

**IOWA STATE UNIVERSITY FACULTY SENATE
EXECUTIVE BOARD MEETING MINUTES
OCTOBER 13, 2015
3:00-5:00 P.M.
107 LAB OF MECHANICS**

Present: Bigelow, T. (Academic Affairs); Bratsch-Prince, D. (Associate Provost); Brunner, L. (Design); Butler, A. (Secretary); Day, T. (Veterinary Medicine); Derrick, T. (FDAR); Freeman, S. (CALs); Holger, D. (Associate Provost); Looney, M. (LAS); Martin, P. (RPA); Mennecke, B. (Business); Rippke, S. (Parliamentarian); Russell, D. (Human Sciences); Schaefer, V. (Engineering); Schalinske, K. (Past President); Selby, M. (Governance); Sturm, J. (President-Elect); Wallace, R. (President); Wickert, J. (Senior Vice President and Provost)

Guests: Cervato, C.; Smiley-Oyen, A.; Tanaka, P.

I. Call to Order

The meeting was called to order.

II. Consent Agenda

A. Agenda, Executive Board Meeting October 13, 2015

B. Minutes, Executive Board Meeting September 8, 2015

The consent agenda passed.

III. Special Order: Intellectual Property Assignments and Collaborator/Affiliate Faculty Appointments - Paul Tanaka, University Legal Counsel

Mr. Tanaka supplied handouts concerning the recent case, *Stanford v. Roche*. In this case, an IP assignment was signed, but it was defective. The HIV test kit that had been developed at Stanford, was now co-owned by Roche. Stanford was also in non-compliance with the Bayh-Dole Act. Effective IP assignments are the responsibility of a university, at the time of hire.

Mr. Tanaka raised the question of how to implement ISU's compliance program. ISU does not currently require assignment of IP on hire. So most current faculty and staff have not signed IP assignments. Mr. Tanaka argued that if we do not have clear IP assignments in place for current and future faculty, ISU faces real and substantial economic and legal risks (future loss of revenue and non-compliance with Bayh-Dole). What should ISU do? Mr. Tanaka pointed EB members to the table of possible actions and their risks. For example, should we have faculty and staff sign IP assignments whenever a new LOI is generated (i.e., when hired, promoted, or a change in assignment)?

Senator Bigelow asked if consulting off-campus should also be tracked. Mr. Tanaka said that in his view, it should, but faculty may be averse to this, because it would limit their freedom to work off-campus. If ISU is not involved in funding, etc., ISU needs to have no claim on the results of the consulting works/research.

Mr. Tanaka said that we would likely need some kind of database of assigned faculty and staff. He added that the economic and legal risks are too significant to do nothing.

Provost Wickert spoke in favor of options that are not punitive or adversarial (such as the “Darth Vader” option that denies promotion or salary increases to non-compliant faculty or staff). He also thought that it would be a large burden to place solely on the shoulders of PIs. He thought that faculty and staff would be willing to cooperate.

Senator Freeman thought that a more reasonable penalty would be that non-compliant faculty cannot be PIs. Provost Wickert countered that non-compliant PIs aren’t the only problem; non-compliant staff technicians put us at risk too.

Senator Selby thought it was appropriate to put the burden on PIs to ensure that their team is compliant, because it ensures that someone is responsible for checking compliance. Otherwise, it’s unclear who’s in charge of ensuring compliance (whether it be OSPA, the department, etc.).

Senator Freeman noted that all new faculty are asked to sign an IP assignment. What about new staff? Mr. Tanaka said that as of June 9 they will be required to sign IP assignments. The next big target group is post docs and graduate research assistants.

Senator Day expressed support for the proposal that units generating patentable IP and software secure the appropriate assignments. He thought that the compliance program would encounter more resistance from departments that do not generate IP. In the departments that generate IP, signing an IP assignment would not be a big deal. So he thought efforts should be focused on those departments where we are likely to encounter resistance.

Senator Bigelow raised a tangential point. Last summer, \$50K of research funding from a company was lost because of barriers to getting IP rights. He thought that some departments might see an increase in funding if the barriers to companies were lower. Mr. Tanaka acknowledged that this is a background concern. ISU is perceived to be very friendly to outside companies. Business-friendliness is a national issue. But Land Grant universities are different from Ivy League universities. We need to have a discussion about the fundamental issue of public versus private benefit. His view was that a non-profit public university should benefit the public to the greatest extent possible. He added that we are never as flexible as some faculty would like us to be.

President Wallace asked EB members whether they had a recommendation of how to select among the possible actions. Mr. Tanaka said that he was looking for feedback on the range of acceptable actions. He would also consult with the Provost’s Office and the VPR’s Office.

Provost Wickert said that he thought the best strategy was to make the case clear to faculty for why compliance matters. Then just ask them to do it – all faculty, including those in humanities and arts. Next, follow up with the IP-generating units. At that point, we can assess the degree of compliance and come up with a new strategy, if necessary.

EB members agreed that it would be helpful to have Mr. Tanaka attend the FS meeting and explain clearly why compliance matters. Then Provost Wickert can follow up in his announcements with a request that faculty comply.

IV. Announcements and Remarks

A. President

Meeting with Bob Donley, BOR Executive Director

President Wallace, President-Elect Sturm, P&S Council President Lawson, and P&S Council President-Elect Johnson met with Bob Donley, Executive Director of BOR. Everyone is still concerned about the funding situation. Because performance-based funding was not pursued, the current disproportional funding of the three Regents universities continues. Donley is aware of the effect this has on morale. The group also discussed the circumstances concerning the hiring of the new president at The University of Iowa.

Upcoming BOR Meeting

President Wallace will attend the BOR meeting in Iowa City on October 21 and 22, as well as the Council of Provosts meeting.

New President at UI

The University of Iowa's College of Liberal Arts and Sciences Faculty Assembly issued a statement that censures incoming president J. Bruce Herrald. UI's CLAS Faculty Assembly asked ISU's LAS Representative Assembly to endorse the statement of censure. ISU's LAS Representative Assembly voted instead to support FS's statement of commitment to principles of shared governance and transparency. Someone at the ISU Representative Assembly meeting raised concerns about the possibility that a more sharply worded statement would make ISU President Leath's job more difficult during these strained conditions. Provost Wickert noted that, as further indication of ISU's commitment to shared governance, Representative Assembly's statement approving FS's statement included LAS Dean Schmittmann's signature.

Search for VP for Student Affairs

Senator Selby is the FS representative on the search committee for the next VP for Student Affairs.

Campus Leaders Breakfast

The next CLB is next Wednesday. President Wallace asked senators to get questions to him soon.

B. President-Elect

FS Conference

The Spring FS Conference will be April 26. President-Elect Sturm has received a verbal agreement from Nicholas Steneck to deliver a keynote address. Steneck also offered recommendations of other possible speakers.

Equity, Diversity, and Inclusion Committee

Equity Diversity Inclusion committee met. They will work with the new VP of Diversity and Inclusion when appointed.

Campus Safety Summit

A Campus Safety Summit will take place in Ankeny. Provost Wickert added that this is a statewide summit which will discuss topics such as sexual assault and violent incidents. There will be student, faculty, and administrative representatives from a variety of colleges and universities. It will be on October 28, 2015 from 9 to 3.

Open Access

President-Elect Sturm reported that he was misquoted in the *Iowa State Daily* as working so that ISU faculty can publish for free. He sent a response clarifying the issue of open access, but it has not been published. In the meantime, President-Elect Sturm would like to educate faculty about open access on campus, and asked to be invited to department meetings for a brief presentation and discussion. President Wallace added that faculty should consider inviting their subject librarians to their department meetings.

C. Senior Vice President and Provost

Provost Wickert introduced Professor Cinzia Cervato, the faculty fellow for early career professional development. She offers programming concerning “onboarding,” mentoring, and preparing for P&T. The faculty fellows program provides exposure to administrative work for faculty who are interested in the possibility of becoming administrators.

College of Human Sciences Dean Search

The search committee has been formed. They are working on a job description and advertisement. A search firm will not be used, because ISU faculty have good professional networks to draw from.

BOR Meeting

BOR will consider the first reading of the 3% tuition increase proposal and international tuition supplement proposal.

Pappas Consulting Group will provide its report on e-learning and enrollment management. There will not be a BOR meeting in November. In December, BOR will officially accept the report. Then the Regents universities will be asked to provide their responses. FS will be involved in the response.

BOR will vote on UI and AIB’s gift agreement. This agreement offers the academic buildings. BOR issued an RFP to market research firms to conduct a study of the Des Moines market for a Regents campus. Provost Wickert said that he had not seen the proposals yet, but he will join with the other provosts and BOR Office to select the recipient of the contract. In the winter, they will work on identifying areas of sustainable demand and determining the best location for the campus. (The West Des Moines Chamber of Commerce has communicated its strong interest in having the Regents campus located in West Des Moines.) They will talk to employers and prospective students (including 18 year olds and working professionals) to determine where the demand exists and what new need this campus can fill. ISU will not offer any courses at the AIB campus in the fall. ISU will wait to make decisions after the market report. ISU’s position is to have ISU faculty teach the courses, to ensure the same quality of delivery. (President Wallace said that this point was stressed in his meeting with BOR Executive

Director Donley.) UI will offer four programs in the fall: business, political science, enterprise leadership, and sports management.

It is anticipated that UI students will protest the new presidential hire.

Strategic Planning

Senator Freeman will chair the steering committee. There will be four subcommittees: student learning and experience; research; service to the state and economic development; and campus environment. Provost Wickert and Senator Freeman would also like to create two more committees: an enablers and infrastructure committee (facilities and IT) and an “everything else” committee to come up with creative ideas that do not fall squarely into any of the other committee’s purviews.

Discussions for FS

Provost Wickert would like FS’s input on ISU’s presence in Des Moines. Do faculty agree with the Provost’s Office’s principle of having ISU faculty deliver courses in Des Moines to ensure the same high quality of teaching and learning? Do we want to cast a wide net? What should be our focus?

Provost Wickert would also like to discuss inclusive class environments. The recent student open forum and the disrupted protest against bigotry have made clear the importance of this issue on campus. It is clear that we need to do more. Clearly, it is a big issue and we can’t solve it all. A lot of the problems are student-on-student, whether overt or microaggressions. CELT has used videos to train new faculty through orientation. Provost Wickert would like all faculty, including TAs, to be aware.

Accreditation

Associate Provost Holger provided a handout concerning the HLC visit. The handout gives an overview of the process. Reaccreditation ensures that our students are eligible for federal student aid. At the last visit, the accreditation team observed that ISU is not as uniform about outcomes assessment across all programs as they would like us to be. Since then, a lot has changed (voluntarily or because of BOR or legislative mandate). Outcomes assessment is also expected for graduate programs. We admit that our outcomes assessment program is not as uniform across all graduate programs as all undergraduate programs.

At this visit, there are three elements: (1) Quality Initiative; (2) Federal Compliance; and (3) Assurance Argument.

For the Quality Initiative, we wrote a formal proposal of what we are interested in doing. This was peer reviewed and approved by HLC institutions. We proposed to systematically gather information about what our graduates do first after graduation. For some programs, collecting this information is not difficult and the information is not surprising; not so for others. This information will help programs tailor their offerings to better suit the needs of their students.

For Federal Compliance, we need to document how we are complying with the rules. Do our syllabi demonstrate the same expectations for on-campus and distance education

courses? For this component, we collected all of the syllabi from all sections of all courses. A week ago last Sunday, ISU received a request to produce twelve syllabi. We were able to supply those by Monday afternoon. We have not heard back. Because those syllabi were in good shape, we do not expect any further issue.

The Assurance Argument shows how we meet the criteria for accreditation. The HLC team is looking at it now.

There was also an HLC survey of students. Undergraduates commented on crowding, especially in residential halls. They also commented about international TAs.

The questions for further information that the team has raised suggest that they have not found anything alarming.

We won't know their schedule until one week before their visit. In part, they do not want to announce their plan too early.

Senator Brunner asked when their assessment will be communicated. Associate Provost Holger replied that we will know a lot about their assessment immediately, especially any big issues. The report will be made available two or three weeks afterwards. Then we will have the opportunity to respond to errors in fact. Action does not take place until Summer 2016. Last visit, we found out in August.

D. Council Chair Reports

Governance Council is still discussing policies concerning lecturer appointments. They hope to bring forward a motion concerning classifications for NTE faculty.

RPA met with Provost Wickert and Associate VP Miles Lackey. They will meet with VP for Human Resources Julie Nuter on Friday.

1. Academic Dishonesty Updates – Tim Bigelow

Professor Smiley-Oyen, chair of FS Student Affairs Committee, provided EB members with a handout. The central concern is that faculty think that repeated instances of confirmed academic misconduct are not treated seriously. FS Student Affairs Committee recommends that an individual student's third case of academic misconduct (from different courses) must be referred to the Student Conduct Hearing Board (SCHB, formerly called "All University Judiciary").

Senator Selby clarified that if FS Student Affairs Committee's motion were approved, it would mean that three more students would be heard by SCHB. Her point was that the number of students this policy affects is small. (She also noted that the number is almost certainly smaller than the number of actual cases of student academic misconduct because not all faculty file reports.)

Senator Bigelow observed that "major" cases (now called "level 1" cases), the first or second offense may be referred to SCHB. The motion, however, allows that after multiple "level 2" offenses, the student's case may be referred to SCHB. Senator Freeman pointed out that the categorization of "level 1" or "level 2" takes place prior to

learning about past misconduct; the judgment is made on the basis of the case alone. Past misconduct enters into the decision concerning sanctions. Senator Bigelow thought that SCHB should know how many offenses the student has committed. Senator Freeman added that a further complication is that if a student accepts responsibility, a SCHB hearing may be bypassed, and a sanction can be negotiated directly with the Dean of Students. With respect to the motion, Senator Selby didn't see a point in sending the matter to SCHB if the student accepts responsibility. Senator Bigelow replied that SCHB may suspend the student.

President-Elect Sturm observed that there were a number of questions and confusion concerning which cases SCHB hears and the process. He recommended that EB receive clarification on those matters prior to voting on Student Affairs Committee's motion. President Wallace concurred, and said it would be on November's EB agenda. He asked Senator Bigelow whether AAC had discussed the motion. Senator Bigelow said they had not. Senator Freeman recommended inviting Sara Kellogg to the November EB meeting.

E. Caucus Chair Reports

Senator Freeman said that CALS discussed the PRS proposal. Senator Freeman is prepared to make an amendment to the PRS motion.

Senator Brunner said that Design discussed the PRS proposal. She forwarded comments to President Wallace.

Senator Day said that Veterinary Medicine discussed the PRS proposal.

V. Unfinished Business

A. PRS Changes to the Handbook – [S14-19] Dark

The period for comments continues through October 23. Professor Dark is collecting the comments and will assemble a document with all of them. Many senators expressed the need to make some kind of modification to the current motion, in light of the comments received so far. President Wallace recommended including the topic on the FS agenda as a discussion item. President Wallace hopes to have EB meetings so that a revised motion can be presented for discussion at the November FS meeting.

B. Cyber Security Minor Proposal – [S15-1] – Bigelow

C. Urban Studies minor Proposal – [S15-2] – Bigelow

D. Name Change: Art and Visual Culture – [S15-3] – Bigelow

Senator Bigelow did not anticipate any problems with these motions.

VI. New Business

None

VII. Approval of the October 20, 2015 Faculty Senate Agenda

Senator Freeman moved to rearrange the order of Old Business. Senator Schaefer seconded. The motion passed.

Associate Provost Holger recommended that some time be allotted for an announcement about the upcoming HLC visit. President Wallace recommended that Provost Wickert

invite Associate Provost Holger to make some comments during the Provost's announcements.

Senator Bigelow moved to accept the modified agenda. President-Elect Sturm seconded. The motion passed without dissension.

VIII. Good of the Order – 4:55 p.m.

President Wallace followed up on the e-mail discussion about an FS statement about diversity. Should it be a resolution, a statement, or an open letter to ISU students?

After some discussion, the group decided that it would be best for President Wallace to make a statement in his scheduled remarks during the announcements period. He will make typed copies of the statement available to media outlets.

IX. Adjourn

Senator Schafer moved, and Senator Bigelow seconded. The meeting adjourned at 4:54 p.m.

NEXT MEETING – TUESDAY, NOVEMBER 3, 2015

Postscript: Secretary Butler expresses deep gratitude to President-Elect Sturm for taking notes in her absence at the beginning of the meeting.