

TO ALL MEMBERS OF THE FACULTY;

Proceedings of the Faculty Senate
Monday, December 6, 1948

SENATE MEETINGS OPEN TO FACULTY MEMBERS: The Senate agreed that all members of the general faculty should have the privilege of attending the Senate meetings as listeners; and the Secretary, as directed, herewith extends a welcome and invites any members of the faculty who may be interested to attend meetings of the Senate. The regular meetings are held on the first Monday of each month in Room 101 of the Law Building.

OUTSIDE WORK, POLICIES REGARDING: A statement of policy regarding outside work as submitted by the Committee of Eleven and amended by the Senate was adopted as follows:

"I. When the outside work is classifiable as falling within the employee's professional field or within the field of public service, it should not only be permitted freely but to the extent that it does not interfere with the employee's proper duties, it should be encouraged. The University recognizes the fact that such work tends to broaden the employee's background and experience and thus to increase his value to the University as a teacher, research worker, or administrator.

Whether or not the employee who engages in such work received compensation therefor is deemed of no consequence and as having no bearing on the general question.

If no University facilities are employed or consumed in the work, the University shall place no prohibition upon it nor claim any part of any compensation received for it.

If the University facilities are employed or consumed in the work, the University may enter into a suitable arrangement with the person performing the work and the one for whom it is performed as to the amount to be paid to the University to compensate for the use of its facilities. This fee shall bear no relation to the salary or to other pay received by the employee for services rendered the University. In this connection, the practice specified in the University Announcement TEST POLICY AND PROCEDURE dated October, 1942, may be followed.

- II. The writing of books or other creative work of a similar nature shall be encouraged to the extent that it does not interfere with the assigned duties of the employee. If such creative work results in royalties or the sale of copyrights, etc., the University shall make no claim thereto.
- III. Engaging in work of a non-professional or non-public service nature may sometimes be considered by some persons as inappropriate to the professional or academic standing of the employee and the University. For this reason it might be considered undesirable for faculty members to engage in this type of activity. However, faculty members not infrequently find it necessary to engage in such employment. Therefore, the University should discourage such work only when it is entirely clear that that work is inappropriate and would result in discredit or in diminished effectiveness of the employee or the University.

IV. Members of the faculty and staff who propose to accept outside work will report to the head of the department who forwards the information to the appropriate dean to be reported to the Office of the President. The question of whether or not outside work interferes with the ~~assigned~~ duties of the employee or whether or not it affects adversely the public relations of the institution shall be determined in each instance in conference between the employee and his department head; or if it becomes necessary, with the appropriate dean and the Office of the President. Unless objection is made, the outside work will be considered approved."

SUMMER SCHOOL COURSES, APPROVAL OF: The Senate authorized the Advisory Council to act on new offerings for the 1949 summer session.

A special meeting of the Senate will be held on Tuesday, December fourteenth, at 3:40 pm, to expedite consideration of matters already calendared.

COMMITTEE OF ELEVEN REPORT REGARDING OUTSIDE WORK: Incident to its consideration of the statement of policy regarding outside work, the Senate received from the Committee of Eleven a letter, copies of which the Secretary was directed to send to the members of the faculty, as follows:

"The Committee of Eleven is aware of a number of criticisms of its recommendations to the Senate on the question of remuneration of outside work by faculty and staff members. The Committee feels that it might be helpful if the Senate were offered some comments that will clarify the Committee's interpretations of the recommended provisions.

The Committee's views rest upon a major principle, as follows: The individual faculty or staff member has complete freedom of action, like any other citizen, except where it is clearly shown that his activities are (a) detrimental to his work and (b) of a nature that would rouse scandal or some other form of justified opprobrium directed against the University. In this connection we wish to emphasize our view that the entire burden of proof rests upon those who might seek to restrict the activity of the faculty or staff member.

It is the view of the Committee that although 'it should be the duty of the employee who engages in outside work to report that fact to his department head.' this does not in any way imply the necessity of obtaining approval from the department head or from any other administrative officer. If the proposed activity is to be questioned at all, it should be questioned only on the basis of the initial principle stated above, and only through established and recognized channels. In this connection we feel that the right of the faculty or staff member to appeal to the Grievance Committee shall not be abridged, and that the exercise of that right shall not result in prejudice against the individual in question. The Committee therefore requests that the Senate amend the recommendation before it by adding, after the last sentence under Section IV, the following: This does not imply that reporting to the department head means that approval is requested or required. X

There appears to be some misunderstanding about the Committee's definition of outside work. It is not meant, for instance, to include such matters as purchase and sale of an individual's own property for an individual's own account and possible profit. It does not mean that whenever a member of the Art Department paints a picture which he hopes to sell that he must report each such instance to anybody. It is enough for the department head to know that the individual does paint pictures, and that when he can he sells them. The

Committee's general idea was that any and all interpretations of these matters should err, if they err at all, on the side of freedom for the individual. The Committee is flatly opposed to any attempt to interrupt any of the recommended provisions to restrict, except where restriction is clearly and unmistakably indicated, as has been stated above. In this connection the Committee recommends that in the last sentence in Section III the work prohibit should be changed to "discourage."

It has come to the Committee's attention that in some instances the attitude has been taken that no faculty or staff member should engage in any work which might come into competition with persons outside the University. The Committee feels that the University ought not to take such a stand. We believe that while it may be inappropriate for the University as an institution to engage in competition with commercial interests, there is no reason why individuals who may be employed by the University should not do so. If these individuals have the abilities and talents for which anyone is willing to pay, we see no reason why there should be any interference with it. The idea that there should be no such competition seems to us to imply that anyone not in the employ of the University, may merely by announcing that his services are for sale to the public, at once preempt the field for himself and for others so engaged. This appears to be, in a reverse sense, a closed shop from which all public employees are excluded. The same principle, we believe, applies to the idea that a faculty or staff member should not accept routine or non-professional work outside the University. Nor do we feel that our personnel are in any way obligated to charge fees that are at least as high as fees that some other persons may be charging. This view is in line with the idea that individual members of our faculty and staff are, in their commercial relations outside the University, American citizens with exactly the same rights and privileges that other American citizens have. It should be understood, of course, that when a member of the University staff engages in work for which the law requires a license, he will obey that law.

In recent years it has sometimes been necessary for some members of our faculty to engage in outside work that has no reference whatever to special professional training. This has included, in some instances, manual labor, work in grocery stores, in automobile service stations, and similar activities. Since these activities are entirely respectable and in no way demeaning to any American, we feel that there should be not even a faint attempt to interfere with such work.

The Committee of Eleven recognizes the importance to the University of sound public relations. We realize that criticisms from outside sources will be received and that the University cannot always ignore them. We believe, however, that where proper outside work is concerned, an understandable desire to maintain smooth public relations should not be allowed to do injustice to the University personnel. We believe that it would not be sound public relations if the University, in matters affecting our present problem, were to yield with every puff of adverse criticism. There should be reasonable accommodation between the rights of the individual and the institutional welfare of the University. We believe that the principle that should be followed, however, is one that should be consistent with the foregoing discussion. That is, that only in exceptional and unavoidable instances should our desire for smoothness in public relations be allowed to subvert the rights of the individual staff member. It is hoped that in all such cases the burden of showing the absolute necessity for such interference will be upon anyone who proposes to interfere.

The Committee of Eleven wishes to assure the Senate that in presenting this recommendation, it is merely doing what the Faculty Constitution requires it to do. The legislative body is the Senate. The Committee merely requests that consideration be given by the Senate, and possible action taken."

C. Zaner Leshner
Secretary

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