

**Texas Tech University**  
**Minutes- #205 Faculty Senate**  
**March 8, 2000**

The Faculty Senate met on Wednesday, March 8, 2000 in the Senate Room in the University Center with Vice President Charlotte Dunham presiding in place of the absent Nancy Reed, who was subpoenaed to testify in court that day. Senators present were Elam, Thorvilson, Giaccardo, Shin, Drager, Hartwell, Held, Iber, Lewis, Meek, Newcomb, G. Perez, Reeves, Rylander, Schaller, Stein, Stombler, Tuman, Walker, Weinberg, Boal, Hein, Laverie, Hartmeister, Murray, Thomas, Lakhani, Norville, Thompson, Khan, Cochran, Cardenas-Garcia, Carr, Couch, Farley, McVay, Pigott and Trost. Senators excused from the meeting were Lawver, Borst, Lodhi, AJ Perez, Reed, Zhang, Crawford, Spallholz, Van Cleave and Boylan. Senators unexcused were Burkett and Cooper.

**I. Call to Order** was announced by Vice President Charlotte Dunham at 3:17 p.m.

**II. Recognition of Guests-** Vice Provost Jim Brink and Associate Provost Liz Hall.

**III. Approval of Minutes** #204 February 9, 2000 were approved as read.

**IV. New Business**

The first order of business was the election of new officers. Since Vice President Dunham was a candidate for president, she excused herself from presiding over the elections. Senator Becker, Secretary of the Faculty Senate, presided over the election of new officers. Becker read a brief version of the election rules. They are as follows:

1. No nominations from the floor will be taken at this time.

Write-in nominations are welcomed.

Names on the ballot or write-ins must be checked. Any nominations not checked-off, will not be counted.

Only Faculty Senators can vote.

Write-in candidates must be members of the Faculty Senate in good standing.

Senator J. Perez asked if the candidates could stand and briefly speak. The Senate approved and the candidates briefly spoke in the following order, for President, Charlotte Dunham; for Vice President, Marc Giaccardo and Walt Schaller; and for Secretary Fred Hartmeister and Jorge Iber. After the candidates spoke members of the Nominating Committee passed out the ballots, and collected them after they were marked. The committee then left the meeting to tabulate the votes.

The meeting was then turned back to VP Dunham who asked Study Committee A to report. Senator Iber, chair of the committee, reported that there was no interest in a Faculty Club at this time. Iber also reported on the committee's work on the Graduate Faculty appeals process. The committee expressed concerns regarding the following five areas: 1) length of time allowed for faculty members to file an appeal; 2) selection process of the Ad Hoc Committee, which will review appeals; 3) length of time for the Ad Hoc Committee to complete its work; 4) definition of the term "new evidence," which can be presented to the Ad Hoc Committee; and 5) the right to another appeal if the Ad Hoc Committee agrees with the initial decision.

There was a lengthy discussion concerning the report. Senators Held, Drager, Giaccardo, among others, spoke. Finally it was decided that Study Committee A will take its recommendations, in its present form, to the Graduate Council. During the April meeting of the Faculty Senate, Study Committee A will report on the Graduate Council's decision and at that time Faculty Senate can take action if it so desires.

Next, VP Dunham recognized Senator Stombler of the Nominating Committee who reported on the election results. Next year's officers will be as follows:

President- Charlotte Dunham; Vice President- Walt Schaller; Secretary- Fred Hartmeister.

Dunham thanked the Nominating Committee for its hard work.

Senator Hartwell brought up the issue of the Faculty Club again. He hoped interest in a Faculty Club could be encouraged by the Faculty Senate. Tech is one of the two Universities in the state, which does not have

a Faculty Club. The old club was a good place to meet and talk about issues that eventually were discussed in the Faculty Senate.

Senator G. Perez, chair of Study Committee B reported on two issues, letters written on behalf of colleagues during the tenure process and Intellectual Property Rights. Senator Cochran then spoke on behalf of the committee concerning the issue of the confidential letters. Cochran stated that the TTU General Counsel agrees with the Texas Attorney General's opinion, in that letters written as part of the tenure process fall under the Texas Open Records Act. This means that OP 32.01 must be revised to "bring TTU on line" with other Texas Universities. Cochran went on to state that the committee does not see anything controversial with the changes and recommends the Faculty Senate "go along with it." A discussion period followed.

Senator Boal stated that if the letters were not confidential the people who write them would not be candid. Cochran reiterated our options, we can go along with the decision of the Texas Attorney General or we can voice our objections and seek out statute law that would exempt the tenure process.

Cardenas-Garcia- Is the Attorney General's opinion retroactive? No.

Schaller- This issue came up during the College of Arts & Sciences, Dean's Meeting. We were instructed to call the Dean's Office on all matters concerning letters written during the tenure process. Some things may have to be worked out at higher levels.

Tuman- Is it your interpretation that the author of the letters must be identified to be in compliance with the law? Yes.

Held- Can we ask the Texas Attorney General what is the official state position on this issue?

Dunham- The inquiry will be made.

Hein- Texas is not alone in its ruling about confidential letters. I just came from Florida and letters are not confidential there either.

Drager- Are private schools exempt from this ruling?

Cochran- By and large private schools do not fall under this ruling.

Pigott- It was established that some things, like certain opinions, fall beyond the Open Records Act. Why then do these letters not fall beyond the scope of the Act?

Cochran- That is a question we need to propose to the Attorney General.

Senator Cochran next spoke on the proposed changes in OP 74.04 (Intellectual Property Rights). The revisions in the OP are driven by the fact the TTU now has an office of Technology Transfer and Intellectual Property. The proposed new OP spells out what intellectual property is. Most intellectual property is created by faculty and includes copyrightable and patentable material as well as Trademarks. Intellectual property can be tangible or non-tangible. The proposed OP identifies tangible intellectual property as biological material, engineering diagrams, computer chips, and circuit diagrams. Non-tangible intellectual property is copyrights or trademarks and the university will be asserting its ownership rights in this area as well. The proposed OP covers the University, the Health Sciences Center, and its branches under one policy.

There are two major changes that may cause problems. The first is, what a faculty member does as part of his or her job belongs to the University. This impacts distant education particularly. If a faculty member is asked by his or her dean to develop a curriculum for a distant education course, the material for the course is the property of the university. The faculty member can not take it with them if they leave the university. The second area of concern is the change in royalties paid for published works. The present payment for net royalties is; for the first \$50,000, the author receives 70%, the university 10%, the department 10%, and, the college 10%. The proposal would change the rates to the following; for the first \$100,000, the author receives 50%, the university 30%, the college 10%, and the department 10%. This is the substance of the proposed changes. The committee does not make any recommendations and brings this to the Faculty Senate for information purposes only.

A question and answer session followed and Senator Trost spoke first. Trost stated that she got a call from a gentleman in the Med. School and he was upset because the changes seemed to be skewed in favor of the university with little or no input from the faculty.

Cochran- The present Intellectual Property Rights Committee is made up of a majority of faculty members. The proposed new committee would be appointed by the Chancellor.

Weinberg- What if a professor writes a textbook on his/her own time and it become successful, does the university get part of the royalties?

Cochran- No, the university does not claim ownership of pedagogical, artistic, or scholarly works regardless of form. So books, films, and other copyrightable works fall out of this provision.

VP Dunham asked the committee if they were presenting a proposal for a vote? What does the committee want the Faculty Senate to do?

G Perez- We want guidance.

Tuman- Do you know why the university wants to up its cut? No.

Boal- As a faculty member, do we give an "implied consent" to this?

Cochran- On the date of its adoption we are all covered by it.

Held- Do you know why the Provost Office wants these changes? Specifically the higher cut (in royalties)?

Vice Provost Brink- I have no idea why they want the higher cut.

Held- I would like the committee to write up our (Faculty Senate) concerns and bring them to the next meeting for possible action.

G Perez- The committee could write a letter and send it to the Provost Office outlining our concerns.

Dunham- A resolution from the Faculty Senate would have more power than a letter.

G Perez- The committee will prepare resolutions for next month.

Trost- When does this proposed change in the OP go into effect? Is this in line with other universities?

Vice Provost Brink- I do not know and I will look into it.

#### **V. New Business**

Several new committee assignments were given out. The Status and Welfare Committee is to look into a proposed change in OP 32.05 concerning the grievance policy. The Academic Programs Committee has been given the Socrates Professorship Award for study.

#### **VI. Old Business**

There was no old business.

#### **VII. Announcements**

VP Dunham asked the following committees to report on the progress of their work.

Study Committee A are you still working on recruitment and retention of minorities?

Iber- We will have our first meeting on the 24th (March?).

Study Committee C- Term limits for administrators.

Laverie- We have met and are working on a survey to distribute to faculty.

The list of nominees for university committees will be present at the April meeting.

Stompler- Does anyone remember the Faculty Senate passing a resolution concerning sexual orientation several years ago (when Dr Lawless was President). We can not find it in the Faculty Senate minutes and Administration is making inquires about it?

Dunham- If any one remembers please speak with Senator Stompler.

Held- What is the status of the Socrates Professorship Award?

Laverie- The Executive Counsel of the Teaching Academy has met and we are going to meet again.

Held- On the issue of term limits why are we picking on Deans only?

Couch- That was our charge.

Boal- I would like to start the process of reviving the Faculty Club. Can the issue be sent to the proper study committee.

Durham- The Executive Committee will consider it.

**VIII. Adjournment-**Since there was no other business VP Dunham declared the 205th meeting of the Faculty Senate adjourned at 4:17 PM.

Respectively submitted  
John T. (Jack) Becker  
Secretary, Faculty Senate