

SPECIAL SESSION OF THE FACULTY SENATE (Norman campus)

The University of Oklahoma

Monday, June 16, 1980 -- Oklahoma Memorial Union 165

Dr. Greg Kunesh, Senate Chair, called the special session to order at 3:00 p.m.

Present:

*Baker				
Brown, H.	Eick	*Hayes	Lis	Seaberg
Brown, S.	Flowers	Herrick	Menzie	Self
Covich	Foster, T.	Kunesh	*Moriarity	Sorey
Davis	Gabert	Lancaster	Pfiester	Thompson
*Dunn	*Graves	*Lanning	Rowe	*Unguru
	*Hardy	Lindstrom	Saxon	Whitmore

Provost's Office representative: Ray

AUOPE representatives: Cowen Guyer

* Incoming Senate members 1980-83

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APPROVAL OF MINUTES

The Journal of the Faculty Senate for the regular session on May 5, 1980, was approved.

CREDIT FOR ATTENDANCE AT SPECIAL MEETINGS

Professor Gary Thompson moved that, in accordance with precedent, Senators present at this special meeting and/or the special session scheduled for July 21 be given the privilege of using such attendance to offset any absences during the academic year, 1980-81. The motion carried, without dissent.

SUSPENSION OF RULES: Voting privilege for outgoing and incoming Senate members

Professor Mary Esther Saxon moved that Senate rules concerning voting eligibility be suspended for the two special sessions this summer (June 16 and July 21) so that both the outgoing and the incoming members of the Senate may vote, regardless of official representation. Without dissent, the Senate approved the motion.

FOLLOW-UP REPORT (II): "1978 Faculty Position Papers"

Background information: During the 1977-78 academic year, Senate ad hoc Committees prepared "Faculty Position Papers" on the following five areas of faculty interest:

- (1) Budgetary priorities
- (2) Educational priorities
- (3) Faculty governance
- (4) Faculty salaries and fringe benefits
- (5) Image of the University

The full text of each final report, after Senate approval, was published in the Senate Journal. (See pages 9-25 of the Senate Journal for May 1, 1978.) The "Faculty Position Papers" were published in bound, booklet format and distributed to all Norman campus faculty members at the beginning of the fall semester, 1978.

During the 1978-79 academic year, similar Senate ad hoc Committees prepared the Follow-up Report (I) on the "1978 Faculty Position Papers." (See pages 5-8 and 7-13 of the Senate Journals for April 9, 1979, and May 7, 1979, respectively.) Follow-up Report (I) was also published in bound, booklet format and distributed to Norman campus faculty members.

In view of the continuing faculty interest in the five areas mentioned above, five new ad hoc Committees were selected last fall to prepare their respective segments of Follow-up Report (II) on the 1978 document. Final reports of these five Committees were distributed to Senators in advance of this meeting.

Senate action: Professor Gabert moved that all five Committee reports be accepted for publication both in this Journal and subsequently in bound, separate format for distribution next fall to all faculty members on the Norman campus. Without dissent, the Senate approved the motion.

The full text of Follow-up Report (II), as approved, follows.

1980 Follow-up report of ad hoc Committee on Budgetary Priorities

In the original (1978) report, background information explaining the budget-making process was defined. This information is still valid.

At that time, concern was expressed at the apparent decline in influence of the Budget Council in "recommending and advising the President and other appropriate administrators on matters concerning fiscal policies and resources of the University."

In 1979, the review committee was able to report on improved dialogue between the Budget Council and all levels of the administration. Liaison subcommittees were established with the offices of the Provost and all the Vice Presidents. It was hoped that these improved relationships would continue.

This review committee feels that the communication channels have improved. However, the impact of the Budget Council on budget decisions is still somewhat in question.

One new source of funding has been established in the last year or so. This is the Associates fund, which is financed by private donors to the University. Last year, this group provided about \$800,000 in new funds. These funds were expended as follows:

Research Equipment and Student Research	\$390,000
Instructional Equipment	30,000
Library Enrichment and Scholarly Publications	123,000
Symposia and Scholarly Meetings	31,000
New Faculty and Visiting Scholars	119,000
Special Events and New Programs	57,000
Awards, Honors, and Fellowships	60,000

Last year, these funds were allotted through meetings with the President's staff and the Provost. However, most of the requests were for specialized research or instructional equipment. As such, it has been proposed that future expenditures in research equipment will be handled through the Research Council. This mechanism would also provide for greater faculty input into how the monies are to be expended. It should be noted that, although these are generally one-time expenditures, the possibility exists that the sums may be included in the next year's budget. For instance, the monies provided for instructors have been annualized in the new budget.

Six budgetary priorities were established in the original (1978) report. Following is an update on each of these:

1. Salaries of OU employees:

The 12 percent proposed increase for all university employees should help to bring OU's salaries in line with the Big Eight average. The fringe benefit package is already somewhat better than those of other universities. With 20 percent inflation, and the other salary increases of other universities still unknown, the overall impact of the universities' salary increases is yet to be determined; the current raises are unlikely to move OU salaries past the midpoint of Big Eight salary levels.

2. Library Funding:

The library staff will receive the same amount of increment for salary and wages that the rest of the university received. In addition to the \$400,000 that was made available for acquisitions last year, another \$300,000 was made available to increase acquisitions for the current year. If more funds are available, the library is high on the list to receive those funds.

3. Student Scholarships:

Attempts have been made to computerize the Financial Aids office in order to do a better job with less money. Since the amount of money for student scholarships is fixed by law, there are unlikely to be any new permanent sources for student scholarships.

4. Career Development:

It is hoped that the new year's budget will have money built in for both teaching and research development. The Provost for Instruction has requested \$200,000 for instruction; the Graduate Dean has requested at least \$300,000 for research and equipment. The Energy Resources Center was noted as financing some summer faculty research, both in the past and currently. Administrative career development has not been financed by the University recently; it was felt that research and teaching career development were higher priorities.

5. New Programs:

The University's position remains similar to last year: New programs are not desirable until the University is able to strengthen the currently existing programs. The University's very active recruitment of minority faculty, which has occurred in the last 6 to 9 months was noted; as was the review currently ongoing of minority and women's salary status.

6. Faculty Hiring:

Some areas of the University have shown tremendous growth in student enrollment in the last five years. For example, Engineering has shown a growth of 108 percent. These areas are high on the priority list for new funds. However, only \$400,000 is available for new positions from new monies. In the budget of the \$400,000, \$200,000 is allocated for new positions in Engineering; with \$100,000 each for Fine Arts and Business Administration. As noted above, most of the available monies are going for increases in salaries and wages. As student enrollment shifts, reallocation of positions remains a problem.

In summary, this review committee feels that the administration has indicated an interest in addressing the needs expressed in the Budgetary Priorities Position Paper of 1978. Some of the priorities have received attention in the current budget. Additional consideration should be given these priority areas in future budgets.

Respectfully submitted,

Patricia Self (Psychology)
Homer A. Brown (Accounting), Chair

1980 Follow-up report of ad hoc Committee on Educational Priorities

This report is again based on a lengthy interview with Provost Morris, as well as discussions and conversations with other members of the administration and the faculty over the past year. Figures in the report were provided by Provost Morris or are included in the Budget Guidelines which the administration has issued to the various colleges of the University.

In discussing the priorities which the administration has established for the coming year, it is encouraging to note that all of these priorities directly affect the instructional and research missions of the University. Provost Morris listed these priorities as follows: salary increases for the faculty and staff, an increase in the maintenance and operating budgets; the addition of faculty positions in areas where the faculty/student ration is critical; funds for library acquisitions, particularly in the areas of journals and periodicals; and funds for instructional and research equipment.

Budget Guidelines distributed to the departments call for a 6 percent cost-of-living increase to be provided each member of the faculty and for an average 6% increase to be awarded on the basis of merit. The stated goal of the administration is to provide an average 12 percent improvement in both salary and wage budgets. The extent to which an average increase of 12% can be achieved, however, remains to be seen, in view of the amounts that certain departments are to receive for merit increases. (See "Faculty Salaries and Fringe Benefits.")

These same Guidelines call for increasing the maintenance and operating budgets of the departments by an average of 9 percent. The administration is aware of the inequities that exist among the various departments and is working on a formula to provide for a more equitable distribution of such funds. It is recognized that an average increase of 9 percent hardly counters the inflationary trend, but a further increase in such funds at this time is deemed impossible in light of the 12 percent allocation to faculty salary improvement. The need for additional support in this area remains obvious.

Efforts are being made to recognize and to effect improvements in areas where the faculty/student ratio is critical. The areas considered most critical at this time are business, engineering, and mathematics. Recruiting efforts are underway, although recruiting for positions in engineering, for example, requiring the Ph. D., is difficult due to competition with industry. The administration is aware that many departments are understaffed and a study has recently been completed showing the ratios for all instructional units on campus. The sum of \$75,000 of Associates' money is to be provided for improving instruction in mathematics this year, and it is encouraging to note that funds for this purpose are projected for the following year. The sum of \$75,000 will again be provided for improving instruction in English, to be provided from hard monies.

Concerning funds for library acquisitions, Provost Morris stated that \$400,000 was added last year to the base allocation for the library, which made possible the acquisition of 583 new journals and periodicals. An additional \$400,000 has been budgeted for the coming year, making a total of \$800,000 over a two-year period that will have been added to the library's base for the purpose of acquisitions. The administration is keenly aware of the need for the increased funds for the library, and of the fact that the University needs to double its allocation to the library in order to equal the average of the other Big 8 universities, excluding OSU.

Stipends for graduate assistants continue to be grossly inadequate and the need for improvement is recognized. Funds for such improvement are included in the 12% overall increase for salaries and wages. The previous goal of \$3700 for graduate assistants teaching six hours has been achieved, and plans call for raising

the minimum stipend to \$4000 for the coming year. This problem, however, continues to be one of the most serious faced by the University, and efforts to further improve these stipends must be given the highest of priorities.

Inadequate computer facilities have presented a serious problem both for the instructional and the research missions of the University. This problem is being addressed with plans for significant acquisitions of new equipment. However, important decisions will still need to be made regarding the relative allocation of the new capacity between instructional and research support.

The need for additional funding for research and instructional equipment has been acknowledged and assigned a high priority. Already \$500,000 has been identified and designated for this purpose. In the area of organized research, Provost Morris noted that the State Regents are highly supportive of research and wish to see funds allocated to research more clearly reflected in the budget. He added that the budget format has been extensively revised so as to reflect the total amount of monies that are provided to research. He noted that the percentage of such funds has been doubled and that the new format will show more clearly the total amount of funds assigned to this purpose. Utilizing this new budget format, Provost Morris indicated that for 1979-80 a total of \$5,584,996 was provided for organized research on the Norman campus.

In the area of student scholarships, the picture appears currently brighter largely due to expanded Federal aid available. One-fourth of the students receive financial assistance of some type, although the limit of \$500, which a student may receive in total support from the University, is recognized as low and it is proposed to raise this limit to \$1000. There seems to be little possibility of increasing funds for merit scholarships at this time, however, since no sources of such funds appear available.

Respectfully submitted,

Jim Artman (Modern Languages), Chair
Marilyn Flowers (Economics)

1980 Follow-up report of ad hoc Committee on Faculty Governance

This report is based upon information received from Faculty Senate members, Chairs of faculty councils and committees, in particular the chair of the ad hoc Committee to Review the University Council and Committee Structure, the report of the ad hoc Committee, questionnaires submitted to the ad hoc Committee, and the Journal of the Faculty Senate.

The information available indicates no fundamental change from the situation reported by the 1978 Position Paper and the 1979 Follow-up Report. Some progress has been made, but significant problems remain. Notably, members of the university councils and committees continue to report that these bodies are frequently utilized by the administration to provide endorsement of administrative decisions rather than faculty input in decision making. (See 1979 Follow-up Report, page 7, item 6.) They are sometimes asked to ratify administrative actions without sufficient time or data to make an informed and independent decision. Also, there is a need for greater input concerning long-range planning rather than waiting until a matter becomes of immediate concern before action is taken. It should be noted that the committees and councils vary widely in the effectiveness of their internal operations and in their channels of communication with the administration, abilities to provide input in the formulation of policies by the administration, opportunities to review administrative policies and decisions, and levels of satisfaction with their current roles in faculty governance.

During the past year, the matter which appears to have generated the most concern about faculty governance was the University Library expansion. While the proposed expansion had the endorsement of the Administrative and Physical Resources Council and the Budget Council (Spring semester 1979 reports, pp. 4 and 9) and, no doubt, the support of the faculty as a whole, the initial design was developed without substantial participation by members of either the Administrative and Physical Resources Council or the University Libraries Committee, despite administrative pledges to involve the faculty in the library expansion program. After the initial design met with considerable opposition from the University community, revised plans were made available for viewing by faculty and staff and were considered by both the Administrative and Physical Resources Council and the University Libraries Committee. They agreed upon the concept of the six-story structure to be built west of the present library site (Senate Journal: September 1979, pp. 4-5; October 1979, pp. 21-22; November 1979, p.2; March 1980, p.4).

Other matters about which substantial concern was expressed include the effectiveness of the Faculty Appeals Board (Senate Journal: December 1979, p.4) and the development by the Deans' Council, without the participation of other faculty, of a draft campus-wide "Annual Faculty Professional Activities and Evaluation Record" (Senate Journal: March 1980, pp. 9-11). President Banowsky has rejected the policy on discontinuance of non-academic programs proposed by members of the Budget Council and the Administrative and Physical Resources Council (Senate Journal: March 1979, pp. 2-3), but members of these councils are continuing to evaluate this matter (Senate Journal: March 1980, p. 5). On a more positive note, Faculty Senate recommendations concerning extension of insurance coverage and grade policy were approved by the President (Senate Journals: September 1979, pp. 3-4; May 1979, p. 2) and the President announced at the Spring 1980 General Faculty meeting that there would be greater involvement of the Research Council in the process of allocating O.U. Associates funds.

Major faculty initiatives concerning faculty governance during the past year were the efforts of the Senate Executive Committee to establish more effective channels of communication between the Faculty Senate and University councils and committees (Senate Journal: January 1980, p.3) and the establishment of and report by the Senate

ad hoc Committee to Review the University Council and Committee Structure (Senate Journal: December 1979, p. 2). The committee's report is a valuable source of information concerning the operations of University councils and committees as presently constituted and proposals to change the structure and functions of councils and committees. Reference should be made to the report in conjunction with this follow-up report. The report notes: "(T)here is no general dissatisfaction with the operation of the council and committee system, and ... the concept of faculty governance through these agencies is widely supported. ...One general concern... has been ... the lack of appropriate incentive for participation in the system of University governance. Evidently, some departments do not weigh such participation in evaluating performance for merit salary increases; or at least, it is perceived that some departments do not weigh it sufficiently."

There is not only support among the faculty for the concept of faculty governance but also substantial willingness to participate in the governance process, in cooperation with the University administration, and substantial ability to make valuable contributions to it. It is important that faculty participation be facilitated and encouraged by greater recognition of its value, in merit evaluations and otherwise; by greater utilization of the organs of faculty governance as forums for the consideration of the ideas and goals of faculty members, as well as the administration; and by continued efforts to enable faculty members most interested in faculty governance to participate in positions where they can make the most effective contribution.

Respectfully submitted,

Trent Gabert (HPER), Chair
Peter Kutner (Law)

1980 Follow-up report of ad hoc Committee on Faculty Salaries and Fringe Benefits

Salary increases in 1979-80 averaged 6.1% for Professors, 5.3% for Associate Professors, and 7.2% for Assistant Professors. These raises were smaller than those of the preceding year which fell substantially short of the 13.2% increase in the consumer price index (U. S. Bureau of Labor Statistics, Monthly Labor Review). Current projections predict an inflation rate of about 18% for 1979-80 and it is clear that the average 5.9% increase in salary (or 7.4% with fringe benefits included) represents the greatest loss to inflation suffered during this decade. Faculty members have experienced a 10-12% reduction in real income.

The comparison of OU faculty salaries to those at other institutions has become a perennial source of anguish. According to the AAUP report (Academe, Sept. 1979) OU ranks in the lower 40% of universities in compensation to Professors and Associate Professors and in the lower 20% for Assistant Professors and Instructors. The disgraceful level of OU's faculty salaries has been further demonstrated in a report of the Senate Faculty Welfare Committee (Journal of the Faculty Senate, February 1980). That report featured a comparison of OU departmental salaries to those at member institutions of the National Association of State Universities and Land Grant Colleges. It showed that 11 departments rank in the bottom 10%, 19 are in the bottom 20%, and 31 are in the bottom 33.3%. None of the total 37 OU departments ranked above the bottom 55%.

Within the Big Eight, OU and OSU rank 7th and 8th, respectively, in faculty salaries. President Banowsky seeks a 12% increase in the money budgeted for salaries during 1980-81. Such an increase would place OU at the conference average assuming other institutions in the Big Eight average 7% increases.

The sad fact is that OU salaries continue to rank low in the national higher education system, a system that ranks increasingly lower in the national economy each year (Figure 1). Our faculty becomes increasingly disadvantaged in the marketplace and will continue to do so until it is recognized by both administrators and legislators that anything below a cost of living increase is truly punitive. It is ludicrous to speak of "merit increases" for employees when such raises fail to keep pace with inflation. Additional "merit" increments under present conditions merely mean that the employee being recognized (not rewarded!) suffers somewhat less economic punishment than his or her less distinguished colleagues.

It must also be recognized that increasingly larger amounts have been retained from faculty paychecks over the last decade to pay Social Security and Teachers' Retirement as seen in Table 1.

In terms of fringe benefits, the situation is much better since the University has remained on schedule with the TIAA-CREF contributions, which will go to 15% (\$9000 base) next year. Our position is virtually at the national average for all institutions of higher education.

The 1978 Position Paper called for improvements in the fund distribution policies applied by the State Regents. For the last few years, a program budgeting procedure has been followed, which goes beyond a mere headcount and even considers areas of strength and trends in other major universities. In this system, an attempt is made to project costs of the various programs and include inflationary factors. This information is used to structure the Needs Budget Request presented to the legislature. Marked increases are evident in the Needs Budget of the past 7 years for both Organized Research and Extension and Public Service. From 1974-75

through 1978-79 the asking for Organized Research was 7.5% of the Instructional Program Budget (IPB), \$2,923,379 in 1978-79. In 1979-80 it was 12% of the IPB (\$5,106,235) and in 1980-81 it is 14% (\$6,894,508). Extension and Public Service askings were 7.0% of IPB for 1974-75 through 1978-79 and rose to 8.0% for 1979-80 (\$3,404,157) and 1980-81 (\$3,939,719). This is encouraging since it is now recognized that research and service expenses legitimately include specific portions of faculty and staff salaries. The trend of increasing support in the area of organized research should continue since the State Regents also consider external trends (at other universities) in the annual determination of need.

The actual appropriations made by the Legislature are of crucial importance. Figure 2 compares the askings of OU to those of the Regents and to the State appropriations. Askings and appropriations are apparently converging. Hopefully this indicates a more reasonable procedure in the formulation of needs and a growing credibility of the University with both Regents and Legislators.

The 1978 Position Paper also suggested that lack of adequate financial support increases the loss of good faculty members and inhibits the hiring of new faculty. This is a difficult issue to assess and it was decided to poll the Norman campus departments with regard to departing faculty and new faculty. Table 2 summarizes the 25 responses that were received. The average salary increase for departing faculty is 31% of the present average salary on the Norman campus. Of those departing, 81% found better career opportunities and 49% found better facilities. In trying to hire new faculty, 34.5% of the offers were refused. It is clear that both career opportunities and facilities are major concerns. It is also apparent that, although departures are practically balanced by new faculty, the relative number of Instructors and Assistant Professors increased at the expense of the Associate Professor and Professor ranks. The Provost's Office prepares an annual Summary of Faculty Loss and New Faculty. For 1978-79 this summary indicates 76 new faculty of all ranks. Excluding the rank of Instructor reduces this number to 65 and further exclusion of "Visiting" ranks lowers it to 48. Losses for the same year, excluding Instructor and "Visiting" ranks, total 38 of which 11 were tenured.

Respectfully submitted,

William F. Eick (HPER)
Stanley C. Neely (Chemistry), Chair

Table 1: Withholding for Social Security and for Teacher Retirement

<u>Year</u>	<u>Social Security</u>		<u>Teacher Retirement</u>	
	<u>base</u>	<u>amount</u>	<u>base</u>	<u>amount</u>
70	\$7,800	\$374.44	\$7,800	\$390.00
71	7,800	405.60	7,800	390.00
72	9,000	468.00	7,800	390.00
73	10,800	631.80	7,800	390.00
74	13,200	772.20	8,900	445.00
75	14,100	824.85	9,500	475.00
76	15,300	895.05	10,000	500.00
77	16,500	965.25	10,000	500.00
78	17,700	1,070.85	10,000	500.00
79	22,900	1,403.77	15,000	750.00
80	25,900	1,587.67		

Table 2: Faculty Turn-Over 1978-80
(25 Departments Responding)Departures

Ranks: 1-Instructor; 16-Assistant; 16-Associate; 4-Professors (16 tenured)

Avg. Salary Increase (9 mo. base; only moves to other academic positions):

\$6300 (std. dev. \$3800)

Reasons: Better Facilities (18); Better Location (16); Better Fringe Benefits (14);
Better Career Opportunities (30)

New Faculty

Offers: 4-Instructor; 39-Assistant; 7-Associate; 5-Professor

Refusals: 0-Instructor; 15-Assistant; 3-Associate; 1-Professor

Concerns Expressed: Facilities (23); Fringe Benefits (8); Geographic Location (19);
Career Opportunity (28).

INDEX 1967-68 = 100

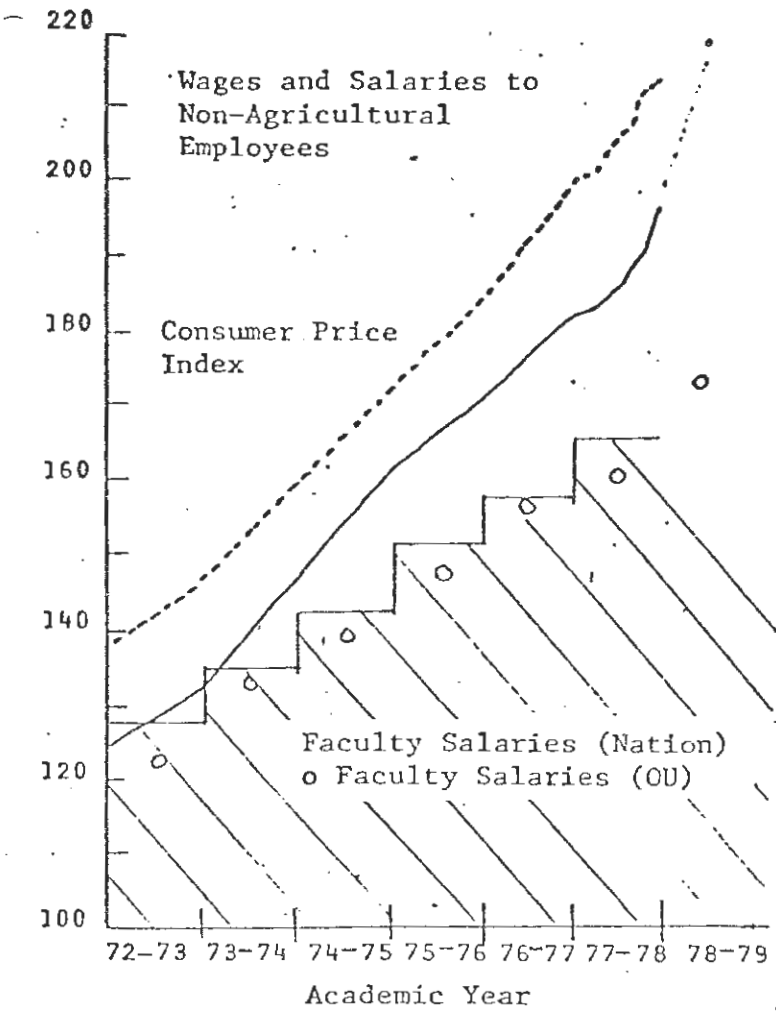


Figure 1. Academic salaries and other wages compared to the cost of living

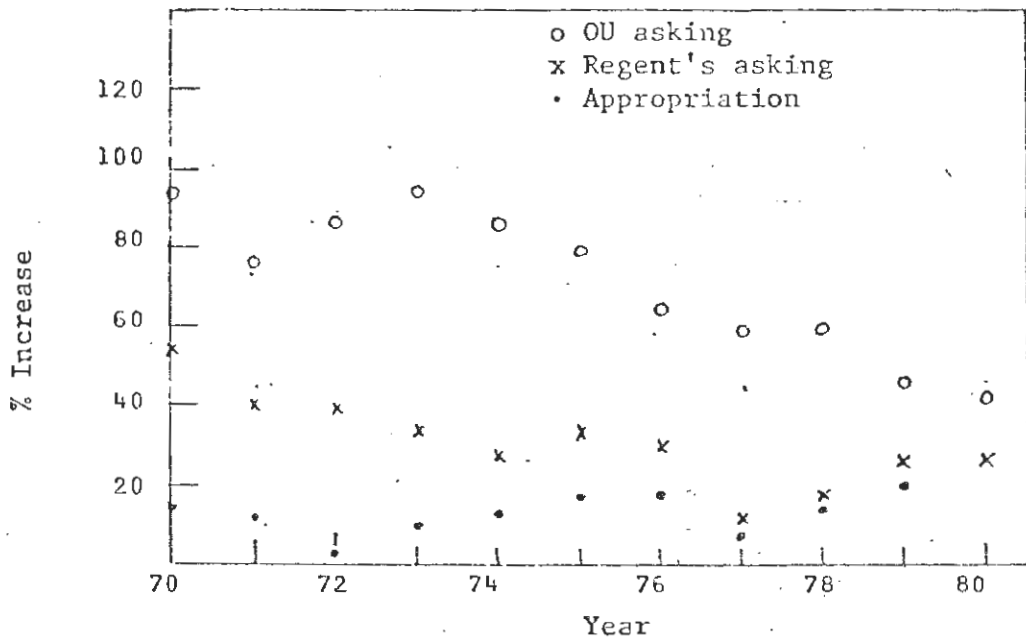


Figure 2. Asking budgets for OU and Regents compared with state appropriations

1980 Follow-up report of ad hoc Committee on Image of the University

The following report is an attempt to provide an updated version of the 1978 and 1979 Faculty Senate Position Papers on the image of the University.

In order to assess the faculty's current impression of the image of the University, a questionnaire was developed and submitted to all members of the Faculty Senate and other randomly chosen faculty members on the Norman campus. The questionnaire covered adequacy of faculty salaries, effectiveness of the administration at Regental and University levels, the image of the University as both seen from within and as seen by Oklahomans, appropriateness of faculty work loads, adequacy of time allotted for research and creative activity, and adequacy of communication between the University and the State Legislature. Of the one hundred questionnaires distributed, approximately seventy were returned. The Committee also attempted to assess the students' perception of the University via a questionnaire placed in the Oklahoma Daily. Unfortunately, only eight questionnaires were returned, thus rendering the data inconclusive.

Results of the compiled questionnaires appear to indicate an image of the University that is, at best, only slightly over the 1979 "Position Papers." The effectiveness of administration at the Regental level tended to be somewhat below average for the Oklahoma Higher Regents and average for the University of Oklahoma Board of Regents. On the University level, the effectiveness of the President and the Provost received ratings that were well above average. The effectiveness of the Deans was rated as below average and the Directors/Chairs were classed as average.

Internal items of specific concern to University faculty, including adequacy of salary, faculty work loads, time allotted for research and creativity, and University recognition of community service, were all rated below average in this survey. It must be noted that the Legislative funding process which specifically affects University funding, including faculty pay increases, was in court arbitration at the time the questionnaires were distributed. Had the projected pay increases not been in question, perhaps this area might have been viewed differently.

In terms of faculty perception of the University, those who had responded rated the self-image of the institution as below average. The external image (the University as seen by Oklahomans) was considered average.

The adequacy of communication between the University and the Legislature was rated below average.

In summary, the areas that had received positive responses were the administration at the Presidential and Provost levels. Areas that need the greatest improvement include items of specific faculty concern, such as faculty salaries, work load, time allotted for research and creative activities, and University recognition of community service.

Respectfully submitted,

David Etheridge (Music), Chair
Ned Hockman (Journalism)

PROPOSED UNIVERSITY COPYRIGHT POLICY

Background information: During the academic years, 1973-74 and 1976-77, the Faculty Senate submitted to the University administration separate proposals for a University copyright policy. To date, no final action has been taken by the administration on either proposal.

Last year, the Faculty Senate (Health Sciences Center) requested the reactivation of efforts to establish a University-wide copyright policy. On June 22, 1979, President William S. Banowsky directed the University Chief Legal Counsel to study this matter and prepare a draft proposal for consideration of both Senates. Mr. Stan Ward, University Chief Legal Counsel, submitted a seven-page draft proposal, with copies to both Faculty Senates, on August 3, 1979.

The officers of the Norman Senate on August 27, 1979, referred that draft to the University Patent Advisory Committee for its review and recommendations.

The Norman Senate on October 8, 1979, approved the Committee recommendation that the policy draft be returned to the Chief Legal Counsel for major revisions. On October 19, President William S. Banowsky acknowledged the Senate action with the comment that the Chief Legal Counsel would review the Committee's recommendations and that a revised version would be forthcoming for that Committee's reconsideration. (See page 2 of the Senate Journal for November 12, 1979.)

On November 19, 1979, the officers of the Norman Senate appointed a seven-member ad hoc Committee to study this entire question and, in the process, consult with both the counterpart ad hoc Committee at the Health Sciences Center and the University Patent Advisory Committee. (See page 15 of the Senate Journal for October 8, 1979.)

The Committee submitted its final report to the Senate late in April. Copies thereof were distributed to Senate members on the Norman campus, as well as to the officers of the Health Sciences Center Senate.

On May 22, 1980, the Faculty Senate (Health Sciences Center) approved the final report of that Committee.

Senate action: Professors Laura Gasaway and Michael Abraham, members of the ad hoc Committee, were present at this meeting to answer questions. During the short discussion period, the following points were made:

- (1) In response to the 1978 law passed by Congress, many universities are now in the process of developing their own copyright policies. Few institutions have a copyright policy; most do have a patent policy.
- (2) The proposal submitted by University Chief Legal Counsel Stan Ward follows the Oklahoma State University policy very closely. In recent discussions with Committee members, Mr. Ward indicated his continuing preference for using the OSU document as a model.
- (3) The copyright issue at this University has never been presented as an income question. The Committee's investigation of "alleged pressure" from the State Legislature failed to disclose any basis for those allegations. The suggestion was made from the floor that copies of the proposed policy be forwarded to State Senator Lee Cate and State Representative Cleta Dethearage as an indication of faculty interest in this matter.

Subsequently, Professor Saxon moved approval of the proposed copyright policy. Without dissent, the Senate approved the motion. The full text of the proposal follows.

Final Report of the Senate ad hoc Committee on University of Oklahoma Copyright Policy

(approved by the Faculty Senates, Health Sciences Center on May 22, 1980,
and the Norman campus on June 16, 1980)

Charge and Recommendations

The charge of this committee was to prepare a draft of a Proposed University Copyright Policy acceptable to the faculty and staff of both campuses and to recommend whether copyright matters should be handled by the University Patent Advisory Committee or by an independent University committee. The attached "Working Draft Copyright Policy (4-1-80)" is the result of work by the committee concerning our charge.

Two features of the proposed policy should be highlighted. First, the main premise of the policy is, as a general rule, that all rights to copyrightable materials should reside with their creator(s). This contrasts sharply with the policy drafted by the University Chief Legal Counsel which is based on the premise that, except in certain specific cases, the copyright belongs to the University. The committee believes there are ample legal, traditional, and practical bases for its position. Second, the draft policy calls for the establishment of a University Copyright Committee independent of the existing University Patent Advisory Committee. Although copyrights do have a superficial resemblance to patents, they are treated separately by federal law and by academic tradition.¹

Consequently, the committee recommends:

- (1) That the Senate adopt the attached draft policy or one consistent with the working premise that copyright belongs to the creator.
- (2) That the University administration investigate the need for a policy governing the University use of material already copyrighted.

To expand on recommendation (2), the committee examined the copyright policies of other universities and found that many of these were concerned with the use of copyrighted materials by libraries and instructors. The committee feels that, because university employees might unknowingly involve the University in law suits, this could potentially be an important issue. This committee would be happy to share its collection of copyright policies that emphasize this aspect of copyright.

Activities of the Committee

In drafting the proposed policy, the committee performed a number of tasks including: (1) a review of the history of copyright policy activities at OU during the 1970's; (2) several joint meetings with members of the HSC ad hoc Committee on Copyright and periodic contact with the committee's chair, Morris Wizenberg; (3) legal searches and legal opinions gathered from leaders in copyright law (carried out by the committee's own copyright law specialist, Laura Gasaway); (4) an examination of university copyright policies from documents and from a survey of AAU colleges and universities; (5) a review of the draft policy by the Employee Executive Council; (6) solicitations of comment by several professional groups, such as AAUP, the Authors' League, and ASCAP; and (7) contact with the University Chief Legal Counsel to sample his views.

Because of the recent history of copyright concerns at OU (resulting in the Copyright Policy drafted by the Legal Counsel) and because of formal and informal contact between the Legal Counsel and various members of the committee, we wish to outline

¹Arguments supporting this view are included in the 1974 Oklahoma University copyright policy report. (See pages 8-10 of the Norman campus Senate Journal for May 6, 1974.)

the basic issues associated with copyright ownership. The following divides the discussion into legal, precedent, and practical and academic issues.

Legal Issues

There are two major legal issues concerning copyright ownership and royalties which were considered by the committee. One is the "work for hire" provision of the federal copyright law, and the other involves the requirements of state law.

According to the 1976 copyright law, a "work for hire; is a work prepared by an employee within the scope of his or her employment or a work expressly agreed to be a work for hire by contract. To determine the "scope of employment," the committee researched the legal literature and contacted a number of copyright experts (including Melville Nimmer, one of the country's leading experts in copyright law). The experts consistently agree that, in the absence of an express contract for hire, copyright belongs to the creator unless he/she is required by employment to produce specific works. Factors that are considered include whether the author's work was edited by the employer and whether there was any control over the style and content of the work. According to Nimmer (in a telephone conversation with a member of the committee), the copyright law was never intended to be applied in the manner suggested by the Legal Counsel's draft policy.

If the work is related to the employee's job but not part of his or her specific duties, the work is considered outside the scope of employment. For example, because the University does not specify how a professor is to meet the requirement of publishing research (i.e., specifically what research to do and how to do it), then any resulting copyrightable material is considered outside the scope of employment. Further, professors now have a copyright in their lectures and, therefore, have the exclusive right to publish and create derivative works based on them (e.g., textbooks). This view is upheld in a memorandum from the U.S. Copyright Office.¹ If existing contract requires the assignment of copyrights to others (e.g., if a grant requires the assignment of copyrights), or if the employee is hired to produce specific copyrightable material as a condition of employment, the copyrights are assigned according to the contract.

The issue involving state law is not concerned with copyright ownership so much as with the distribution of royalties and the use of public resources to support the development of copyrightable work. The legal literature was searched for a state law that requires state employees to pay for the use of public resources when used to produce copyrightable material. No such law was found. The state law does not directly concern itself with copyright. An indirect reference to the use of state property can be found in Article X, section 15 of the Oklahoma Constitution, which states:

"The credit of the State shall not be given, pledged, or loaned to any individual, company, corporation, or association, municipality, or political subdivision of the State; nor shall the State become an owner or stockholder in, nor make any donation by gift, subscription to stock, by tax, or otherwise, any company, association or corporation."

In searching legal opinions based on this quote, the committee was unable to find anything that governed the use of university resources (such as the library, lab equipment, photocopy machines, or typewriters) to produce copyrightable works.

¹A copy of this memorandum is in the committee's files.

The examples cited in legal sources are concerned with money or tangible items. The use of the word "credit" is not synonymous with "resources." Very clearly the University cannot give an employee any funds or equipment without compensation, but this restriction does not appear to include the use of University equipment or resources. The University, for example, can allow individuals (both employees and non-employees) to use the library for the purpose of doing research for a copyrightable book without requiring compensation for the use of lights, library furniture, and wear and tear on books.

In the committee's opinion, the attached proposed policy is compatible with both federal and state laws.

Precedent Issues

To ascertain what other universities have as copyright policies, the Norman and HSC committees requested information from members of the Association of American Universities. In addition, the Legal Counsel provided the committee with a document entitled "Patent and Copyright Policies in Forty-Five Colleges and Universities." Although several items of the information collected preceded the 1976 Copyright Act, the committee did not feel the new federal law differed from the old law in ways that invalidated the general approach taken by these policies. With few exceptions, the approach to copyright taken by universities falls into three categories: (1) universities with no stated copyright policy, (2) universities having a written copyright policy that is limited to matters concerning the use of material already copyrighted, and (3) universities having a written copyright policy that leaves the copyright in the hands of the creator with specified exceptions. Our proposed policy is similar to those of the third group.

The Oklahoma State University's copyright policy is based on the general premise that the copyright belongs to the University except under specific circumstances. This policy is quite similar to the draft policy submitted by the Legal Counsel. To determine how the OSU Policy was administered, several members of the committee contacted colleagues at OSU. Many of the OSU faculty contacted were unaware that OSU even had a copyright policy. In a conversation with a committee member, the Chair of the OSU Copyright Committee stated that his committee sees very few items and then only when there is significant conflict. Also the conflicts generally center around items defined as "works for hire"; i.e., items produced by faculty or staff on specific assignments. Further, the OSU faculty generally does not report items for copyright. Items actually reported constitute a very low percentage of copyrightable items produced by university personnel. OSU has had a copyright policy for a substantial length of time. The 1974 policy supplied to us is an update of a former policy. Their present policy is under review by OSU.

In summary, the precedent is that universities that have copyright policies concerned with ownership generally allow the creator to maintain possession except in obvious cases of "work for hire." In the only case (OSU) we have been able to find where this is not true, the copyright policy is, for all practical purposes, ignored.

Practical and Academic Issues

If the University reserves the rights to copyrightable materials produced by its employees, it is likely to become embroiled in a plethora of practical and academic problems that will waste vast amounts of administrative time and energy and create negative tensions among various parts of the University. In addition to the basic problem of enforcing such a policy, questions arise concerning who will negotiate with publishers and granting agencies and who will enforce copyrights by suing infringers.

Obviously making the University a middleman between the creator and a publisher will create difficulties that will certainly discourage scholarly activity. The loss of time resulting from negotiating with the University can disadvantage an individual working in a competitive and fast-moving field. Adding extra steps in the process of meeting deadlines can be discouraging. Also, the loss of control over copyrightable material by the creator makes censorship of controversial material a very real possibility.

Perhaps the best method of summarizing these issues is to quote from a letter written to the Committee by E. L. MacCordy, Associate Vice Chancellor for Research at Washington University, St. Louis, Missouri:

"Over the years we have found it necessary to deal with a variety of copyright questions but have not seen the need nor value of having a published policy. Obviously this position reflects a de facto policy leaving such rights with authors etc. Thus, most often our involvement is to assist the faculty in matters of concern to sponsoring agencies.

"Our position on this matter reflects four primary points. First, recognizing that copyright covers a multitude of forms from poetry, novels, textbooks, drawings, paintings, architectural designs, photographs, recordings, etc. we can't relish the idea of trying to develop a logical and consistent policy to effectively deal with the diverse situations attending these many forms. Second, we do not view the faculty as individuals "hired to write" for the university corporation. The creation of such materials is most often an ancillary activity to the primary functions of teaching and research. Third, the University has little to offer the creator of copyrightable materials in the way of management, publishing or otherwise commercializing them and little assistance is needed by an individual in dealing with publishers, etc. (as contrasted with the management of inventions). Finally, the university is uncomfortable with the prospect of becoming the owner of various controversial materials (political, sexual, racial, etc.) of variable quality with the attendant responsibilities to the creator, the institution, the public, etc."

Although the Committee is sympathetic to the position of not having any copyright policy, we believe that the attitudes implicit in the Legal Counsel's draft policy do not reflect a "de facto policy of leaving such rights with authors etc." Consequently, we feel the need for an approved policy such as the one attached.

The Committee would be pleased to discuss any of these issues more fully. We would also be pleased to share the documents collected to support this report.

Respectfully submitted,

Michael R. Abraham (Chemistry), Chair
 Charles Bert (AMNE)
 Mark Elder (Office of Research Administration)
 Laura Gasaway (Law)
 Michael Hennagin (Music)
 Ronald Kantowski (Physics)
 Richard Wells (Political Science)

WORKING DRAFT - COPYRIGHT POLICY

(4-1-80)

I. POLICY

The University recognizes and encourages its faculty, staff, and student body to participate in creative and scholarly activities as an inherent part of the educational process. It is the broad policy of the University to promote creativity and scholarly activities and to expand the frontiers of human attainment in those areas to which the pursuits of the University are dedicated.

II. BASIC OBJECTIVES

Copyrights are created by the Constitution and the laws of the United States to promote the progress of science and the useful arts by securing for limited times to authors the exclusive rights to their works and writings. The basic objectives of the University's policy concerning copyright include the following:

- (A) To maintain the University's academic policy of encouraging research and scholarship as such without regard to potential gain from royalties or other income.
- (B) To make copyrightable materials created pursuant to University objectives available in the public interest under conditions that will promote their effective utilization.
- (C) To provide adequate incentive and recognition to faculty and staff through proceeds derived from their works.

III. COPYRIGHT OWNERSHIP

- A. Under the Copyright Revision Act of 1976, 17 U.S.C. §101 et seq. (1976), works of original authorship are protected by copyright from the time they are fixed in a tangible medium of expression, now known, or later developed.
- B. All University personnel, in accordance with the University's policy and basic objectives of promoting creative and scholarly activities are free to develop, create, and publish copyrightable works.
- C. Copyrighted works produced by University faculty and staff are the property of the creator of that work. All rights afforded copyright owners under §106 of the Act reside with the creator unless he or she has assigned or licensed any of the enumerated rights. Decisions relative to registering of these works with the Copyright Office are left to the individual creator.
- D. Copyright in works specifically commissioned by the University under §201(c) of the Act shall belong to the University. As copyright owner, the University shall make decisions relative to registering commissioned works.
- E. Works produced under a specific contract or grant agreement between the University and a governmental or other agency or organization are subject to the terms of the grant or contract for purposes of copyright. If copyright ownership is not specified, such rights shall reside in the creator.
- F. Where University service units (such as a Media Production Department) are involved with the production of a substantially completed copyrightable product, royalties shall be distributed between the copyright owner, i.e., faculty or staff creator, and the University as provided for in a written agreement concluded prior to work being done. The relative contribution of the creator and the unit shall be considered in allocation of royalties. If the involved parties are unable to reach such an agreement, the matter shall be referred to the University Copyright Committee.

V. UNIVERSITY COPYRIGHT COMMITTEE

- A. The University Copyright Committee shall consider disputes arising among the University, its colleges, departments, and other academic units, faculty, and staff as to copyright ownership of commissioned works and shall recommend appropriate solutions to the President.
- B. Disputes arising over the distribution of royalties for University produced works (see section III. F.) may be referred to the University Copyright Committee by either party. In such instances, the Committee shall make appropriate recommendations to the President regarding the distribution of royalties between the copyright owner and the University.
- C. The University Copyright Committee shall have as its members: one member appointed by and serving at the pleasure of the President, two appointments made by the President from at least four nominations made by the Employee Executive Council, and four members appointed by the President from at least eight nominations made by the Faculty Senate. The four appointed from the Faculty Senate nominations shall serve four-year terms, one member's term expiring each year and their initial terms to be determined by the President. The two appointed from Employee Executive Council nominations shall serve two-year terms with one member's term expiring each year. As members retire, the appropriate group shall send at least two nominations for each vacancy for the President's consideration. Each member of the Committee shall have one vote. The Committee shall keep its own records, determine its own procedures, and elect its chair who shall report to the President. The Committee may also review this Policy from time to time and may recommend changes to the President.

V. ROYALTIES FOR UNIVERSITY COMMISSIONED WORKS

- A. Royalties for University commissioned copyrighted works may be shared by the University and the creator(s) of the work.
- B. The terms of any grant or contract relative to royalties shall take precedence over this policy should there be a conflict between them.
- C. Disputes arising over royalty sharing for University commissioned works shall be referred to the University Copyright Committee.

UNIVERSITY COUNCIL AND COMMITTEE STRUCTURE

Background information: At the "small group" study sessions of Senate members last fall, a need was repeatedly expressed for a review of the current structure of University councils and committees. Accordingly, Senate officers appointed an ad hoc Committee to study this question and submit an appropriate report to the Senate. (See page 2 of the Senate Journal for December 10, 1979.)

The final report of that Committee was submitted to the Senate early in May. Copies were distributed to all Senate members in advance of this meeting.

Senate action: Professor Whitmore moved acceptance of the Committee report. Without further discussion and without dissent, the Senate approved the motion.

The complete text of the Committee report follows.

The Faculty Senate ad hoc Committee to Review the University Council and Committee Structure hereby submits its report to the Faculty Senate.

The Committee defined its task as follows: (1) to solicit opinion on the operation of each University Council and Committee; (2) to identify problem areas in the operation of the Council and Committee system; (3) to suggest reforms where appropriate; (4) to suggest further study where appropriate. The Committee used as its primary vehicle an open-ended questionnaire distributed to all persons who have served on University Councils or Committees in the past five years. Of 390 questionnaires distributed, we received 112 responses, a response rate of 29%. Appended is a list of responses by council and committee. These responses established that there is no general dissatisfaction with the operation of the council and committee system and that the concept of faculty governance through these agencies is widely supported. In the case of individual committees some questions have been raised relative to proposed changes in procedure, structure, or function. We address these committees and the problems involved below. One general concern that has been expressed relates to the lack of appropriate incentive for participation in the system of University governance. Evidently some departments do not weigh such participation in evaluating performance for merit salary increases; or at least, it is perceived that some departments do not weigh it sufficiently. The ad hoc Committee recommends that the Senate consider this problem carefully and make an appropriate recommendation to academic divisions and units. Listed below are the specific issues that the ad hoc Committee determined to be of most significance. In each case, relevant administrators and faculty members were questioned. In some cases, the ad hoc Committee has made specific recommendations. In other cases, we have merely suggested further study.

(1) Campus Tenure Committee

The Campus Tenure Committee has requested that the recommendations of Deans be forwarded to that committee for its information as a part of its process of review. Currently, departmental units forward their recommendations separately to their respective deans and to the Campus Tenure Committee; the deans and the Tenure Committee, in turn, forward their recommendations separately to the Provost. Unlike the Academic Personnel Council, the explicit charge of the Campus Tenure Committee is to review departmental recommendations to determine if they are in accordance with established criteria; it is not explicitly charged with reviewing disputed cases. However, because the deans are presumably bound by the approved departmental criteria, in cases where the dean and the department disagree, the Tenure Committee must inevitably side with one or the other. It does so, however without knowing why the dean and the department disagreed, because it does not have access to the dean's recommendations (except in cases where the dean is also the departmental chair).

In response to this proposed change in procedure, the deans are divided; most do not oppose this change, but two deans point out that this change, in effect, puts the Campus Tenure Committee in a position to review directly the decision of the deans, contrary to its charge; that is, to review the decisions of the departments. The Provost sees merit in the proposed change, because, when the recommendations of the deans and the Tenure Committee reach his desk, neither is informed by a knowledge of the reasoning behind that of the other; the Provost then has to sort it out.

The ad hoc Committee sees merit in the proposed change and would recommend that, if adopted, it be accompanied by a clarification of the charge of the Tenure Committee to make it clear that it is to serve as a third-party review of the dean's and department's recommendations.

(2) Faculty Appeals Board

The Faculty Appeals Board currently reports directly to the President. Its charge and procedures were established prior to the recent administrative reorganization that enlarged the scope of the Provost's authority. We have received a suggestion that the grievance procedure be changed to a two-track system distinguishing between minor grievances to be settled by the Provost including routine salary issues, as well as major grievances to be reported to the President and the Regents and including cases of severe sanctions such as abrogation of tenure. We believe that it would not be possible to establish with sufficient clarity the distinction in question. As an alternative, it has been suggested that the decisions of the Faculty Appeals Board be forwarded to the Provost; if he approves the recommendation of the Board, the case stops there; if he disapproves, the recommendation of the case goes on to the President and the Regents. This proposal has the merit of providing a procedural method of distinguishing between cases that are to go and cases that are not to go. This is a complex matter, however, and the ad hoc Committee recommends that it be taken up by a special committee charged to look into this matter only.

(3) Budget Council

The Budget Council is beset by three problems. First, it is sometimes presented with decisions that have already, in effect, been made. Second, it is often given insufficient lead time to assess budget decisions before they must be made. Third, it is not able to deal with long-range planning because it is preoccupied with the current fiscal year's budget. All persons involved in the process seem to recognize that the Budget Council operates under certain constraints that are systemic in nature. Often the process itself allows too little time for consideration by the administration and the Budget Council alike. The Council has found the current administration forthcoming and cooperative, with some exceptions, and the ad hoc Committee encourages all administrators to recognize that the success of the Budget Council depends importantly upon the willingness of those involved to make it work. This applies also to the faculty leadership of the Council; the variability in the success of the Budget Council is as much dependent upon its own leadership as it is upon the good will of the administration.

One important area in which the Budget Council has had little impact is in the area of long-range planning. The Budget Council, as mentioned above, does not have the time to devote to this problem. Given the variability of University funding, there are intrinsic limitations upon its ability to plan for the long run. Insofar as the administration is contemplating either the development of new and permanent programs, the discontinuance of old programs, or other major and enduring allocations of its capital resources, however, there ought to be a vehicle for faculty input. Perhaps a sub-committee of the Budget Council could devote itself exclusively to this purpose.

The ad hoc Committee would remind all persons involved in the process that there is no substitute for cooperation and a mutual commitment to consultation among participants. In this connection, the Faculty Senate is again reminded of the inordinate amount of time that conscientious participation by members of the faculty takes (especially on the Budget Council) and the importance of seeing to it that such time is adequately considered in the process of merit evaluation.

(4) Administrative and Physical Resources Council

There appears to be little relationship between the two aspects of the mission of this Council. Those who are attracted to service on it because they find one of the areas (administration or physical resources) of interest, often do not find the other area of interest. While the Council has had a significant role to play in recent expansion decisions, its role in the recent administrative restructuring of the University was less pronounced.

The ad hoc Committee considered three alternatives; (1) to leave this Council as it is; (2) to transfer its administrative functions to the Budget Council; (3) to establish a new committee on administration. None of the alternatives is without flaw. The first is undesirable for the reason above mentioned; the second adds to the burdens of an already overloaded Budget Council; the third adds a new committee where we already have too many. It is pointed out that the need for administrative review arises only infrequently. This is not doubted, and one may add further that when the need does arise the consultation seems not to automatically take place. The ad hoc Committee would suggest that the Faculty Senate appoint a committee to examine this matter or refer it to the Administrative and Physical Resources Council and the Budget Committee for consideration.

(5) Libraries Committee

The Dean of the Library now serves as the Chair of the Libraries Committee. There is a consensus on the committee that the Dean no longer serve as chair, and that the chair be elected from the Committee membership. We would confirm this change and add that the chair should be elected from the faculty members of the committee. In this connection, we would suggest that the Faculty Senate consider the appropriateness of having administrators serve as the chairs of any of these councils and committees.

(6) Proposed Salary Review Board

We have a proposal to establish a Salary Review Board the function of which would be to make recommendations on general salary policies and to deal with systemic inequities. This is a huge issue, and the ad hoc Committee can only suggest that it would require a study committee devoted to that sole purpose.

(7) Student participation

This is a particularly thorny problem. The student positions on councils and committees often either go unfilled, are filled too late in the year to be of much use, or are filled but ignored by the appointees. The President of the UOSA has recently signed a bill that provides a three-week deadline for the Student Congress to act upon his nominations, but much of the delay has in the past been in the office of the President of the UOSA. We recommend the following plan and suggest that a joint faculty-student committee be appointed to review it and make recommendations: (a) The process of appointments should begin with the solicitation of nominations in the spring semester. This will eliminate freshmen consideration but will advance the process radically. (b) That the President of the UOSA be required to present his slate of nominees to the Student Congress at its first meeting in the fall. The Congress may fill any vacancies in the list as presented by the President. (c) That the Congress have three weeks to upon the President's nominations at which time, the list goes forward as he/she had presented it. (d) That, should the Congress and the President together fail to present a complete list, either the President of the University appoint such persons as he pleases to student positions or that such positions remain unfilled and be deleted from the quorums of said committees. The Committee also recommends that two-year appointments be considered for major committees.

The Committee is cognizant of the fact that the President of the UOSA operates under difficult circumstances in filling these appointments. It is receptive to some reduction in the number of nominations that he/she must submit. Furthermore, the Committee sees no reason why the same timetable must be followed for all committee appointments. As against the view that any deadlines are arbitrary and ignore the complexities of the process, however, the Committee asserts the contrary view that life is full of deadlines and that deadlines are the only sure means of getting things done. The Committee has also considered the merits of making some of these appointments pure patronage appointments. While it does not discuss the merits of such a proposal in specific cases, the Committee sees no reason why this

may not be appropriate in some cases. This would, we assume, facilitate the process of appointment considerably.

Respectfully submitted,

Doyle Bishop (Management)
Lane Coulter (Art)

Robert Lehr (Regional and City Planning)
Ron Peters (Political Science), Chair
Robert Welch (Naval Science)

Appendix

Academic Personnel Council-1/4,25%	Faculty Appeals Board-11/58,18%
Academic Program Council-4/17,23%	Film Review Committee-2/4,50%
Academic Regulations Committee-7/13,53%	Goddard Health Center Administrative Review Board-1/1,100%
Administrative and Physical Resources Council-4/14,28%	Intramural Committee-0/5,0%
Athletics Council-2/7,28%	Lottinville Prize Committee-6/17,35%
Bass Memorial Scholarship Fund Committee-3/4,75%	Parking Violation Appeals Committee-7/14,50%
Budget Council-1/13,7%	Patent Advisory Committee-2/6,33%
Campus Tenure Committee-12/20,60%	Publications Board-0/4,0%
Class Schedule Committee-5/11,45%	Research Council-6/13,46%
Commencement Committee-3/11,27%	Rhodes Scholarship Committee-3/8, 37%
Committee on Discrimination-3/16,18%	Scholarship and Financial Aids Committee-5/12,41%
Computer Advisory Committee-4/14,28%	Speakers Bureau-0/4,0%
Danforth Foundation Scholarship Committee-0/10,0%	Staff Committee on Discrimination-0/0,0%
Employment Benefits Committee-3/6,50%	Student Discrimination Grievance Committee - 1/1,100%
Energy Conservation Committee-0/5,0%	University Book Exchange Oversight Committee-1/5,20%
Equal Opportunity Committee-0/5,0%	University Judicial Tribunal-2/7,28%
Faculty Advisory Committee to the President-5/22,22%	University Libraries Committee-3/14,21%
	Will Rogers Scholarship Committee-2/7,28%
Total: 112/390 - 29%	

FACULTY-PERFORMANCE EVALUATION FORM

Background information: At the March 17 Senate meeting, the School of Music presented its objections to the recent distribution within the College of Fine Arts of a "working draft" of a proposed campus-wide Annual Faculty Professional Activities and Evaluation Record prepared by a Deans' Council committee. The Senate agreed to have a Senate ad hoc Committee study this question. (See page 11 of the Senate Journal for March 17, 1980.)

Professor Teree Foster was appointed Chair of the ad hoc Committee. (See page 2 of the Senate Journal for April 14, 1980.) The final report of that Committee was distributed to Senate members in advance of this meeting.

Senate action: Professor Teree Foster reported on the Committee's meeting with Associate Provost Joseph Ray to present (1) faculty concerns in this matter and (2) suggestions for remedying departmental deficiencies.

Committee consensus is that some type of qualitative, narrative evaluative report rather than a numerical one, should be made to the Provost's Office.

Mr. Ray commented that, in his opinion, the most positive element in the proposal is the provision for sharing the evaluation with the faculty member being evaluated on the basis of criteria known to both parties.

Professor Saxon moved acceptance of the report and approval of recommendation (6) that a committee be appointed to prepare the evaluation form. Without dissent, the Senate approved the motion.

Final report of the Senate ad hoc Committee on Evaluation Forms

(approved by the Faculty Senate, Norman campus, on June 16, 1980)

The ad hoc Committee on Evaluation Forms appointed by the Faculty Senate has discussed the acceptability of the proposal of Provost J. R. Morris that a type of summary faculty performance evaluation and reporting form be adopted and implemented on a campus-wide basis. The Committee appreciates Provost Morris' concern for the preservation of individuality at both the personal and departmental levels in the evaluation process. The Committee is cognizant that some departments have no articulate policies or procedures for conducting the evaluation process, while others make little effort to inform the faculty with respect to departmental performance evaluation and criteria, either before or after the fact. In and of itself, the lack of acceptable articulated faculty evaluation policies in any department is cause for concern. Moreover, the pressure of external forces mandates improvement not only in the procedures employed in the evaluation process in some academic departments but also in the nature of the documentation collected to support comparative evaluations.

Sincere concerns, vigorously articulated by faculty members, impel the Committee, in the strongest possible terms, to urge, however, that a standard summary form combining both the evaluation and reporting functions not be implemented. Rather, if a standard summary form is to be employed on a campus-wide basis, it should be no more than a report of the results of performance evaluation. This report should be accomplished by some system of narrative, qualitative assessment. Reporting should not encompass the use of numbers in any manner.

The concerns regarding use of a standard summary form which both evaluates performance and reports that evaluation in a uniform fashion are as follows:

1. A standard evaluation and reporting form, albeit on utilizing both narrative and numerical measures of performance, is too readily susceptible to reduction to a numerical digit that could be easily fed into a campus-wide computer program and used as the sole expression of an evaluation of faculty performance.
2. A standard summary evaluation and reporting form would tend to concretize the relationship employed by a particular academic unit among the evaluative bases: teaching, research, and service. The manner in which these bases are weighted should remain flexible, if the department so desires, and may vary from year to year, from department to department, and from individual to individual.
3. Faculty performance can be descriptively measured but cannot be reduced to a digit or collection of digits with any degree of accuracy.
4. The computerization of standardized comparative numerical evaluative performance scores for each faculty member renders inevitable the use of these scores for purposes of interdepartmental comparisons. The broad variances in academic responsibilities among the many departmental units, as well as the divergence in quality among academic units, makes the potential for such interdepartmental comparisons ill advised.
5. The evaluation process should primarily focus on constructive assessment of performance and should be an important tool in aiding the professional development of each faculty member. While some form of comparative ranking may be desirable within the individual departments in order to assign salaries and constructively assess performance, any standardized

use of numerical indexing potentially results in the counter-productive process of interdepartmental ranking. Furthermore, if professional development is the foremost goal of the evaluation process, there is little utility in assigning each faculty member of a department to a quadrant.

6. Although a summary evaluation and reporting form is intended to impinge as little as possible upon existing departmental procedures and criteria, the very existence of a standard summary evaluation and reporting summary form will tend to standardize evaluative criteria for understandable reasons of administrative convenience. Such standardization is intolerable in an academic community which prides itself on diversity.

The Committee firmly believes that any concerns with respect to fulfillment of requirements imposed by external groups can be accomplished efficiently without adoption and utilization of a standard form which reduces evaluation of faculty and reporting of performance to a compendium of digits. It must be recognized that, if no interdepartmental comparison of academic performance is to be made, uniform evaluation and reporting procedures involving numerical evaluations are superfluous. The problem to be addressed is the adoption of evaluation procedures and criteria that are both clear and acceptable by each academic unit and the articulation of those criteria and procedures to the administration and to the faculty. The Committee's recommendations with respect to measures intended to correct this problem are as follows:

1. Where abuse of (or apathy toward) clear and comprehensible articulation of evaluation procedures and criteria exists in a particular academic unit, it is the responsibility of the Provost to require that standards be formulated, adopted, and communicated. So long as each department has formulated and is implementing fair procedures and acceptable criteria and communicates such in writing to the administration and to its faculty, it is absolutely unnecessary that any uniformity in evaluation, even in terms of summary evaluation, exist.
2. Monitoring of the salary progress of individuals (e.g., members of particular minority groups) can be accomplished by merely checking the percentage increases afforded these individuals in a given year or over a period of years. If the percentage is incongruent with others in the department, further checking should be done. The suggested one-page form could be consulted, and any further questions could be resolved by requiring supporting documentation from the department.
3. The burden of articulation of evaluation procedures and criteria, of implementation of these procedures, and of collection and preservation of sufficient data to support individual evaluative judgments must be placed squarely on the departments. So long as each department fulfills these responsibilities, any required monitoring can be accomplished without standard numerical evaluation.
4. In order to aid in the formation and the implementation of procedures and criteria, Committee "A" workshops should be conducted for voluntary participants by experienced Committee "A" members at the outset of each academic year.
5. In order to assure that the evaluation process is a constructive aid to professional development, a statement explaining the broad purposes of faculty performance evaluation should be inserted in the Faculty Handbook.

Also, orientation sessions for new faculty should be held in each department at the outset of each academic year to explain what the evaluation process is, what it attempts to accomplish, and what is generally expected of a faculty member.

6. A committee should be appointed to explore the possibility of constructing a one-page form for reporting purposes. This committee would be composed of faculty or of a combination of faculty and members of the Deans' Council. Several recommendations concerning the composition of the form could be considered.

For example, a one-page reporting form might assign an individual faculty member's performance a descriptive evaluation such as: special merit; merit; good; needs improvement; and unsatisfactory. These designations would be uniformly defined, and such definitions would appear on the form. This descriptive evaluation would be accompanied by a supporting narrative statement. Alternatively, a reporting form could require that Committee "A" and the departmental dean or director detail, for each faculty member, performance strengths, any special considerations bearing on performance (e.g., new course developed, heavy teaching load assigned, special research projects, time-consuming service commitments), and areas in which further development would be desirable. Other reporting forms would be acceptable, so long as the focus remains upon qualitative and narrative assessment, rather than on digits. Regardless of the design of any reporting form ultimately adopted for campus-wide use, all performance evaluation or reporting information must be made available to each individual faculty member upon request.

Adoption of this type of standard form would fulfill the goal of separating the evaluation from the reporting process, and thus preserve distinct departmental evaluative procedures and criteria. It further provides an efficient, uncomplicated reporting statement for use by the central administration or external groups.

The Committee is aware that seeking an alternative to a standard summary evaluation and reporting form such as that suggested by the Provost will entail a greater expenditure of effort on the part of academic units and the Provost's office in formulating, implementing, and interpreting evaluation procedures and standards. However, the seriousness of the aforesaid faculty concerns clearly mandates that such efforts be made in attempting to improve the evaluation process.

Faculty membership on the Committee on Evaluation Forms included:

Sid Brown (History)
 Dave Etheridge (Music)
 Marilyn Flowers (Economics)
 Deirdre Hardy (Environmental Design)
 Dave Huettner (Economics)
 Beverly Joyce (University Libraries),
 Greg Kunesh (Drama)
 Tom Love (Engineering)
 Teree E. Foster (Law), Chair

ADJOURNMENT

The Faculty Senate adjourned at 3:55 p.m. The next special session of the Senate will be held at 3:00 p.m., on Monday, July 21, 1980, in Monnet Hall 101.

Respectfully submitted,

Anthony S. Lis

Anthony S. Lis
 Professor of Business Communication
 Secretary, Faculty Senate