

## **Senate Meeting Minutes**

### **2 April 2007**

**Members present:** Anderson-Connolly, Anton (chair), Bartanen, Bristow, Foster, Haltom, Hanson, Joshi, McGruder, O'Neil, Ostrom, Racine, Ryken, Singleton

**Visitors present:** Grace Kirchner, Randy Bentson

Chair Anton called the meeting to order at 4:33.

### **Minutes**

The minutes of March 19, 2007 were approved as distributed.

### **Announcements**

Anton gave an update on the upcoming elections for the Faculty Salary Committee, the FAC, the Senate and the Senate Chair. The solicitation for nominations was sent out about ten days earlier. Approximately 50 people were nominated for the various positions—Those accepting nomination included: four for the Salary Committee, six for the FAC, seven for the Senate, and two or three were considering whether to run for the Chair of the Senate, in anticipation of the deadline on April 3rd.

Ostrom distributed a draft of a document, “Principles on Which to Base the Schedule of Classes,” from the Senate Task Force of Anton, Ostrom and Sousa. (**Attachment 1**) The Senate will need to discuss at a later meeting whether this issue should be sent to the ASC as a charge.

### **Old Business**

#### **PSC Re-drafting of Faculty Code, Chapter III, Sections 6 and 7**

Grace Kirchner addressed the PSC's most recent effort to revise Chapter III, Sections 6 and 7 of the Faculty Code. (The document is **Attachment 2**, which was distributed to the Senate in anticipation of this meeting.) Kirchner began by setting context, reminding Senators that the PSC's efforts to produce needed revisions over the last couple of years, including three or four Faculty Meetings last year, have produced no definitive results. The PSC took this task up again somewhat reluctantly, and with a somewhat different approach. The hope is that this new draft has eliminated the controversial aspects by returning to language in the existing code when possible, and leaving out as much as possible any issues the PSC had determined are controversial. They also have attempted to make additional “fixes” as they recognized them. Conversations about all of the changes are described in some detail in the minutes of the PSC. The first reading of this draft will take place at the April 17<sup>th</sup> Faculty Meeting, with a second reading and vote on May 1<sup>st</sup>.

Haltom suggested that having the minutes of the PSC at the Faculty Meeting could be very helpful, since most faculty do not read committee minutes. Could we ask John Finney to do this? Kirchner suggested she would like to present as much information in advance that can be useful to people. The PSC has talked about projecting material at the meeting.

Bartanen walked Senators through some of the key revisions included in this newest draft. She explained that one change is the effort to make clear how the appeals process begins and what the role of the Hearing Board is. There has also been some question about the new process, in which a candidate can challenge at the departmental level, about who should respond to that challenge. Another revision establishes a procedure for extending deadlines if necessary. Another change involves changing the Hearing Board roster. Because hearing boards can occur at both the departmental and FAC levels of the evaluation process, the PSC is proposing that all tenured faculty would automatically be members of the Hearing Board roster, except for those faculty serving on the FAC, the PSC, or away on sabbaticals and leaves. Finally, when the code was revised to incorporate departmental appeals, the faculty did not change the language regarding to whom the outcome of that appeal should be directed. The Code currently instructs the response to be sent to the president, when the faculty intended that it should be going to FAC at this point. There is new language to make this correction as well. Haltom noted that there are other little quick fixes, but that these deal mostly with clerical matters. Kirchner noted one other change involving the need to reconstitute a Hearing Board if a member had to step down. This change was necessary in order to prevent a possible tie in a four-member Hearing Board. Kirchner reiterated, too, that the PSC had worked to fix those problems they saw while also acting conservatively. As a result, they did leave a few issues alone, including the meaning of the term “confidentiality,” the role of a Hearing Board after it had made its report, and the question of whether the same issue can be appealed more than once. These items will need to be taken up as discreet issues, rather than being combined in a single revision.

Anton reminded Senators of the additional Faculty Meeting on May 1<sup>st</sup> at which the PSC’s new revisions will receive their second reading and be put to a vote.

### **LMIS Briefing on Copyright Issues**

Randy Bentson distributed to the Senate a new draft of the LMIS Briefing on Copyright Issues produced by a sub-committee of LMIS. (**Attachment 3**) Bentson contextualized the document, suggesting that two years ago then-Associate Dean Bill Barry put together a group to look at issues of copyright. Ownership of the work of faculty was one of the issues this earlier group explored. They discovered that, according to how things are written, faculty could be seen as performing work for hire, in which case faculty would have no right to material that they compose. While one might hope that the Faculty Code could be read to yield control back to the faculty member, copyright law calls for a direct statement if this is to be the case. LMIS brought this issue to the Senate last year and included it in their end of year report. LMIS also forwarded it to the university’s administration by way of Associate Dean Alyce DeMarais as a possible policy change. When LMIS brought an earlier draft of the briefing to the Senate in a previous meeting, two questions emerged: would the changes proposed by LMIS be sufficient and what feedback has been received from university attorneys? The attorneys have reported back, suggesting that the copyright policy is well stated with one technical and important exception—the need for a direct statement. On the issue of whether a reference in the Faculty Code would suffice they responded that there could still be a risk of challenge. In this context, faculty may want to call for something in their contracts that would make clear their ownership of intellectual property, nailing down more clearly that intellectual property rights have been granted back to us by our employer. There are two different faculty interests here. On the one hand, individual authors want to retain rights to their intellectual property. In addition, members of the faculty as

a whole would have an interest in using material produced by our colleagues. This raises the question of whether the university should be granted a perpetual nonexclusive license to the material within the UPS academic program. LMIS does not yet have a position because they have not had a chance to consider this issue as a full committee yet.

Bentson wondered whether the Senate wanted to address the issue of perpetual nonexclusive license, or hear first from LMIS. Anton asked if LMIS could start this process, since that is the usual format for committee/Senate work, and suggested that LMIS might put it into the committee's year-end report. Bentson asked if the Senate could look at the current document and let LMIS know if the committee had satisfied the Senators' earlier concerns. In particular he asked Senators to look at Exhibits C and D of the distributed draft. Ostrom asked if the administration and the lawyers are comfortable with the code change. Bentson believed so, except for the issue of there being no explicit statement in the contract. Bartanen interjected that she had sent the question up to counsel about whether there needed to be a written sign off for transfer of property rights back to faculty, but noted that the code language change has not gone to counsel because she had not been asked to do it. She had understood there were two approaches possible—either doing some sign off formally, or assuming the Faculty Code covers this. Lawyers agreed that if there is no formal sign off, there is a risk that someone could raise an issue from off campus.

McGruder urged the Senate to move quickly to put this before the full faculty. Joshi asked if there was any drawback to a signoff. Bartanen did not see one, except that people would actually need to sign. Foster noted that the threat Bartanen described would be a challenge from an external source and wondered if there is any possibility that the threat could come from the university itself, challenging the agreement about a particular ownership issue or item. Bentson believed that it could. Anton asked whether sufficient sign off on this had occurred yet, for instance from the attorneys. Foster noted that the full faculty might need a clearer sense of process. Bentson suggested that while Exhibit C has been reviewed by counsel, Exhibit D has not, and Bartanen concurred.

Haltom wondered whether the only problem with presenting this document to faculty was in the description of the issue of academic freedom used here. This is not how this concept is usually understood. He maintained that the issue here is really about economic freedom, rather than academic freedom. Bentson suggested that he believed there is still an academic freedom issue here, and pointed to Ward Churchill as an example. Haltom asked, though, whether if you put this in front of the faculty, they would notice that it is also about wanting to hold onto what we have produced. Academic freedom, he reminded the Senators, can be compromised by copyright law. McGruder asked if Haltom's concern was simply with where this material is to be inserted into the Code, or whether he was disagreeing with the idea of faculty having a right to their intellectual property. Haltom asserted that he was indifferent on the issue of intellectual property, noting that when we produce scholarly work we don't have copyright anyway. Haltom was not concerned about where this material would be placed in the Faculty Code, but rather that the fifth paragraph and other references to academic freedom might waylay the discussion among the faculty because someone will want to argue that this issue is not really about academic freedom. Bentson explained that he had chosen this location for the new material in the Code because this was where there was already something that might already seem to protect

intellectual property rights of faculty. The one would amplify the other if the new material is inserted here. Haltom explained that he did not object to the placement. Foster asked if what Haltom was suggesting was simply to remove the label that has been assigned to this particular text and describe the policy instead? Haltom agreed, suggesting that he is interested only in how this issue is framed as it is presented to the faculty.

Anderson-Connolly pointed senators to Chapter One, Part C, Section IV of the code as a potentially better spot. Bentson suggested that he had no problem with that suggestion. Anderson-Connolly then asked if there were still some components the attorneys should weigh in on before the Senate moved forward. Bentson suggested that there is still the issue of the establishment of a perpetual nonexclusive license. LMIS has not had the chance to address this yet. Hanson noted he was the one that raised this issue. He argued that he did not see a need to rush into this. The point, he explained, was not to ram something through, but rather to have a discussion of whether this is the policy that we want. Then we can worry about whether this is the language that we want. He asked if the Senate could ask the question about whether the university as a group might want to hold the rights to some of the materials faculty create. Hanson used the example of the lab material produced by a faculty member who leaves the university. Anton asked if the draft and the issues should go back to LMIS. Ostrom argued in favor, but asked if when the draft came back it could come in pieces. McGruder disagreed about waiting on this, arguing that whenever the Senate perceives something is ready, it should go to the faculty. She connected this position to the broader issue of faculty meeting attendance, urging Senators to send this forward to the faculty now. McGruder also noted that she believes that people own their materials, such as their syllabi, as Joshi had earlier suggested. Hanson hoped to get a better feel for what the Senate was thinking about the issue. Ostrom said he liked both the proposed policy and the proposed Code change. Haltom agreed, especially if the new language for the Code is moved to the new spot. Singleton asked for clarification on the issue of whether lab materials would be the property of the university or not with a policy that included the university holding a perpetual nonexclusive license. Hanson suggested that he favors a policy that would make the production of materials for teaching the property of the university. Singleton pointed out that this would also require a revision to the draft, striking “extra support” from Point One of the three exceptions. Bentson clarified that the issue was curricular materials, as used in the UPS classroom context.

Ryken asked who writes UPS policy, wanting to ensure that the Senate was using the proper channels. Since faculty don't actually write or vote on policy she wondered what the faculty actually has the right to do, and suggested that faculty would only be voting on changes to the Code language. Hanson suggested that he wants the Code language tweaked to include the perpetual nonexclusive license fearing that our documents could end up with inconsistencies otherwise. Foster disagreed with Hanson, while acknowledging fear in doing so. She suggested that the purpose of the Code language was to keep it as simple as possible, while university policies largely define the specifics. As a result, she found herself reluctant to add specifics into a general statement. Hanson argued that if you say the policy supercedes the Code, that is fine, but doesn't it create a problem of inconsistency, and suggested Senators would want the policy to be in line with the Code. He noted that he was not talking about much tweaking. Anderson-Connolly suggested that he would like to see all parts—both policy and Code—go to the faculty, even though we only have power over the Code. He suggested the Senate might also develop a

statement of what we would like to see with those pieces we do not control. He noted that faculty members are not completely powerless and might be very clear about what we do and do not control. Bartanen agreed. McGruder opposed the removal of the language of “extra support” because she wants faculty to retain the right to that intellectual property. Ostrom wondered if McGruder might be the “canary in the coal mine,” raising an issue that may concern other faculty. O’Neil asked if LMIS had looked at other institutions’ approach to this. Bentson said no. Singleton suggested that McGruder would still be able to use her materials, it is just that the campus would also be able to use them. Bartanen noted that she had asked the attorneys to look at some other campus’s policies. Ostrom asked that the faculty be told clearly that we will not be editing the policy in the faculty meeting. McGruder noted that there is great value to talking to the full faculty, even when we don’t control the policy, such as was done earlier during discussions about the firearms policy. Hanson suggested this go back to LMIS, a committee on which his membership continues.

## **New Business**

### **Bylaws Revisions, Article IV, Section 6 (Attachment 4)**

Anton and Anderson-Connolly distributed to the Senate the draft of work they had done on the Faculty Bylaws, Article IV, Section 6, on the Procedure for Election of Senators, in particular on the issue of “envelopes” that emerged in an earlier Senate meeting. Anderson-Connolly reported for the sub-committee, and referred to the distributed draft as he pointed out the changes. The first proposed change—on eliminating the alphabetical listing of nominees in elections—was moved and seconded. Hanson raised a question about the term “distribution.” Singleton noted it only replaced the word “mail.” Bentson recommended “present.” Anderson-Connolly recommended “make available.” Ostrom turned to the issue of alphabetizing, and suggested that the way this would play is different on campus, where we know one another and may scan a list with the expectation that it will be alphabetical. O’Neil noted that for student elections this has been discussed and students are planning to move away from the alphabetized ballot in the future. Haltom raised the issue of what is meant by “random,” wondering whether the randomizing would occur with each ballot, because if that was not the case, the same problem would still occur. Haltom asked Foster if this was the case, and she responded that you might need six or so different ballots. Foster also thought we might want to test the issue of order effect on the ballot. Ostrom agreed, as did Bristow. Anderson-Connolly noted that it would be difficult to test this because we cannot access a counter-factual election. McGruder noted that if the Senators have this problem, passage through the full faculty would be impossible, and urged that the Senate just leave it alphabetical. Ostrom offered a friendly amendment to return to alphabetical. Anderson-Connolly accepted the friendly amendment. Anderson-Connolly wondered whether the Senate should bother with the change if the only change is from “mail” to “distribute.” Hanson, as Secretary of the Senate, argued in favor of moving forward with even this small change, noting that the Bylaws don’t really give him the go ahead to conduct an electronic election. Anton reminded Senators that the Senate had interpreted “mail” to include “email.” Bristow and Anderson-Connolly agreed with Hanson. Hanson noted that we don’t “email” the ballot, but only the link, and so though it may be quibbling, we should fix the language so we are truly clear about what we are doing. Bentson argued for the term “present.” Ostrom asked Hanson what term he preferred. He argued for “make available” and Anderson-Connolly accepted it as a friendly amendment. The motion passed.

Anderson-Connolly next introduced the second change in the draft. He explained that he had tried to figure out the purposes of old language, and then developed new language that would accomplish these goals. He asked Senators if he had accomplished this. Hanson supported the motion, which was M/S/P.

Anton reminded Senators that the next meeting of the Senate is on April 9<sup>th</sup>, followed by meetings on April 16<sup>th</sup> and 30<sup>th</sup> for committee reports. He noted that the Senate can also meet on May 7<sup>th</sup> if necessary.

The meeting adjourned promptly at 6:00 p.m.

Respectfully submitted,

Nancy K. Bristow

### Principles on Which to Base the Schedule of Classes

1. The schedule should reflect an efficient and effective use of the classrooms available, of the five working-days available per week, and of the hours from 8:00 a.m. to 9:50 p.m. It is understood, of course, that there are other teaching-spaces besides actual classrooms, such as laboratories and studios. "Classrooms" here is used in a broad sense, therefore. It is also understood that although the academic day may stretch from 8:00 a.m. to 9:50 p.m., in practice the vast majority of classes are scheduled sometime between 9:00 a.m. (starting-time) and 5:00 p.m. (ending-time).
2. In academia, the 50-minute and 80/90-minute periods remain effective and venerable. It is understood that, for sound pedagogical reasons, some colleagues prefer the former, some the latter, and some a combination of both. It is understood that neither period is inherently better pedagogically even if individual professors strongly prefer one to the other. Personal preference does not reflect an inherent pedagogical value of either time-slot. Therefore, the schedule should reflect an appropriate mixture of the 50-minute and 80-minute time-slots for classes.
3. No classes should begin before 8:00 a.m., and no classes should end later than 9:50 p.m. However, the schedule should reflect the majority of the faculty's preference for teaching between the hours of 9:00 a.m. (starting-time) and 5:00 p.m. (ending-time). In other words, the schedule should force no colleague to teach before 9:00 a.m. or after 5:00. Moreover, as has been the custom at the university, individuals, departments, the staff, and the administration should attempt to accommodate reasonable preferences for a class-schedule. The main scheduling-custom now seems to involve good communication among individuals, departments, associate deans, the advising office, and the Registrar. There appears to be no reason to change this customary practice of reasonable negotiation and accommodation.
4. One-day-per-week, three-hour classes should be limited to 300- and 400-level courses and graduate courses. Except in extraordinary circumstances, no professor should teach more than one of these classes per term. Currently, such classes are rarely scheduled; therefore, debate about the drawbacks and merits of such courses is probably unnecessary and wasteful. However, the 3:00-6:00 p.m. slot should be available to teach in, as long as the class is not the only section of a required class for a major (see #7 below).
5. On M-W, M-F, and W-F, 80-minute classes may be scheduled, as long as they do not erode the effectiveness and efficiency of 50-minute classes on M-W-F. [Such classes shall begin no earlier than 2:00 p.m.] One fact to consider, of course, is

that 80-minute classes require two hours of a classroom's time but use only 20 minutes of the second hour, whereas 50-minute classes leave only 10 minutes of each classroom-hour unspent. Nonetheless, the schedule appears to be able logistically to accommodate a number of 80-minute slots on M-W, M-F, and W-F. Individuals, departments, programs, and schedulers may wish to make use of M-F and W-F schedules, not only the M-W 80-minute schedule. They may also wish to make use of the **5:00-6:20** and **6:00-7:20 p.m.** slots in these M-W, M-F, and W-F schedules. [Associate Dean Finney has already implemented interim guidelines by which some 80-minute classes on M-W, W-F, and M-F may be scheduled.]

6. For many years, some faculty-members have expressed a wish for a protected hour for faculty meetings and other activities. The current discussion of scheduling offers an opportunity to determine whether faculty and others think the need for a protected hour should be a guiding principle in scheduling. If we choose to try to protect a time, one possibility is that for a trial-period of two years, and in alternating semesters, Monday, Tuesday, Wednesday, or Thursday from 4-5 p.m. shall be protected meeting-times each week, when no classes or labs may be scheduled. A different day of the week, that is, would be chosen for each of the four trial-semesters.
7. The university's primary mission is to educate the whole student; therefore, in addition to providing an academic education, the university continues to value students' participation in athletics; in the performing, visual, and literary arts; in media; in the ASUPS; and so on. Therefore, departments should try to avoid scheduling required classes for the majors, of which classes there are not multiple sections, after 4:00 p.m. Legitimate exceptions to this guideline may arise, and there are different kinds of "required classes," but in general, departments should include this guideline in the several considerations that go into scheduling classes.



Section 6 – Procedure for an Appeal

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An evaluee may allege that there have been violations of the code during the evaluation process. A duly-constituted hearing board shall determine whether such violations have, in fact, occurred. Unless otherwise stated, the provisions of this section apply to all appeals authorized in Chapter III, Section 4.

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a. Initiation of an Appeal:

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- (1) An evaluatee may initiate a formal appeal at two stages in the evaluation process:
  - (a) After the evaluation by the department, school, or program.
  - (b) After the evaluation by the Advancement Committee.
- (2) Grounds and deadlines for formal appeals:
  - (a) A formal appeal of the evaluation conducted by the department, school, or program is limited to issues affecting fairness, completeness, or adequacy of consideration by the department, school, or program in conducting the evaluation. The appeal must be initiated within ten (10) working days after the evaluatee has completed reviewing the evaluation file that the department, school, or program forwarded to the dean and the Advancement Committee (Chapter III, Section 4.b.(3) and 4.b.(4)).
  - (b) A formal appeal of the evaluation conducted by the Advancement Committee is limited to questions of fairness, completeness, or adequacy of consideration by the Advancement Committee in conducting the evaluation. It may not raise questions about the evaluation at the departmental level unless the questions pertain to duties of the Advancement Committee specified in the code. The appeal must be initiated by the evaluatee within five (5) working days after receiving the Advancement Committee’s recommendation (Chapter III, Section 4.c.(6)).
- (3) To initiate a formal appeal, the evaluatee must submit a list specifying alleged violations of the code to the chairperson of the Professional Standards Committee within the time limits specified above.
- (4) Upon receipt the chairperson of the Professional Standards Committee shall provide a copy of the list of alleged code violations to the department, school, or program (if the evaluatee is appealing its evaluation) or to the Advancement Committee (if the evaluatee is appealing its evaluation).

- (1) The evaluatee must submit a list specifying alleged violations of the code to the chairperson of the Professional Standards Committee within the time limits provided in section 4.b.(4) or 4.c.(6), whichever is applicable.
- (2) At the time the list of alleged violations is submitted to the chairperson of the Professional Standards Committee, the evaluatee must provide a copy of the list of alleged violations to either the department, school, or program or the Advancement Committee as appropriate to the violations specified. The chairperson of the Professional Standards Committee shall confirm with respondent(s) their timely receipt of the list of alleged violations.
- (3) Any response(s) from the department, school, or program; the Advancement Committee; or the president shall be submitted to the chairperson of the Professional Standards Committee within ten (10) working days of the respondent(s)' receipt of the list of alleged violations. The chairperson of the Professional Standards Committee and the chair of the hearing board may grant an extension for submission of a response if a respondent demonstrates that s/he was unable to take receipt of the list of alleged violations at the time they were provided by the evaluatee due to circumstances beyond his or her control. Any respondent(s) who respond(s) must provide the evaluatee with a copy of the response.
- (4) The chairperson of the Professional Standards Committee shall transmit the list of alleged violations to the chairperson of the hearing board as soon as that person is elected.

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(5) Response to an appeal:

- (a) In a formal appeal of an evaluation conducted by a department, school, or program, the head officer (or the person performing the functions of the head officer in the evaluation, as provided by Chapter III, section 4.a (3)(a)) will serve as the respondent for the department, school, or program. If the head officer (or the person performing the functions of the head officer in the evaluation) is unable to so serve, the ~~other members of the department, school, or program~~ will ~~select~~ a person to serve as the respondent.
- (b) In an appeal of an evaluation conducted by the Advancement Committee, the Advancement Committee will designate one of its members as the respondent.
- (c) Any response from the department, school, or program to an appeal shall be submitted in writing to the chairperson of the Professional Standards Committee within ten (10) working days of the receipt of the list of alleged code violations. In formulating this response, the respondent (as defined above) shall consult with the members of the department, school, or program who participated in the evaluation conducted by the department, school, or program. The document shall represent the response of the department, school, or program, and not the personal response of the respondent. Any member of the department, school, or program who participated in the evaluation and who dissents from the departmental response may submit a written dissent, which shall be provided to the respondent to forward, along with the response of the department, school, or program, to the chairperson of the Professional Standards Committee. The chairperson of the Professional Standards Committee shall transmit the response and any dissent to the appellant and to the hearing board.
- (d) Any response to an appeal from the Advancement Committee and any dissent to that response shall be submitted in writing to the chairperson of the Professional Standards Committee within ten (10) working days of the receipt of the list of alleged code violations. The chairperson of the Professional Standards Committee shall transmit the response and any dissent to the appellant and to the hearing board.
- (e) ~~an extension for submission of a response or a dissent from either a department, school, or program or the Advancement Committee may be granted if a respondent or a dissenter demonstrates that he or she was unable, due to circumstances beyond his or her control, to complete the response or dissent within the ten (10) working day~~

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<p>limit. <u>The chairperson of the Professional Standards Committee and the chairperson of the hearing board must both concur that the extension is warranted.</u></p>	
<p>b. Hearing Board Roster: A hearing board roster will be established annually by the Faculty Senate executive officers. The hearing board roster will consist of all tenured members of the faculty, subject to their consent and to the following exclusions. The chairperson of the Faculty Senate, members of the Faculty Advancement Committee, and members of the Professional Standards Committee are excluded from the hearing board roster. Faculty members who are on leave are excluded from service on a hearing board.</p>	<p>b. Hearing Board Roster: A hearing board roster will be established annually by the Faculty Senate executive officers. The Board will consist of 42 tenured faculty members selected at random, subject to their consent.</p> <ol style="list-style-type: none"> <li>(1) Members will serve staggered three-year terms with 14 members selected each year.</li> <li>(2) Faculty who are on leave remain on the roster but are not considered for service on a hearing board. However, members who go on leave in the third year of their term or members who resign from the roster will be replaced for full three-year terms using the process described above.</li> <li>(3) If a faculty member is selected to the Advancement Committee during a term of service on the hearing board roster, s/he will be replaced for a full three-year term using the process described above.</li> </ol>
<p>c. Formation of a Hearing Board: Upon receipt of the list of alleged code violations, the chairperson of the Professional Standards Committee shall meet with the chairperson of the Faculty Senate, the appellant, and the respondent within five (5) working days to form a hearing board composed of five (5) members from the hearing board roster.</p> <ol style="list-style-type: none"> <li>(1) Excluded from the hearing board will be members of the appellant's department, school, or program, and all others with direct interest in the matter as determined by the chairperson of the Professional Standards Committee and the chairperson of the Faculty Senate (or by a designated member of the appropriate body if its chairperson may be affected by the exclusion principle noted above). If either chairperson (or designee) votes for elimination, the faculty member is not selected to the hearing board.</li> <li>(2) Excluded from selection are members of the hearing board roster in current service on another hearing board.</li> <li>(3) If in the same evaluation process an evaluatee appeals the evaluation conducted by the department, school, or program <i>and</i> the evaluation conducted by the Advancement Committee, faculty members who served on the first hearing board are excluded from service on the second hearing board.</li> <li>(4) The following process shall be used to constitute a hearing board:             <ol style="list-style-type: none"> <li>(a) The chairpersons of the Faculty Senate and the Professional Standards Committee shall jointly select eight names at random from those names remaining on the hearing board roster after the exclusions noted above have been taken into account.</li> </ol> </li> </ol>	<p>c. Formation of a Hearing Board: Upon receipt of the list of alleged violations (Section 5.a(2)), the chairperson of the Professional Standards Committee shall form within five (5) working days a hearing board composed of five (5) members from the hearing board roster.</p> <ol style="list-style-type: none"> <li>(1) Excluded from the hearing board will be members of the appellant's department and all others with direct interest in the matter as determined jointly by the chairperson of the Professional Standards Committee and chairperson of the Faculty Senate (or a designated member of the above mentioned bodies if the chairperson(s) may be affected by the exclusion principle). If either of the chairpersons or designees votes for elimination, the faculty member is not selected.</li> <li>(2) Also exempt from selection are members of the hearing board roster in current service on a hearing board.</li> <li>(3) The following process shall be used to constitute a hearing board:             <ol style="list-style-type: none"> <li>(a) Six names shall be selected at random by the chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee from those names remaining on the hearing board roster after the exclusions noted in paragraphs (1) and (2) have been taken into account.</li> <li>(b) The parties may then challenge any name on the list on account of interest or bias. The order of challenge shall be determined by lot, with each side alternating. Challenges on account of interest or bias shall be ruled upon jointly by the chairperson of the Professional Standards Committee and the chairperson of the Faculty Senate. If either votes for elimination, the person is eliminated, and an additional name is selected from the hearing board roster.</li> <li>(c) The parties may then exercise no more than two challenges against the six names remaining on the list without stating cause. If any person is eliminated, an additional name shall be selected from the hearing board roster.</li> </ol> </li> </ol>

<p>(b) The appellant and the respondent may then challenge any name on the list of eight on account of interest or bias. <del>Who may challenge first shall be determined by lot, with each side alternating thereafter.</del> Challenges on account of interest or bias shall be ruled upon jointly by the chairperson (or designee) of the Professional Standards Committee and the chairperson (or designee) of the Faculty Senate. If either votes for elimination, the faculty member is eliminated, and an additional name is selected from the hearing board roster. The additional name may also be challenged on account of interest or bias.</p> <p>(c) The appellant and the respondent may then exercise no more than two challenges <del>each</del> against the eight names remaining on the list without stating cause. If any person is eliminated, an additional name shall be selected from the hearing board roster. The additional name may be challenged on account of interest or bias. The appellant or the respondent may also challenge the additional name without stating cause, until the two permitted challenges without stating cause have been exercised.</p> <p>(d) The first five faculty members selected to the list shall constitute the hearing board. The sixth, seventh, and eighth named faculty members will stand, in that order, as alternates. Alternates will not participate in the appeal unless one or more of the five hearing board members cannot serve from the beginning of the hearing board process.</p> <p>(5) The normal presumption is that the faculty members will serve on a hearing board to which they are selected. The chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee may, if both agree, exclude a faculty member from service based on a self-disclosed conflict of interest, hardship, or other good cause shown.</p> <p>(6) In the event that <del>any</del> member of a hearing board is unable to complete service after the hearing board process has begun, <del>a new hearing board shall be formed, using the process outlined above, to conduct the hearing.</del></p> <p>(7) The hearing board shall hold its first meeting within five (5) working days of its selection and shall elect a chairperson. At this initial meeting the hearing board shall also elect a secretary to record the actions of the hearing board. The chairperson of the Professional Standards Committee or designee shall attend this initial meeting and shall give the appellant's list of alleged code violations to the chairperson of the hearing board as soon as that person is elected.</p>	<p>(d) The first five faculty members selected to the list shall constitute the hearing board. The sixth named faculty member will stand as an alternate. This faculty member will not participate in the appeal unless one of the five hearing board members is unable to serve from the beginning of the hearing board process (Section 5.c(6) below).</p> <p>(4) The normal presumption is that faculty members will serve on a hearing board to which they are selected. The chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee may, if both agree, exempt a faculty member from service based on (1) a self-disclosed conflict of interest, (2) hardship, (3) other good cause shown.</p> <p>(5) In the event that one member is unable to complete service after the hearing board process has begun, the hearing board shall continue with four members if the appellant and the university representative agree. If either party objects, a new hearing board will be formed. If more than one member is unable to complete service, a new hearing board will be formed using the process outlined in Section c above.</p> <p>(6) The hearing board shall hold its first meeting within five (5) working days of its selection and shall elect a chairperson. The board shall also select a secretary to record the actions of the board.</p>
<p>(8) No person involved in the hearing shall make public statements, directly or</p>	<p>(Exact wording from Section 7, i. below.)</p>

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<p>indirectly, about matters presented in the hearing.</p> <p>d. Determination of Probable Cause:</p> <p>(1) The hearing board shall meet without the presence of the appellant and respondent in order to determine whether there exists probable cause for an appeal. In making that determination, the hearing board shall review the appellant's list of alleged code violations, the respondent's response, and any dissents, and shall have access to all files and records involved in the evaluation process.</p> <p>(2) Within ten (10) working days of receipt of the respondent's response and any dissents, the hearing board shall determine, based on its review of the written materials, <u>whether or not</u> there exists probable cause for an appeal and shall so notify the appellant, the respondent, the dean, and the chairpersons of the Faculty Senate and the Professional Standards Committee of the decision.</p> <p><del>(3) If two (2) or more members of the hearing board determine that probable cause for an appeal exists, a hearing shall be held by the hearing board pursuant to Chapter III, Section 7.</del></p> <p><u>(4) If the hearing board determines that probable cause for an appeal does not exist, the hearing board's written determination of no probable cause shall be included in the evaluation file, along with the appellant's list of alleged code violations, the respondent's response, and any dissents. The evaluation file, with these items included, then moves to the next stage of the evaluation process.</u></p>	<p>d. Determination of Probable Cause:</p> <p>(1) The board shall have access to all files and records involved in the evaluation process together with a list of violations alleged by the evaluatee and any responses by the department, school, or program or the Advancement Committee.</p> <p>(2) Within ten (10) working days of receipt of any and all responses under Section 5.a(3), the hearing board shall determine whether, based on the record and the allegations of violations, there exists probable cause for an appeal.</p> <p>(3) If the hearing board decides that probable cause for an appeal does not exist, it shall so notify the appellant and the president, at which time the president will forward the recommendations and evaluation materials to the Board of Trustees as specified in Section 4.e.(4).</p> <p>(4) If two (2) or more members of the hearing board determine that probable cause for an appeal exists, a hearing will be held by the hearing board pursuant to Chapter III, Section 6.</p>
<p><u>Section 7 – Procedure for a Hearing</u></p> <p>a. A hearing may extend over more than one meeting of a hearing board. The appellant and the respondent may be present at all meetings of a hearing. <u>The respondent may be assisted at a hearing by legal counsel or by non-lawyer counsel. The appellant may also be assisted by an academic colleague and acted for by legal or non-lawyer counsel chosen by the faculty member.</u></p> <p>b. Hearings shall not be open to the public. The only persons present shall be those persons whose presence is allowed by the sections of this chapter pertaining to appeals and hearings. However, at the request of either the appellant or respondent, and subject to the concurrence of the hearing board, a representative of an educational association or other appropriate association shall be allowed to observe a hearing.</p>	<p><u>Section 7 - Procedure for a Hearing</u></p> <p>a. The chairperson of the board shall preside and shall handle administrative duties, such as giving notices and speaking for the committee. He or she shall rule on matters of procedure and evidence, <u>subject to being overruled by a majority of the committee.</u></p> <p>b. In proceedings before the board, the respondent shall be represented by a person or persons designated by the president or the dean. The appellant may attend all hearings in person and may be assisted by an academic advisor and acted for by lawyer or non-lawyer counsel chosen by the faculty member.</p> <p>c. Hearings shall not be open to the public, and the only persons present shall be those persons whose presence is allowed by these sections of this chapter pertaining to the appeal. However, at the request of either party, a representative of an educational association or other appropriate association shall be allowed to observe hearings with the concurrence of the board.</p>

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Deleted: (3) . If the hearing board determines that probable cause for an appeal does not exist, it shall so notify the appellant, the respondent, the dean, and the chairpersons of the Faculty Senate and the Professional Standards Committee. The hearing board's written determination of no probable cause shall be included in the evaluation file, along with the appellant's list of alleged code violations, the respondent's response, and any dissents. The evaluation file, with these items included, then moves to the next stage of the evaluation process.¶

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<p>c. In all cases, the university shall make an electronic record of a hearing. If requested by the appellant or respondent, the university shall provide a copy of the electronic record or a verbatim transcript of the hearing paid for by the requesting party. The electronic record made of a hearing shall be retained by the university for six years after the hearing board makes its report.</p> <p>d. The chairperson of the hearing board shall preside at a hearing and shall handle administrative duties, such as giving notices and speaking for the hearing board. He or she shall rule on matters of procedure and evidence, subject to being overruled by a majority of the hearing board.</p> <p>e. The hearsay rule or other exclusionary rules of evidence used in courts of law shall not apply.</p> <p>f. The hearing board shall confine its review and its judgments to the stage of evaluation that is under appeal. The evidence on review in a hearing shall be substantially confined to the written record on which the department, school, or program or the Advancement Committee made its decision. This evidence should not be significantly expanded at the hearing by the admission of testimony and information not previously considered by the department, school, or program or by the Advancement Committee. The appellant or the respondent may offer to present additional evidence deemed relevant, and the hearing board at its discretion may hear or decline to hear such additional evidence. If witnesses testify, they may be cross-examined by the opposing party. Witnesses may be permitted to testify by signed written statements if, in the hearing board's judgment, that is the most feasible way of presenting their evidence and if the opposing party is not substantially prejudiced by the lack of opportunity to cross-examine. The hearing board shall have no duty to seek or to present evidence but may do so if, in its judgment, justice requires it.</p> <p>g. Insofar as practicable, each party shall assist the other in obtaining witnesses and evidence when the party's assistance is necessary or helpful. Each party shall make specifically requested and relevant documents or other tangible evidence in its possession available, where possible, to the other party for presentation to the hearing board.</p>	<p>d. In all cases, the university shall provide an electronic record and, if requested by either party, a verbatim transcript of the proceedings paid for by the requesting party. Records made of the hearings shall be retained by the university for six years after the committee makes its report.</p> <p>e. The function of the hearing board shall be to determine whether there have been violations of the code, as alleged by the appellant.</p> <p>f. The evidence on review shall be substantially confined to the written record that has been compiled in the evaluatee's file through the point at which the review occurs. This is the material upon which the decision has been made to this point, and it should not be significantly expanded at the hearing by the admission of testimony and information not previously considered. Parties may offer to present additional evidence that they deem relevant and the hearing board in its discretion may hear or decline to hear such additional evidence. The hearing board shall base its decision preponderantly upon the written record on which the matter has earlier been decided by the department or school or the Advancement Committee, confining its review and its judgments to the stage of evaluation that is under appeal. <del>If witnesses testify, they may be cross-examined by other parties present. Testimony of witnesses by signed written statements may be allowed if, in the Board's discretion, that is the most feasible way of presenting their evidence and if the opposing party is not substantially prejudiced by lack of the ability to cross examine. The board shall have no duty to seek or to present evidence but may do so if, in its judgment, justice requires.</del></p> <p>g. The hearsay rule or the other exclusionary rules of evidence used in courts of law shall not apply.</p> <p>h. Insofar as practicable, each party shall assist the other in obtaining witnesses and evidence when the party's assistance is necessary or helpful. Each party shall make specifically requested and relevant documents or other tangible evidence in its possession available to the other for presentation to the Board.</p> <p>i. No person involved in the hearing shall make public statements, directly or indirectly, about matters presented in the hearing.</p>
<p>h. After completion of a hearing, the hearing board shall meet to deliberate and come to a decision. Deliberative meetings shall be conducted without the appellant and respondent present and without making an electronic record. The decision of the hearing board will be limited to questions of the fairness, completeness, or adequacy of consideration in the evaluation conducted by the department, school, or program or by the Advancement Committee. The decision shall be based on whether the evidence in the written record and the evidence received during the appeal process and the hearing clearly show that there have been violations of the code as alleged by the appellant.</p>	<p>j. Within ten (10) working days after completion of the hearing, the Board shall make its decision. The decision shall be based on whether the evidence in the record and that received at the hearing clearly shows that there have been violations of the code as alleged by the appellant. The decision of the hearing board will be limited to issues affecting the fairness, completeness, and adequacy of consideration of the evaluatee.</p> <p>k. The decision of the majority of the hearing board, and any dissent, shall be transmitted in writing to all parties to the appeal. That decision may include a direction that the matter be returned to the department or Advancement Committee for correction of deficiencies. 1 The board chair will enclose in a</p>

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i. j. Within ten (10) working days after completion of a hearing, the hearing board shall render its decision about whether violations of the code, as alleged by the appellant, have occurred. The decision of the majority of the hearing board and any dissent by a minority of the hearing board shall be transmitted in writing to the appellant, the respondent, and the dean. The hearing board's decision, any dissents, and any exhibits received in the hearing, along with the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee, are added to the evaluation file.

j. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the department, school, or program, the hearing board's decision may include a direction that the matter be returned to the department, school, or program for correction of deficiencies.

k. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the evaluation by the Advancement Committee, the hearing board's decision may include a direction that the matter be returned to the Advancement Committee for correction of deficiencies.

l. If a hearing board does not find that the code has been violated as alleged by the appellant or, even though it finds code violations, does not direct that the file be returned to an earlier stage, then the file moves forward to the next stage of the evaluation process.

m. The chairperson of the hearing board shall deliver to the dean in a sealed envelope the electronic record of the hearing and copies of the hearing board's majority decision, any minority dissents, any exhibits received in the hearing, the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee. The dean shall retain these materials for six years after the hearing board makes its report. After a hearing board has rendered its decision and transmitted its reports, the chairperson of the hearing board shall notify the chairpersons of the Faculty Senate and the Professional Standards Committee.

sealed envelop the exhibits received in the hearing and the electronic record and deliver the envelop to the dean for the preparation of transcripts or retention as required in Section 6.d.

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j. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the department, school, or program, the hearing board shall either refer the matter to the department, school, or program for correction of deficiencies or move the file forward to the Advancement Committee.¶

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k. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the evaluation by the Advancement Committee, the Advancement Committee shall attempt to correct any correctable deficiencies before forwarding its final recommendation, any minority recommendations, and the file to the President. ¶

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l. The chairperson of the hearing board shall deliver to the dean in a sealed envelope the electronic record of the hearing and copies of the hearing board's majority decision, any minority dissents, any exhibits received in the hearin

**The faculty also voted to include the following statement in the motion:**

*Adoption of this amendment shall authorize the modification of the Code citations so as to bring those citations into conformity with changes in the Code occasioned by the adoption of this amendment.*

Within ten (10) working days after completion of a hearing, the hearing board shall render its decision about whether violations of the code, as alleged by the appellant, have occurred. A hearing board may suggest, but cannot dictate or enforce, methods for correction of deficiencies. The decision of the majority of the hearing board and any dissent by a minority of the hearing board shall be transmitted in writing to the appellant, the respondent, and the dean. The hearing board's majority decision, any minority dissents, and any exhibits received in the hearing, along with the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee, are added to the evaluation file. If a hearing board does not find that there have been code violations, as alleged by the appellant, then the file moves forward to the next stage of the evaluation process.

- j. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the department, school, or program, the hearing board shall either refer the matter to the department, school, or program for correction of deficiencies or move the file forward to the Advancement Committee.
- k. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the evaluation by the Advancement Committee, the Advancement Committee shall attempt to correct any correctable deficiencies before forwarding its final recommendation, any minority recommendations, and the file to the President.
- l. The chairperson of the hearing board shall deliver to the dean in a sealed envelope the electronic record of the hearing and copies of the hearing board's majority decision, any minority dissents, any exhibits received in the hearing, the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee. The dean shall retain these materials for six years after the hearing board makes its report. After a hearing board has rendered its decision and transmitted its reports, the chairperson of the hearing board shall notify the chairpersons of the Faculty Senate and the Professional Standards Committee that the work of the hearing board has been completed.



In winter of 2005 Bill Barry convened a group to consider questions concerning copyright. This led to discussions within LMIS regarding this matter.

Two broad issues were identified: the need for a university policy on copyright with respect to the TEACH act, and faculty ownership of copyright.

The TEACH act effectively extends some fair-use provisions, provided an educational institution has certain policies in place. This brief does not address this issue.

The issue at hand is the application of copyright law to faculty writing, and more broadly, faculty ownership of intellectual property.

Our interest was framed in terms of academic freedom: because of our position as employees of the university, a strong argument could be presented that all our creative effort would be regarded as work for hire, thus placing its ownership and control in the hands of the university. (See Exhibit A below.) Chapter 1, Part E, Section 2b of the Faculty Code could be interpreted as yielding control of faculty writing back to the faculty. Unfortunately this is not the clear statement as called for in copyright law, so we're faced with a significant limit to our academic freedom.

LMIS discussed this at length over many meetings, resulting in a proposal to the Senate for consideration, which was again referenced in its annual report at the end of the 2005-2006 academic year.

We considered how to deal with this problem, arriving at a broad statement to be made part of both the faculty code and university policy. This two-pronged approach is intended to be expedient and enduring. A change to the faculty code alone would be sufficient and stable, but LMIS was concerned with the time it would take to set in place, and implementation details would clutter the code. A change to university policy (which was in conformance with Faculty By-Laws and Code) could be set in place much more quickly, but it could be rescinded with equal ease. The combination of the two would firmly vest intellectual property rights in the faculty. (We understand that university policies can clarify the faculty code, or may fill gaps in the code, but cannot violate the code.)

We cast about for a clear statement when we discovered material by the AAUP, including <http://www.aaup.org/AAUP/issued/DE/sampleIP.htm>. It includes the contents of Exhibit B shown below.

The proposal was submitted to the Academic Dean for consideration as a university policy. The university's response was to add the three exceptions noted by the AAUP in the form shown below in Exhibit C. These exceptions apply only when faculty relinquish their rights in order to receive additional funding (from internal or external sources) or are acting in a non-academic role. In this way, academic freedom is only constrained by volunteer acts of the individual faculty.

We also offered a proposal to change the Faculty Code (shown

in Exhibit D) by including only the first paragraph of the AAUP material cited above. This was done with the expectation that the university governance would enter into a conversation calling for a less overreaching claim, at which time we would find some middle ground. So far this has not happened.

Discussion among some faculty (Bentson, DeMarais, Hanson) revealed another faculty interest: the desire to use material developed by other faculty. This raises the question "Should the proposed faculty code change and exception #1 of the draft university policy be changed to grant the university perpetual non-exclusive license to the material within UPS academic program?"

The university's legal counsel was asked to comment on these proposals, and the initial response was that "overall, the policy is well stated and consistent with copyright law, with one technical but very important exception...." The Copyright Act calls for express agreement regarding the assignment of copyright of work for hire.

When asked if our employment contract's reference to the faculty code would suffice, the response was that there's a "risk of challenge" if we make such a reliance. (They cited some case law supporting this observation.) They recommend "...a specific statement in the employment agreement, or at the very least an express reference to the copyright ownership policy."

This suggests that we faculty might want to call for a modification to the contract itself to contain a statement such as "Ownership of intellectual property rights by faculty is specified in the faculty code and university policy."

==== Exhibit A - 17 USC Sec 201(b), Copyright Act

In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this title, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright.

==== Exhibit B - extract of AAUP policy on copyright

Intellectual property created, made, or originated by a faculty member shall be the sole and exclusive property of the faculty, author, or inventor, except as he or she may voluntarily choose to transfer such property, in full, or in part. The university shall own copyright only in the following 3 circumstances:

I. The college or university expressly directs a faculty member to create a specified work, or the work is created as a specific requirement of employment or as an assigned institutional duty that may, for example, be included in a written job description or an employment agreement.

II. The faculty author has voluntarily transferred the copyright, in whole or in part to the institution. Such transfer shall be in the form of a written document signed by the faculty author.

III. The college or university has contributed to a "joint work" under the Copyright Act. The institution can exercise joint ownership under this clause when it has contributed specialized services and facilities to the production of the work that goes beyond what is traditionally provided to faculty members generally in the preparation of their course materials. Such arrangement is to be agreed to in writing, in advance, and in full conformance with other provisions of this agreement.

==== Exhibit C - draft of UPS policy on intellectual property

Faculty at the University of Puget Sound are scholars as well as teachers. The results of their scholarship often take forms such as articles, textbooks, monographs, paintings, music and software. Faculty are interested in the free exchange of ideas, both within the university community and outside of the university, and so typically desire to see their ideas communicated to others. Individual faculty members are the best to judge how to exercise the rights to their work granted by copyright. For this reason, faculty members own the copyright in their works.

Faculty ownership of copyright is consistent with the tradition of academic freedom as described in Part E of the Faculty Code (June 2004): "Academic freedom is the right of all members of the academic community to study, discuss, investigate, teach, conduct research, publish or administer freely as appropriate to their respective roles and responsibilities. A faculty member is entitled to freedom in research and in publication of the results, subject to the adequate performance of the faculty member's other academic duties."

There are three exceptions to faculty ownership.

1. When a faculty member receives extra support from the university for the creation of curricular materials for use at the University of Puget Sound (UPS), the faculty member will be expected to grant UPS a perpetual license for the use of those materials within the UPS academic program, whether or not the faculty member is still employed at the university. This license will be requested and granted only at the time the university commits the support.
2. When a faculty member is involved in a project related to the business functions of the university (such as materials used in Admissions), then the copyright in those works will be owned by the university just as would be the case for works created by staff.
3. When a faculty member receives support from an external granting agency, then the copyright in those works produced under the grant will be owned as stipulated by the granting agency.

==== Exhibit D - excerpt of Faculty Code showing proposed revision

FACULTY CODE  
CHAPTER I  
PART E - ACADEMIC FREEDOM

Section 1 - Definition

a. Academic freedom is the right of all members of the academic community to study, discuss, investigate, teach, conduct research, publish or administer freely as appropriate to their respective roles and responsibilities. It is the obligation of all members of the university academic community to protect and assure these rights within the governing framework of the institution.

b. Academic freedom should be distinguished clearly from constitutional freedom, which all citizens enjoy equally under the law. Academic freedom is an additional assurance to those who teach and pursue knowledge, and, thus, properly should be restricted to rights of expression pertaining to teaching and research within their areas of recognized professional competencies. Beyond this, expressions by members of the academic community should carry no more weight or protection than that accorded any other citizen under the guarantee of constitutional rights. That is, outside of one's professional field, one must accept the same responsibility which all other individuals bear for their acts and utterances.

## Section 2 - Specific Applications

a. A faculty member must be able to participate in the democratic process of the institution, must be able to learn and teach what scholarship suggests is the truth, must be able to question even what is believed to have been settled, and must be able to publish what scholarship has discovered without fear of reprisal.

b. A faculty member is entitled to freedom in research and in publication of the results, subject to the adequate performance of the faculty member's other academic duties.

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Intellectual property created, made, or originated by a faculty member shall be the sole and exclusive property of the faculty, author, or inventor, except as he or she may voluntarily choose to transfer such property, in full, or in part.  
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c. A faculty member is entitled to freedom in the classroom in discussing the relevant subject matter. It is the faculty member's mastery of the subject and scholarship which entitles him or her to the classroom and this freedom in the presentation of the subject. Thus, it is improper for faculty persistently to intrude material which has no relationship to the subject, or to fail to present the subject matter of the course.

Bylaws, Article IV, Sec. 6., Procedure for Election of Senators

Relatively Easy Changes

D. Nomination and Balloting Procedure

*1. Move to make the following change to clause (c):*

The Secretary shall list all nominees in alphabetical order and ~~mail~~ make available a ballot to each member of the instructional staff eligible to vote. One week shall be allowed for the return of the ballots. Nominees and ongoing members of the Senate shall be identified by name and academic department on the election ballots.

*2. Move to replace (h) with the following:*

The Faculty Senate shall establish a system of voting that is reasonably secure against fraud and ensures a secret ballot.

Old language:

h. Envelopes shall be provided in which to return the ballots to the Secretary. The voting member must sign the envelope in order for the ballot to be counted. The ballots and envelopes shall be separated before counting begins in order to preserve the secret ballot.