

**MINUTES
FACULTY SENATE
February 5, 2018**

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1. CALL TO ORDER

The meeting was called to order by Vice Chair of the Faculty Michael Brewer at 3:02 p.m. in the Old Main Silver and Sage Room. The General Election will commence on February 12, 2018, with two candidates for Chair of the Faculty, one candidate for Vice Chair, and one candidate for Secretary, there are twenty-eight seats for thirty-one seats for College Representatives, and competitive races for SPBAC and Committee of Eleven. The Runoff Election will commence on March 23,

Present: Senators Abraham, Bell, Bourget, Brewer, Colina, Cook, Cuillier, Driscoll, Duran, Fink, Fountain, Frey, Ghosh, Hingle, Hurh, Johnson, Klimecki, Leafgren, Le Hir, Martin, Meixner, Nadel, Neumann, Ohala, Oxnam, Paiewonsky, Pitkin, Provencher, Ray, Robbins, Romagnolo, Ruggill, Schon, Schwartz, Slepian, Spece, Stock, Story, Vaillancourt, M. Witte, and R. Witte.

Absent: Senators Baxter, Benson, Conway, Dahlgran, Eden, Dunlap, Goldberg, Hammer, Hildebrand, Labate, Lin, Lubisich, Hymel, McGarey, Myrdal, Pau, Pietz, Ritter, Russell, Thiyagarajaperumal, Woolridge, Yeager, and Zeng.

2. REPORT FROM THE PRESIDENT – PRESIDENT ROBERT C. ROBBINS

Robbins reported that he was headed to Phoenix after his update to address state legislators and representatives from the Southern Arizona Business Caucus. Tuesday and Wednesday, Robbins will be testifying for the Appropriations Committee, and on February 8, 2018, representing the UA at the ABOR meeting. The Town Hall to kick off the Strategic Planning mission was held on January 29, 2018, with the maximum capacity of 500 in attendance. Robbins was a little disappointed that more students didn't attend the event. Robbins mentioned the exposé after the Super Bowl by reporter Matthew Schwartz on local news channel KVOA, regarding UA Athletics. The allegations occurred well before Robbins became President at the UA.

3. UA INTELLECTUAL PROPERTY POLICY (IP) – VICE CHAIR OF THE FACULTY, MICHAEL BREWER, AND ASSOCIATE GENERAL COUNSEL, ANNE STRATMAN

Brewer explained that the revised ABOR IP Policy was recently approved, but there was also a carve-out where each University could define policy guidelines for course content. Brewer said that all of the relevant Senate Standing Committees reviewed the revisions and were comfortable moving the document forward to Senate for approval. Senator Bourget asked why the document didn't show the crossed-out revisions, and the replacements made. Brewer said that the document doesn't really replace anything, it's affixed to the ABOR policy with its details specific to the UA. Stratman further explained that the ABOR policy clarifies that ABOR owns the course materials of faculty, and there was no inclusion of the scholarly works section of the policy. The former ABOR policy was ambiguous and was replaced by a simpler, succinct version. Even though ABOR retains ownership of course materials, the policy states that faculty are not restricted from using their own materials in other courses, within or outside of the U of A, or collaborating with others on the materials. Bourget asked if the policy was circulated throughout the colleges where the greatest impact of the UA policy would occur. The policy was charged to Tech Launch Arizona, in conjunction with the Intellectual Property Policy Committee. Spece remarked that faculty need to be aware that when things purport to be legal questions, there are deep moral issues imbedded with ambiguity. Often, the lawyers don't understand the academic culture. Their intentions are to protect the University, and faculty need argue that there might be no need to follow the interpretations of the lawyers, but rather a need to consider the ambiguities that raise moral questions in the academic environment. M. Witte said that the Research Policy Committee considers this a key issue, and an elected faculty committee that could hear and arbitrate disputes. Senior Vice Provost, Gail Burd, asked if online courses were considered in the policy carve-out. One dean is concerned about developing courses, and then faculty going to another institution with the same content. Nadel assured Burd that the relevant dean has been involved in the drafting of the carve-out policy. Stratman said that if the UA is arranging with the faculty to create a certain course with certain content, ABOR will retain ownership. If course content is the faculty member's private endeavor, a separate written agreement for such works may be allocated, that provides ownership by the Creator, or upon mutually agreed terms. Slepian said that that the

Intellectual Property Policy Committee should have a greater role, but there is a perceived conflict of interest on the part of Tech Launch Arizona because the value point is a metric of numbers. Cuillier suggested that the that the IP policy should specifically address Creative Commons licenses for course materials created by faculty, especially if there is a clause in the IP policy restricting commercial use. Faculty need guidance on which Creative Commons license they can apply to their work, as there is a Non-Commercial option in Creative Commons licenses. Faculty are offering open textbooks, but this policy doesn't address attaching a creative commons license on a textbook they create. Stratman said that textbooks differ from course content, meaning that faculty retain the full right with respect to classic scholarly works relating to publications. The policy is the scope of course materials only. Brewer asked if the Senate was ready to vote on the policy. Slepian said that the document is clear enough at the present to garner a vote. Paiewonsky asked if the UA IP Policy Committee reviewed or generated the policy. Stratman said yes. Brewer said that the IP Policy Committee is overseen by Tech Launch Arizona. Bourget moved **[Motion 2017/18-20]** to delay voting on the policy. Motion was seconded. Brewer called for a show of hands with eight people in favor of delaying the vote, thirty-six against delaying the vote, and one abstention. **[Motion 2017/18-20]** failed, and is detailed at the end of these minutes. Slepian moved **[Motion 2017/18-21]** to approve the policy with a caveat to return to look at the Tech Launch Arizona dispute resolution process. Motion was seconded. **[Motion 2017/18-21]** passed with thirty-three for, four against, and 1 abstention. **[Motion 2017/18-21]** is detailed at the end of these minutes.

4. APPROVAL OF THE MINUTES OF JANUARY 22, 2018

The minutes of January 22, 2018 were approved with one correction, and one abstention.

5. REPORT FROM THE FACULTY OFFICERS WITH QUESTION AND ANSWER – VICE CHAIR OF THE FACULTY, MICHAEL BREWER

Brewer reported that the PAC 12 Academic Leadership Coalition Conference will be February 8-11, 2018 in Seattle, Washington, where the organization will discuss definitions of Academic Freedom. Nadel said that the ABOR definition does not address academic freedom, but instead describes freedom of speech. The three in-state Universities will be working together to revise ABOR's current definition. Duran asked about the Ad Hoc Task Force to explore pay inequities. Nadel responded that at the time he suggested forming the Task Force, he was unaware that the University was undergoing an equity study by the Office of Federal Contract Compliance Programs. Nadel said it would be redundant to conduct the same charge as the outside organization, but had heard from eleven faculty in response to his request for involvement on the Task Force, and the interested parties have a meeting scheduled the following week. Duran asked about the continuing collaboration with GPSC and ASUA on initiatives related to inclusive excellence and support for students. Fountain responded that hopefully by the next Senate meeting, a proposal to recognize Indigenous People's Day will be ready for Senate review and voting.

6. REPORT FROM THE PROVOST – INTERIM PROVOST JEFF GOLDBERG

Goldberg was absent but provided a written report.

7. QUESTION AND ANSWER FOR THE APPC, RPC, SAPC, AND STRATEGIC PLAN REPORTS

There were no questions.

8. QUESTION AND ANSWER FOR ASUA, GPSC AND APAC

There were no questions.

9. OPEN SESSION: STATEMENTS AT THE PODIUM ON ANY TOPIC, LIMITED TO TWO MINUTES. MAXIMUM NUMBER OF SPEAKERS IS FOUR. NO DISCUSSION IS PERMITTED, AND NO VOTES WILL BE TAKEN. 8 MINUTES OR LESS

There were no speakers.

10. ACTION ITEM: GIDP IN APPLIED ETHNOMUSICOLOGY AND INTERCULTURAL ARTS RESEARCH, PH.D. – CHAIR OF THE GRADUATE COUNCIL, WALT KLIMECKI, AND ASSOCIATE DEAN OF THE GRADUATE COLLEGE, JANET STURMAN

[Motion 2017/18-19] was postponed at the previous Senate meeting on January 22, 2018, and now comes before Senate for consideration. Sturman explained that the updated document contains records of a meeting, chaired by Senior Vice Provost, Gail Burd, with stakeholders on February 1, 2018. Sturman said that some of the names on the

original proposal were changed, and questions from the stakeholders were answered. Schwartz moved for a ballot. Ballots were collected, and the vote was thirty-two in favor, five against, and six abstentions. **[Motion 2017/18-19]** passed and is detailed at the end of these minutes.

11. **INFORMATION ITEM: PROPOSAL TO REVISE THE UNIVERSITY'S POLICY ON INSTRUCTIONAL MATERIALS – CHAIR OF THE STUDENT AFFAIRS POLICY COMMITTEE, JEFF STONE**

Stone opened by telling Senators that the Student Affairs Policy Committee met to review the current policy and found possible conflicts of interest regarding faculty's requirement for assigning textbooks to students. Some faculty require students to buy textbooks and other instructional materials, collecting royalties from the sales. This creates two problems for students: 1) Students are a captive audience, and when assigned to purchase a specific text or a website that isn't provided by the UA Libraries, and is thus, a conflict of interest, and students may feel taken advantage of and become resentful. 2) Custom-published textbooks cannot be resold unless they are required the following semester, and websites cannot be resold, therefore, increasing the cost of materials for students. The current policy does not address the rising use of non-printed materials such as eBooks and subscription websites. There were twenty-two custom textbooks used on campus last semester in excess of \$100. Faculty have been known to create custom anthologies and are making \$10-\$20 per student in a lecture class of 300 students. There is no way to track the use of materials on custom websites, but some faculty members will only allow access to students with a password-protected firewall, and charge students directly to access materials needed for the class. The committee looked at other Universities' policies at Kansas State University and University of Illinois, and most require instructors to donate royalties received from students from the sale of materials to the students of the campus. The donations can go to an on-campus unit that benefits students, or off-campus organizational non-profit. The proposed policy suggests that royalties in excess of \$500 be donated to students. The requirement would be for all materials used in the course per semester, and all sections for the course that are taught or coordinated by the author. The policy does not apply to the use of the author's instructional materials by other instructors in the home department, UA campus, or other institutions of higher education. The course syllabus should acknowledge the conflict of interest and where the royalties will be donated. The dean of the college shall oversee this requirement, while the other side of the policy should remain in the colleges, whereas some variety of oversight can be at the department level. Colleges and departments should develop their own procedures for how instructors report royalties each year. The policy sets forth that instructors must keep affordability and access in mind when selecting materials, and departments should keep cost stating options such as open educational resources, library license materials, eBooks, chapters, and UA's Inclusive Access program. Senate discussion solidified the need for further revisions of the policy, and the input from other constituencies, including the Academic Personnel Policy Committee.

Discussion around this policy included suggestions that the \$500 amount be changed so that it would be in line with financial conflict of interest reporting requirements, as well as suggestions that all such proceeds be donated. Concerns were expressed about how the policy might incentivize or de-incentivize faculty to create course materials for use in their own or similar courses. The conflict of interest issue was discussed, as was the reliance that some faculty members have on the financial incentives from creating their own course materials. Stone will take the outcome of Senate discussion back to the APPC for consideration.

12. **OTHER BUSINESS**

There was no other business.

13. **EXECUTIVE SESSION**

Non-Senators were asked to leave so that three candidates for Honorary Degrees could be discussed and voted on.

12. **ADJOURNMENT**

There being no further business, the meeting adjourned at 4:35 p.m.

Amy Fountain, Secretary of the Faculty
Jane Cherry, Recording Secretary

Appendix*

**Copies of material listed in the Appendix are attached to the original minutes and are on file in the Faculty Center.*

1. Report from the President
2. UA Intellectual Property Policy
3. Senate Minutes of January 22, 2018
4. Report from the Faculty Officers
5. Report from the Provost
6. Report from APPC
7. Report from the Strategic Planning Committee
8. GIDP in Applied Ethnomusicology and Intercultural Arts Research Ph.D.
9. Proposal to revise the University's Policy on Instructional Materials

Motions of the Meeting of , 2018

[Motion 2017/18-19] Postponed seconded motion from the Graduate Council to approve the GIDP in Applied Ethnomusicology and Intercultural Arts Research, Ph.D. Motion carried.

[Motion 2017/18-20] Delay voting on the UA Intellectual Property Policy. Motion was seconded. Motion failed.

[Motion 2017/18-21] Approve the UA Intellectual Property Policy with a caveat to return to look at the Tech Launch Arizona dispute resolution process. Motion was seconded. Motion carried.

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