

FACULTY COUNCIL MINUTES
250 Student Union
December 8, 1998

President Halligan called the meeting to order with the following members present: Arquitt, Bertholf, Bost, Carlozzi, Cole, Daugherty, Dawson, Eastman, Edgley, Gedra, Gregson, Hallgren, Hoffer, Hsu, Johannes, Kimbrell, Krenzer, Locy, Martin, Miller, Moder, Montgomery, Peck, Rhoten, Sanders, Scott, Sisson, Tilley, Warde, and Wilkinson. Also present: Beer, Birdwell, Dahl, Harp, Hays, Holmes, Jones, Keener, Lomenick, Matoy, McKeever, Mitchell, Waller, Watkins, and Webb. Absent: None

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Dr. Warde moved acceptance of the November 10, 1998, Minutes. Dr. Moder seconded the motion. The Minutes were approved. Dr. Warde moved acceptance of the, December 8, 1998, Agenda. Dr. Carlozzi seconded. Dr. Tilley moved that the Agenda be amended to allow the Research Committee report to be given first amongst the committee reports. Dr. Wilkinson seconded. The Agenda was accepted as amended.

SPECIAL REPORT: Academic Calendar Guidelines and Issues — Randall Dahl

Dr. Dahl is working on a "permanent" structure for the academic calendar. A set of guidelines, in descending order of importance, for the development of an academic calendar are: 1. All academic terms must provide the gross amount of instructional time required under applicable State Regents' regulations. (The primary requirement is 800 minutes of instruction, including the final examination period, per semester credit hour, which translates to a minimum of 16 instructional weeks for standard courses in a regular semester.) 2. The Fall Semester must end at such a time that final grades can be received, processed, printed, and mailed prior to the

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Christmas break. (Final grade processing requires two days.) 3. There must be enough time between the end of the Christmas break and the beginning of the Spring Semester to receive, process, hear, and decide student academic suspension appeals. 4. The Eight-Week Summer Term should not begin before most Oklahoma public schools have concluded their school year, and end two full weeks prior to the beginning of Fall Semester classes. 5. The Spring Semester should end a full week prior to the beginning of classes in the Three-Week Interim Term whenever possible. 6. The Spring Semester should not begin on the Martin Luther King holiday. In such years, classes should begin either on the Tuesday immediately following the holiday *or* on the Monday preceding the holiday. 7. The starting and ending dates of the Fall and Spring semesters should be the same for the Stillwater campus and OSU-Tulsa. Under these guidelines the beginning of the fall semester would range from Aug. 16 to Aug. 22 and the ending dates for finals would range from Dec. 10 to Dec. 16. The Spring semester would range from starting Jan. 10 and ending May 6 to starting Jan. 16 and ending May 12. The range for the 3-week term would be from a May 16 to June 3 term to a May 22 to June 9 term. The range for the 8-week term would be from a June 6 to July 29 term to a June 12 to Aug. 4 term. People have said that Aug. 16 is too early to start. (This is the starting date for Fall Semester 1999). By having the employees in the Registrars Office and CIS work on what is currently a university holiday and giving them another day off, the earliest starting date could be moved to Aug. 17. By moving the due date for final grades from Tuesday to Monday the earliest starting date could be moved to Aug. 18. President Halligan asked what information was needed from the faculty. Dr. Dahl replied the earliest starting date can be moved to Aug. 17 by administrative action. To go further than this, some other action is needed. Dr. Moder said that people who say Aug. 16 is too early to start also think school should start at least a week later. If that is not possible, then there is no need to maneuver to get an extra day. Dr. Dahl said that if that is the consensus then there will be nothing done. The issue in the spring is that in the year 2001 school would be scheduled to start on the Martin Luther King Jr. Holiday, a day when classes are canceled. (This would happen two years out of seven when MLK Day is either the 15th or 16th.) If school starts on Tuesday then the Regents will not count this as a day of classes and a day will need to be made up. If school starts a week earlier then it cuts the time the graduate school has to make decisions about suspensions and the time needed for students who have been suspended to appeal for reinstatement. Starting a week earlier would eliminate the possibility of the semester starting on the Martin Luther King holiday and make the earliest starting date for the Spring Semester be Jan. 8. Dr. Dahl interpreted the Council's nonverbal response to be acceptance of the idea of starting on Jan. 8 or Jan. 9 on years when the MLK day is on Jan. 15 or Jan. 16. Mr. Locy said that there was no mention in the guidelines of OSU-OKC or OSUCOM. Dr. Dahl said that they operate on different calendars. The situation at OSU-Tulsa is different since we have instructors of classes that are going on concurrently. Mr. Locy asked about classes being taught in Tulsa in cooperation with OU. President Halligan replied that even though classes on the OU campus will start at a different time next fall, they have agreed to start their classes in Tulsa on OSU's calendar. Dr. Kimbrell asked if this means that OSU-Tulsa will have a Fall Break. President Halligan replied that all the universities involved will be on the same schedule which includes a Fall Break. Dr. Rhoten said that for people who teach on TV it would be helpful to have classes start the same week and to have final exams the same week. Dr. Gregson suggested in item 2 of the calendar guidelines that the word "Christmas" be changed to "holidays."

REPORT OF STATUS OF FACULTY COUNCIL RECOMMENDATIONS:

President Halligan, Executive Vice President and Vice Presidents

96-12-04-FAC

Changes in Appendix D: Under review. Dr. Keener has reviewed with Legal Counsel to consider Appendix D changes. Legal Counsel is currently drafting policy options to include ombudsperson in the process and will present it to the Chair of Faculty Council.

- 97-02-02-ADHOC **Patent Policy 1-0202:** Draft including incorporated changes from initial reviews is currently being reviewed by Faculty Council committee. Following their review, document will pass by Research Council, Dean's Council and Legal Counsel. Requires Board approval.
- 97-04-03-ASP **Guidelines for Scheduling Common Evening and Final Exams:** Administration agrees in principle, but defers decision awaiting new (SCT) computer system. Dr. Vitek has coordinated this review with the Registrar and the Faculty Council committee. Draft revisions are being considered. Because of the extensive computer reprogramming involved, CIS must postpone until new computer system (SCT) is operating.
- 97-09-01-FAC **Policy and Procedure Letter on Reappointment, Promotion and Tenure:** Under review. Dr. Keener is coordinating review. Special review group met 3/27 and following up on possible revisions (see Halligan memo dated 3-31-98). Revised draft has been reviewed by Dean's Council. Review group met on 11/20 to discuss this version. Changes are being drafted.
- 97-09-02-FAC **Return of Policy and Procedure Letter on Reappointment, Promotion and Tenure to Faculty Council Before Action by the President:** Pending review of draft P&P Letter.
- 98-04-03-RES **Research Scientist Positions be Added to the Faculty Handbook:** To be reviewed with the Research Committee to identify how the proposed position differs from the "Research Professional" already included in the Faculty Handbook.
- 98-05-02-BUDG **Increase in Promotion Raises:** Under review by the Budget Committee. History of current promotional increases has been researched by Academic Affairs. Reviewed by academic deans in November and will be reviewed by the University Budget Committee.
- 98-10-01-RFB **Equalization of Premiums for OSU Employees, Retirees and Spouses:** Under review. External consultant reviewing entire OSU Health Care Plan; made presentation Nov. 4 for review by all campus constituents. Video of presentation available for those who could not attend. A recommendation is expected to go to the Board of Regents on January 29 concerning the health care program.
- 98-10-02-RFB **Desirable Features of the OSU Health Care Plan:** Under review. External consultants specifically reviewed these six elements in relation to the health care options under consideration, responding in memo to Anne Matoy dated November 24. The Segal Company provided the following information. For annual physical examinations the OSU plan pays up to \$20 per plan year for a wellness screening for the employee & spouse and the State plan has a \$20 copay with no deductible for network providers and 75% after deductible. The state plan also provides for one routine exam every *two* calendar years for females age 18-30 and males age 18-35 and provides one routine exam *every* calendar year for females over 30 and males over 35. For

mammograms the OSU plan provides up to \$75 for one screening between ages 35 and 39 and annual screening for women over 40. The State plan provides \$20 copay in the network and for non-network providers deductible applies and they pay 75%. The maximum benefit is subject to a fee schedule and is provided to women ages 18-30 every 2 years and one per year over age 30. Both plans have a lifetime maximum of \$1M and the OSU plan also has a yearly maximum of \$250K. For prescription drugs the OSU plan provides a 1-34 day supply for \$20 copay, 35-60 day supply for \$40 copay and a 61-100 day supply for a \$60 copay for in network purchases and 30% coinsurance for non-network providers. The State plan has two choices for a 34-day supply. Healthchoice 1000 has a \$30 copay in network and \$50 deductible then \$30 copay plus 25% of cost exceeding \$30 copay out of network. Healthchoice Regular and High deductible has a \$20 copay in network and the same as Healthchoice 1000 out of network. All non-network purchases also include a \$2.50 dispensing fee to the participant. There is no one "correct" actuarial formula for determining the proper ratios between single, two-party or full family coverage or between active and retiree coverages. It is well documented that pre-Medicare retirees consume more medical services per capita than actives, with estimates as high as 100% differential. Segal recommends that contribution rates be formally established and applied consistently over time so that employees understand the basis upon which rates are determined.

- 98-11-01-ASP *Academic Reprieve Guideline Changes:* Accepted. Dr. Dahl will handle implementation of policy with SAS directors and will ensure that appropriate university documents are modified, i.e., catalog.
- 98-12-01-BUDG/RFB *Maintaining Benefits Allocation:* To President Halligan.
- 98-12-02-CFSS *Revisit Proposed Parking Plan for J/B Building:*
To President Halligan.

REPORTS OF STANDING COMMITTEES:

RESEARCH — **Richard Bost** thanked the committee members for their work on the document and especially recognized Stephen McKeever for writing the final draft then presented the recommendation. **The Faculty Council recommends to President Halligan that: Intellectual Property Policy 1-0202: Patents, Trade Secrets, and Know How be adopted as a policy of Oklahoma State University. This recommended policy would replace the Patent Policy 1-0202 that had been adopted in July, 1990.** *The proposed policy as well as the 1990 policy can be found on the web at <http://osu.com.okstate.edu/patent/index.html>.* The focus of this presentation is on the changes in the policy from the 1990 policy. The first change is in the title of the policy. The proposed title is Intellectual Property Policy 1-0202: Patents, Trade Secrets and Know How instead of the Patent Policy. The term "intellectual property (IP)" generally refers to patents, copyrights and trademarks. This policy deals with the first of these. The next change is in the Structure of the document. The intent section adds a definition of IP for this document which says IP refers to inventions, patents, know how, and trade secrets. Under "Rights and Equities" the proposed policy requires submission of all IP from university-affiliated individuals. The old policy implies that such inventors are to exercise discretion in determining whether or not an IP is university related. The proposed policy provides for a peer-review

process to make this determination. This process increases objectivity while minimizing conflict of interest. Sections 3.2 and 3.3 codify statements about ownership of IP and makes it clear that OSU recognizes that there are instances in which the inventor will own the IP or in which external entities will own it. Section 3.5.1 adds a statement that if an IP arises from research on a contract in which no provision for IP rights has been made then this IP will be governed by the provisions of this policy. Section 3.5.2 adds a provision that selected personnel who have direct responsibility for administering a research program may initiate and negotiate research contracts on behalf of that program. Under "Procedure," section 4.3 provides for an initial review explicitly regarding IP ownership for all declarations of invention and explicit time limits for completing the review procedures are established. Section 4.4 adds a provision for peer review to verify the contribution of each named inventor to prevent a later nullification of the patent. Section 4.5 adds assurance of timely action by the university in developing university owned IP and time limits are established. Section 4.6 provides for consequences in the event that the university is unable to complete the provisions of sections 4.3 and 4.5. Section 4.7 and Appendix A.2 establishes the Patent Screening Committee to investigate IP ownership rights and advise the Univ. Pres. This function is different from that of the Patent Committee established in the 1990 policy which was to investigate "patent able prospects." This duty should be conducted by the Office of IP and Technology Transfer. Section 4.8 adds guidelines and procedures for resolving disputes that may arise involving the inventors, the Patent Screening committee and/or the Office of IP. Under "Distribution of Income" section 6.1(ii) specifies that after the recovery of direct costs, royalty will be distributed as follows: 50% to inventors, 30% to the university, and 20% to college or division of the inventor. This distribution method is simpler and will provide more income for all inventors except those whose IP yields relatively small royalties. The document emphasizes the partnership between the inventors and the institution and has features that give more incentives for creative activities and increased productivity. Dr. Gedra pointed out that there is a error in the Appendix to Comparison of Patent Policies Document for the 1990 policy. Dr. McKeever added that the 1990 policy was written as if patents generate royalties but it is licenses that generate royalties. The new policy is very sensitive to the partnership between the inventor and the university. The proposed policy is very clear as to whom it applies. It applies everyone associated with the university even visitors who are associated with some other institution. These people must disclose to OSU even if they are covered by a policy with the other institution. The ownership will then be negotiated. Dr. Tilley asked about a procedure for the university to relinquish its claim to a patent which it decides is not worth pursuing. The policy does not seem to give anyone the authority to relinquish the Universities claim in this case. Dr. McKeever said that it will default back to the inventor after one year. **Dr. Warde moved that the motion be tabled until the January meeting.** Dr. Moder seconded the motion. Motion passed. Dr. Johannes asked if the committee is also working on copyrights. Dr. Bost replied that the committee will be looking at the copyright policy next semester.

ACADEMIC STANDARDS AND POLICIES — **Bill Warde** reported that the committee is studying the use of the incomplete grade, the number of "I" grades being given, and the number of courses involved. There is a possibility of a recommendation concerning the regulations on the use of the "I" grade. Anyone with concerns regarding this matter should contact Dr. Warde. Dr. Eastman said that one of the concerns is that students can have permanent "I" grades on their transcript. One suggestion is to limit the number of permanent "I" grades a student could have on their transcript when they graduate.

BUDGET — **Carol Moder** reported that the Budget Committee anticipates bringing a recommendation in January concerning summer remuneration. In 1991 a provisional policy was approved for one year and it was to have been revisited in 1992 but still has not been. Dr. Gedra is chairing the subcommittee looking at the policy concerning the payment of a 12th month's salary to people on 9 or 11 month contracts. On behalf of the Budget and Retirement & Fringe Benefits Committees Dr. Moder made the motion. **The Faculty Council Recommends to**

President Halligan that: There be no decrease in the overall employee compensation package through a decrease in benefits and that if any benefit is decreased in its value to the employee, the employee's salary should be increased an equivalent amount. The main focus of this recommendation is for the administration to keep in mind the total compensation package and not only salary when they make comparisons with other Big 12 schools. It appears that OSU employees are losing ground in benefits while gaining in salary. This is especially important since salary is taxable whereas benefits are not. In the early 80s OSU's faculty salaries were at the Big 12 average but have fallen behind. In comparison with OU in 1997-98, OSU had a higher average salary, \$54,200 to \$53,200 but a lower total compensation package, \$66,200 to \$68,000. This makes OSU 9th in the Big 12 in Salaries and 10th in total compensation. Dr. Arquitt added that at one time new employees were told that OSU's salaries were not that great but they had really good benefits. This is no longer true. The committee wanted to bring it to everyone's attention that total compensation is more important than salary. Dr. Edgley said that some people accepted a position at OSU based on a promise of good benefits. To have benefits erode makes it seem like a "bait and switch" scheme. Dr. Moder added that it is easy to let benefits erode since they are somewhat hidden. **Motion passed.**

CAMPUS FACILITIES, SAFETY, AND SECURITY — Mark Sisson moved the following recommendation from the committee. **The Faculty Council Recommends to President Halligan that: The OSU administration responsible for planning the parking lot in front of the Paul Miller Building revisit the construction plans to determine whether the concerns of the faculty and staff of the School of Journalism and Broadcasting have been properly addressed.** This recommendation is just an endorsement of a resolution from the A&S Faculty Council and of concerns of the faculty and staff of the School of Journalism and Broadcasting. A number of people have met with Dr. Birdwell and there seems to be progress on resolving this issue. The committee felt that a reminder was still in order. Dr. Birdwell said there were four things the administration agreed to do. 1. Be sure that the university would not lose money by not building the parking lot and this has been verified. 2. To check that the portico east of the Student Union is wide enough to have a standing lane to give handicap access to the information center. 3. Look at using the parking area south of Gundersen as the primary parking area for the information center. 4. Not to go forward with the present plan in any form without coming back to the faculty of A&S and J&B. **Motion passed.** Dr. Halligan said that the recommendation is accepted.

FACULTY — Chuck Edgley said the committee is still awaiting a return of the draft Email policy from the administration. There has been more input from people who run servers not connected with CIS. There were other questions raised about the interim policy. Sheila Harp said the correct draft version has been sent to the chair. A second issue came to the committee from several faculty who found the doors to the classroom building locked when their evening or weekend class was scheduled to meet. The most recent occurrence was the evening classes before Thanksgiving and on the Saturday after Thanksgiving. Is there an office that handles this type of problem? Dr. Keener replied that Physical Plant is in charge of unlocking the doors and they are given a copy of the schedule. Dr. Halligan added it is just a matter of execution. Dr. Krenzer said it is not only on special occasions that such problems occur. There was a Monday morning this semester when the doors were not open to AGH. Dr. Edgley said that the committee had met with Jack Vitek and Dale Maronek at the request of the Long-Range Planning Committee to discuss a program that is working at Oregon State University called Scholarship Evolving. This is a controversial program that would expand what is considered scholarship for promotion and tenure discussions. However, there are several points of concern about this. The committee will be meeting with Dr. Halligan on Dec. 18 to discuss some of these issues. A major concern is that it would further erode the status of traditional scholarship on campus in favor of other entrepreneurial activities. Dr. Halligan said any other Faculty Council member is welcome to attend but they should contact Sheila Harp. Dr. Daugherty asked if the

program was in place at Oregon State or just being considered. Dr. Edgley replied that it is in place. As the university changes, there needs to be recognition of what faculty actually do. This is an attempt to expand the definition of what faculty do but it must be done in a way that protects the traditional concept of scholarship. After one establishes himself/herself in a discipline then he/she can expand his/her activities into other areas. There is a video tape about the program which faculty are free to view by contacting Dr. Edgley. The committee is also ranking the applications for the Big 12 scholarships and will return them to Dr. Keener next week. The last item the committee is considering is the inclusion of a phrase in the Faculty Handbook that indicates that faculty, who take sabbaticals, will not be penalized in terms of salary when they return. There have been cases where this has happened.

RETIREMENT AND FRINGE BENEFITS — **Ed Arquitt** reported that the Health Care Committee will be making a decision on the health care program at their meeting on Dec. 11th or at their meeting next week. The decision could be to go to the State Plan or it could be to make adjustments in the current plan. Dr. Arquitt said there were some good points made at the Fall Faculty Meeting including some things the committee had not heard before.

REPORTS OF LIAISON REPRESENTATIVES:

ATHLETIC COUNCIL — **Dennis Bertholf** reported that the Academic Integrity Committee had issued its report for the 1997-98 academic year. Two athletes had received NCAA awards, Steven Schmidt, Wrestling, received a NCAA Postgraduate Scholarship and Cheri Edwards, Women's Basketball, received an NCAA Degree Completion Award. Forty-nine athletes received Academic All-Big 12 honors and 17 received honorable mention. During the spring semester Basketball(W), Golf(M), Softball, Tennis(W), Track/CC(M) and (W) all had team GPA's higher than the average for all students. However, the overall average for "athletics aided" students was 2.58 compared with 2.82 for all students. Also, 33% of the "athletics aided" members of the baseball team and football team had GPA's below 2.00 in the spring semester. Dr. Krenzer asked if there was any consideration given to the fact that several baseball players had no intention of graduating and did not try during their last semester. Dr. Bertholf replied that the statistics in this chart are for all athletes who received some athletic aid during their time at OSU. It does not contain the data for walk-ons.

ACADEMIC APPEALS BOARD — **Larry Sanders** said that he was chair of the Academic Appeals Board for academic year 97-98. Zane Quible was co-chair, Robert Hendrickson was executive assistant, Missy Hitch was assistant to the board, there were 8 other faculty, 4 undergraduate student representatives, and 2 graduate student representatives. Dr. Sanders presented the statistics for the last 5 years. The format, *year/number changed/number with no change*, will be used to summarize the results for these years: 93-94/10/22, 94-95/6/15, 95-96/6/23, 96-97/5/17, 97-98/9/13. In 97-98, 12 cases came from A&S, 2 from BUS, 2 from ED, 2 from CEAT, 1 from HES and 3 from VM. Dr. Sanders added that it should not be considered a stigma or indictment on the instructor to have a case before the Appeals Board. Cases typically revolve around one of three issues: (1) Was the syllabus clear and followed as stated? (2) Was the student treated unfairly relative to the treatment of other students? (3) Did the instructor make promises/commitments relative to class grading that were not followed? The board also handles academic misconduct/dishonesty cases. The format, *year/number overruled/number sustained/number altered*, will be used to summarize the results. 93-94/0/3/1, 95-95/1/3/0, 95-96/1/0/3, 96-97/3/1/1, 97-98/2/2/0. Normally a case is altered because the faculty member charged the student with dishonesty and the board felt misconduct was more appropriate. A charge of Academic Dishonesty puts the burden of proof on the faculty member to show the charges are true and that there was intent on the part of the student to defraud. Whereas, in misconduct cases it is the student's responsibility to show that he/she did violate a rule and intent need not be present. Dr. Edgley asked if the number of appeals was increasing.

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Dr. Sanders said that the previous slide showed a slight downward trend but there have already been 27 cases handled this year. Dr. Rhoten said he was asked by a constituent to bring up a case that was before the Academic Appeals Board last year. First, is it true that the Academic Appeals Board makes decisions as opposed to recommendations? So there is no avenue for appeal to a vice president or president. Drs. Keener and Halligan agreed with that. Dr. Rhoten said that this constituent asked if recent decisions had followed the established policy and asked if a Faculty Council committee should make such a determination. Dr. Edgley said that he had reviewed the case. A question might be who has oversight of the board. Dr. Sanders said there are some cases that are very difficult. Both the faculty member and the student are given an opportunity to make their case. Dr. Edgley said he thinks the Academic Appeals Board is doing a very good job. President Halligan said that if someone has questions about the policies that the board operates under then they should communicate them to the President who will share them. There has to be a Supreme Court.

EMERITI ASSOCIATION — **Don Holmes** reported the Emeriti Association celebrated its 10th anniversary on Friday. There were 83 in attendance . The membership is now 486. Some of the activities are limited by a lack of space.

NEW BUSINESS:

Dr. Tilley announced that the Faculty/Staff Red Cross Blood Drive will be Tuesday, Dec. 15.

Dr. Johannes asked if there was a policy on how many finals a student can take in one day. Dr. Keener replied that there is not. Natalea Watkins reported that OSU had its first Marshall Scholar announced last week, Chris Stevens, who was also a Truman Scholar. Although, the university was not successful in the Rhodes competition this year, Dr. Graalman said he received calls from two members of the committee congratulating OSU on the excellent quality of our candidate.

The meeting adjourned at 4:48 p.m. The next regular meeting of the Faculty Council is January 12, 1999.

Dennis Bertholf, Secretary