

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

March 7, 1988

MINUTES

The regular meeting of the University Faculty Senate was called to order on Monday, March 7, 1988, at 4:00 p.m. with President Toensmeyer presiding.

Senators not in attendance were: Eugene Ball, Donald Crossan, Jackson Gillespie, R. Byron Pipes

Senators excused were: William Bailey, Raymond Callahan, Helen Gouldner, Beth Haslett, David Nelson, James R. Soles, Nancy Sottos, Jean Stokes, Carolyn Thoroughgood, Peter Warter, Cort Willmott, Kuo-Chuin Wong

I. ADOPTION OF THE AGENDA

President Toensmeyer indicated that Item VI.A. under New Business, relating to Senate approval of honorary degrees, should be changed from two Doctor of Science Degrees to three. Hearing no further comments or objections, the agenda was approved as distributed.

II. APPROVAL OF THE MINUTES

President Toensmeyer stated that Dr. John Kramer should be listed as excused instead of absent in the February 1, 1988 record of the minutes. Hearing no further comments, the minutes were approved as distributed.

III. REMARKS BY PRESIDENT JONES

Dr. Jones summarized his presentation made before the Joint Finance Committee of the State Legislature in which he requested funds to support University debt service, special faculty lines, operations, and salary adjustments. Some of the items presented to the Joint Finance Committee for additional funding support include the establishment of a statewide DELCAT Library Access System, lines for additional faculty in Food Science, Physical Therapy, Agriculture, and Business Administration, etc., and more equitable salary increases for both faculty and staff. (See Attachment 1 for description of other items included in this \$751,200.00 request).

A priority of the University is to bring "average" salaries of faculty and staff into a favorable comparison to those doctoral universities in New York, New Jersey, and Pennsylvania as well as NSF Research Centers throughout the United States. "We should have a significant additional increase as a 'catchup' to make sure that our faculty and staff ... is not further eroded--nor are we impeded from maintaining and hiring qualified faculty in the future." The approach to the State Legislature is that of convincing representatives that "We're having great difficulty, not only in attracting new people, but in retaining the good people we already have on board."

A description of how funds are generated to support University functions was given. Approximately 31 percent of University income comes from student tuition and fees, 13 percent from student room and board fees, etc., 13 percent from investments and gifts, 11 percent from contracts and grants, 5 percent from other sources and 25 percent from State Appropriations. President Jones indicated that "The State piece is clearly a very big piece. The percentage of income coming from the State has declined over the past few decades, but the dollar amount has gone up each year. So while we are having less and less percentage of State dollars as part of our total budget, the State has in some measure handsomely supported us."

Much work remains to be done between now and June 30th at which time a final State Budget is expected to be passed. The goal of the University is to obtain \$68.4 million plus additional funds for salary increases for faculty and staff from the State for 1988-89.

#### IV. ANNOUNCEMENTS

President Toensmeyer indicated that if the items on the Senate agenda for the meeting could not be acted upon by an appropriate time, the meeting would be continued next Monday, March 14, 1988, beginning at 4:00 p.m. in 110 Memorial Hall.

President Toensmeyer stated that the Executive Committee of the Faculty Senate previously met with President Jones at a breakfast meeting to make recommendations for members to serve on a Search Committee for the Provost position.

#### V. OLD BUSINESS

Item A was a resolution, previously introduced by Dean Frank Murray, at the April 1987 Senate meeting, to replace Sections K.1. and K.2., page 9, of the Student Guide to Policies with a new academic dishonesty policy.

The Senate by a majority vote requested that the following resolution be returned to the Committee on Student Life for the purpose of finding a way to make it consistent with Sections K.3., K.4., K.5., and K.6., of existing policy:

RESOLVED, that in the Student Guide to Policies, Sections K.1. and 2., page 9 be replaced with:

1. A guilty finding for academic dishonesty will result in the following statement on the student's transcript:

"Found guilty of academic dishonesty on (date) in (course number) and (title)."

2. The grade the student receives in the course will be determined by the instructor. The statement may be removed on petition to the Council on Student Judicial Affairs when the Council, in its judgment, so orders.

VI. NEW BUSINESS

Item A was a request from the Trustee/Faculty Committee on Honorary Degrees and Awards (A. Metzner, faculty member) for Senate approval of five nominees for the following degrees: One, Doctor of Humane Letters; one, Doctor of Laws; and three, Doctor of Science Degrees. The five nominees as submitted were approved by a majority vote.

Item B was a resolution from the Committee on Research (P. Weil, Chairperson) for a new Audiovisual Works Policy.

President Toensmeyer stated that since some faculty were unable to attend an open hearing on the proposed audiovisual policy, he was willing with the consent of the Faculty Senate to accept "friendly additions" to the attached handout indicating the specifics of the new policy. He indicated that the modifications were inserted in bold type throughout the document. The Research Committee was in total agreement with the suggestion for including these additions before their discussion by the members of the Senate. The Senate by majority vote approved the adding of the modifications appearing in bold print to the original document, UNIVERSITY OF DELAWARE, POLICY ON AUDIOVISUAL WORKS (Attachment 2).

Professor Peter Weil, Chairperson of the Research Committee recommending acceptance of the proposed audiovisual works policy, indicated (1) that participation in the development of audiovisual works is voluntary and not a condition for employment; and (2) that "each work would involve a specific contract between those instructors involved and the University."

President Toensmeyer proceeded by requesting input from members of the Faculty Senate one section at a time. This procedure was continued for each of the 23 sections of the document. Senator David Bellamy asked for a clarification of how computer software is integrated into the definition of an audiovisual work indicated in Section IV of the document. Professor Weil responded that when a work is "primarily based on software, it comes under the software policy rather than under the audiovisual policy." Provost Leon Campbell agreed that the definition of audiovisual works as stated in Section IV is appropriate.

Dean David Ames, referring to Section V--line 90, questioned whether anyone who produces "something defined as an audiovisual work using University facilities" comes under this proposed policy regardless of whether that individual has a specific contract for that particular production. Professor Weil responded that in line 90, the word "established" should replace the word "designated." He then indicated that independently produced works are included in Section XIX of the document. President Toensmeyer indicated that this point on ownership of audiovisual works is also referred to in Section VIII of the document and appears in bold print as an addition.

Senator John Kramer requested a clarification of Section XV. He registered a concern about the utilization of off campus personnel in audiovisual productions when there might be someone already available on campus "who might be more than willing to get involved ...." Professor Weil responded that such decisions are to be made by either "the chair or the head of the unit that the subject matter covers." Provost Campbell stated that according to the present collective

bargaining agreement, "faculty have rights of first refusal for teaching." He believed that the intent of these rights as indicated in this bargaining agreement and the intent of Section XV protected faculty in this regard.

Secretary James Morrison read a statement submitted in writing by Senator Beth Haslett who was unable to attend the Senate meeting because of a prior accident. The statement read was, "Section XVI is of concern (to the Department of Communication) because we believe if a producer contributes in a significant creative way to an audiovisual product, she or he should receive some part of the royalties that may accrue from the sale of that product. This is standard policy for the media. The royalties that accrue from any audiovisual product and its division across the owner of the content and the University needs further discussion. In particular, we are concerned about where ownership of intellectual property resides and how this policy may establish precedence for this." Professor Weil responded that individuals who are not so defined as audiovisual production staff are not covered by this section.

Dean Ames requested a clarification of the term faculty used in Section XVII of the document. He anticipated situations where "professional staff without faculty appointment ... could produce audiovisual materials through the University Audiovisual Policy." Professor Weil responded that the term "faculty" was to be replaced with the term "instructor" in specific instances to clarify this role of producers of audiovisual works. Senator Gordon Bonner suggested that since there was confusion as to identifying those instances where the term "instructor" was to be substituted for the term "faculty," the document, after further discussion of other sections, should be referred back to the Research Committee for editing purposes and be resubmitted for editorial review at the next Senate meeting. Hearing no objections, President Toensmeyer accepted the procedural request. President Toensmeyer indicated that if there appeared to be continued confusion as the remaining sections of the document were discussed, he would implement the procedural request.

Secretary Morrison read a written statement by Senator Beth Haslett referring to concerns in Section XIX. "The consensus of opinion in the Department of Communication is that personal recordings, Section XIX, seems too vague and sweeping in its current form. As stated, it seriously blurs the private versus public dimensions of teaching and ... the line between research and teaching. That going back to the royalties issues in Section XVI, the Department of Communication feels that if these issues cannot be articulated clearly enough in this policy, then we urge the Senate to incorporate memorandums of understanding in its minutes. If some future case comes up where problems cannot be easily resolved, one can refer to these memoranda to understand what the Senate intended by this audiovisual policy and how it should be interpreted." Professor Weil responded by stating that the proposed audiovisual policy addresses these issues related to faculty rights and he saw no need to have the Research Committee restudy this aspect of the policy.

Senator Peter Jeffery questioned whether the intent of the proposed audiovisual works policy was to make such decisions on similar bases as those already being made in regard to software development and patents. Professor Weil indicated that that was a correct assumption.

Senator Christopher Boorse questioned the phrase "related to University activities" in Section XIX. He registered some confusion as to whether the proposed policy applies to audiovisual works "that are produced independently of the University by a faculty member." Professor Weil responded by stating that "the final determination of that is to be made between the faculty member and the Chair of the unit involved and the Research Office." Associate Provost Robert Varrin stated that such circumstances "will be evaluated to see whether or not the University does have a claim." Senator Boorse suggested that the Academic Freedom Committee should be requested to look into this concern of ownership of audiovisual works. Associate Provost Varrin indicated that ownership appears to be a property rights issue and not an academic freedom concern. Provost Campbell indicated that since faculty are not required to participate in audiovisual development, there is no academic freedom issue involved.

Provost Campbell reiterated that (referring to a prior discussion of inserting the term "instructor" for that of "faculty") in Section VI, Faculty Participation, "everyplace in that section where the word 'faculty' appears means 'faculty.'" In Section VII, Use of Audiovisual Works in Faculty Evaluation, "everyplace the word 'faculty' appears in that section means 'faculty.'" All other sections, the word 'faculty' means 'instructor.'"

Dean Frank Murray questioned the term, "instructor's unit," in the document. Professor Weil replied that the term refers to the level of department. He further stated that if a department does not exist, then the appropriate step would be to go to the next level until an appropriate instructor's unit may be identified.

Senator Kramer indicated a concern over the control of the dissemination of audiovisual materials. Professor Weil responded by stating that "unless it's specified in the contract at the time that an agreement is made to publish your work, you have no control over that."

Hearing no further comments or objections, President Toensmeyer called for a vote for approving a new audiovisual policy (with the modifications). (The revised version of the Policy on Audiovisual Works is at Attachment 3.) The following resolution was approved by majority vote.

*WHEREAS, the purpose of the University of Delaware Audiovisual Works Policy is to extend University educational and research opportunities outside and within the traditional campus setting through audiovisual means, and*

*WHEREAS, the interests of the University, participating faculty members, and the public are best served only with the highest quality audiovisual works possible, and*

*WHEREAS, this quality is dependent upon a high level of cooperation between originators and producers of audiovisual works to produce works representative of the most professional abilities of both, and*

WHEREAS, *it is recognized that the quality of the audiovisual works created by University faculty depends upon the attraction of and participation by instructors with professional qualifications most appropriate for each specific audiovisual works; therefore be it*

RESOLVED, *that the University Faculty Senate approves the University of Delaware Policy on Audiovisual Works as printed in Attachment 3 of these minutes and urges that it be adopted as University policy, to supercede all existing policies on audiovisual works, and be it further*

RESOLVED, *that, should the policy be approved by the University Faculty Senate and adopted by the Board of Trustees, the policy be included in the Faculty Handbook, Section II, paragraph 15c, replacing Section III-G, paragraphs 7 through 7f, and be it further*

RESOLVED, *that two years after approval by the Board of Trustees, the policy shall be reviewed by a University Faculty Senate Committee, designated by the Executive Committee, which shall make any recommendations it deems necessary for the revision of the policy to the University Faculty Senate. The policy shall remain in force until such time as it may be revised by vote of the Faculty Senate.*

Vice President Carol Vukelich made a motion to have the minutes of the meeting reflect the discussion of Item B under New Business. Senator David Bellamy seconded the motion. Hearing no further discussion, the motion was approved by a majority vote.

Because of the lateness of the hour, an adjournment was declared by President Toensmeyer at 6:00 p.m. with the Senate meeting to be continued on March 14, 1988 at 4:00 p.m. in room 110 Memorial Hall.

CONTINUATION OF MARCH FACULTY SENATE MEETING

March 14, 1988

President Toensmeyer called the meeting to order at 4:00 p.m. and noted that a quorum was present.

Senators not in attendance were: Mark Amsler, Marvin Brams, Norman Brown, Donald Crossan, Joseph Glutting, Peter Jeffery, R. Byron Pipes, Jean Stokes

Senators excused were: William Bailey, Norman Brown, Raymond Callahan, Maurice Cope, Robert Eisenberger, Helen Gouldner, Beth Haslett, Rosemary Lane Hooper, John Morgan, Frank Murray, David Nelson, Lucille Pulliam, James R. Soles, Nancy Sottos, Gregory Stephens, Nancy Targett, Stephen Thornton, Carolyn Thoroughgood, Irene Vogel, Carol Vukelich, Kuo-Chuin Wong

Item C under New Business was a motion from Robert Pennell, Undergraduate Senator, with the concurrence of the Committee on Student Life (B. Thompson, Chairperson) for Senate endorsement of a change to the Constitution of the Faculty Senate.

Senator Theodore Braun proposed an amendment to the original motion by having it read, "The undergraduate student body shall, in addition, arrange the election of one senator to represent minorities." The proposed amendment was defeated by majority vote.

The question was called and the following original motion was defeated by a vote of 30 against and 7 in favor:

- WHEREAS, the inclusion of two senators from the duly constituted student government is intended as a voice on the Senate, and
- WHEREAS, the Delaware Undergraduate Student Congress (DUSC) is seeking a more equitable representation on the Senate, and
- WHEREAS, the reapportionment of the Senate allows each Unit representation based on the ratio of the number of college faculty to the number of faculty in the University, yet the constituted undergraduate student government is not equitably apportioned as per other Units, therefore be it
- RESOLVED, that the Senate endorses the following amendment to the Constitution of the Faculty of the University of Delaware and recommends to the Faculty of the University that it be adopted:

Section IV, paragraph 2, page 1-2, be amended by inserting after the sentence "The duly constituted undergraduate ... student body," the following sentences: The undergraduate student government shall, in addition, arrange the election of one senator each by three groups representative of broad sections of the undergraduate student body, with the selection of each group contingent upon the approval of the Senate. One of these groups shall be representative of minorities.

[The paragraph will then read:]

Each Unit shall elect a number of senators equal to the whole number part of the ratio of fifty (50) times the number of voting faculty of that college to the number of voting faculty of the University, with the added proviso that each Unit shall be granted at least two (2) senators. The duly constituted undergraduate student government and the graduate student government will each elect two students from the full-time student body. The undergraduate student government shall, in addition, arrange the election of one senator each by three groups representative of broad sections of the undergraduate student body, with the selection of each group contingent upon the approval of the Senate. One of these groups shall be representative of minorities. In the absence of a duly constituted graduate student government the Committee on Graduate Studies shall have the responsibility of arranging the election of the graduate student senators.

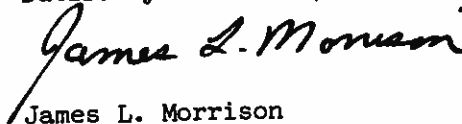
Item D was a resolution of Senator John Morgan read by Senator Melinda Kwart:

WHEREAS: Outstanding performance by students should be recognized as such, be it

RESOLVED: That a grade of A+ worth 4.0 quality points be added to the projected plus/minus system.

Hearing no further comments or objections, President Toensmeyer entertained a motion to adjourn at 4:43 p.m.

Dutifully submitted,



James L. Morrison  
Secretary  
University Faculty Senate

JLM:rg

Attachments:

1. Copy of 1988-89 State Funds Request Summary - Level 4 Increases
2. Modifications to the Policy on Audiovisual Works
3. Revised Policy on Audiovisual Works