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## Faculty Senate Meeting Minutes - January 2002

Faculty Senators

*University of South Alabama*

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# UNIVERSITY OF SOUTH ALABAMA

Faculty Senate  
Unapproved Minutes  
16 January, 2002

## 1. Call to Order:

The meeting was called to order at 3:10 p.m. with a quorum at 3:15

## 2. Roll Call:

Present: Barik, Boggs, Bracken, Broome, Brown, M. Cohen, Dagenais, Ellis, Foster, Gifford, Gray, Guest, Hanks, Hermanson, Hill, Hsu, Kayes, Longenecker, Matheson, Mozur, Murray, Perkins, Rogers, Rowe, Shardo, Slagle, Spector, Swofford, Vest, Weitzel, Wesenberg, Wheeler

Absent (Excused): Bailey, Bowers, Broughton, Garmon, Kimball, Miller, Olsen, Painter, Sylvester, Willis

Absent (Unexcused): S. Cohen, El-Saba, Figarola, Hamm, Kwiatkowski, McNair, Pettyjohn, Temple, Townsley, Wilson

## 3. Approval of Minutes:

The minutes from the November 28, 2001 Faculty Senate meeting were presented and approved.

## 4. Old Business:

**Copyright Policy:** Nicole Baute came to the Faculty Senate meeting to discuss the proposed Copyright Policy with the faculty. Senators asked questions for clarification before voting on the policy.

The first question asked about the "Significant Use of University Resources" and sabbatical leave. Nicole answered that simply being on sabbatical was not a significant use. That it is the same as being at work. What is important is WHAT is being used, not when.

Some people felt online classes were still a problem. That any eCollege course is automatically owned by the University. Nicole said that is part of the eCollege license that the University has agreed to with them. She also said that faculty may reuse materials and change it for use in a textbook or another course. The changes make it a new product.

Faculty wanted to know who decides what significant use is. Nicole said she is the main person if there is a question. If a faculty member uses something they don't normally use in the course of their daily work, it is probably significant use. If a faculty member uses Media Productions Services or Publications and it is paid for with University funds or a grant then it is probably significant use in the case of University funds. In the case of a grant, the grant probably tells who owns what rights.

In the definitions section under "Institutional Work" in part 3 on 'Collaborative Works' there should NOT be the word 'or'. Collaborative works between colleagues would belong to them, not the University unless no discrete creators can be determined (such as a work that went over semesters with multiple faculty, staff, and student input).

Unlike the present online contract that faculty have objected to, the copyright policy includes in section 8.5 that the University shall assume responsibility for liability for institutional works.

If there is a question about ownership, section 8.3 covers the administration of decision making. First the director and the creator and the dean of the creator's school/college will attempt to decide who has ownership. If there is no agreement it will go to a University Intellectual Property Policy Committee whose decision will be final.

When asked who would be on this committee, Nicole said that there was a draft proposal of who would comprise the committee as follows: "The Intellectual Property Policy Committee is appointed by and reports to the President to serve as a resource with respect to matters involving the general subject of intellectual property in patents, inventions and copyright. The Committee will be comprised of both administrative and faculty representatives, with a faculty majority. The Director of Technology Development will serve as a non-voting member of this Committee. The Committee will have an advisory role in the interpretation and application of the University's patent and invention and copyright policies, and will periodically review these policies and recommend changes to the President as necessary. The Committee will also consider any other special circumstances or appeals which may arise as a result of these policies." The Faculty Senate wanted some input as to the faculty members on this committee.

On deciding who would own something, Nicole said that when faculty was requested to produce something, there will ordinarily be a contract to sign which will signify who will have ownership.

Lastly some faculty wanted to know the impact of voting for or against the policy. If we vote for the policy, it will become part of the faculty handbook and binding. If we amend the policy, it will be sent back to the dean's council to be refused or accepted.

There was a motion to end debate, accept the policy as written and take a vote on the copyright policy. This was seconded. This motion passed with one opposing vote.

There was a motion to propose a resolution for the makeup of the Intellectual Property Policy Committee and to hold off on voting until this was accepted or denied. Since the first motion, to vote on the proposal as written, had already been voted on, procedure was decided that the senate needed to vote on the policy.

The proposed policy was voted upon with 23 voting to accept as written, 3 opposed, and 2 abstentions.

**Discussion of Proposed Sick Leave Donation Policy:** The intent of the policy is to help people with catastrophic illnesses.

There was a question of why the policy recommendation was for faculty and other employees with more than 1 year of service. If someone had worked here for less than a year and had a catastrophic illness why couldn't they be covered?

It was mentioned that Section 1 should include maternity leave (which wouldn't be covered under catastrophic illness or injury).

Only 'new' sick leave could be used to donate, not the other hours that faculty received when the sick leave policy went into effect. Only those hours which might be used at retirement.

The policy will be discussed and reviewed further in February's meeting.

#### **5. New Business:**

David Ellis is going to Slovakia on a **Fulbright** fellowship. Isabel Brown will be the new Committee on Academic Policy & the Faculty Handbook chair in David's absence. The vote was unanimous to accept her nomination. Arts and Sciences will need a new caucus leader.

Joe Mozur made a proposal for a resolution that states: "Whereas on 16 January, 2002, the Faculty Senate voted to endorse the current draft of the USA Copyright Policy, and whereas Section 8 paragraph 2 provides for the creation of a University Intellectual Property Policy Committee, the Faculty Senate resolves that faculty shall constitute a majority of said committee and that the faculty serving on said committee shall be selected by the President of the University from a list submitted to him by the Faculty Senate." The vote was unanimous to accept the resolution.

#### **6. Report from the Chair:**

Faculty Senate Chair Rogers made a statement that the Faculty Senate Executive Committee met with President Moulton. President Moulton said that raises were a high priority and that we should find out more in April as to the possibility of raises. Enrollment was excellent, the highest spring enrollment in the history of the University.

There was some discussion of football. The club football coach resigned and the Athletics Council looked at football again and adopted the same policy decision as last year that the question of considering moving to Division IAA non-scholarship football will be looked at later.

The Foundation will be giving some money to the library and deeding some Knollwood land to the University.

During the meeting with President Moulton and Dr. Covey, the faculty survey was discussed. There was a question as to whether the funding crisis lowered administrators' ratings.

**7. Reports from Standing Committees:**

No further reports.

**8. Reports from Caucus Leaders:**

Ground was broken on the University Library expansion. There were no other reports.

**9. Adjournment:**

The meeting was adjourned at approximately 4:30 p.m.

Respectfully submitted by:

S. Murray, Secretary