



# Texas Tech University

The Faculty Senate

May 6, 1982

TO: Members of the Faculty Senate

FROM: Benjamin H. Newcomb, President

SUBJECT: Agenda for meeting #42, May 12, 1982

The Faculty Senate will meet on Wednesday, May 12, 1982, at 3:30 p.m. in the Senate Room of the University Center. The agenda is as follows:

- I. Introduction of Senators-elect and other guests.
- II. Consideration of the minutes of the meeting of April 14, 1982.
- III. Report of the Committee on Committees:
  - A. Nomination of members for Senate standing committees, 1982-83.
  - B. Nomination of Senate representative on Affirmative Action Committee, 1982-83.
  - C. Nomination of senator to serve on Insight Editorial Advisory Board.
- IV. Report of Senate Study Committee B -- on faculty development leave application forms.
- V. Report of the University Affirmative Action Officer, Mr. Julio Llanas.
- VI. Report of the Faculty Benefits and Retirement Committee -- Professor Lewis Hill.
- VII. Discussion of the matter of lapsed salaries.
- VIII. Consideration of the proposed copyright policy for the University (see attachment).
- IX. Further recommendations of the Agenda Committee on assignment of two issues -- (16) Innovative Course Delivery Systems and (17) Faculty Recruitment and Retention: The Agenda Committee recommends that the issue of Faculty Recruitment and Retention be addressed by the Senate Standing Committee on Faculty Status & Welfare. It also recommends that the Faculty Development Committee be strongly encouraged to deal with the issue of Innovative Course Delivery Systems because of its experience in processing applications for teaching development grants and leaves.

X. Other Business, Announcements, and Recognition of retiring Senators.

A. Disposition of Senate Recommendations and Actions.

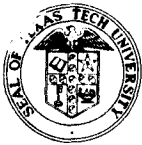
1. No further word has been received on the status of consideration of the financial exigency plan recommended May 1981, by the Senate.
2. President Cavazos has responded to the Senate's April 1982 recommendation on amending the report to the Federal Deregulation Task Force, as is indicated in the attached correspondence.
3. By letter of April 26, President Cavazos informs that the Senate recommendation of April 1982 on the deans's search committees will be carefully considered by Vice-President Darling as his office establishes these committees.

B. Actions of University Committees and officials.

1. The administration has submitted to the Tenure and Privilege Committee a draft revised tenure policy. The committee will report its recommendations to Vice-President Darling. It is contemplated that Senate consideration and recommendations will be sought in early Fall 1982. Subsequently, as President Cavazos outlined in his April 12 letter, the policy will be submitted to the faculty for approval or disapproval.
2. Senators Anderson, Clements, Cochran, Graves, Newcomb, Pearson, Rude, Sowell, Tan and Urban participated in the interviewing of five Director of Library Services candidates. This delegation has reported rankings of the candidates to Dean Haley, who chairs the search committee.
3. From the Academic Council Minutes: "There was discussion of a plan for full summer appointment for department chairpersons and area coordinators who are not otherwise on such appointments..... Dr. Ainsworth is to meet with each dean regarding chairpersons' appointments for the coming summer."

C. Miscellaneous:

The Senate office has received from Associate Vice-President Ramsey a copy of the comparison of Tech salaries with the regional average salaries. The comparison is by rank and department. The regional average is computed from data from 16 comparable universities, including Tech, in the mid-southwestern U.S. The report may be consulted by faculty in the Senate office.



Texas Tech University  
Texas Tech University Health Sciences Center



Office of the Vice President for Research and Graduate Studies

April 29, 1982

Dr. Benjamin C. Newcomb  
President, Faculty Senate  
Campus

Dear Dr. Newcomb:

Attached is a draft of the proposed revision of a copyright policy for Texas Tech University. You requested that I forward a copy to you for consideration by the Senate. This draft has been widely circulated among members of the faculty and I do not anticipate that the Senate will have a problem with it. Nonetheless, should the appropriate committee in the Senate, or that body as a whole, wish to forward any recommendations to me, I will be pleased to consider them. These should be forwarded to me prior to spring commencement.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Knox Jones, Jr.".  
J. Knox Jones, Jr.  
Vice President

JKJ:mas

enclosure

# Proposed Copyright Policy for Texas Tech University

4/21/82

## I. INTRODUCTION

In any major university the specialized knowledge and professional skills of the faculty and staff lead to the production of a large volume of copyrightable material. Examples include:

1. Books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, and syllabi.
2. Musical or dramatic compositions; pictorial, graphic and sculptural works.
3. Films, film strips, transparencies, and other visual aids.
4. Video and audio tapes and cassettes; live video or studio broadcasts.
5. Programmed instructional materials.
6. Computer programs.

The purpose of this document is to outline and delineate the policy of Texas Tech University with regard to copyright of qualifying material produced by its employees during their term of employment with the University. While protecting and promoting the traditional academic freedom of the University's faculty, staff, and students in matters of publication, this policy seeks to balance fairly and reasonably the equitable rights of authors, sponsors, and the University, and to ensure that any copyrightable material in which the University has an equity is utilized in a manner consistent with the public interest.

## II. DETERMINATION OF RIGHTS AND EQUITIES IN COPYRIGHTABLE MATERIAL

1. The University wishes to facilitate where possible the expeditious publication of the scholarly and creative works of its employees. Therefore in those cases where a transfer of copy-

right is needed simply to permit appropriate publication of scholarly research or creative work, and where no remuneration is to accrue to either the author, his or her agent, or any department or other group at the University, an employee-author is permitted to make such a transfer freely without consultation with University authorities.

2. In all cases where copyright of materials is anticipated to result in any remuneration in the form of royalties, outright sale of material, or other form of profit, the following provisions shall apply:

- a. Copyrightable materials produced by an employee of the University shall be the exclusive property of the employee provided the material is prepared by the employee on his or her own time, not as a part of assigned University duties (a faculty member's general obligation to produce scholarly works is not considered legally to constitute an "assigned" University duty), and without any significant use of University personnel, major equipment, or facilities (other than the Library and the employee's regularly assigned office space). Faculty members planning to author copyrightable materials should realize that utilization of University classified personnel to type or otherwise materially assist in the creation of the work, and/or use of major equipment or facilities, constitutes a significant use of a University resource and will give the University an equity in the copyright, unless the faculty member has executed a written understanding with the Office of the Vice President for Research and Graduate Studies indicating that the University

will be fully compensated for the use of the services of such personnel, and/or equipment or facilities, together with a statement from the responsible departmental administrator that use of such services for this purpose will not interfere with the normal operations of the department to which they are assigned.

- b. Copyrightable materials produced by an employee of the University not as a part of his or her assigned University duties, but with significant use of either University personnel, major equipment, or facilities (other than the Library and the employee's regularly assigned office space) shall be the joint property of the University and the employee except as described in Section II-2a above. Division of income from royalties and other use shall be agreed upon by the Vice President for Research and Graduate Studies and the employee-author, in consultation where necessary with the University Patent and Copyright Committee, in the manner outlined in Section III-3.
- c. Rights to copyrightable materials developed by an employee of the University as a result of work supported partially or fully by an outside agency through a grant to, or contract with, the University shall be determined in accordance with the terms of the grant or contract or, in the absence of such terms, shall fall under the provisions of Section II-2b.
- d. Copyrightable materials produced by an employee of the University as a part of his or her assigned University duties

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(for example, a person hired specifically to prepare certain material that is later to be copyrighted) shall be the property of the University.

3. Ownership of copyrightable interest by the University in any material shall in no way obligate the University to publish or bear the expense of publication of said material. The University will, however, seek to exercise its rights to such material in a manner that will best further its basic aims as an educational institution, giving full consideration to making the material available to the public on a reasonable and effective basis, avoiding unnecessary exclusions and restrictions, and providing adequate recognition to the author(s), including provision for the employee-author(s) to share in an equitable fashion in royalty or other income. The specific division of income from royalties and other use shall be determined in the manner outlined in Section III-3.

### III. ADMINISTRATIVE PROCEDURES

1. The administration of the principles and policies set forth herein shall be the responsibility of the Vice President for Research and Graduate Studies, whose office shall do so with the assistance, where needed, of the University Patent and Copyright Committee.
2. The University Patent and Copyright Committee shall serve as an advisory body to the Vice President for Research and Graduate Studies in all cases where there is a question as to the ownership of copyright to material developed by University employees, or

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regarding the divisible interest in copyrightable material in which both an employee and the University have an equity.

3. Employees who have developed, or are developing, copyrightable material in which the University (as outlined in Section II-2) will be considered to have equity are expected to notify the Office of the Vice President for Research and Graduate Studies prior to undertaking any action with this material that might result in remuneration and to work out with the Vice President a mutually satisfactory agreement regarding the disposition of royalty and other income, and any transfer of copyright necessary to achieve publication of the work. The University Patent and Copyright Committee will serve as an advisory body to the Vice President in such negotiations when needed. If a mutually satisfactory agreement cannot be reached, the employee may appeal the recommendation of the Vice President to the President, who will then make a final determination.



Agenda Item X. A, 2.



Texas Tech University  
Texas Tech University Health Sciences Center

Office of the President



April 28, 1982

Benjamin H. Newcomb  
President  
Faculty Senate  
Campus

Dear Professor Newcomb:

This responds to your April 20, 1982,  
letter regarding a report from the Minority  
Affairs Committee.

Attached for your information is a  
copy of a letter that I have sent in  
response to the Senate recommendation. I  
think this should conclude the matter.

Sincerely,

A handwritten signature in cursive script, reading "Lauro F. Cavazos".

Lauro F. Cavazos, Ph.D.  
President

(see back of this page for letter referred to above)



Texas Tech University  
Texas Tech University Health Sciences Center

Office of the President



April 26, 1982

The Honorable William P. Hobby  
Lieutenant Governor  
State Capitol  
Austin, Texas 78711

Dear Governor Hobby:

Last year we responded to your letter of February 7, 1981, which invited State agencies to identify areas where unnecessary federal government regulations, reporting procedures, etc., were barriers to development of more effective and efficient operations and management systems. One of the items we submitted was the overregulation we had experienced, particularly with the Department of Labor's actions in affirmative actions concerning Texas Tech. These items were ultimately to be forwarded to a Federal Deregulation Task force for consideration and apparently this was done.

Recently, groups on our campus who work with affirmative action have expressed alarm that our statement of last year might be interpreted as being opposed to affirmative action and, therefore, create an incorrect image of the University. Although our Affirmative Action plans, and efforts, are clear cut statements of support of affirmative action programs, we would not wish to have a misinterpretation of the statements we made regarding unnecessary and burdensome regulations which may impede rather than facilitate affirmative action. In this vein, we ask those who have our views on this subject be aware of this concern and clarify, where and when required, the intent of our statements.

Sincerely,

Lauro F. Cavazos, Ph.D.  
President