University of Idaho  
Faculty Senate Meeting Minutes  
2015-2016 Meeting #10, Tuesday, November 3, 2015

Present: Anderson, Barbour, Brandt, Brewick, Brown, Caplan, Chung, Couture (Boise), Crowley (w/o vote), Flores, Foster, Godfrey (Coeur d’Alene), Hiromoto (Idaho Falls), Hrdlicka, Jeffery, LaPrath, Latrell, Mahoney, Murphy, Nicotra, Royer, St. Claire, Stoll, Teal, Wiencek (w/o vote)  
Absent: Adams, Boschetti, Folwell, Perret, Wolf.  
Guests: 7

After struggling to make adequate connections to our Senators not in Moscow, the Chair called meeting #10 of the Faculty Senate to order at 3:34. A motion (Chung/St. Claire) to approve the minutes for the October 27, 2015 meeting of the Faculty Senate passed without objection.

Chair’s Report: Chair Teal announced that it was time for Senators to nominate members from their college to the University Promotion’s Committee. These nominations will be due in the Provost’s Office by Friday, November 13th. The Faculty Secretary’s Office will email the appropriate form to Senators.

Provost’s Report: The Provost announced that the Strategic Planning Committee is getting under way. There are 35 members on the committee with representatives from every college. He suggested that people check his website to keep track of the progress of this committee. He believes that they will be launching a poll to get the committee started. There was a short discussion of developing an interactive capability within the website so people could comment on the strategic plan as it develops. The Provost suggested that they would be looking into ways to keep people informed and able to make comments.

Several Senators thanked the Provost for his recent letters communicating to the University and his general efforts toward developing a more open campus atmosphere. The Provost thanked them for their comments and indicated that this was an undertaking that we all needed to be engaged in if we are going to solve challenges facing the University.

With specific reference to the decision not to publish the quintile results from the FFF process, a Senator inquired about how units could find out where they ranked. The Provost stated that he had provided the results to the Deans and they have been instructed to share that information when asked.

Ombuds Search: The Chair introduced Shauna Corry for the purpose of providing an update on the Ombuds Search. Professor Corry provided Senators with a hand-out showing the proposed timeframe of the search. They have received 21 applicants so far and the position will close on November 7th. The successful applicant should be someone with strong mediation skills, an understanding of confidentiality issues with knowledge of the concerns of faculty, staff, and students. She believes they have a good applicant pool. There will be an opportunity for faculty, staff, and student input. Professor Corry indicated that the committee will conduct interviews in early December and hopes to have its recommendation to the President by the end of the semester.

Spread-Pay Task Force: Chair Teal next introduced Becky Tallent to report on the Spread-Pay Task Force. Professor Tallent provided a short summary of the major issues the committee is reviewing. The task force has spent the last month gathering information. The main problem has been that the UI has been pre-paying faculty from the start of the fiscal year (July 1st) even though for most faculty the semester doesn’t start until the middle of August. There was initially some confusion as to whether the discussion was about new faculty arriving and getting paid before they started teaching or essentially all faculty. The pre-payment issue applies to all faculty. This can be seen as violating a state statute which does not allow advance payment. The other institutions in Idaho have payrolls that are managed by the state controller’s office and do not engage in this type of pre-payment of salaries. There are also other issues related to properly attributing work effort to sponsored contracts. The committee is currently looking at eight different options to resolve the current problems.

The discussion that followed raised questions about how other institutions (not just in Idaho) dealt with this. With regard to our peer institutions, it was suggested that they may not have to deal with a state statute that restricts this type of pre-payment. The state schools have spread-pay but the payments correspond to the time actually worked. Thus they basically engage in deferred pay while we (at least during the fall semester) have advance pay.
We could transition to the type of retrospective payrolls used by the other state institutions, although this would involve a fairly significant one-time subsidy to bridge to the new system. A Senator suggested moving to an August to August contract. The Provost noted that this was one of the possible solutions, but this would still necessitate bridging people between July and the end of August in the first year.

FS-16-013-FSH 5300—Copyrights, Protectable Discoveries and Other Intellectual Property Rights. Chair Teal introduced Casey Inge who was in Boise. Mr. Inge was appearing (remotely) to provide an introduction to a proposed revision to FSH 5300. In July 2014 the University of Idaho (UI) submitted a revised version of FSH 5300 to the SBOE. The SBOE approved this revised version at its August 13-14, 2014 meeting. This proposed revision of FSH 5300 has not been submitted (until today) to the Faculty Senate although they have been reviewed by the UI Intellectual Property Committee. The major points of the proposed revisions are:*

- With respect to claims by the University to intellectual property arising from use of university resources, the University increased the scope of such claims, for copyrightable works and protectable discoveries, to be consistent with SBOE policy changes made in 2010.
- With respect to the transfer to the University of intellectual property rights claimed by the University and/or Board, the university policy now reflects the SBOE “requirement that institution employees...make a present assignment to the institution of rights, including future rights, in intellectual property to which the Board claims ownership by this policy....”
- The SBOE policy required further clarification regarding institutional responsibility for the protection and commercialization of university-owned intellectual property and the distribution of royalties generated from commercialization of university-owned intellectual property.

*Due to difficulties following Mr. Inge’s comments caused by transmission interruptions on Scopia, the above summary comments are taken directly from the handout Mr. Inge provided to the Senate.

A Senator raised a question with regard to FSH 5300 B-2-b UI Sponsored Materials. The concern raised was that the retention of rights for UI faculty under B-1 isn’t specifically applied to other sections of the policy. This omission might result in ownership being assigned to the University that should belong to the faculty member. Mr. Inge responded that he would be willing to look at the issue and consider more comprehensive exclusions.

Another Senator raised a question about consulting activities. This policy doesn’t specify how discoveries made while someone is a consultant would be handled. Mr. Inge suggested that consulting activities were covered by not being claimed. He acknowledged that this could be made clearer and he would look into including something that addresses consulting.

Another question asked about what was meant in C-1 by the phrase “U.I. facilities (other than those resources openly available to the public).” Does this include facilities that are open to the public for a price? Mr. Inge stated that he understood this to mean facilities that are open to the public without charge. The Senator suggested that the language be changed to reflect that. A related question involved discoveries made at home using a university owned laptop. Mr. Inge stated that whether the work was done on a university owned laptop would be one consideration (but not the only one) in determining whether the University had a claim to the discovery. The Senator noted that this was why he used a separate laptop for consulting or independent work done at home.

A final question asked about whether the UI could claim ownership of ideas generated by a student using UI property. Mr. Inge stated that they are looking at this issue.

Chair Teal suggested that those who had other questions should direct them to Casey Inge and we would be returning to this issue in future meetings.

Adjournment: A motion (Murphy/Stoll) to adjourn passed unanimously at 4:15.

Don Crowley, Faculty Secretary and Secretary to the Faculty Senate