

FACULTY SENATE
Tuesday, December 4, 2018
3:30 – 5:15 pm
Senate Chamber, Old Capitol

MINUTES

- Senators Present: F. Ahmad, J. Ankrum, G. Bardhoshi, J. Barker, E. Bayman, S. Bodine, D. Caplan, K. Culp, F. Durham, B. Elias, L. Farrin, E. Gillan, D. Hall, A. Hosmanek, P. Kaboli, B. Kyles, K. Lamping, J. Logsdon, D. Macfarlane, L. MacGillivray, U. Mallik, T. Marshall, T. Midtrod, M. Nikolas, M. Pizzimenti, E. Prussing, C. Sheerin, A. Stapleton, V. Steelman, K. Tachau, D. Whaley, D. Wurster.
- Officers Present: S. Daack-Hirsch, R. Ganim, P. Snyder, J. Yockey.
- Senators Excused: J. Carlson, J. Colgan, A. Durnev, M. Foley Nicpon, S. Harwani, C. Kletzing, J. Kolker, A. Kwitek, M. Lehan Mackin, K. Messingham, T. Peters, C. Thomas, S. Vos, E. Wasserman.
- Senators Absent: L. Allen, S. Ashida, R. Balakrishnan, C. Barnhardt, R. Boudreau, C. Bradley, J. Buckley, A. Deshpande, B. Dixon, E. Finzel, A. Gerke, L. Glass, K. Glenn, D. Gooblar, P. Goswami, I. Grumbach, A. Hooks, D. Jalal, A. Jung, T. Long, R. Oral, J. Reinhardt, G. Russell, E. Sander, J. Streit, J. Szot, S. Vigmostad, D. Wesemann.
- Guests: J. Culshaw (University Libraries), D. Finnerty (Office of the Provost), M. Kerbeshian (UI Research Foundation), C. McKinney (Office of Strategic Communication), F. Mitros (Emeritus Faculty Council), L. Snetselaar (Office of the Provost), L. Walton (University Libraries), L. Zaper (Faculty Senate Office).

- I. Call to Order – President Ganim called the meeting to order at 3:30 pm.
- II. Approvals
 - A. Meeting Agenda – Professor Tachau moved and Professor Marshall seconded that the agenda be approved. The motion carried unanimously.
 - B. Faculty Senate Minutes (October 23, 2018) – Professor Kyles moved and Professor Gillan seconded that the minutes be approved. The motion carried unanimously.
 - C. Committee Appointments (Sandy Daack-Hirsch, Chair, Committee on Committees)
 - *None at this time*
 - D. Faculty Senate Elections 2019 Vacancy Tally – President Ganim explained that Senate approval of the vacancy tally is necessary before we can move ahead with our election process in the spring semester. Professor Gillan moved and Professor Marshall seconded that the vacancy tally be approved. The motion carried unanimously.

III. New Business

- *Emeritus Status Policy Revision (Diane Finnerty, Assistant Provost for Faculty; Ed Gillan, Chair, Faculty Policies and Compensation Committee)*

President Ganim indicated that the Faculty Senate's Faculty Policies and Compensation Committee has been working on this Operations Manual policy revision together with the Office of the Provost for several months. The Faculty Council approved the revision at its meeting last month.

Professor Gillan reminded the group that emeritus faculty status is automatically conferred when a regular faculty member retires under honorable circumstances after having served the university continuously for at least ten years. (*Regular* faculty refers to tenured faculty or salaried clinical-, research-, or instructional-track faculty at any rank.) Permissive conferral of emeritus status can be granted to regular faculty who retire before having served the university for ten years and to non-regular faculty who retire under honorable circumstances after having served the university continuously for at least ten years. Recommendation of the dean and approval of the provost is required for permissive conferral.

In the revised policy, further clarification of the specific use of *emerita* vs. *emeritus* was added, Professor Gillan explained. A new provision for revocation of emeritus status has been inserted into the policy. Emeritus status can now be revoked for good cause. A provision on limitations has been broadened to indicate that *conferral and revocation of emeritus status is not subject to review under any of the University's grievance procedures*, because emeritus faculty, as former employees, do not have access to any university grievance procedures.

Ms. Finnerty noted that Staff Council would also have an opportunity to offer feedback on the revision, because the policy affects staff, as well. Professor Gillan commented that Operations Manual policy revisions that affect faculty usually come to the Faculty Policies and Compensation Committee for review.

Professor Tachau moved and Professor Caplan seconded that the revised Emeritus Status Policy be approved. The motion carried unanimously.

- *Intellectual Property Policy Revision (Marie Kerbeshian, Assistant Vice President and Executive Director, University of Iowa Research Foundation; Ed Gillan, Chair, Faculty Policies and Compensation Committee)*

President Ganim indicated that the Faculty Senate's Faculty Policies and Compensation Committee (FPPC) has been working with the Intellectual Property Policy Committee (chaired by the Vice President for Research) for over a year on revisions to the intellectual property policy related to finding a better distribution formula for revenue from patents and licenses. Dr. Kerbeshian explained that the intellectual property policy's current revenue distribution formula awards the first \$100,000 of patent revenue to the inventor, with revenue over \$100,000 to be distributed among the inventor, the University of Iowa Research Foundation (UIRF), a research enrichment fund administered by the Vice President for Research, the inventor's unit, and the inventor's college. The proposed formula eliminates the provision for the \$100,000 threshold.

Revenue would be distributed among the individuals and units listed above from the beginning. This change would bring the UI's policy into line with the policies of most universities around the country, as well as benefit the long term health of technology transfer at UI. A similar formula for revenue distribution was in effect prior to 2005, but at that time a single "blockbuster" patent appeared that began generating millions of dollars. In the hope of inspiring additional highly-lucrative patents, the policy was then revised to grant the first \$100,000 to the inventor. However, no such additional patents emerged, and now that funds from the blockbuster patent are dwindling, the UIRF finds itself in a precarious financial situation, which this policy revision seeks to ease. The UIRF has also been engaged in cost-cutting measures, including staff reductions. As a result of these efforts, the UIRF likely has funding through 2023. The policy revision is intended to help sustain the office after that date.

Professor Gillan reminded the group that other revisions, approved by the Faculty Senate, were made to the intellectual property policy in 2017. Those revisions related to assignment of rights for inventions. The Intellectual Property Policy Committee drafted the initial revisions to the revenue distribution formula, then consulted with various campus groups, including the FPCC, for additional feedback that was incorporated into the final proposal. Professor Gillan noted that the FPCC had extensively reviewed provisions in the revised policy that allowed for an inventor to designate units or colleges with which to share revenue from an invention. The FPCC urged that the policy call for these additional designations to be made at the time of invention disclosure, when memories are still clear regarding involvement in the creation of the invention. Identical changes have been made to the copyright portion of the policy, which will likely apply mainly to software, rather than to print publications. Dr. Kerbeshian noted that the policy will not be retroactive, but will apply to all inventions disclosed from January 2019 on.

Professor Macfarland commented that Dr. Kerbeshian's slide seemed to indicate that UIRF revenue would decrease under the revised policy. Dr. Kerbeshian clarified that the UIRF's percentage of the proceeds would decrease only if revenue from a single patent exceeds \$10 million in a given year. In these circumstances, the university itself would receive a share, the purpose of which would be determined by the President. Professor Macfarland asked how this arrangement would be of benefit to the UIRF, if the President can allocate that money at his/her discretion. Dr. Kerbeshian responded that one proposed safeguard is to create an endowment for the UIRF with this share of the revenue. Professor Macfarland expressed skepticism that this would happen, particularly when the university faces financial difficulties. Dr. Kerbeshian stressed that the UIRF's share of the revenue only diminishes when the \$10 million threshold is reached; such situations will likely be rare.

Professor Macfarland further commented that inventive faculty have opportunities. The timing of a disclosure is discretionary. The perception that the invention was made at UI rather than elsewhere is difficult to determine. He added that if we want to retain inventive faculty, we must put forth a robust reason for faculty to stay here. A faculty member might take a leave of absence to work at his/her private company and file a patent from there, rather than from the university. Dr. Kerbeshian commented that the UIRF has experience dealing with this type of situation. Inventions created at universities are often in the earliest stages of development. Small start-up companies can be the best places for this early development to occur because

larger companies are not yet interested. The UIRF has had discussions with faculty members who own start-up companies to define what is and is not owned by the university under current policy. The development of appropriate procedures for such situations will be a task for the Intellectual Property Policy Committee in the near future. Professor Macfarland expressed concern that faculty members will not disclose inventions if the provision giving inventors the first \$100,000 in patent revenue is eliminated, as proposed by the policy revision. Dr. Kerbeshian responded that in her experience, most faculty members disclose not because of the money, but because they want to make an impact in the field in which they have been working for years. Faculty members are also happy to receive funding amounts, however small, that are not restricted. She reiterated that our current policy is an outlier among our peers. UIRF data indicate that there was no spike in disclosures following the earlier revision granting inventors the first \$100,000.

Professor Ankrum expressed concern about situations in which contributors to an invention do not receive recognition for their work. Professor Gillan commented that there is a provision in the policy that allows inventors to designate contributors. Professor Ankrum commented that, if inventors choose not to recognize contributors, this can lead to unpleasant situations. Dr. Kerbeshian indicated that the UIRF would work with patent attorneys in such circumstances. Professor Ankrum noted that creating a comprehensive list of participants and their contributions in the creation of an invention early in the patent drafting process would be helpful. Following up on this conversation, President Ganim asked who implements and enforces the intellectual property policy. Dr. Kerbeshian responded that the Office of the Vice President for Research and the UIRF have responsibility for implementation of the policy. The policy is very general, however, and guidelines and procedures for more complex situations will be written. The policy does provide for an appeals process.

A senator questioned why the inventor's share was dropped so substantially, from 100% of the initial \$100,000, all the way to 25%. She also asked what effect on incentives for faculty inventors this drop might have. Dr. Kerbeshian responded that 25% share of the revenue was consistent with the pre-2005 version of the policy, as well as with the current practice of peer institutions. She added that, while faculty inventors may not be excited about the 75% drop in revenue, they understood the reasons for the policy change. However, they worried that the drop might give the impression that the university does not value this kind of work. Consideration should be given by the university to efforts to support faculty inventors. A senator expressed concern regarding the UIRF's financial situation after 2023, even with the additional revenue generated by the policy revision. Dr. Kerbeshian commented that this is a fairly typical situation for a university technology transfer office that strives to be self-sufficient. Professor Macfarland asked if the formula was for all funds received or for funds received in excess of expenditures. Dr. Kerbeshian responded that the UIRF is permitted under the policy to take the patent costs that are not reimbursed by licensing off the top.

Professor Ankrum moved and Professor Durham seconded that the revised Intellectual Property Policy be approved. The motion carried with one dissenting vote.

- *University Libraries Subscription Update (John Culshaw, University Librarian and Linda Walton, Associate University Librarian)*

President Ganim reminded the group that a memo had circulated last month announcing that the University Libraries need to eliminate \$600,000 from their subscription budget. Mr. Culshaw commented that it has been about a decade since the Libraries last went through a similar budgeting process. He stressed that no subscriptions have been canceled yet in this latest process, but that the Libraries are reaching out to their departmental liaisons to begin conversations. Mr. Culshaw displayed a slide illustrating that, over the past thirty years, the consumer price index has risen 118%, while the ongoing resources expenditures (for scholarly journals) have risen 521% for the member institutions of the Association of Research Libraries. The for-profit companies that publish most scholarly journals have been raising their prices 5-7% annually. The UI Libraries have seen budget increases of 4-5% annually until a few years ago, when the budget went flat. Therefore, the Libraries no longer have the resources to keep up with the journals' price increases.

The Libraries have developed various strategies over the years to deal with the high cost of journal subscriptions, Mr. Culshaw explained, such as canceling one subscription when purchasing a new one. The Libraries are also moving to a system in which subscriptions are purchased on a "just-in-time" basis, rather than a "just-in-case" basis. The Libraries plan to address the current subscription funding crisis by analyzing usage data for journals and by working with faculty to identify journals that are low-use and carry a high cost per use rate. Mr. Culshaw noted that the Libraries' journal subscriptions are similar to cable subscriptions in that many journals are bundled together in one subscription package. The Libraries are obligated by licensing agreements to buy all the items in one subscription package, regardless of any possible duplication of items across subscriptions.

Mr. Culshaw next showed a slide illustrating how expenditures for library materials purchased in electronic formats (this includes most journals) have increased from just over \$2 million to just over \$12 million since FY02, while expenditures for library materials purchased in physical formats have decreased from \$5 million to \$2 million over the same time period. His next slide illustrated that UI is generally in line with peer institutions in terms of the amount of money spent on subscriptions; however, UI has developed a large gap between its one-time purchases and its subscription purchases.

Turning to a description of the proposed process to eliminate \$600,000 from the subscription budget, Ms. Walton indicated that cancelations would not take effect until 2020 because of the time needed to work through the process. The Libraries began the process in October by sending lists of journals in each discipline to library liaisons in the relevant departments. Liaisons were informed how much money needed to be cut from that discipline's subscription budget. Liaisons were instructed to consult with the faculty in their departments regarding which journals could be canceled and then to send the list of proposed cancelations back to the Libraries. These lists will be posted online for the widest possible feedback. Libraries staff will then analyze all feedback and make the final decisions regarding what to cancel. These decisions are projected to be communicated to the campus before the end of the spring semester.

Looking at the slide showing the expenditures on one-time purchases versus ongoing purchases for peer institutions, Professor Gillan noted that some institutions, such as Texas and UCLA, have almost equal expenditures, unlike UI, which is heavily skewed toward ongoing purchases. He wondered if those campuses have already moved to a “pay-per-view” system for journals. Mr. Culshaw noted that, when expenditures on both types of items are combined, those institutions have greater expenditures overall than UI does. He did not think that Texas and UCLA have significantly different deals with the journal publishing companies than UI has. He added that recently the University of California system has begun negotiations with Elsevier, one of the major journal publishers, with the goal of moving towards an offsetting model. Rather than investing in subscriptions, the UC system wants to pay for author publishing fees. In return, the publisher would make all of the output from UC open access without embargo at the time of publication. While this may sound promising, Mr. Culshaw commented, for-profit companies such as Elsevier will always find ways to increase their profit margins.

Professor Logsdon wondered about the fate of journals with a very small number of views. Will most universities going through similar budgeting processes end up cutting these journals, as well? Could a consortium such as the Big Ten Academic Alliance (BTAA) find ways to preserve access to these small journals for their member institutions? Ms. Walton commented that this is a challenging problem that large consortia such as the BTAA have not been successful in solving. Inter-library loan remains an option, however. Professor Steelman praised the Libraries for establishing a transparent and collaborative process for working through the cancellation decisions. She noted that this exemplifies the spirit of shared governance.

Observing that different disciplines use different types of source materials, such as print monographs vs. online journals, Professor Tachau asked if a “just-in-time” model was anticipated for print materials, which traditionally have been purchased on a “just-in-case” basis. The former is not a financially viable model for publishers of monographs. Ms. Walton responded that the Libraries staff are highly sensitive to the needs of the different disciplines and that funds are always set aside for purchasing monographs. Mr. Culshaw added that there is some collaboration across the BTAA regarding monograph purchases from small print runs, along with purchases of print copies of journals. Professor Tachau asked if the University Libraries Charter Committee has been involved in a broader discussion of these concerns. Mr. Culshaw indicated that he and his staff consult with the committee on a wide range of issues affecting faculty.

Referring to Mr. Culshaw’s comparison of journal subscriptions to cable subscriptions, Professor Macfarland commented that universities have a monopolistic purchasing power. They could collectively reject contracts in favor of a pay-per-view model. He asked about the typical fee for one pay-per-view article. Mr. Culshaw responded that, for example, the Elsevier contract costs about \$2.2 million annually and provides about 2300 journals. There are about 11,000 hits per day for the Elsevier journals. If a user encounters a paywall, the fee for access to a particular article typically ranges from \$45 to \$60, depending on the discipline and the specific journal. Mr. Culshaw wondered whether there are currently other delivery mechanisms disruptive enough to change the industry. Professor Macfarland commented that universities could present

a united front and force journal publishers to accede to their demands, but Mr. Culshaw pointed out that this could be considered problematic from a legal standpoint.

Past President Snyder asked how the \$600,000 sum for the budget cut was determined. He also asked about the impact on faculty. Would only journals of marginal use be eliminated, or would widely-consulted journals be canceled, as well? Ms. Walton responded that the \$600,000 was derived from the inflation rate of subscription prices. She added that some disciplines would feel the impact more than others and difficult decisions would need to be made. For some disciplines, monograph purchases are now made by request only. Referring to the slide comparing UI expenditures to those of peer institutions, Professor Durham suggested that charts be created showing the percentage of each overall university budget that the subscription purchases represent. The subscription expenditures take up a greater portion of the total UI budget than is the case for some of our wealthier peers. This is important to point out. Mr. Culshaw also noted that UI Libraries staffing levels are the lowest among our peers.

Professor Mallik thanked Mr. Culshaw and Ms. Walton for the Libraries' thoughtful approach to this dilemma. She added that facing the problem openly and directly in this way should help us arrive at a solution. She reiterated Professor Durham's point about the outsized impact of subscription expenses on the UI budget. Mr. Culshaw indicated that the Libraries will nevertheless ask for an inflationary increase in their next budget, although there is likely little hope for receiving an increase. A senator observed that faculty members create the content from which journal publishers profit. He asked how this inflationary trajectory could be changed. Mr. Culshaw responded that there are various open access efforts going on around the world. This is an effort in which faculty can take the lead. He added that UI faculty members could deposit their work in the UI's open access Iowa Repository Online. Also, promotion and tenure committees could be willing to consider alternate outlets for scholarly publications, not just the top journals. Professor Steelman commented that she had received outstanding assistance from the Libraries during her own open access publishing experience.

Professor Tachau commented that it is likely that most faculty members know little about the contracts and licenses they sign when they publish their work. She noted that years ago she had talked to university legal counsel about drafting contract language that faculty members could present to their publishers; this language would give all rights to the author or to the university. Mr. Culshaw indicated that there is an author's addendum available on the Libraries website for use by faculty members. He suggested that the Libraries could work with the Senate to develop a standard UI author's addendum that could be used across the university. Ms. Walton wondered how tenure policies could be changed to support open access publishing. Professor Nikolas commented that the most prestigious journals in her field require authors to sign over their rights to the journals. Ms. Walton noted that senior faculty members might be better positioned to take on this issue than junior faculty members. Professor Mallik commented that faculty members often work with multiple collaborators in many different countries and face various challenges publishing throughout the world. Mr. Culshaw noted that open access publishing allows for worldwide dissemination of new research, removing barriers for everyone.

- *Spring 2019 and 2020 Theme Semesters (Linda Snetselaar, Associate Provost for Outreach and Engagement)*

Associate Provost Snetselaar explained that the goal of the Theme Semesters is to bring together faculty from all eleven colleges to focus on an interdisciplinary common topic relevant to both Iowa and to the world. Previous Theme Semesters addressed the topics of *Food for Thought*, *Just Living*, and *Our Lives Online*. The Theme Semesters have served to foster new partnerships among faculty members, to promote publicly engaged scholarship, and to contribute to communities statewide. The Spring 2019 Theme Semester is *American Dream* and will involve the consideration of such issues as equity and diversity, along with the evolution of the American Dream over many generations.

There are a variety of ways in which the Theme Semester can involve students, Associate Provost Snetselaar indicated. Students can enroll in a course related to the topic, they can plan and participate in a project or event, and they can attend a wide range of activities. Faculty members also have numerous ways to get involved, such as integrating the theme into their spring classes. Associate Provost Snetselaar stressed that faculty members do not need to rewrite their syllabi to accommodate the Theme Semester, but can incorporate a modest contribution such as one activity, reading, or project.

To facilitate advance planning, Associate Provost Snetselaar announced that the Spring 2020 Theme Semester is *Flow Together*, “a celebration of water, flow, and unity for our campus and state.” President Ganim asked how Theme Semesters have affected course development in general. She responded that some faculty have been able to build their syllabi entirely around the themes. Associate Provost Snetselaar added that more information about Theme Semesters can be found on her Office’s website, <https://theme.uiowa.edu/>.

- *President’s Report (Russ Ganim)*

President Ganim reminded the group that the Shared Governance Advisory Task Force on Academic and Research Centers, Institutes, and Activities was created in response to the center and institute closures that took place over the summer. Task Force membership includes shared governance leaders, faculty members and administrators. The Task Force met for the first time last month and began discussing what processes it would follow. President Ganim added that the university’s budget currently is tight, but not in immediate crisis during this fiscal year (FY19), thereby giving the Task Force some time to plan its strategies for bringing more voices to the table when budget cuts are anticipated. The Task Force will be reaching out to the colleges and to the central service advisory committees for information and input. Minutes from the Task Force’s meetings will eventually be posted.

Turning to a governmental relations update, President Ganim commented that the outcome of recent elections will likely not alter the university’s strategy. We will continue to promote the good work that our faculty and students do. We will participate in Hawkeye Caucus to showcase our activities to legislators and we are planning visits to individual legislators in their home districts.

President Ganim noted that the Faculty Senate had hosted the annual Big Ten Academic Alliance Shared Governance Conference October 25-27. Panel topics included the AAUP sanction of UI, the AAUP censure of the University of Nebraska, a progress report on Purdue Global (the former online Kaplan University, recently purchased by Purdue University), and the promotion of shared governance from the ground up.

One of two projects in the works for next semester, as suggested by the Faculty Council, is an examination of the university's use of consultants, especially given that general education funds are used to hire search firms and other types of consultants. We need to determine the criteria used to justify the hiring of consultants along with the return on investment. The other project is an exploration of the optimal distribution of faculty tracks within departments and colleges. To our knowledge, such a study has never been conducted, President Ganim commented, but since the hiring of faculty on different tracks directly impacts what we do and how we define ourselves, this would seem to be an important effort for the Faculty Senate to take up.

Regarding administrative searches, President Ganim noted that a new dean of the College of Liberal Arts and Sciences has been named, Steve Goddard, senior associate to the executive vice chancellor at the University of Nebraska–Lincoln, and will take up his UI duties on June 1. Off-campus interviews were recently conducted for the positions of Executive Vice President and Provost and of Vice President for Research. The position title of Chief Diversity Officer has been changed to Associate Vice President and Executive Director for Diversity, Equity, and Inclusion. That search is ongoing and candidates will be brought to campus early next semester.

IV. From the Floor – There were no items from the floor.

V. Announcements

- A reception for senators and local legislators will be held in the Rotunda immediately following the meeting.
- The next Faculty Council meeting will be Tuesday, January 22, 3:30-5:15 pm, University Capitol Centre 2390.
- The next Faculty Senate meeting will be Tuesday, February 12, 3:30-5:15 pm, Senate Chamber, Old Capitol.

VI. Adjournment – Professor Macfarland moved and Professor Durham seconded that the meeting be adjourned. The motion carried unanimously. President Ganim adjourned the meeting at 5:10 pm.