

TTU Faculty Senate Minutes
Senate Room in the SUB Matador Room
May 13, 2015, # 342

Senators present were: Farmer, Buelinckx, Canas, Carter, Elbow, Grair, Held, Juan, Milam, Morales, Nite, Qualin, Ramkumar, Arnett, Ritchey, Patrick, Bayne, Dallas, Ghebrab, Morse, Soliman, Blum, Gilliam, Yuan, James, Metze, Becker, Cassidy, Weiner, Brookes, Meek, Ankrum and Tate. **Senators absent were:** Brashears, Cox, Pongratz, Chris Taylor, Batra, Cargille Cook, Hawkins, Hom, Morgan, Rahamamoghadam, Shi, Skidmore, Smith, Surliuga, Swingen, Koricich, Richman, Colette Taylor, Matis, Caswell, McGinley, Spallholz, Cochran, Heinz, Hidalgo, Ortiz, Peaslee, Donahue and Lastrapes.

Guests were:

Newly elected Faculty Senators -Anthony Kaye, Sally Henry, Tim Nokken, Charles Crews, Mark Gring, Jorgelina Orfila, Zachary Brittsan, Keira Williams and Jason Whiting;
Angela Eaton, Carie Steele and Samantha Kahl from the IRB Review ad hoc committee; Donald Stout from Accounting Services; Jean Pearson Scott, Faculty Ombudsman; Provost Lawrence Schovanec and Senior Vice Provost Rob Stewart. Guest Speaker - Sean Childers, Assistant Vice President for Operations; TTU President, Dr. Duane Nellis.

- I. **Call to Order** at 3:20 p.m. – Dr. Michael Farmer, Faculty Senate President (FSP)
- II. **Approval of minutes, Meeting # 341, March 8, 2015.** Motion to approve: Senator Ramkumar. Seconded: Senator Morse. Motion carried.
- III. **Speakers: 3:25pm to 3:55pm. Sean Childers, Assistant Vice President for Operations**

Topic: Proposed sporadic closure of 15th street between Boston and Detroit Streets.

Operations works with Traffic and Parking to look at student and campus flow from 7 am – midnight. As the campus grows, we need to reconsider how people move around. We are looking at traffic, sidewalks, and signage, to make the campus more pedestrian and motorist friendly. Traffic and Parking is proposing a pedestrian safety program and rolling out a new campus safety awareness program for pedestrians and vehicles.

Because it is congested with cars and pedestrians, the University is recommending closing the stretch of 15th street between Boston and Detroit between 7 am and 4 pm during the long semesters. We want to redirect traffic to the exterior of campus and provide a pedestrian- friendly environment.

We know there are objections from those who drive across campus daily. President Nellis has given permission to close the road contingent on approval from the Faculty and Staff Senates, Fire Marshal, Student Government Association, and University Police. Close the road with magnetic bollards. A metal strip is put out at 7 and picked up at 4. If there is an emergency within that area, this can be moved or driven right over.

Discussion:

Senator Carter: Would Detroit be open?

Senator Morales: How would this impact traffic on adjacent streets?

SC: Yes, but new stop signs are helping flow. We would have to put another entry station if we opened up the lot.

MF: Past Casner Annex is another dangerous area, north of Goddard. Flint to Detroit is also problematic. Can a fence be put up?

Senator Held: Have you considered crossing guards?

SC: We would have to develop a way to influence pedestrians to go to that crossing. UMC will redo 10th street by putting shrubs and fencing to restrict pedestrian flow.

Senator Solomon: have there been accidents in the area you mention?

SC: We know of three accidents along that stretch. They aren't always reported. Students move along and university vehicles are reluctant to report.

Senator Ankrum: Is there an initiative to raise student awareness? Students need to take personal responsibility.

SC: This is part of multiple initiatives. Traffic and Parking is campaigning to educate pedestrians and drivers. There is a Bicycles on Campus safety initiative and a pedestrian awareness signage effort.

Senator Brookes: I decided to stop and let student cross at a pedestrian crosswalk but a bus did not stop. This is part of a Lubbock tendency—not to stop.

SC: There is a 4-way stop sign at Boston and 18th. These were a trial. Traffic and Parking timed the wait – it was up to 1.5 minutes. Even though wait time is increased, the perception that each takes their turn, makes people happier.

Senator Held: This is our last meeting we can't approve anything today. Can you present a written proposal to President Farmer? We will give it to a committee and give you our response in the fall.

Senator Morse: Glenna Goodacre and Akron is a problem, along with a need for lights at several places.

SC: The campus perimeter ties in with city issues; they shift people along a pedestrian area toward campus but the campus doesn't accommodate that flow yet. We are working on it.

4:00 pm to 4:15 pm. **Dr. Lawrence Schovanec, Provost, TTU.**

Provost Schovanec: I want to thank the Senate leadership: Michael Farmer, Richard Meek, Carolyn Tate, and Patty Gisch for their accomplishments this year. These include: The initiation of the Office of the Ombudsperson; a survey of tenured women who are leaving Tech, an issue that still needs to be addressed; facilitating the discussion for the conferral of an honorary degree on Timothy Cole; dealing with several substantive OPs. The OP on Faculty Grievance is improved, as is 32.06 Faculty Responsibility, and the 74.02 Intellectual Property that is now being approved. Also the IRB task force—we see now that we need additional resources, these will come from VPR as well as Provost's Office. Next year, the Senate will initiate a task force to review policies and approaches to Appointments for such positions as Professor of Practice.

The Faculty Senate is now involved in most of the committees on campus, including strategic planning and funded research. The attitude of shared governance is highly regarded. It's a two way street, and I appreciate how cooperative Michael and the Senate have been.

We always need to communicate more, and I think that budget hearings with Deans were healthy conversations. The college forums are useful to us and we will continue to look for ways to increase communication. I look forward to working with you in the coming year.

FSP Farmer: This has been a very productive relationship; our leadership strives to Tier 1 and wants a Tier 1 senate as well.

4:15 pm to 4:30 pm. **Dr. Duane Nellis, President of TTU.**

I want to thank the Faculty Senate for its leadership. I appreciate the discussions we have had, such as the one we are having now on the OP on Intellectual Property. And I think having a Faculty Ombudsperson will help communication flow. Especially I thank Michael Farmer, with whom I've had informal and formal dialogues.

It's been my first TX legislative session. Lots is happening: we have made a case with Martha Brown and Bob Duncan.

Issues we face now: House and Senate are debating on tax cuts. This will determine how much money is available. One of the last things to get funded is Higher Ed. We hope that HEAF survives—it is under attack. TTU stands to gain considerably if funded proportionately. We could get \$70 million for the Experimental Science building phase 2, though we asked for more.

In terms of formula funding: we've grown in enrollment but not more than the rest of the state. Our Legislature has endorsed an increase in formula funding. The Hazlewood Act is under debate. This is an unfunded state mandate but it cost us \$12 million a year to support military vets and dependents. A lawsuit in San Antonio raises the question of whether veterans who aren't TX residents should be excluded from coverage under Hazlewood.

Guns on campus: Amidst a lot of debate, there has been some support for university positions. Some have raised the question of where should guns *not* be allowed? Not laboratories. This may be decided this legislative session.

How are we doing with progress toward AAU-like status? This will have positive benefits for us in national perception and internationally. We have increased the number of Ph.D.s granted, post docs awarded, and endowments. All the metrics are positive, but we still have needs in terms of competitive federal funding for research. We are trying to recruit National Merit Scholars with scholarships and are aiming for 20 – 30 at one time. As we manage enrollment growth, we are raising minimum standards for test scores. We are focusing on improving our retention and graduation rates. We aim to be classified as a Hispanic serving institution, which would mean at least 25% of our full time equivalent students. This diversity enriches student body and allows us to compete for funding.

In terms of faculty raises, we will probably budget a 2% merit pool. We also want to raise staff salaries.

We are looking at a new model for tuition and fees because we don't want to get locked in to a lower rate. We may look at a multi-year commitment.

We continue to invest in infrastructure and will announce a new gift to renovate the old Mass Com to serve as an engineering building. We are already moving toward a new wing at Rawls College of Business and will propose new residence hall to Regents. We also want to repair Weeks Hall, Biology, Physics, Chemistry, and the VPA performance area. This is one reason we hope to get HEAF funding.

I believe in shared governance and know the Provost is equally committed. The Greek task force had a difficult start. We were more even-handed and process oriented in addressing Greek student issues.

Discussion:

Senator Held: Regarding converting course fees to tuition – if this is done, consequences can be dire for sciences, because we plan summer courses and TA appointments on course fees.

President Nellis: The Regents have charged us to look at differential tuition. I don't want to take fees from units; I know they are critical.

IV. Old Business: Review of Committees & Liaison Reports

- **OP 74.02 Intellectual Property.** Senator Lewis Held, Chair, Faculty Status and Welfare Committee

FSP Farmer: The OP on intellectual property adopted by TTU-Lubbock will be the basis of all institutions in the TTU system. I have been working with the Chancellor's Office and have also sent the OP to the Horn Professors for comment. I received three responses. It has now gone to the Senate Faculty Status and Welfare committee, which is now presenting it to the Senate at large. Senator Held also invited Deans to comment.

Senator Held: This OP does honor the work of creative people, academics, and scholars, allowing them to retain all rights and income through academic publishing. My concern is patents.

Senator Kaye: The patents section looks great. My concern is the Office of Research Services, which is a nightmare.

Held: What happened?

Kaye: A two-phase proposal for transitioning technology out of University property into a commercial space. I hoped that the office would have some boilerplate for such an operations. They did not. They just told me that the office required 60-day notice to do anything.

Senator Dallas: The ORS has a new faculty advisory committee, but there are issues that remain.

Kaye: I suggest that new faculty don't try to interact with ORS.

FSP Farmer: This and the office of commercialization is one of the issues we will take up in the funded research committee next year. These are big issues and we hope to work on resolving them and getting procedures to work. Right now we need to focus on the OP for intellectual property. It tries to obey the law, not skirt it. A few important things:

- Regents Rule 10 provides that faculty own copyright for publications (except for hire by TTU) and for distance classes and all course materials regardless of medium.
- Many universities have faculty do *all* distance education work as "work for hire" but this has proven problematic.
- Patents belong to the University—that is the law.
- For work to be considered as "for hire," the employed person has to sign agreement.
- And the University has to provide significant additional resources if work is to be considered as "for hire."

Two sections of the OP provoked discussion that resulted in amendments.

1) Revenue distribution from Patents.

Senator Ramkumar: The intention for TTU to retain up to 20% of net revenue from patents, in the following section, seems prohibitive. Your commercialization partner has to share in revenue *and* give up to 20% to Tech. This seems problematic.

A brisk discussion among senators Solomon and others who have generated patents followed.

OP 74.04 Section 13. c.

Provisions for release of rights to creators. Absent a contractual obligation to a research sponsor or contracting party, TTU may release its intellectual property ownership rights to a creator by written agreement, with the following provisions.

- (1) TTU shall retain for TTU and all components thereof a perpetual, royalty-free license to use the invention or copyrightable work, and any corresponding patents or copyrights, for research, education and service purposes.

- (2) TTU shall retain the right to a specified share of net revenue [not to exceed 20%] generated from commercialization of the released invention or copyrightable work after the creator has recovered documented out-of-pocket costs for obtaining legal protection for the invention or copyrightable work, the amount of such share to be negotiated at the time of the release. Should the ORC and the creator be unable to agree on the terms of the release, the matter shall be finally resolved using the process outlined in Section ____ of this policy.

The Faculty Status and Welfare Committee suggested a friendly amendment to OP 74.04 Section 13. C: Change the 20% to 5%.

Motion: Senator Dallas. Seconded: Senator Ramkumar.
The Senate approved unanimously the motion for the friendly amendment.

2) Consulting.

Senator Held: I propose a friendly amendment to the Section 2. We should insert the words "either related or" to the sentence about the creator owning rights to intellectual property developed on a person's own time without TTU support or resources, as follows:

2. Ownership of Discoveries and Creations

Regents' Rule 10, to which reference is hereby made, governs the degree to which TTU owns intellectual property and the exceptions thereto. The rule defines the terms "Covered Person" and "Creator" to describe the individuals subject to the rule, "TTUS Resources" to describe the TTU resources which may be relevant to an ownership determination, and the term "Intellectual Property" and "Work for Hire" among other terms. In general, TTU will own "intellectual property" and "tangible research property" created by "covered persons" with the "use of TTUS resources" or "during the course of covered persons' University responsibilities." And, in general, intellectual property that is developed on a person's own time without TTU support or "use of TTUS resources" and [insert: either related or] unrelated to the person's field of expertise is not owned by TTU. (Regents' Rule 10.03.1). Further, Regents' Rule 10 provides broad exceptions of copyrightable material within the realm of traditional pedagogical, scholarly and artistic works produced by faculty. (See Regents' Rule 10.03.3.) Finally, the rule also provides that the terms provided by sponsored research agreements with respect to intellectual property created as a result of such funding will govern ownership of such intellectual property.

Motion to amend: Held. Seconded: Ramkumar.
Vote to approve second friendly amendment, as above: passed unanimously.

Senator Ramkumar then moved to accept OP 74.04 with the two friendly amendments specified above. Seconded: Senator Juan.

The Senate voted unanimously to approve the OP with the two friendly amendments.

- **Resolution to recognize the contributions of Mr. John Huffaker, Vice-Chancellor and General Counsel for TTU System.**

Motion to approve: Senator Ramkumar, second: Senator Ankrum.
Vote: approved.

- **FSP Farmer: Year-end wrap up**

In 2014-15, the Faculty Senate approved the following OPs:

- 36.06 Faculty Responsibilities
- 74.02 Conduct of Research and Scholarly Activity
- 70.17 Overtime
- 32.05 Faculty Grievance Procedure
- 74.04 Intellectual Property

It passed the following resolutions:

- Welcome to Incoming Chancellor Robert Duncan
- Awarding an Honorary Degree to Timothy Cole
- Recognizing Mr. John Huffaker

It worked with the Texas Council of Faculty Senates in approving:

- Retain local control of guns on campus
- Request State support of Hazlewood Act

It facilitated the hire of a Faculty Ombudsperson who will report to the Provost *and* the FS President.

We completed a Task Force on IRB.

We conducted a study on tenured women leaving Tech.

We continued and improved on the process of faculty-driven evaluations of administrators.

We placed faculty members as liaisons on all major University committees (nearly 20 instead of 4 last year).

We made suggestions to the Vice President for Operations regarding pedestrian safety and signage that clearly spells out who has the right-of-way on campus.

We have worked with the administration of the issue of compensation for summer workloads, with the agreement that the University will conduct a trial run in 2016.

The child care committee helped steer the hiring of a consulting firm, helped facilitate a "demand study" and is hoping that this might lead to the existence of center in 2017.

Long term goals:

- Academic council should operate with Senate in a more aggressive way.
- Faculty would form a simple majority on Deans' searches.
- Faculty appointed by Senate would comprise 20% of Presidential searches and 30% for Provost searches.
- Senate would create a faculty handbook.

Next year:

- Task force on funded research: contracts, budgets, increasing services.
- Task force on appointments, positions, and mentoring.
- Support to follow through on summer salary, childcare and Title IX initiatives.
- Prepare a pathway toward Senate authorization of academic programs.

- **Data on Student Athletes majoring in University Studies, provided by Brian Shannon**

Year	Total number of Student Athletes (S-A) enrolled	Total Number S-A majoring in University Studies	% of S-A in Univ St	Number of S-A in football	Number of footballers majoring in Univ St	% of footballers majoring in Univ St	Total # of majors in Univ St
Fall 2014	408	25	6	143	16	11	586
Fall 2013	404	45	11	143	27	19	701
Fall 2012	404	67	17	143	35	24	976
Fall 2011	370	45	12	143	17	12	1086
Fall 2010	394	4	1	143	0	0	44

V. Adjournment

Motion to adjourn: Ramkumar. Second: Ankrum.

Meeting adjourned at 5:13 pm.