diversity on the search committees themselves. Those departments which have very few women and faculty of color have reached out to alumni, business and industry contacts, and others to try to incorporate their participation and use their access to networks of women and faculty of color in the field. The requests made to outsiders so far have all been well received and departments seem to be eager to involve these new members in their work.

In responding to a question about what it means to "charge" a search committee under the new procedures, Dean Bates outlined the points that they make in their visitations to the departmental committees. He starts by describing his vision and commitment. He shares the concern that has been expressed by some employers who recruit graduates from Virginia Tech that they will no longer come here to interview since they cannot achieve their own diversity hiring goals with such a homogeneous student body. He reviews the outcomes of previous searches to demonstrate why past practices have not led us to the diverse faculty we need. Among the points of greatest discussion in the revised procedures is the statement that the search committee is a "search" committee, not a selection committee. Their role is to develop a broadly representative pool of candidates, based upon the input of all faculty in the department, and of everyone else involved in the interview process. The search committee will not rank order candidates. The procedures call for the final decision on the offer to be made by the department head and dean, based on information on strengths and weaknesses of the final candidates developed by the committee and the faculty at large. Involvement of the whole faculty in the department is intended to build greater ownership and commitment to the newly appointed faculty member.

The composition of the search committee is determined in an iterative process between the dean's office and the department. In each case they have worked on so far, the participants and department head have become convinced that the effort to add members from outside the department will yield benefits beyond the immediate task at hand.

In response to a question about whether the procedures call for the dean's office to second guess the committee's work, the dean responded that they really haven't gotten to that stage yet. They intend to work through this one, just as they are now working through the process of diversifying committee membership. It is his intent that the entire process be a collaborative one between the dean's office and the department. In asking for an explanation of why women and faculty of color were not considered for interview, the process and participants become more accountable for their efforts, and it is an opportunity to educate search committee members about problems of hidden bias in determinations of merit, for example.

In closing, Dean Bates offered to keep the Commission informed periodically about their progress in implementing the new procedures. The outcomes of the process will not be known of course until early fall, when hiring decisions have been completed.

2. Faculty Compensation for Overload Credit Continuing Education Coursework

Hyer reintroduced the changes that were proposed and discussed at the last meeting for the draft guidelines for overload pay for distance credit coursework. The changes included deletion of the reference to a fixed pay scale and adding a statement concerning usual management of such contracts by Sponsored Programs. Hyer proposed a trivial wording change. The Commission then moved to adopt the guidelines as amended. The motion was approved unanimously. Hyer will distribute the guidelines to those administrators who would be involved with such contract negotiations.

3. Other Business:

Mitzi Vernon updated the commission members on the issues that had been brought to the Faculty Senate concerning collegiality in promotion and tenure decisions and the issue of weight given to external letters of support in the P&T process. She will bring these to the Commission if further investigation and discussion in the Senate indicate that deliberation by the Commission would be helpful.

Rick Fell volunteered to serve on the committee concerning Scholarships for Employee Dependents.

The October 1st CFA meeting will be cancelled. The chair is unavailable and there is no urgent business.

The meeting was then adjourned.

Recorder,

Patricia Hyer

Minutes

Commission on Faculty Affairs

October 15, 1999

Members present: Mitzi Vernon, Pat Hyer (for Peggy Meszaros), Rick Fell, Hara Misra, Kamal Rojiani, Anne Zajac, Richard Cothren, Jackie Davis, John Crinkilton, Craig Ganoe

Members absent: Paul Knox, Janet Johnson, Mario Karfakis, Kathryn Clarke-Albright, Deborah Mayo.

Mitzi Vernon, CFA chair, called the meeting to order. Minutes from the September 17th meeting were already approved electronically.

1. Issue of Collegiality:

Mitzi Vernon informed the committee that a faculty member had brought a concern to the Faculty Senate about the possible use of collegiality as a criteria in tenure and promotion decisions, which he felt to be inappropriate. After discussing the matter with the Faculty Senate Cabinet, she appointed a subcommittee of CFA to look into the issue. Rick Fell, Janet Johnson, Deborah Mayo, and Mitzi Vernon will serve. The subcommittee will bring the results of their deliberations to CFA and then the commission can determine if it wishes to take a position on the matter. A few commission members recollected that this matter had already been brought to CFA at the request of the Faculty Reconciliation Committee on behalf of this same individual. The commission chose not to act on it at the time. Mitzi Vernon and the Cabinet agreed that more definitive action, one way or another, was important and that the issue should be considered without regard to the individual. Also, it may be important to address the matter in the Faculty Handbook, again, whichever way the commission determines is appropriate. Collegiality is addressed in the section of the Handbook on Professional Ethics (2.7). Several departments also chose to address collegiality in their departmental minimum standards documents for post-tenure review.

Coincidentally, the AAUP Committee A has just published a statement on the use of collegiality as a fourth, separate criteria in tenure and promotion decisions in the most recent issue of their publication, *Academe*. Committee A speaks against the use of a separate criteria, believing that there are usually measurable impacts on the traditional teaching, research, and service responsibilities in the truly egregious cases. Hyer distributed copies of the statement at the meeting and mailed copies to all absent members.

2. Follow-up discussion of the new faculty search procedures presented by Dean Bates

Commission members had no specific concerns or questions at this point. The chair recommended that Dean Bates be asked to come to a spring CFA meeting to inform commission members about progress and issues they had encountered in implementing the new procedures. Rick Fell informed the Commission that he was serving on a search committee in Biology so that he would have first-hand experience with the new process.

3. Resolution on the importance of research

Hara Misra introduced a resolution prepared by the Commission on Research for which that commission was seeking support from other commissions. The resolution underlines the importance of the university's research mission and urges that more resources be allocated to support graduate education and building a stronger research infrastructure. The Commission on Research planned to bring the resolution to University Council and also to send it to the chair of the

presidential search committee, with hopes that the search committee would seek a new president committed to these same ends.

While Commission members agreed with general statements about the importance of research at Virginia Tech, many were uncomfortable with the implication of the resolution that research was MORE important than the teaching and outreach missions of the university and that resources should be allocated or reallocated accordingly. Since CFA is charged with concern for all faculty roles, not just the research mission, several members felt that it was inappropriate for CFA to endorse the resolution as written, and that rewriting it would probably weaken the very point that the Commission on Research wanted to make. A motion was made, seconded, and approved that CFA NOT endorse the proposed resolution.

The meeting was adjourned.

Minutes

Commission on Faculty Affairs

December 3, 1999

Members present: Mitzi Vernon, Pat Hyer (for Peggy Meszaros), Rick Fell, Kamal Rojiani, Anne Zajac, John Crunkilton, Paul Knox, Janet Johnson, Craig Ganoe

Members absent: Mario Karfakis, Kathryn Clarke-Albright, Deborah Mayo, Richard Cothren, Jackie Davis.

Mitzi Vernon, CFA chair, called the meeting to order.

1. Post-tenure review update

Pat Hyer reviewed a summary of actions taken over the last two years under the new post-tenure review policy. The policy calls for a peer-conducted post-tenure review following two successive unsatisfactory annual evaluations where the individual's performance falls below the department's minimum standards. Four "unsatisfactory" evaluations were given in Fall 98. Of these four, two received a second unsatisfactory rating in Fall 99; both are expected to retire without further review. The performance of the third individual improved in the second year. Dismissal for cause proceedings were initiated for the fourth because of long-standing severe performance problems, eventually resulting in a resignation after several levels of appeal. A fifth person whose poor performance was being considered for unsatisfactory evaluation, although not given, agreed to retire.

In Fall 1999, there were four new cases of unsatisfactory evaluations given. Of these, two faculty members have decided to retire. The other two faculty members are challenging their evaluations.

The nine cases to date involve five different colleges, so there does not appear to be a concentration of actions in any one college. The voluntary retirements and resignations in more than half of the cases suggest that the individuals involved recognized that further review by colleagues was unlikely to create support for overturning the evaluation. Commission members felt that this information, given in anonymous form, was important to share through the minutes so that faculty could see how the process was working.

2. Report from the Benefits Committee

Hyer reported on two actions taken that will be of interest to faculty. The General Assembly approved a matching program for employees who contribute to 403B retirement programs. Beginning in late spring, the state will provide a \$10 per pay period match for employee contributions of \$20 or more. The legislation authorizes a match up to \$50 per pay period, however, funds appropriated are expected to allow only a \$10 match at this time. The Benefits Office will be doing an educational campaign shortly, encouraging employees, including staff, who have not previously contributed to a 403B plan to do so. State matching contributions will NOT affect the maximum that employees may now contribute to a 403B plan since they will actually be deposited into a companion 401 account.

A second change of importance to some faculty will be the authorization that the Board of Visitors has just granted to increase the cap on faculty long-term disability payments. Previously, payments would be capped at 60% of the employee's salary up to a salary level of about \$80,000. Negotiations with TIAA-CREF, our long-term disability provider, are expected to increase the cap to 60% of salaries up to \$180,000, the maximum allowed by TIAA.

3. Issue of Collegiality:

Mitzi Vernon reported on the deliberations of the subcommittee considering whether language changes concerning collegiality would be appropriate for sections in the Handbook on promotion and tenure. The subcommittee reviewed with care the existing provisions of the Faculty Handbook, especially sections 2.7.1 on Professional Ethics and Responsibilities, 2.9.1 on annual evaluations, and 2.8.4 on promotion and tenure. The subcommittee concluded that our current policies DO allow for a more general consideration of a candidate's fitness for a lifetime appointment and that the decision need not be confined solely to measurable accomplishments in the three mission areas. The subcommittee agreed that such matters as "energy, integrity, and professional ethics and responsibilities" (see section 2.8.4) were appropriate matters to consider in such weighty decisions. Further, members felt that the promotion or tenure criteria should not be treated as a checklist where candidates checked off items as they published papers or completed certain activities, and tenure or promotion was awarded when all of the boxes were filled. However, the subcommittee expressed some concern that if these more subjective matters were indeed part of a negative decision, that there be some documentation of those concerns that would be forwarded along with the candidate's dossier as it was considered at higher levels or when appealed.

To this end, the Commission reviewed a clarification to be added to section 2.8.4 of the Faculty Handbook (material in brackets is new):

(start new paragraph) Besides consideration of specific professional criteria, evaluation for promotion or tenure should consider the energy and integrity of the candidate and the candidate's concern for professional ethics and responsibilities [as described in the Faculty Handbook. To the extent that such considerations are significant factors in reaching a negative recommendation, they should be documented as part of the formal review process.]

Commission members discussed at length what constituted "documentation." Commission members felt that there should normally be a "history" in cases where behavior or ethical issues have been a problem, usually through the annual evaluation process or as issues arose. Thus, typically the faculty member would know of these concerns prior to the ultimate promotion or tenure decision. A documented history would not be a requirement in every case, however, since a negative decision may still be appropriate if the behavior were especially egregious and/or recent. The commission was NOT recommending that department heads begin a paper trail, identifying every minor complaint or infraction, and putting a note in the file. However, faculty members should not be surprised by these concerns and they should be addressed in an on-going manner during annual evaluation and as need arises.

Commission members also discussed how faculty members are informed of reasons for a negative promotion or tenure decision. The committees' deliberations are confidential so the letters of evaluation developed by these groups are not shared directly with candidates. In some colleges, the dean or department head meets with the individual to share generally the issues of the evaluation. In other colleges, candidates receive a letter with the same purpose.

Vernon and Hyer will prepare a formal resolution to accompany the proposed clarification of section 2.8.4 and present this to the Commission for action in January.

The meeting was adjourned.

Recorder,

Minutes

Commission on Faculty Affairs

January 21, 2000

Members present: Mitzi Vernon, Paul Knox, John Crunkilton, Richard Cothren, Craig Ganoe, Mario Karfakis, Anne Zajac, Jackie Davis, Rick Fell, Deborah Mayo, Pat Hyer (for Peggy Meszaros)

Members absent: Janet Johnson, Hara Misra, Kamal Rojiani, Rick Ferris, Kathryn Clarke-Albright

Guest: Gene Brown

1. Draft policy revision on intellectual property

Gene Brown provided some background on the evolution of the intellectual property policy, which provides guidelines on who owns the products of scholarly work by the faculty based upon the nature of that work and the presumed institutional investment in its production.

The policy currently differentiates between "academic" works, such as books or journal articles for which faculty retain full ownership and rights to royalties, and "technical" works typically produced in a laboratory using university resources. Proceeds from "technical" works are shared by the faculty member (50%), VTIP (40%), and the academic department (10%). Any technical work produced with the use of university resources is automatically considered to be property of the institution.

Approximately three years ago, the Commission on Research established a Committee on Non-Traditional Scholarship to develop guidelines for the publication and dissemination of new academic work such as interactive courseware, CD roms, and internet applications, which no longer fit within the guidelines of traditional academic work. In some cases, these new scholarly products have involved substantial university investment in equipment, staff, student assistance, faculty training, release time, and so on. The revised policy recommends that in cases where substantial university resources have been used in the creation of these works, they would be treated as "technical" works in the sense that they would be University owned. Proceeds from such products would follow usual guidelines for shared distribution as described above. The draft includes a definition of "substantial university resources," provides an appeal mechanism for the faculty member, and recommends creation of a repository of precedents in the deans' offices. Department heads would play a critical role in determining whether substantial university resources had been involved in the creation of the product and therefore that the faculty member was responsible for disclosure as required by the policy.

In addition to comments on elements of the revised policy, Brown was seeking advice from the CFA on how to elicit wider discussion of the policy draft. Knox recommended that department heads be involved in reviewing the draft since they will have a key role in implementing the policy as currently written. Knox also wondered if we wouldn't have more equitable treatment of faculty across departments if we required ALL scholarly products to be disclosed. Brown responded that some universities do indeed require this, however, the burden of reviewing all products, including books and other academic manuscripts usually ascribed to faculty ownership, would be enormously time-consuming.

Other questions and issues raised included: whether research assignment or study-research leave constituted a "substantial" university resource; whether release time which was the result of a grant or fellowship (creating salary savings) was to be treated as a "substantial" university resource or only departmentally funded release time; whether

"patentable" works should be the operating definition for "technical" works since this may produce difficulties for some fields which seek design patents with no intent to develop products; and how excessive faculty effort devoted to such a project in a few cases may not be in the best interest of the department since it diverts the faculty member from more important departmental priorities.

Brown promised to follow up with suggestions for seeking further input from faculty and department heads and to consider some of the issues raised at this meeting in subsequent revisions.

2. Collegiality Issue

A draft resolution clarifying that concerns over "collegiality" that played a significant role in a negative promotion or tenure decision would be documented as part of the formal review process was distributed in advance and discussed. Members agreed that the resolution reflected discussion at the last meeting. The resolution was approved unanimously with a minor editorial change. Hyer is to discuss with Dr. Meszaros whether to submit the resolution to University Council or to the University Promotion and Tenure Committee which has general responsibility for sections of the Handbook on the P&T process.

3. Conflict of Interest Policy Draft

Hyer encouraged members who were available to attend the joint meeting of several commissions on January 27th to review the issues and draft policy statement concerning conflict of interest for faculty members. The draft is the result of increasing need for explicit guidelines for faculty-owned businesses and related concerns. Several members planned to attend. CFA will also discuss the issue at the next or a subsequent meeting.

Next CFA meeting: February 4, 3:30 p.m. Discuss the intellectual policy draft presented by Gene Brown, discuss conflict of interest policy draft, discuss revision of P&T dossier guidelines concerning outreach. Hyer will ask Clark Jones to come to the 2/4 meeting to briefly describe the proposed changes concerning outreach which are going to the University P&T Committee.

Patricia Hyer
Recorder

Commission on Faculty Affairs
Minutes
February 4, 2000

Members Present: Mitzi Vernon, Pat Hyer (for Meszaros), Janet Johnson, Rick Fell, Hara Misra, Mario Karfakis, Anne Zajac, Richard Cothren, Jackie Davis, John Crunkilton, Craig Ganoe

Members Absent: Paul Knox, Kathryn Clarke-Albright, Kamal Rojiani, Deborah Mayo

Guest: Clark Jones

1. The minutes from the January 21st meeting were approved. They will be forwarded to University Council.

2. Proposed revisions to the promotion and tenure dossier related to Outreach

Clark Jones, Vice Provost for Outreach, provided background on the proposed changes concerning outreach. Outreach is now the umbrella concept being used at the university for a wide variety of activities. It is not even mentioned in the existing guidelines for preparation of the promotion and tenure dossier and the purpose of the draft document was to propose where and how that might occur. The Commission on Outreach has been working on the draft for some time. The document will be presented to the University Promotion and Tenure Committee this spring for official action. Review by CFA was for information and an opportunity to provide some feedback.

The proposed revisions continue to make prominent and logical mention of extension. There are about 100 or more faculty members with some portion of their appointment dedicated to extension, so continued reference to extension, in addition to outreach, seemed appropriate.

Outreach activities have now been separated from other activities previously considered as part of "service" and a new section titled "Professional and University Service" has been created. CFA members offered a number of suggestions to improve the dossier outline. In particular, it is now appropriate that the department head be asked to comment specifically on "professional and university service" (p. 2, II.C) now that this is a separate category. Fell recommended that there be greater differentiation in the types of "outreach and extension publications," perhaps creating several categories to reflect those which are peer reviewed versus newsletters and other non-reviewed publications. Fell agreed to develop several such categories and to send to Jones by Monday. Members also recommended that item D on page 6, now called "software and patents" be retitled "intellectual properties." In a number of cases, it appeared that editing of material not related to outreach would be helpful. Suggestions were made and Jones promised to convey them to the University P&T Committee for their consideration.

3. Collegiality Resolution: Hyer reported that the Provost requested that the resolution passed by CFA at the last meeting be a recommendation to the University Promotion and Tenure Committee which convenes in mid-February. The resolution concerned a clarification in the P&T policy which is the general responsibility of that committee.

4. Continuation of Discussion Concerning Intellectual Property Policy Revisions

In response to a question about who owns patents. Fell clarified that in accordance with current policy, the ownership of traditional academic works rests with the author(s). In the case of novel results of

research, however, ownership rests with the university if university resources are used in their generation. It is the Ownership Subcommittee (of the Intellectual Properties Committee) which officially makes this determination based on the facts contained in the disclosure. (Occasionally university-owned IP's are ceded back to the creator(s) if a licensee cannot be found.) The patenting and marketing costs are subtracted from the licensing revenue before the share owed to the creator(s) is computed.

CFA members noted that the policy was more difficult to follow than necessary and would benefit from a good editor who might find ways to simplify it. Also, CFA members requested that changes being proposed be highlighted in some way in future drafts so they could tell more easily what was new language (bold, caps?).

Other issues raised and discussed included: a recommendation that perhaps a statement should be included that IP's resulting from sponsored programs would automatically indicate that "substantial university resources" had been used; a recommendation that the policy should try to clarify the status of intellectual property ownership in the case where the work on such a property could be documented to have occurred PRIOR to university employment; a general concern was raised about the 50/50 split of proceeds and whether a more flexible sharing arrangement should be considered to reflect varying circumstances; concerns were expressed about possible arbitrary action of the department head in making determinations of whether substantial use of university resources were involved; a related concern was expressed about the appeal process and a suggestion made that the dean should appoint an ad hoc committee of 2 to 3 faculty members to review disputes between faculty members and department heads as to a determination of use of "substantial university resources;" and section 3, p. 5 on student ownership needs clarification (what is the definition of employment? is this the same for undergraduates versus graduate students?), etc.

Hyer was asked to convey these concerns and suggestions to Gene Brown and to request that CFA be given an opportunity to review later drafts for further input.

5. Conflict of Interest Policy Revisions

Vernon, Zajac, and Karfarkis attended the joint information session hosted by the Commission on Research to introduce the proposed policy and guidelines concerning faculty-owned businesses. Members discussed their interest in further involvement on this topic. Of particular interest to the Commission is the issue of protecting graduate students and how this will be dealt with in the policy. Hyer agreed to send the presentation overview to members who could not attend. Vernon will ask Malcolm McPherson to meet with CFA on March 3rd to continue this discussion.

The meeting scheduled for February 18th has been canceled due to the necessary absences of Vernon and Hyer. The next meeting will be March 3.

Commission on Faculty Affairs
March 3, 2000

Members present: Zajac, Kafarkis, Davis, Hyer (for Meszaros), Vernon,
Crunkilton, Johnson, Cothren, Ganoë

Members absent: Knox, Misra, Mayo, Clarke-Albright, Fell, Rojiani

Guest: Malcolm McPherson

Conflict of Interest/Commitment:

Malcolm McPherson led a discussion of the proposed conflict of interest policy. The reason that so many policies are currently being revised at this moment is that the relationship between higher education institutions and the external world has vastly changed in recent years. Our current policies on intellectual property, consulting, and conflict of interest, just to name a few, no longer adequately deal with the highly entrepreneurial world of faculty research, which is being encouraged at many institutions in support of economic development. We need to harness the energy of entrepreneurial faculty and assure that it is serving primarily the interests of the university and not the personal gain of the individual faculty member.

Conflict of interest relates primarily to money, whereas conflict of commitment relates primarily to use of time on external activities. The draft policy differentiates these two important types of conflict, but addresses conflict of interest almost exclusively. A committee continues to study conflict of commitment and how policies might effectively address this difficult area.

McPherson was asked if issues related to veterinary medicine had been addressed in revisions of the draft. Policies of the College of Vet Medicine prohibit consultation or private practice for veterinarian practitioners so that private work would not be in competition with hospital services, which are funded in part by state appropriations. McPherson responded that Dean Eyre would meet with Associate General Counsel, Kay Heidbreder, to determine if any revision was needed to address the case for veterinary medicine.

McPherson reiterated that the policy was developed in such a way as to recognize the widely varied traditions and cultures of the disciplines, deliberating avoiding a one-size-fits-all approach. Except for the category of explicitly illegal activities, the document does not prohibit any specific activity. Rather it provides guidelines and suggestions, and gives the responsibility to the department heads and deans to administer in accordance with disciplinary standards. There is oversight at the university level to maintain reasonable consistency across the colleges.

Commission members discussed the need for systematic training for all department heads early in the fall and urged leaders of the project to find a way to make sure that department heads attended. Effective and fair implementation of the policy depends on the heads, who will need to understand the policy and their role in process.

The policy draft remains the primary responsibility of the Commission on Research, which hopes to have a final resolution ready for action this spring. CFA members were asked to take a close look at the document language so that we might complete our discussion of the draft at the next meeting. Kafarkis suggested that the draft may not yet adequately deal with the issue of use of staff time.

Vernon asked all members of CFA to read the documents with care for a

final discussion and possible endorsement at the next meeting.

Other business:

Vernon asked that Hyer check with Gene Brown on the status of the revisions to the intellectual property policy to determine if a revision would be ready for CFA discussion again this spring.

Vernon and Johnson reported that the University Promotion and Tenure Committee had reviewed CFA's recommendation for a clarification concerning documentation in section 2.8.4 of the Faculty Handbook. Although the committee had no objection to the proposed change, they did raise questions about a reference to "energy" as a criteria to consider in making a determination for tenure and asked CFA to take a look at that. This was existing language and not part of CFA's recommended change. The issue will be addressed at a later meeting after the chair has had time to get a better understanding of the committee's concerns from Provost Meszaros.

The next meeting of CFA is scheduled for Friday, March 24th, at 3:30 in 325 Burruss.

Commission on Faculty Affairs
March 24, 2000

Members present: Davis, Karfakis, Misra, Ganoë, Cothren, Vernon,
Meszaros, Hyer, Fell, Johnson

Members absent: Knox, Clarke-Albright, Rojiani, Zajac, Mayo, Crunkilton

Conflict of Interest/Commitment:

Commission members continued discussion of the draft policy documents related to conflict of interest. Hyer wondered about exactly which documents in the set would actually end up in the Faculty Handbook and other official policy sites. The concern stemmed from the fact that the "Background" document contains much useful information that may not be codified, particularly the examples of the various categories of conflict of interest which make the entire policy more understandable. Hyer also raised concerns about leaves of absence longer than ten days and whether these documents were adhering to existing policies on "change of duty" status requiring Board approval.

Committee members discussed whether there were adequate protections for staff members and students who may be asked to do work for the faculty member's company and who do not feel they have the power or right to refuse. This is even more likely in the case of foreign graduate students, who may feel that they cannot afford to alienate the faculty member by calling an inappropriate request to the attention of the head. There was concern that the safeguards built into the policy may not be adequate. Another issue involved use of university facilities. It would appear that university lab directors, who also own a related business, might have testing done through the university facilities (paying the designated fees), then the same individual determines how the lab will spend the revenue. In this case, the department head is ultimately responsible for fiscal management of the account. However, there is some potential for at least the appearance of conflict in such cases since the lab director usually has discretion in spending such lab revenues, which he/she also generated.

There were questions raised about statements on the draft forms, for example, what are the "regulations of the Board?" This reference was not clear and members suggested that the forms needed careful scrutiny to be sure that they were adequately adapted from the Purdue originals to our setting. Also, there was concern about how these forms overlapped with the existing consulting approval forms. Many felt that it would be helpful if the forms could be combined, since it would be very difficult to know when to fill out one versus the other. The conflict of interest form suggests that they require ANNUAL re-filing, while the consulting policy would require filing with each event. The process seems heavily bureaucratic (at least as portrayed through the forms) and members wondered if it were not possible to streamline them a bit further.

Concerns were raised about the composition of the standing committee, who would be a part of it, how would appointments be handled, etc.

Hyer agreed to meet with Malcolm McPherson in the near future to review a number of editorial suggestions she had identified for the draft documents as well as the concerns mentioned by commission members. The commission members remain supportive of the conceptual approach for the policy.

Resolution 1999-00A:

Dr. Meszaros reported that the University Committee on Promotion and Tenure had reviewed CFA's suggestion to clarify section 2.8.4 of the

Faculty Handbook concerning documentation of considerations other than professional accomplishments in teaching, scholarship, and service. The proposed clarification statement appeared acceptable to the committee, however, they questioned the interpretation of the phrase "...but also consider the energy and integrity of the candidate," in particular the word energy. The committee sent the resolution back to CFA for consideration of this word even though it was existing language and not part of the proposed clarifying statement. CFA members agreed that the word "energy" was difficult to define in any meaningful way and thus open to widely varying and highly subjective interpretations. The sentence was edited, deleting the word "energy" and referring to professional conduct and ethics, rather than "responsibilities." A motion was made, seconded, and approved to forward a revised version of the resolution back to the University Committee. [In subsequent discussions, the Provost requested that the revised resolution be shared with the University Committee on P&T for final comment, then forwarded to the University Council and handled through the normal governance process since the University P&T Committee had concluded their meetings for the year.]

Remaining Meetings for 99-00:

Commission Chair, Mitzi Vernon, reviewed items of business that remain for the year. Gene Brown confirmed his availability for the April 7th meeting of CFA to review the latest draft (already distributed electronically) of the intellectual property policy. The report on the pilot project on faculty searches in Arts and Sciences will be scheduled for May 5th;; Deans Bates and Gordon have agreed to attend. The April 21st meeting of CFA will be canceled.

Recorder,

Patricia Hyer

Minutes

Commission on Faculty Affairs

May 5, 2000

Members present: Mitzi Vernon, chair; Pat Hyer for Peggy Meszaros, Richard Cothren, John Crunkilton, Jackie Davis, Rick Fell, Mario Karfakis, Hara Misra

Members Absent: Kathryn Clarke-Albright, Janet Johnson, Paul Knox, Kamal Rojiani, Anne Zajac, Deborah Mayo, Craig Ganoe

Guests: Robert Bates and Myra Gordon, Leon Geyer

Mitzi Vernon, CFA chair, called the meeting to order.

1. College of Arts and Sciences Pilot Revision of Faculty Search Procedures:

Dean Bates and Associate Dean Myra Gordon provided a follow-up to their presentation at the September 17, 1999, CFA meeting on revised procedures for conducting faculty searches in the College of Arts and Sciences designed to result in identifying and hiring more women and faculty of color. Bates indicated that they never really anticipated that they would see results so soon. They thought it would be two to three years, but they began to see results even within a few months.

Gordon noted that they are planning to make comparisons of hiring outcomes with the 1997-1998 year. Bates outlined recent search statistics: * 1997-1998: 23 tenure-track hires: 15 white males, 8 others (65%/35%) -- committees were not diverse. * 1998-1999: 20 tenure-track hires: 10 white males, 10 others (50%/50%) * 1999-2000: 15-16 tenure-track hires: approx. 42%/56%; still have 5-6 hires to reach closure. Believe they will also see some effect on non-tenure-track appointments. They are seeing some hiring of Hispanics and Native Americans, which represents more variation than they have had in the past. All committees now have diversity in their membership and candidate pools have been more diverse. Enlarging the pool has been their emphasis throughout the process.

How did it work to use outside people on the search committees? Dean Bates indicated that no one turned down the invitation, and they appeared to be pleased to help (were interested in this approach). He noted that they decided to be careful about inviting someone from another institution where they may also be conducting a search for a similar set of skills (not a real problem, but a concern). They looked for cultural competence among all hires; even white male appointees will contribute to diversity commitments.

Bates indicated that he defines diversity broadly. The College is interested in a wide variety of diverse backgrounds, intellectual approaches, and personal backgrounds. They plan to do a full-scale evaluation of the new search procedures. They hope to survey committees and departments who participated in the process. They expect a certain level of criticism; some faculty resent any administrative initiative and departmental loss of final say over final hire. Questions early on were always framed as "why is the Dean doing this to us?" But many individual comments were made about how important it was to do it. Predictions of disaster did not materialize. Bates noted that the key step is getting diverse individuals in the pool. Now it is no longer acceptable to put out the ad and accept the applications that you get.

Bates noted that they are still doing some EDP hires and they are getting some excellent referrals for appointments in areas where they are not conducting searches at the moment.

Bates indicated that it is important to appoint people to committees who are willing to consider or commit to the goal. Negative attitudes can still discourage viable candidates. Bates indicated that they have lost several single female candidates who chose a more urban location. Spousal hires remain very difficult and the institution should probably continue to pursue proportional benefits for P-T salaried faculty members.

2. Conflicts of Interest and Commitment:

Vernon was surprised when the policy came forward and a request was made to waive first reading. Several senators and faculty members were concerned about the waiver of first reading, although there were few actual criticisms of the policy draft forwarded to Senate officers. The discussion at University Council focused primarily on the waiver of first reading itself. Mitzi proposed an amendment that appeared to offer a viable compromise for those who were concerned about moving the policy forward at the end of the term. Essentially the amendment called for an evaluation of the implementation process during the next year with either validation of the document or proposed revisions based on experience of those involved and remaining concerns of others, if there were any. This amendment was approved, and ultimately Policy 13010 was approved and will be forwarded to the Board of Visitors at their June meeting.

3. Next Year's Agenda:

The following topics were suggested as agenda items for the Fall 2000 term.

- * Spousal hiring issues.
- * Administrator review: want to consider annual opportunity for faculty.
- * Department heads should make a statement in their letters (or in annual evaluation?) concerning what they have done to assist faculty members in achieving expectations; this is not happening on a systematic basis. How to make sure they get mentoring they need?
- * Mario Karfakis raised the issue "rights" for co-PIs.
- * Concern regarding late submission of proposals to Sponsored Programs. Vernon feels that there should be a 24-hour in advance deadline so that staff are able to complete the work they need to do to prepare documents for timely submission to federal agencies or other sponsors.
- * Research faculty issues.
- * Continuing discussion regarding search procedures.