FACULTY SENATE  
Tuesday, December 6, 2016  
3:30 – 5:15 pm  
Senate Chamber, Old Capitol  

MINUTES


Officers Present: C. Bohannan, E. Gillan, P. Snyder, T. Vaughn.


Guests: K. Kregel (Office of the Provost), J. Menninger (Emeritus Faculty Council), L. Zaper (Faculty Senate Office).

I. Call to Order – President Vaughn called the meeting to order at 3:35 pm.

II. Approvals
   A. Meeting Agenda – Professor Vigmostad moved and Professor Durham seconded that the agenda be approved. The motion carried unanimously.
   B. Faculty Senate Minutes (September 20, 2016) – President Vaughn reminded the group that these minutes were approved provisionally at the last Senate meeting. A revision was made to the passage highlighted in yellow on page 6. Professor Tachau moved and Professor Daack-Hirsch seconded that the revised September 20, 2016, minutes be approved. The motion carried unanimously.
      Faculty Senate Minutes (October 18, 2016) – Professor Durham moved and Professor Vigmostad seconded that the October 18, 2016, minutes be approved. The motion carried unanimously.
   C. Committee Appointments (Pete Snyder, Chair, Committee on Committees)
      • Paul Romitti (Epidemiology) to fill the unexpired term of Shelly Campo (Community & Behavioral Health) on the Faculty Council, 2016-17
• Audrey Saftlas (Epidemiology) to fill the unexpired term of Shelly Campo (Community & Behavioral Health) on the Faculty Senate, 2016-17
• Eric Gidal (English) to replace Mary Adamek (Music) on the Faculty Senate, Spring 2017
• Laurie Croft (Teaching & Learning) to fill the unexpired term of Shelly Campo (Community & Behavioral Health) on the Council on Teaching, 2016-18

Professor Treat moved and Professor Marshall seconded that the appointments be approved. The motion carried unanimously. Professor Tachau noted that for the second time this semester, it has taken several people to replace one woman.

D. Faculty Senate Elections 2017 Vacancy Tally (Ed Gillan) – Secretary Gillan provided a brief explanation regarding how the number of Senate representatives is determined each year. He indicated that each college is given one seat and that another three seats are provided for tenure-track faculty or faculty in the early years of a clinical-track appointment. About 60 additional seats are divided among the colleges based on the number of Senate-eligible faculty members in each college. Senate-eligible faculty include tenured, tenure-track, clinical-track, research-track and, new this year, instructional-track faculty. The addition of this last group of faculty members caused the voting populations of some colleges to increase significantly over last year, as indicated on the vacancy tally.

Professor Kwitek moved and Professor Brophy seconded that the Faculty Senate Elections 2017 Vacancy Tally be approved.

Professor Tachau commented that the College of Liberal Arts and Sciences has proposed the division of its faculty into four disciplinary groups, rather than the current three. Professor Ganim indicated that the College’s Faculty Assembly last month voted to approve a revised version of the College’s Manual of Procedure that included this adjustment to the disciplinary groups. However, the revised Manual must still be voted on by the entire collegiate faculty. This will take place sometime in the spring semester, but it is unlikely that this would occur early enough for the division into four disciplinary groups to be reflected in the 2017 Senate elections. The motion to approve the Faculty Senate Elections 2017 Vacancy Tally carried unanimously.

III. New Business
• President’s Report (Tom Vaughn)

President Vaughn reported that the University of Northern Iowa has just announced that Mark Nook, Chancellor at Montana State University Billings, will become the university’s 11th president. He will take office on February 1, 2017.

President Vaughn noted that the Faculty Senate’s Ad Hoc AAUP Sanction Removal Committee has met several times and has spoken with Dan Power, co-chair of the UNI Presidential Search Committee. At that time, Professor Power indicated that he viewed in a positive light the collaboration between UNI and the Board of Regents, State of Iowa to find a new president for the university. The committee plans to meet with the executive committee of the local chapter of the AAUP soon and hopes to present a report to the Senate at the February meeting. President Vaughn recently spoke with Bob Donley, Executive Director of the Board of
Regents, to inform him of the committee’s activities. President Harreld has also been made aware of the committee and its charge, and he has expressed his support for this effort.

Professor Scott thanked the Ad Hoc AAUP Sanction Removal Committee for its work. He expressed concern that the Board of Regents and the UI central administration have no interest in having the sanction removed. He added that the Senate leadership only agreed to the formation of the committee because this was forced from the Senate floor. He said he was, therefore, somewhat trepidatious and is watching closely as the committee moves forward. In his view, the first thing that should have been done by the committee was to make contact with the local chapter of the AAUP. If the local chapter is not working closely with the Senate, this effort will go nowhere. The events at UNI are irrelevant to the UI case. Professor Scott urged senators to keep a close eye on efforts to have the sanction removed. He hoped that the committee chair would make a detailed presentation at the next meeting to explain how efforts to have the sanction lifted would be structured together with the local AAUP chapter. Professor Scott added that the sanction is a stigma, not just on the university, but also on all UI faculty members. The sanction should be on the top of our agenda at each Senate meeting.

Past President Bohannan responded that it was both inaccurate and very unfair to say that the Senate leadership did not do anything about the sanction prior to the formation of the ad hoc committee. The Senate may not be aware of all that the officers have done. Over the summer, they spoke with Regent Mulholland and Dr. Donley about lifting the sanction, as well as with President Harreld. While the officers expected to make efforts themselves toward having the sanction lifted, they are happy to work with the committee on this goal. Past President Bohannan reminded the group that when the representative from the national AAUP spoke to the Senate in September, it was unclear what actions could be taken by the university or by the Regents in order to have the sanction lifted. It is this lack of certainty about what can be done that may lead to the appearance that the administration and the Regents are not interested in having the sanction lifted. The committee has been working hard, but their efforts have only just begun. The best thing we can do, she added, is to support the committee’s efforts and the officers’ efforts, and to work with President Harreld and the Regents, without making negative assumptions about anyone’s motivations or lack thereof.

Professor Scott stressed that the point he is trying to make is that, unless the committee works in tandem with the local chapter of the AAUP, having the sanction lifted is a non-starter. He recalled several comments from the central administration that were dismissive of the AAUP. The sanction is a primary concern of the faculty, however, and the Senate represents the faculty. He encouraged the committee in its work, but was concerned to hear that the committee had spoken with someone from UNI prior to speaking with our local chapter of the AAUP. He urged that the committee speak with the local chapter soon, so that the Senate can be certain that progress is being made. Professor Daack-Hirsch, chair of the Ad Hoc AAUP Sanction Removal Committee, explained that the opportunity to speak with Professor Power had come up suddenly, sooner than expected. The meeting with him did not take the place of a meeting with the local AAUP chapter, nor did it usurp the importance of meeting with the local chapter. The committee has also been reviewing the AAUP report on the sanction, along with relevant AAUP policies, to find a starting point. The committee believed that, as co-chair of the UNI
Presidential Search Committee, Professor Power had information about how that search went that could inform how we respond to the sanction.

Professor Oral commented that she is interested in learning as much as possible regarding what is happening at the highest administrative levels of the university and the hospital. She observed that the vast knowledge available to those at higher administrative levels does not trickle down much to the frontline faculty. Professor Oral urged that bi-directional communication lines be kept open between the officers and the Senate. For example, she suggested that the ad hoc committee give a report at each Senate meeting to keep the group informed. She had been surprised that a report from the committee was not on today’s agenda and that the Senate would now need to wait until February for the committee’s first report. Professor Vaughn reiterated that the committee has only met a few times thus far; while they have made progress, it is too early for a full report. This is why there was not a separate agenda item for it, but it became part of the President’s report instead. He anticipated, however, that a report from the committee would be an item on every future agenda until the issue is resolved.

Professor Tachau explained the relationship between the Faculty Senate and the AAUP. She commented that each academic discipline has a professional organization that represents all faculty members within that discipline regardless of whether they are members of the organization. The AAUP similarly represents every faculty member’s interests regardless of whether faculty members belong to the organization. However, at the national AAUP meeting, the only people allowed to vote are members who have been sent there by their chapters and their state convention. The reason to work with the AAUP from the beginning is that nothing the officers or the committee have done will have the slightest impact at the next national meeting because the officers and the committee members will not be invited, elected AAUP members (unless they wish to join). She also suggested regular reports to the Senate as a way to keep local AAUP chapter members informed of the officers’ and the committee’s efforts, because there has not been, thus far, direct communication with the local AAUP chapter. Information needs to flow both ways.

Past President Bohannan responded that at the September Senate meeting, she had indicated that the officers had talked to Regent Mulholland and Dr. Donley. Also, the Faculty Senate Committee on Academic Values and the Senate officers had met with the Executive Committee of the local AAUP Chapter and the majority of that meeting was spent discussing removal of the sanction. She added that the Senate officers do a lot between meetings that the Senate is not fully aware of; this is the reason for President Vaughn’s President’s Report, which will likely occur at every Senate meeting. She agreed that there needs to be a greater sharing of information. Professor Macfarland commented that he would like to be assured by the committee that they have the perception that the local AAUP chapter is working diligently and urgently to get the sanction removed. The alternative view that can be formed is that the local AAUP chapter is not working diligently to get the sanction removed for reasons other than the best interests of the university. He would like to see in the committee’s February report the perception that the local AAUP chapter is working diligently and urgently to get the sanction removed.
Turning to the topic of the recommendations solicited from all faculty by the Senate in October for initiatives that could have a major impact on the teaching, research, and/or service missions of UI, President Vaughn reported that the Faculty Council, at its November 15 meeting, reviewed and ranked these recommendations, and also sifted through the recommendations received during a prior solicitation to compile a list of eight recommendations that were forwarded for consideration by the Strategic Initiative Team and the Operations Team. This list is posted on the Faculty Senate website, https://uiowa.edu/facultysenate/article/read-top-initiatives-fall-2016.

Campus climate has been an issue at universities nationwide lately, President Vaughn observed. He and his counterpart at the University of Northern Iowa were approached recently by the Faculty Senate president at Iowa State University with a request to make statements regarding inclusiveness and civil discourse. Discussions are ongoing while the officers determine the best way to proceed. Any proposed action would first be brought to the Senate for consideration. President Vaughn then read to the Senate a statement issued by Pomona College in support of the Deferred Action for Childhood Arrivals (DACA) Program and undocumented immigrant students. This statement has now been signed by more than 550 college and university presidents, including by President Harreld. The full text of the statement and the list of signatories can be found here, https://www.pomona.edu/news/2016/11/21-college-university-presidents-call-us-uphold-and-continue-daca.

- **Intellectual Property Policy Revision (Dan Reed, Vice President for Research and Economic Development)**

  Vice President Reed began his presentation by commenting that the intellectual property policy was an important issue for the university and that it affected all faculty. He provided some historical background, noting that prior to 1980, ownership in ideas that were created using federal funding belonged to the federal government. The federal government, however, had no incentive to do anything with these ideas, so they accumulated without getting out into the marketplace. In 1980, the Bayh-Dole Act was passed, changing federal law with respect to intellectual property. The Act created a uniform policy and allowed non-profits and small businesses to elect title to inventions, including those inventions created with federal funding. Therefore, universities can now acquire patents in ideas that were created as part of research and scholarship on campus. This development led to the creation of university technology transfer offices, such as the UI Research Foundation (UIRF). These offices hold intellectual property on behalf of research universities and, in turn, license that intellectual property for the public good.

  The university’s existing intellectual property policy was revised most recently during the 2004-05 academic year, at which time there was a lively debate in the Senate regarding the policy, https://uiowa.edu/facultysenate/faculty-senate-minutes-2004-10-30. Vice President Reed highlighted several aspects of the current policy. He pointed out that the policy’s primary objective is to enable the public to use and benefit from inventions originating at the University. Any revenue the university obtains is used to support research broadly across campus, research related to the patent, and administrative efforts to secure and manage additional patents. Vice President Reed commented that most of the funds that his office
disburses to support new ideas, through internal funding, particularly of the arts and humanities initiative, comes from this pot of money. The policy applies to inventions with two sets of qualifications. The first type is an invention created by university employees in the course of their employment or appointment or in a field or discipline reasonably related to the inventor(s)' field(s) of employment or appointment. The other type is an invention enabled by significant use of University resources. As an example, Vice President Reed commented that if he, as a computer scientist, had an idea for a new and improved coffee maker, that intellectual property would belong to him as an individual, not to the university, under the first set of qualifications. However, if he used university resources, such as a 3D printer, to create his new coffee maker, then the university might have some claim on that invention. Another passage in the policy indicates that any individual who believes that he or she has made, or contributed to the making of, a qualifying invention must disclose the invention in writing to the UIRF.

While the current intellectual policy covers both patents and copyrights, Vice President Reed intended to talk only about patents today. Some issues that are not fully covered or clarified by the current policy include a definition of visiting scientist/scholar, background intellectual property and its use of university resources, and the status of software and non-patentable inventions. Recent court rulings also require some changes to the policy. Vice President Reed described the Supreme Court case Stanford v. Roche, involving a Stanford University research fellow who signed both Stanford's Copyright and Patent Agreement and a Visitor's Confidentiality Agreement at Cetus, a company at which he was also conducting research. Both agreements assigned the right, title, and interest to any inventions to the sponsoring entity. Both Stanford and Cetus (later bought by Roche) filed patents based on the research fellow's work. Stanford then sued Roche for patent infringement. After much litigation, the Supreme Court ruled in favor of Roche, even though the research fellow's primary place of employment was Stanford. The decision hinged on several factors, including a wording issue of will v. do in the institutional agreements the inventor signed. Also, the long history of patent law and constitutional protections supports the view that original rights rest with the inventor. In the wake of this court decision, universities have been revising their intellectual property policies to reflect this Supreme Court ruling, changing the phrase the employee will assign rights to inventions to the university to the employee does assign rights to the university. While a seemingly small revision, it actually makes a big legal difference.

Vice President Reed explained that the term invention in the policy refers to a new and useful process, material, or device developed by a UI researcher. This is distinct from a scientific discovery. He added that there are two ways in which intellectual property can leave the university and enter the marketplace. Either the university gives the intellectual property back to the faculty member via a reverse license to pursue production on his/her own, or the university finds an existing company that is interested in the idea and will pay royalties and perhaps equity in exchange for the idea. Vice President Reed displayed a pie chart illustrating all of the disclosures (notifications to UIRF of a potential invention by a UI researcher) made to UIRF since its creation. Most disclosures are from the biomedical fields. Other fields include chemistry and engineering. He stressed that the revenue from university patents supports research and scholarship in all disciplines across campus. Vice President Reed then displayed a chart showing the volume of disclosure, patent, and license activity for the past five years. He
noted that there can be a considerable time lag from the filing of a patent to the issuance of a patent.

Unfortunately, Vice President Reed noted, most universities (about 85%) that try to protect new ideas via patents lose money, because of the associated costs (legal fees, company start-ups). However, our mission as an educational and research institution is to improve society, so patents do not need to be a lucrative enterprise for us. A small number of institutions make the majority of the revenue from patents; most of this revenue is drug-related. UI has made more than $100 million, the overwhelming majority of which ($135 million) came from one idea. Only five inventions have made more than $1 million. Forty-nine inventions have earned $100,000 to $1,000,000 and 155 inventions have earned $10,000 to $100,000.

Turning to the topic of intellectual property income distribution described in the current policy, Vice President Reed indicated that the first $100,000 of profit is given to the inventor. A formula then provides for distribution of additional income. He pointed out two of these provisions: 25% goes to the UIRF to cover the patent process and 20% goes to the Office of the Vice President for Research and Economic Development to support internal scholarship initiatives. Other recipients of portions of the revenue include the college and the department that generated the invention. When annual income from a patent exceeds $10 million, there are additional provisions in the policy for distribution. The Office has a reserve of money generated by the $135 million patent, but this fund will be depleted in the next several years, with some important implications for supporting scholarship on campus.

Our peer institutions have a variety of revenue distribution policies. Some have fixed percentage scales regardless of the amount of revenue. Others have sliding percentage scales. When the revenue is smaller, the inventor’s home unit/department receives a greater share. When the revenue is bigger, the university receives a greater share. Several institutions provide a set amount of the initial revenue to the inventor, with a sliding percentage scale for additional profits. Vice President Reed then posed the question, should UI change its intellectual property income distribution policy, given that most inventions generate profits below $100,000? Currently, the policy gives the invention’s first $100,000 to the inventor; this was a tactic to incent inventions. Now, however, if we want to continue to have a pool of internal money to support research and scholarship, we will need a steady stream of revenue to replenish this fund, because there is no guarantee that we will ever again have one patent that generates over $100 million. This is an issue to be considered as we revise the policy.

Professor Macfarland commented that in his view, it is terribly important to incentivize the inventor even more than most of us think is reasonable. He cited data indicating that about 30% of university inventions are created privately by the faculty member, because of a lack of belief that the individual will profit adequately from the invention. The more the potential cash flow to the inventor is degraded, the more likely the university is to lose good patents. Professor Eckstein noted that in Vice President Reed’s pie chart of disclosures, about 5% were unattributed. Vice President Reed responded that the overwhelming majority of disclosures is generated by departments in the Carver College of Medicine, with the College of Engineering a distant second. Perhaps three or four disclosures each year come from the College of Liberal
Arts and Sciences or other colleges. Professor Tachau commented that the original intellectual property policy called for a committee to assist the Office of the Vice President for Research and Economic Development in dealing with policy issues. Vice President Reed noted that this Intellectual Property Committee mentioned in the policy is comprised of representatives of shared governance, faculty, graduate students, post-docs and undergraduates. He would welcome additional Faculty Senate input, however. The Intellectual Property Committee actually did not exist for about a decade, until he recently reconstituted it. Vice President Reed added that he regularly discusses these issues with the Research Council. President Vaughn noted that the intellectual property policy will now go to the Faculty Senate’s Faculty Policies and Compensation Committee for review and proposed revisions.

- **Center for Teaching Update (Jean Florman, Director)**

  Ms. Florman indicated that the Center currently has three staff searches underway. One of the positions the Center is seeking to fill will be responsible for assisting with a new university-wide initiative, the Learning Design Collaboratory, involving faculty, DEO’s, associate deans, the Center for Teaching, and other university units. An ongoing initiative, the Early Career Faculty Academy, was created to help new tenure-track faculty from the time they arrive on campus to the third-year review. She urged senators to inform such faculty in their departments and colleges about this initiative and she thanked those who have served as mentors in the program. The Center for Teaching is undergoing its first review since 2003. External reviewers will be on campus in February and Ms. Florman may contact some senators to meet with them. Center staff continue to connect with major organizations related to advancing the role and impact of higher education, specifically the Association of American Colleges & Universities. Center staff members, along with UI faculty members, have been attending the Association’s meetings. This organization considers the issue of “whither higher education?” nationally and internationally. Ms. Florman concluded by indicating that spring event calendars for the Center for Teaching should be in faculty mailboxes the week before classes begin in January.

- **Office of the Ombudsperson Annual Report (Susan Johnson and Cynthia Joyce, Ombudspersons)**

  Professor Johnson noted that the annual report of the Office of the Ombudsperson can be found at [http://www.uiowa.edu/ombuds/reports-and-documents](http://www.uiowa.edu/ombuds/reports-and-documents). She reminded the group that the Office provides confidential, neutral, and informal conflict management and problem solving. The 2015-16 academic year was the Office’s 30th year on campus. The Office saw 606 visitors in 2015-16. This number is consistent with the last several years. Of these visitors, 107 were faculty members. That represents roughly 4% of the entire regular faculty (tenured/tenure-track, clinical-track, research-track). About 40% of faculty visitor concerns were related to evaluative relationships, while about 25% related to peer relationships (this latter number has doubled from last year). Over the past several years, fewer pre-tenure faculty members have visited the Office. A frequent recent topic of conversation with faculty visitors has been the challenges they face with graduate and undergraduate students. Ms. Joyce pointed out one of this year’s issues of concern highlighted in the report – hidden effects of mental health conditions. She commented that in some situations in which accommodations have been made for a faculty member with a mental health issue, that person has not been able to follow through. There has been a tendency to blame the faculty member, when in fact it is the mental health
issue itself that has created the difficulty. Ms. Joyce urged that judgement be withheld in such situations; after all, it is unlikely that someone with cancer, for example, would be judged in this way.

President Vaughn asked if better training for DEO’s, teaching assistants, etc. might help reduce the number of conflicts for which faculty members seek advice from the Office. Ms. Joyce and Professor Johnson noted that some conflict-resolution training is already available and thought it unlikely that additional training would reduce the number of conflicts, as these are inherent to supervisory relationships. Past President Bohannan noted that in the past, the Ombudspersons have expressed concerns about uncivil behavior and bullying on campus. She asked if these continue to be a problem. Ms. Joyce responded that 29% of Office visitors voiced concerns about disrespectful behavior. There has been a steady rise in the number of reports of such behavior over the past decade; however, this rise may be attributable to greater awareness of this issue, rather than an increase in disrespectful behavior itself.

Professor Barnhardt, citing the report, commented that people of color and women are overrepresented among visitors to the Office in relation to their numbers on campus. She asked if this occurs every year and also if the concerns of these visitors are based in identity. Professor Johnson responded that this overrepresentation has been occurring since the Office started keeping statistics. Ms. Joyce noted that the overrepresentation was more dramatic this year and added that these are populations that may feel vulnerable. These visitors do not, however, often indicate that their concerns are identity-based. All visitor concerns are coded, so that types of concerns can be monitored. Vice President Snyder asked if the Office had seen any change in activity in the past month since the election. Ms. Joyce indicated that there had been an intense caseload in the two weeks surrounding the election, but most of it was not about the election. She expressed the opinion that the stress of the election may have exacerbated every other kind of conflict.

• Outreach and Engagement Update (Linda Snetselaar, Associate Provost for Outreach and Engagement)

Associate Provost Snetselaar explained that the first step in working with communities on outreach and engagement projects is to identify community needs. Then, projects are matched with UI faculty, staff and students. This leads to sustained partnerships and collaboration with each project typically lasting for two years. Students produce reports and posters based on their work with the communities. The Office conducts follow-up with communities, faculty and students to assess the success of projects. Logic models are used to map the progress of projects and identify appropriate outcomes. For example, the Iowa Initiative for Sustainable Communities invites applications from communities listing the projects they would like to work on with UI faculty and students. The communities also provide funding to cover expenses such as student travel and housing. The Office provides some funds, as well. There was not enough funding to cover all of the submitted applications this year, unfortunately, but more resources may be available in the future, especially since the UI strategic plan places a focus on engagement. The Resource Conservation & Development Councils provide an infrastructure for potential future projects, as they are already based in communities. The Office can provide consultation for faculty members who would like to start projects with the Councils.
Showing a map of Iowa indicating all the counties in which the Office’s projects have a presence, Associate Provost Snetselaar noted that only a handful of Iowa counties have no projects yet. The Arts Share program has a particularly widespread presence across the state. Projects based on UI’s Theme Semesters have been started in a number of counties, as well. For example, a program on bullying prevention was made available to school districts during the Just Living Theme Semester. Associate Provost Snetselaar then described several other community projects. These included a promotional video for a farmers market in Creston, a regional trail system in Jasper County, and green space development for Sioux City.

Associate Provost Snetselaar commented that community site visits for projects will resume in the spring; President Harreld is expected to go along on several site visits. The Iowa Initiative for Sustainable Communities and Arts Share will both hold year-end celebrations late in the spring semester. The Office plans to issue newsletters so that the university community learns about all of the engagement projects taking place across the campus and across the state. In closing, Associate Provost Snetselaar urged faculty members to contact her with questions and potential projects. Professor Caplan asked if any engagement projects were undertaken together with students and faculty from the other Regents institutions. Associate Provost Snetselaar responded that the Regents institutions have indeed worked together on projects.

IV. From the Floor – Professor Tachau requested that the Senate receive an update on the university budget at the next meeting.

V. Announcements

- A WorldCanvass free, public program on “White Privilege, Structural Racism, and the Dream of America” will take place Wednesday, December 7, 7:30-9:00 pm, Senate Chamber, Old Capitol.
- A Teach-in on “How to Talk to Your Neighbor: A Community Discussion on What Divides Us” will take place Wednesday, December 14, 11:00 am, downtown Iowa City Public Library, Meeting Room A/B/C. The event is free and open to the public, so all undergraduates, graduate students, faculty members, staff and members of the Iowa City community are welcome.
- The next Faculty Council meeting will be Tuesday, January 24, 3:30-5:15 pm, University Capitol Centre 2390.
- The next Faculty Senate meeting will be Tuesday, February 14, 3:30-5:15 pm, Senate Chamber, Old Capitol.
- President Vaughn requested that senators send him topics for future meetings.

VI. Adjournment – Professor Tachau moved and Professor Brochu seconded that the meeting be adjourned. The motion carried unanimously. President Vaughn adjourned the meeting at 5:00 pm.