



FACULTY SENATE

Research, Scholarship & the Creative Arts Committee

April 12, 2017

427a Waterman 12:30-2:00

Present: Chris Burns (LIB), Cathy Paris (Faculty Senate President), Matthew Price (CAS), Jeffrey Marshall (CEMS), Tammy Kolbe (CESS), Seth Fritz (CNHS), Rory Waterman (CAS), Beth Kirkpatrick (COM), Jessica Sheehe (GSS), Chuck Schnitzlein (Business), Rachelle Gould (RSENR), Daniel Hudson (EXT), Albert van der Vliet (COM)

Absent: Dan Baker (CALC), David Neiweem (CAS)

Guests: Lucy Singer, General Counsel, Corine Farewell, Julie Roberts, Richard Galbraith, Cynthia Forehand.

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Chair Chris Burns called the meeting to order at 12:30pm in 427a Waterman.

1. **Approval of the Minutes.** The minutes of March 9, 2017 were approved as written.
2. **Intellectual Property Policy (Lucy Singer, Corine Farewell).** This process is going through both the Faculty Senate and United Academics. The RSCA discussed the revisions to the Intellectual Property Policy.

### **Summary of Revision**

#### **to Intellectual Property Policy**

Policy Statement, Reason for the Policy and Policy Elaboration sections 1 – 2.1:

The changes in these sections are all “clean up” – clarifying definitions, grammar corrections, etc.

Section 2.2: Changes are to clarify who is considered a “visitor” who would be a Covered Person under the Policy

Section 2.3.2: The primary change is to clarify what will be considered “Significant Support” from the University that would result in University ownership of IP. We have researched IP policies from other institutions and adopted language that reflects and better defines our long-term practice in this area. The changes do not reflect a change in practice, but are an attempt to provide clearer language about what constitutes “Significant Support.”

Section 2.3.4: clarifying language; language does not reflect a change in practice.

Section 2.3.5: Digital Educational Works. Changes are to clarify meaning of “digital educational works”; to clarify that Digital Educational Works that are commissioned by the University or created with “Significant Support” from the University will be owned by the University. Section 2.3.5.2 clarifies that Digital Educational Works that are not commissioned or created with Significant Support are owned by the faculty member. The University retains a royalty-free license to use such works for instructional and administrative purposes of the University – University may continue to use if the creator leaves the University.

Section 2.4.1: Scholarly and Artistic Works: The changes are to conform UVM practices with common practices of other institutions. In particular, some other institutions do not exclude “scholarly works” from institutional ownership under the work-for-hire doctrine. Most other institutions provide for faculty ownership of such works unless created with Significant Support and most retain royalty-free license to use the materials.

- Clarifies what works are considered “scholarly and artistic works”
- Retains presumption that such works are owned by the Creator
  - Unless developed with Significant Support from the University (express inclusion of “significant Support” is new)
  - Unless the work is “University-Commissioned
- University retains royalty-free license to use the works for instructional and administrative purposes, even if the faculty member leaves the University

Section 5 – Policy Interpretation and Oversight: changes eliminate the “advisory committee.” In all the years that this policy has existed, this committee has never been convened. Such committees are not provided for in most other policies. Elimination is simply to conform to our common practice over many years. Disagreement over interpretation or application of the policy would be subject to grievance by UA faculty.

RSCA had the questions of

- What is significant support?
- Should there be some written agreement made?
- If policy has vague language it is up to interpretation

- Where are disputes arbitrated? (VP of Research), how would that proceed?
- Significant versus typical could be broken apart.
- It should be clear to faculty when they receive atypical funds that the right to ownership is given up.
- How this being is rolled out to faculty and will there be time for faculty input?
- Who owns lab notebooks?

It might be helpful if there was a frequently asked questions documents for Graduate students.

This policy will not go out to the constituents until it has gone through negotiations with the UA. Lucy will keep the RSCA informed as changes happen throughout bargaining process

How does the LCOM fit, and how do the LCOM representatives on RSCA get this information back to LCOM? The draft changes can be shared knowing that it is subject to bargaining.

Chris will talk with Cathy about when they can get this on the Faculty Senate agenda.

### **3. Graduate College Update, Cindy Forehand.**

#### **a. Concurrent Faculty/Graduate Student Policy**

##### **Concurrent Faculty/Graduate Student Policy**

UVM Faculty members and Officers of Administration, as defined in the University and University Officer's Manual, the Collective Bargaining Agreement governing represented full-time faculty, the Collective Bargaining Agreement governing represented part-time faculty, and the Larner College of Medicine Faculty handbook, may not pursue an advanced degree in the department (or college/school, if not structured as departments) in which they hold an appointment. Similarly, a graduate student may not be appointed to a faculty or Officer of Administration position in a department (or college/school if not departmentally based) in which they are pursuing their terminal degree.

For faculty or officers of administration (from here on known as the individual) wishing to pursue a degree in another department or college/school if their unit is not departmentally based (from here on known as the unit), the following conditions must be met:

1. The faculty teaching assignment in the home unit cannot include courses at the graduate level (including 200 level courses approved for graduate credit).
2. The faculty teaching assignment in the home unit cannot include courses for which graduate teaching assistants are assigned.

3. The individual cannot sit on faculty committees in their home unit that are concerned with matters of graduate education.
4. Faculty from the individual's home unit cannot serve as the outside chair for the student's dissertation defense committee.
5. If the program to which the individual is applying is interdisciplinary and includes faculty from the individual's home unit, faculty from the individual's home unit cannot serve as the primary advisor for the student
6. The individual cannot receive additional compensation as a graduate teaching or research assistant while holding the faculty appointment.

#### **b. Credentials of faculty teaching graduate courses**

#### **Credentials of faculty teaching graduate courses**

The University of Vermont (UVM) is accredited by the New England Association of Schools and Colleges (NEASC). Expectations for graduate faculty are noted in Standard 4 of the Standards for Accreditation:

4.22 Faculty responsible for graduate programs are sufficient by credentials, experience, number, and time commitment for the successful accomplishment of program objectives and program improvement. The scholarly expectations of faculty exceed those expected for faculty working at the undergraduate level. Research-oriented graduate programs have a preponderance of active research scholars on their faculties. Professionally-oriented programs include faculty who are experienced professionals making scholarly contributions to the development of the field.

The Graduate College is the unit of the University of Vermont and State Agricultural College and has, subject to the authority delegated to the Colleges by the Board of Trustees, academic jurisdiction over all matters pertaining to and related to graduate degree programs, with the exception of the Degree of Doctor of Medicine. As defined in the Constitution of the Graduate College, duties of the Executive Committee of the Graduate College (GEC) includes approval for graduate credit of courses, research, and similar scholastic activity.

When the GEC reviews new graduate course proposals, the GEC confirms that faculty proposing the course are either members of the Graduate Faculty or have appropriate graduate level credentials to teach the course. However, once the course is approved there is no oversight of who is actually teaching the course in any given year.

In many institutions, only members of the Graduate Faculty are allowed to teach graduate courses. UVM does not have that restriction. However, the GEC expects that those teaching graduate courses meet a minimum standard of having a terminal degree and a level of advancement in their field consistent with accreditation expectations. Specific requirements are that:

1. Faculty teaching graduate courses are expected to have a terminal degree

2. Exceptions may be made for faculty teaching master's level courses by petition to the GEC, provided faculty credentials meet or exceed the level of the course they are teaching; thus
  - a. Faculty teaching 300 level courses and 200 level courses approved for graduate credit must minimally have a master's level degree, and
  - b. Justification of the request must include either
    - i. history of exceptional teaching at the undergraduate level before consideration to teach master's level courses
    - ii. indication that it is the norm in the discipline for faculty at the master's level to teach master's level graduate curriculum
  
4. **Burack Distinguished Lecture nominations.** The committee went into executive session to discuss this year's Burack nominations.
  
5. **New Business.** There was no new business at this time.

**The next meeting of the RSCA is scheduled for Thursday, May 11, 2017 from 12:30 – 2:00 in 427a Waterman. Send agenda items to Chris Burns no later than April 6<sup>th</sup>.**

5/11/2017
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