

FRPR Minutes
February 11, 2014

Present: Rick Hale, Laura Hines, Mario Medina, Kirk McClure, Jerry Mikkelson, Amalia Monroe-Gulick, Jan Sheldon

Absent: Jim Thorp

The FRPR Committee met on February 11, 2014 at 2:30 pm in 4001 Dole Human Development Center.

Approval of Minutes from October 29, 2013 meeting

Jan submitted minutes to the committee, and members suggested revisions. The revised minutes were approved via email on November 1, 2013.

Update from Chris Steadham

Jan contacted Chris Steadham, University Senate President, to seek his input on what the FRPR committee should be working on during the spring semester. In an email to Chris, Jan stated that the FRPR committee would like to address governance's charge regarding KU's Intellectual Property Policy and its impact on faculty, review the Provost's response to the Faculty Code of Rights, Responsibilities, and Conduct, and address the issue of elevated IT rights for faculty. Chris responded that he would like the FRPR committee to coordinate with the Academic Computing and Electronic Communications (ACEC) committee on the IT issue; he indicated that he would follow up very soon with details about the Intellectual Property Policy and the Faculty Code.

Update on University Governance

Jerry provided an update on issues that University Governance had been addressing.

a. Core Curriculum Charge

At past meetings, our FRPR committee expressed concerns about the Core Curriculum and the effect the Core might have on how we teach and assess our courses. Our concern has not yet been addressed by University Governance.

FRPR committee members expressed additional concerns that the Core Curriculum will have an effect on student enrollment in courses, e.g., courses not listed as fulfilling a Core Curriculum requirement may experience decreased enrollments.

b. Social Media Policy

Faculty, unclassified staff, and classified staff have expressed concerns about the Board of Regents' social media policy. Many people believed that the current Board of Regents' policy should be suspended until a new policy can be drafted, but the Board of Regents did not want to do that. Rather, the Board of Regents appointed a committee to study the issue and propose a revision. This Regents-appointed committee is presently drafting a revision of the current policy.

c. Post Tenure Review

Faculty had numerous objections to the first proposed Post Tenure Review policy submitted by Chris Crandall. Rick Levy and Chris Crandall addressed most of the objections and proposed a new policy that was sent to Faculty Senate on December 5, 2013. Jerry proposed a revision of the Levy/Crandall revised report; Jerry's revision would not have allowed the Provost to dismiss a faculty member. Jerry's revision did not pass, and the Levy/Crandall proposal was approved by Faculty Senate on December 5, 2013. Our committee requests the current status of the proposed policy. *(This policy is now on the Provost's web page.)*

Elevated IT rights for faculty

Jan noted that the issue of elevated IT rights for faculty had been raised in the spring of 2012 by Professor Jay Lee, from the Business School, when he was on the FRPR committee. He was concerned that faculty did not have the ability to download updates to computer programs that were necessary for their research or teaching; rather, faculty had to contact IT who then would download the update. Professor Lee and others felt this was a cumbersome and often time-delayed process. Thus, FRPR proposed a new right to be included in the Faculty Code of Rights, Responsibilities, and Conduct:

Faculty members have the right to maintain continuous administrator-level access to computers that are exclusively used by them and/or in the conduct of their research. For research and teaching purposes, faculty members also have a right to receive proper support from IT. Such rights may be challenged only under a circumstance where the security and privacy of others are significantly violated as a result of faculty action. In such cases, a proper committee represented by both IT and faculty members will evaluate the severity of the violation.

The Academic Computing and Electronic Communications (ACEC) committee will be considering a proposal by Easan Selvan from Information Technology at their spring meeting on March 13, 2014. Jan asked if any FRPR committee members would like to attend. Amalia volunteered; she and Jan will attend the meeting.

Intellectual Property Policy

The FRPR committee discussed at length KU's Intellectual Property Policy. Rick handed out a number of documents related to Intellectual Property, including the Board of Regent's Intellectual Property Policy, KU's Intellectual Property Policy, K.S.A. 44-130 (employment agreements regarding assignment of rights in inventions), information on the Employee Invention Assignment Agreement (faculty hired in 1986 and thereafter must sign this agreement prior to being employed at KU), and "Answers to Governance Questions regarding the Invention Assignment Agreement."

The Employee Invention Assignment Agreement and the KU's Intellectual Property Policy create issues for faculty who wish to consult with outside companies/corporations/industries because those companies/corporations/industries often will only contract with people who agree to give partial ownership of an invention to the company/corporation/industry. KU, however, may assert that KU has ownership of the invention. This agreement and policy may have a chilling effect on faculty's ability to consult and work with outside companies/corporations/industries and develop and invent products, and this affects the ability of faculty to conduct relevant teaching and research.

After much discussion, committee members agreed that there were a number of issues that need to be addressed:

1. In resolving this issue, there are three parties' interests that must be considered: (1) faculty/students, (2) university, and (3) outside companies/corporations/industries.
2. Is there a distinction made between faculty (and RAs) hired before 1986 and those hired after 1986?
3. Should the University have a claim to a faculty member's work if the work was done during a time when the faculty member was not being paid by the university (e.g., during the summer) and not using any university resources?
4. Is there a distinction made between faculty who produce certain profitable items (e.g., textbooks) and faculty who produce inventions?

Andrew Torrance is chairing an ad hoc committee on Intellectual Property and Consulting. This committee will propose a new policy. Hopefully, a new policy will address the concerns that the FRPR committee and other faculty have. Laura will contact Andrew and report what his committee has developed.

The meeting adjourned at 4:30 pm.