

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

The Faculty Council on Faculty Affairs met on March 20, 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, Johnson, Vaughn  
**Absent:**     *Regular:* Dzwirek, Kolko, Lydon-Rochelle, Luchtel, O'Brien, Poznanski  
                  *Ex-officio:* Colonnese, Olswang, Sjavik, Croft

**Synopsis**

1. Approve Agenda
2. Approve Minutes
3. A/B Salary subcommittee - Draft Charge
4. Consideration of the proposed legislation to make faculty senate notices "media neutral."
5. Proposed revisions to Intellectual Property policy.

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

**Approval of agenda**

The agenda was approved.

**Approval of minutes**

The March 5 minutes were approved.

**Announcements**

At the last Faculty Senate meeting, the Senate accepted the Class A emeritus legislation without revisions on its first consideration, O'Neill said. The legislation will be voted up or down at the Senate meeting on April 24.

The Part-time Lecturer legislation will be added to the SEC agenda so it can be fully considered this year. Barbara Krieger-Brockett has agreed to shepherd this through the process.

**A/B Salary Subcommittee - Draft Charge**

Subcommittee Chair Carol Green reported on the A/B Salary Plan Sub-committee, who have met and have begun to gather information on varied A/B type salary plans in use on the UW Campus. Based on informal comments at the full FCFA committee meetings, the subcommittee has outlined a draft charge and would like the full Council to review it, amend as appropriate, and adopt a formal charge to guide the subcommittee.

*Draft Charge:*

*The A/B Salary Subcommittee will*

1. *Investigate and gather preliminary information regarding the use of A/B type salary plans on campus. We plan no widespread data gathering, but will interview selected administrators and faculty.*
2. *Report back to the Council early in Spring Quarter on what information was gathered and from whom, unanswered questions and issues identified as potential pitfalls or benefits of these plans, and recommendations for action by the Council.*

Katherine Graubard said the group felt it was more important to get a report back to the full council in Spring Quarter than to try to make the scope too comprehensive. The report should focus on salary issues, rather than other kinds of retention issues. Barbara Krieger-Brockett suggested the report could contain anecdotal information from

the Humanities, who will probably find it most difficult to take advantage of the A/B plan. Kirtley surmised that the Payroll Dept. might have this information readily available. Krieger-Brockett replied that, in her experience, accurate information on these subjects is hard to come by. Melissa Johnson, who handles budgets, says she knows of no system that breaks out payroll data by the source of funds.

O'Neill reminded the Council that Steven Olswang told the council that each A/B salary case was individually negotiated – wouldn't his office have a record of each individual plan? This would be an avenue for the subcommittee to pursue. Olswang has advised the council that there are currently 92 people, of 1,500 tenured faculty, on A/B plans, Graubard said. Kirtley encouraged the subcommittee to ask Olswang for more data, since he appears to have the data and salary data is a public record. Stripped of identifiers, the data could be made part of the report. The data could also be compiled by numbers of men on the plan, numbers of women on the plan, and the departments affected.

Green envisioned the report as highlighting both the benefits and challenges of the A/B plan. She will do her best to move the data-gathering process forward, since she leaves at the end of April and will be gone for two weeks.

O'Neill turned the council's attention to the draft charge – in their report, does the subcommittee intend to include soft data such as the morale effects of these salary plans? Green said they would like to gather preliminary data and let the council comment on what should be included. O'Neill said the original intent was to "daylight" the broad issue for the faculty senate so it could be on everyone's radar screens. After a report is issued, more anecdotal information will surely surface.

After general discussion, it was moved, seconded and unanimously passed to accept the draft charge with the addition of the language "and other salary advancement plans" after the words "A/B type salary plans." In accordance with council members' wishes, said Green, the term "selected administrators" in the charge is understood to include Vice-Provost Steven Olswang.

#### *The A/B Salary Subcommittee will*

- 1. Investigate and gather preliminary information regarding the use of A/B type salary plans and other salary advancement plans on campus. We plan no widespread data gathering, but will interview selected administrators and faculty.*
- 2. Report back to the Council early in Spring Quarter on what information was gathered and from whom, unanswered questions and issues identified as potential pitfalls or benefits of these plans, and recommendations for action by the Council.*

#### **Proposed legislation to make Faculty Senate notices "media neutral"**

The proposed Class A legislation to make balloting and other Faculty Senate notices "media neutral" has been vetted by the Code Cops with very minor wording changes and just one question about the use of the word "cast." Miceal Vaughan suggested that the word "submitted" be substituted for "cast" everywhere it appears in the Code language about the balloting process. Lea Vaughn said she has researched this and does not believe it to be necessary, since the word "cast" is a "term of art" specific to the voting process, and is media and format neutral.

Vaughn said she supports this legislation because she would like to bring the Faculty Senate into either the late 20<sup>th</sup> or early 21<sup>st</sup> century in terms of voting and dissemination of information. Vaughn been researching this for a year, and has discovered that it is now the express policy of the State of Washington (RCW 3405260) that "in order to provide the greatest possible access to agency documents to the most people, agencies are encouraged to make their rule, interpretive, and policy information available through electronic distribution" as well as the regular mail.

Tasha Taylor, Vaughn's administrative assistant, has determined that approximately 400 of 3600 active faculty members have not signed up for University of Washington email and thus cannot be contacted via email. However,

Vice Provost Olswang recently told Vaughn that every UW employee is required to have a UW email account. In some sense, said Vaughn, this proposal is technology-forcing, but she believes it is not onerous. For some people, there will have to be a different means of communication – but electronic communication is intended to be the default.

Vaughn's intent with this legislation is to free the Senate from having to revise the Faculty Code every time a new technology adopted. Vaughn is not specifying balloting by email in the legislation, because no one can predict what new technologies might be developed – in a few years, email might be obsolete as well.

Krieger-Brockett raised the question of secrecy. Vaughn said that electronic balloting is as secret as casting a paper ballot through campus mail, and perhaps more so.

The Council moved, seconded, and passed a motion that Chapter 28 legislation be submitted to SEC as written, with a recommendation that it be adopted by the Faculty Senate. Vaughn will develop background information to submit to SEC with the proposed legislation, giving the proposal's rationale and answering as many questions as possible.

Vaughn will see that this legislation is added to the SEC agenda for the April 7 meeting so the Senate may consider it at the April 24 meeting. Vaughn, however, will not be at the April 24 Senate meeting.

#### **Intellectual Property Policy – History and Discussion**

Because the proposed changes to the Intellectual Property Policy have been in development for several years, and some council members have not been part of FCFA for all that time, Krieger-Brockett has consulted her notes for previous versions of the IP Executive Order changes that have been proposed to FCFA.

Krieger-Brockett said a key phrase she encountered in her research was "work for hire," the use of which was rejected by previous FCFA members because it removes the protections of copyright laws. She said there was a huge fight in FCFA over this issue, with much faculty comment to the Provost's office. A member of the National Academy, she said, wrote a long letter calling the UW the "Napster University of Washington."

Krieger-Brockett said she does not agree that the proposed IP policy changes will be beneficial, since they will discourage colleagues from sharing software code and other information. She said the University could also conceivably use her PowerPoint presentations without her permission, since it would be their property, and fire her. The National Technical Lectures, Krieger-Brockett added, are required to destroy the tapes of faculty lectures unless the faculty member requests that they be saved. And if the tapes are then re-played, the faculty member is paid under the copyright law.

O'Neill said she has talked to Ed Rubel of IPMAC, who told her he supports the changes but they are still a work in progress. They should probably not have been sent out with a 30-day comment period. The changes are not a done deal yet, said O'Neill. And, according to Steven Olswang, they would not be implemented until July 1 in any case. Should O'Neill bring this up at SEC? The Faculty Senate Chair posted the proposed revision for a very brief time and got quite a few comments. Rubel, said O'Neill, thought the major opposition to the changes would be to the loss of the "tier" system of royalty distribution, but the major objections are actually about work-for-hire and copyright issues. FCFA has put the brakes on for the time being until the issues can be looked at.

Vaughn counseled that FCFA should decide where the faculty can compromise – it is clear that all universities are looking for new sources of revenue, and the most obvious new source is the work product of faculty members.

Her experience in the UW Libraries, said Green, is that there seems to be a real dividing line when you move from a paper medium to an electronic medium. Since the "Digital Millennium" copyright law took effect, which brings

the US into compliance with the World Intellectual Property Organization (WIPO) rules, <http://www.wipo.org/>, electronic information seems to be treated differently from information on paper.

O'Neill will send a letter to Sandra Silberstein, Steven Olswang, Malcolm Parks, and Ed Rubel, letting them know that FCFA is not comfortable with the proposed policy revisions as they stand and does not yet want to sign off on them. More information is needed.

Perhaps the Senate could sponsor an "Intellectual Property 101" afternoon, where a neutral presentation on these laws could be presented, Vaughn suggested. As a labor lawyer accustomed to complexity, Vaughn finds that she needs more information on this issue and thinks other faculty members may feel the same way.

The meeting was adjourned at 12:25. *Minutes by Linda Fullerton, Recorder.*