

**UNIVERSITY OF WASHINGTON
FACULTY COUNCIL ON FACULTY AFFAIRS**

The Faculty Council on Faculty Affairs met on March 5, 2003, at 11:00 a.m., in 26 Gerberding Hall. Chair Kate O'Neill presided.

Present: *Regular:* Ceccarelli, Graubard, Hildebrandt, Kirtley, Landis, O'Neill
 Ex-officio Krieger-Brockett, Olswang, Blumenthal, Green, Sjavik
Absent: *Regular:* Dzwirek, Kolko, Lydon-Rochelle, Luchtel, O'Brien, Poznanski
 Ex-officio: Colonnese, Johnson, Croft

Synopsis

1. Approve agenda
2. Approve minutes
3. Charge to the Dispute Resolution Subcommittee (discussion)
4. Intellectual Property Policy (discussion of proposed changes)

O'Neill called the meeting to order at 11:04.

Approval of agenda

The agenda was approved.

Approval of minutes

The February 19 minutes were approved.

Charge to the Dispute Resolution Subcommittee (discussion)

O'Neill reminded the Council that Alan Kirtley has agreed to chair a subcommittee to look into the University's Dispute Resolution procedures – this will not produce an action item this year, but will entail study this year and next year, with possible revisions to the Faculty Code or administrative policies.

To begin the process, Kirtley has drafted a charge to the subcommittee. He invited Council members to comment on the charge, which arose out of a Council discussion on dispute resolution methods in use at the University in addition to the formal adjudication process. There are several avenues for dispute resolution, some of which overlap.

After reviewing and briefly discussing Kirtley's draft charge, the Council approved it with very minor wording changes. The Dispute Resolution subcommittee will:

- Identify the various entities and processes in place on campus to resolve disputes between and among faculty, staff, and students,
- Investigate dispute resolutions systems at other research universities,
- Compare the U/W system against those elsewhere, and
- Prepare a written recommendation, based on this research, as to what changes might be warranted, with a view toward improving the U/W's dispute resolution systems.

Subcommittee volunteers are Lea Vaughn, Steven Olswang, and Barbara Krieger-Brockett. Vaughn would like to see this become a comprehensive study, and perhaps also result in a training module for faculty who find themselves supervising others but have had little preparation for the task. Many of the conflicts Vaughn sees in her role in the Faculty Senate Office have their roots in a lack of training and clarity about how to supervise and how to negotiate.

Council members expressed the hope that the study could also result in proposed changes to the Dispute Resolution process actually being implemented, if changes are in fact warranted. O'Neill would like to leave a charter for future Faculty Affairs Councils to run with.

Kirtley asked whether R/A help might be forthcoming. Vaughn said this could be included in the budget request she submits to the Provost, and might provide an interesting experiential learning opportunity for a graduate assistant or senior in the School of Education. In light of the relatively high cost of the lawyers who conduct formal adjudications for the University, the cost of a grad student to help improve the dispute resolution process and forestall some adjudications may well be justified.

Kroeger-Brockett said that the members of the Special Committee on Faculty Women, which she chairs, want to find ways to resolve disputes in their very early stages, so that problems are not escalated and exacerbated by the process itself. Kirtley and Krieger-Brockett discussed the possibility of offering a one-day workshop on this topic, perhaps in spring, and perhaps including Julia Gold of the Law School.

Intellectual Property Policy (discussion of proposed changes)

O'Neill met with Faculty Senate Chair Sandra Silberstein, Research Council Chair Asuman Kiyak, and Associate Vice Provost for Research Malcolm (Mac) Parks to discuss a substantial document that amends the University's Intellectual Property (IP) Policy. Parks would like the Faculty Senate's blessing on the proposed policy changes. The Research Council has met once to discuss the changes, and will meet once more.

Several issues of concern to the faculty have surfaced in the document, including proposed changes to the revenue streams that accrue to faculty and proposed changes in the ownership of some copyrights.

Since the meeting with Parks, both Kiyak and O'Neill have heard from faculty who do not agree with, or have serious questions about, the changes. O'Neill was told that the changes have been vetted by a past Faculty Affairs Council, but she does not recall it during her membership on FCFA. O'Neill would like to know more about the origins of the document – who has worked on it and how long ago, who has approved it, and what changes have been made during the process. She will contact the chair of the Intellectual Property Management Advisory Council (IPMAC) for answers to these questions.

Vaughn said that she has been working on codifying procedures that come through the Senate office, to create a Senate Procedure Manual that will give guidance to the Chairs on procedural matters as they move through their one-year terms. She has just written up the procedure for Executive Orders (the IP Policy is an Executive Order), so can speak to what should happen procedurally with the IP Policy.

Per the procedure, the proposed policy changes have been routed to FCR and FCFA for comment – if either Council disagrees with the proposed revisions to the Executive Order, the Faculty Senate Chair has the responsibility for sending a letter to the President outlining the areas of disagreement. The Chair and the President then work out the differences and attempt to arrive at a mutually acceptable resolution on the areas of concern. This is generally accomplished within a 60-day timeline, but the deadlines are somewhat flexible.

After discussion, it was decided that O'Neill will invite Kiyak, Parks, and Ed Rubel (IPMAC) to come and discuss the document with a view to due diligence. The history of the document seems to be a bit clouded and Council members feel some clarification is needed.

Graubard observed that the proposed revisions seem to be a "change in contract" – is this truly the case? Olswang responded that Graubard's question is part of the conversation that is going on. The document contains a clear statement that the proposed revisions do not affect any existing agreements, Olswang said. He acknowledged that the proposed revisions do affect the payout structure, but said that this is a positive change for faculty over the long term.

Carol Landis questioned Olswang's interpretation that the change in payout is actually beneficial to faculty. Her review of the Parks memo, coupled with the discussion at the last Council meeting, suggests to her that faculty would get a smaller piece of the pie if the proposed revisions take effect, and that this would not be beneficial in the long run. That issue alone would seem to warrant further discussion by the Council.

Olswang commented that modeling of the revenues showed that, on average, faculty would gain an additional \$7,000 over the life of their patents. However, he agreed that this is an important question. Kiyak, Parks, and Rubel would be very important to that conversation, Olswang said.

O'Neill will ask the Kiyak, Parks, and Rubel to comment on the history of the document and describe what has changed, how it affects faculty, and what the consequences of the proposed changes are.

Olswang said the policy would not be implemented until July 1 even if it were approved today. O'Neill will move the process along as fast as possible.

Other pending business

Media-neutral Legislation - O'Neill has been working with the Code Cops on the proposed Class A legislation to make Faculty Senate notices "media neutral." From a legal standpoint, this is basically do-able. The Council needs to take up this legislation at the March 19 meeting if it is to be enacted this year. Enacting it could save the Faculty Senate Office \$3500 per mailing, for several mailings it is required to do each year. Vaughn would like to effect these savings as soon as feasible.

A/B Salary Plan – Carol Green reported that the subcommittee has met, gathered a lot of information, and has a general plan. But they are feeling the need for a formal charge from the Council. Green will draft a charge for the Council to review on March 19.

The meeting was adjourned at 11:50 a.m. *Minutes by Linda Fullerton, Recorder.*