

**The University of Washington
Faculty Council on Faculty Affairs**

The Faculty Council on Faculty Affairs met Thursday, **January 11, 2001** at 9:00 a.m. in 36 Gerberding. Chair Robert Holzworth presided.

PRESENT: Professors Carr, Haley, Holzworth, Hunn, Luchtel, O'Brien, Riley. *Ex officio*
*Adman, Fabien, Krieger-Brockett, Rose. (*with vote).

ABSENT: Professors Fox (excused), Poznanski, Roberts. *Ex officio* Ludwig, Olswang,
*Rickerson, Sjøvik.

The **minutes from November 30, 2000** were approved with changes.

Announcements from Chair

Chair Holzworth announced that two pieces of legislation that originated in FCFA, Research Faculty Voting Rights and Tri-Campus legislation, both passed the Senate Executive Committee (SEC) as written and have been signed by the President. The bills will go before the Senate for a second reading and, if they pass, will be submitted to a vote of the full faculty. Adman asked the Recorder to check the web version of the RF Voting Rights legislation--she believes there may be some inconsistencies in the version passed by the Senate and the version that is currently posted on the web. (Note: the Recorder conferred with Assistant to the Faculty Senate Chair, Marilyn Gray, and with Prof. Adman, and determined that the version on the web was correct).

Comments on President's Report to the SEC

Chair Holzworth referred to President McCormick's letter to Faculty Senate Chair Mary Coney dated January 4, 2001 that confirmed the administration's support of faculty enabling legislation which recently passed the Faculty Senate. The President's letter said the " . . . administration would support enabling legislation for faculty if, at a minimum, the conditions of the Class C resolution [regarding enabling legislation for collective bargaining] were met." However, the letter addressed concerns that faculty collective bargaining legislation could endanger the passage of the TA collective bargaining enabling legislation as well as faculty salary increases. The President's letter clarified that the University's "highest priority in the 2001 legislative session will continue to be adequate salary funding for all of our faculty, staff, and graduate students."

Holzworth said it is interesting to note that the legislative spending cap, initiated by I-601, prevents faculty from benefiting from the recent period of economic prosperity. He also noted that K-12 educators have separated themselves from higher education faculty for the purposes of salary negotiations, where in past years the two groups have been coupled as one bargaining group. On a more positive note, Faculty Legislative Representative Dick Ludwig has informed Holzworth that there is support for higher ed salary raises in Olympia.

Report from Instructional Responsibility Policy (IRP) Subcommittee

Subcommittee Chair Eugene Hunn reported that he met with the Chair of the Political Science department, Stephen Majeski, who told Hunn that Poli-Sci's system of reviewing IRP exceptions at the departmental level has been working quite well. Hunn also noted that Vice Provost Olswang provided a set of statistics regarding exceptions to the IRP and these stats, as well as Olswang's cover letter, indicate that the problems with course inaccessibility no longer exist. There are strong seasonal patterns in the stats with more lower division courses being taught in the Fall and more upper level courses taught in the Spring, but there do not seem to be problems

with undergraduates gaining access to courses because faculty are away from the classroom conducting research.

Hunn reported that a large fraction of Political Science faculty who apply for exemptions to the IRP receive them and that measures are taken to ensure that courses are available throughout the year. Hunn's department, Anthropology, will soon be asking the administration for an IRP-exemption approval process similar to the one enjoyed by Political Science, which allows Poli-Sci to approve IRP exemptions without Provostial approval. Hunn asserted that it is wrong for the President to issue an edict to faculty without faculty input in the formation of that policy; this suggests that perhaps the administration's strategy is to keep faculty ignorant of this privilege.

Hunn observed that the objection to IRP exemptions is based on the public's belief that all faculty must teach classes during every quarter in which they are paid from state funds. Hunn believes the faculty need to formulate a policy that defines IRP exemptions as a privilege afforded faculty in order to further their research and other legitimate work-related issues. This policy will likely need to be in the form of Class B legislation so that it may preempt the President's edict. O'Brien agreed that the current policy is a fairly "blunt instrument" and surely the faculty could draft a more workable arrangement that would appease students, faculty, and the administration; he suggested that the policy include guidelines to require certain levels of course availability.

Holzworth pointed out that there are now more courses offered during Winter Quarter than in any other and that course unavailability during Winter Quarter is no longer an issue. Plus, the number of requests for IRP exemptions has gone down. Holzworth asked if faculty really want to raise the debate over IRP exemptions to a more public level. O'Brien noted that the current method for granting IRP exemptions is bad for two reasons: most faculty are not aware of them, and the method creates a special category of faculty, i.e. the Political Science department, which has the unique ability to grant exemptions without Provostial approval. Rose pointed out that the exemption granted to Poli-Sci was intended as an experiment, and should now be made available to all departments. Luchtel agreed that special arrangements such as the one made with Poli-Sci should not exist--if the arrangement is good enough for one department, it should be good enough for all.

Holzworth submitted that the bottom line is, faculty should teach courses during all quarters *except* under certain circumstances. The proposed legislation must be drafted this way to ameliorate the potential political consequences of IRP exemptions. Carr said this legislation should implement a system for instituting continuity. Haley reemphasized that the two main problems with the current policy are that many faculty do not know that IRP exemptions are possible, and that certain departments (i.e., Political Science) are being afforded special treatment--these problems need to be addressed in the proposed legislation.

Fabien submitted that his department, Mechanical Engineering, has been doing a good job with handling these exemptions itself and he is not sure the University needs an IRP at all--leave the policy up to the discretion of the departments. Krieger-Brockett noted, however, that other departments are unable to implement an equitable policy due to the clout of some senior faculty members. Hunn said that a good IRP offers flexibility in course scheduling which is a powerful tool for faculty (esp. Jr. faculty) and is often used as a recruitment tool for new faculty to demonstrate how faculty may apply for collapsed teaching loads to enhance their research efforts. O'Brien submitted that if you have an IRP with reasonable guidelines, it will encourage faculty research efforts.

Hunn said he would meet with the IRP subcommittee to begin drafting legislation for a faculty-generated IRP and would bring the draft to the next FCFA meeting scheduled for Jan. 25.

New Copyright Policy

Holzworth reported that Faculty Senate Vice Chair Brad Holt asked FCFA to take a look at proposed changes to the University's copyright policy. Vice Provost for Research Malcolm Parks gave a presentation to the Faculty Council on Research regarding the proposed copyright policy, which may be accessed at the following link:

<http://www.washington.edu/faculty/facsenate/councils/fcr/FCR-minutes/111600mins.htm>

Holt believes these changes in policy will have profound effects on faculty copyrights and he urged FCFA to take a closer look at the ramifications of the policy. Fabien offered some insight into the nature of these proposed changes by noting that the Office of Technology Transfer (OTT) wants to focus on who is paying for research at the UW--if the University is paying for research (even via NSF or NIH grants), then the UW says it owns the copyrights. Faculty and graduate students develop a lot of interesting products with commercial potential and faculty need to pay close attention to the changes being proposed in the copyright policy.

Haley mentioned that Florida law requires all royalties from any publication written by higher ed faculty to go to the university. There is a huge disincentive for publishing. Fabien added that other states do not allow faculty to use textbooks which they wrote to teach their classes and he suggested that FCFA get someone from OTT to come speak with the council. Hunn added universities were now making claims on faculty course content, esp. online courses. Krieger-Brockett noted that the most significant change in the copyright policy was the one pertaining to "works for hire." This new provision has serious technical transfer and copyright ownership ramifications.

Fabien added that the new policy endeavors to treat faculty the same way as outside or "work for hire" are treated--by paying them in one up-front sum without any subsequent royalty payments. This is a sure way to stifle innovation at research universities. Holzworth asked if royalty revenue at the UW had gone way up lately? He thinks that it has--it certainly has not decreased. Maybe this change in policy is an attempt to find funds in a tight fiscal environment. Luchtel said the council needs to find out more about the Provost Office's progress on formulating a conflict of interest (COI) policy. O'Brien said that the University wants its due from copyright revenues but the policy it wants to implement will not work with an overburdened system and OTT is pretty overwhelmed with patent requests right now; one has to give OTT two to three months lead time to get a patent request through their office.

Fabien said he understands that a copyright policy is necessary to protect faculty from research assistants who make claims of ownership on projects funded by faculty grants. He noted that, in Mechanical Engineering at least, grants move with a faculty member and are not tied to the particular university. Adman asked who has oversight of OTT? The President? The council decided to invite several guests to the next FCFA meeting on January 25 to clarify the proposed copyright policy. It was suggested that Asst. Vice Provost for Research Malcolm Parks, Vice Provost for Research Alvin Kwiram, Vice Provost Steven Olswang, and Prof. Doug Wadden from the Faculty Council on Educational Technology be invited. Holzworth also suggested that a subcommittee be formed to address the issue of copyright policy at the University. Fabien agreed to chair the subcommittee.

Luchtel said he would also like to hear from the Provost's Office regarding the COI policy they were working on. Krieger-Brockett emphasized that she does not believe the changes in the

University copyright policy are simply "clarifications" but are decided changes that will affect all faculty; she added that it is very important for faculty to understand all of the ramifications of these policy changes and urged the council to look at the AAUP website's postings on copyright policy. Haley agreed that one of the problems with the administration passing blanket rules is that the rules have unintended effects in unintended areas.

New Business/Other Announcements

Luchtel advised the council that he has not had a chance to follow up with the building names committee regarding naming University buildings after corporations, but he will do so before the next meeting.

Fabien reported that the Special Committee on Minority Faculty Affairs (SCMFA) believes President McCormick has done a good job of recruitment and retention (R&R) of minority faculty at the UW, but SCMFA would like to see a uniform policy implemented. Fabien noted that the Dean of the School of Engineering has a specific handbook related to hiring practices and R&R of minority faculty and he wonders if each college at the UW has a similar handbook or if they each have different hiring practices.

Hunn asked if the recent affirmative action legislation that passed Washington state has had an effect on R&R of minority faculty. Krieger-Brockett said she was told as long as the UW receives federal funds they must actively recruit qualified minority faculty. She noted that the Dean of Engineering's handbook is also a good resource for issues like partner hiring, and she does not know if the handbook is being disseminated either. Holzworth suggested checking with the administration to see if they were planning to implement a University-wide hiring policy.

Meeting adjourned at 10:10 a.m. Minutes by Todd Reid, Recorder.