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October 6, 1988

University of North Dakota

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Minutes of the University Senate Meeting

October 6, 1988

1.

The October meeting of the University Senate was held at 4:05 p.m. on Thursday, October 6, 1988, in room 7, Gamble Hall. Elizabeth Hampsten presided.

2.

The following members of the Senate were present:

Clifford, Thomas J.	Hamerlik, Gerald	Nielsen, Monty
Antes, James R.	Hampsten, Elizabeth	O'Donnell, Sheryl
Beiswenger, Lyle	Hanhan, Sara	O'Kelly, Bernard
Bender, Myron	Henry, Gordon	O'Kelly, Marcia
Bostrom, A. Joy	Humphries, Charlotte	Oring, Lewis
Clark, Alice	Johnson, Dean	Owens, Thomas C.
Corbett, Mary F.	Kolstoe, Ralph H.	Perry, Duncan
Crawford, Glinda	Korbach, Robert	Peterson, Tracy
Dahl, Ivan	Kweit, Mary	Pynn, Ronald
Davis, Jeremy	Kweit, Robert	Ramsett, David
Dearden, Bruce	Lawrence, Fred W.	Ring, Benjamin A.
DeMers, Judy	Lee, Randy	Schubert, George
Donaldson, Sandra	Loyland, Mary	Schwartz, Paul
Dorgan, Scott	Markovich, Stephen	Shea, William
Elsinga, Lillian	Marlowe, Sara E.	Stinnett, Henry O.
Erjavec, John	McCowan, Daniel	Tomasek, Henry
Folsom, Thomas C.	McElroy-Edwards, J.	Warner, Edward
Frein, George	Moen, Janet Kelly	Wilborn, Graciela
Glessner, David	Naismith, Donald P.	Wright, Janelle

The following members of the Senate were absent:

Bateman, Courtney	Harris, Mary M.	Larson, Omer
Bohlman, Erick	Heitkamp, Thomasine	Lewis, Robert W.
Boyd, Robert	Hess, Carla	Manke, Shawn
Flemmer, Charles M.	Hill, Richard	Merrill, Lois
Fletcher, Alan	Hoffarth, Al	Odegard, John
Franklin, Elizabeth A.	Jacobsen, Bruce	Odegard, John Jr.
Fuller, Mary Lou	James, Edward	Raymond, Marsha
Gershman, Kathleen	Keel, Vernon	
Harlow, Steven D.	Klinger, John	

3.

The Chair made the following announcements:

- 1) The Senate Executive Committee approved that Committee reports will be distributed only with the agenda and will not be included again with the minutes. Any changes in reports will be stated in the body of the minutes. This practice will save paper and duplicating costs.
- 2) The State Council on College Faculties met last Tuesday and a decision was made not to hire a lobbyist but to establish a Faculty Advancement Committee so the faculty could speak for themselves in Bismarck. It was also stated that the faculty tuition waiver issue is not dead and may be brought up at a later date.
- 3) The Chair requested that a motion to file be made immediately for committee reports and if there are questions, the presenter will then be called upon to respond to the report that is attached to the agenda.

4.

Mr. Pynn moved approval of the minutes for the May 5, 1988, meeting. Mr. Warner seconded the motion. There being no objection, the minutes were declared approved.

5.

Mr. O'Kelly moved to file the report of the Honors Committee. Mr. Markovich seconded the motion. There being no objection, the report was filed.

6.

Mr. Warner moved to file the report of the Compensation Committee. Mr. Naismith seconded the motion. There being no objection, the report was filed.

7.

Mr. Dahl moved to file the report of the Faculty Instructional Development Committee. Mr. Bender seconded the motion. There being no objection, the report was filed.

8.

Mr. Donald Bostrom, Chair of the Curriculum Committee, asked that a motion be made to approve the new courses presented. Mr. Schwartz moved to approve and Ms. Bostrom seconded the motion. A vote was taken and, there being no objection, the vote was recorded as a unanimous roll call vote.

Mr. Bostrom presented a recommendation from the Curriculum Committee to delete the phrase "by publication in the University Letter," from the functions and responsibilities of the Curriculum Committee as approved by the Senate, March 5, 1981. Mr. Ramsett moved to approve the recommendation and Mr. Warner seconded the motion. A vote was taken and, there being no objection, the vote was recorded as a unanimous roll call vote.

9.

Mr. Tomasek presented a progress report from the study committee on university governance. He asked for advice from the Senate. Discussion followed. Mr. Tomasek will take the input back to committee for consideration and a final report will follow.

10.

Mr. Korbach moved the recommendation to the North Dakota State Board of Higher Education on the Patent and Confidentiality in Research Policy. Mr. Owens seconded the motion. Discussion followed. A vote was taken and, there being no objection, the vote was recorded as a unanimous roll call vote. (See attachment #1.)

11.

The Chair called for nominations for Chairperson of the Senate. Mr. Markovich nominated Elizabeth Hampsten. Ms. Crawford seconded the nomination. The Chair called for further nominations. Mr. Kolstoe moved that nominations cease and that the secretary be instructed to cast a unanimous ballot for Ms. Hampsten. A voice vote was taken and since no negative vote was heard, the secretary was directed to enter a unanimous roll call vote in the minutes for Elizabeth Hampsten to serve in the post of Chairperson of the Senate.

12.

The Chair called for nominations for Vice Chairperson of the Senate. Mr. Schwartz nominated Benjamin Ring. Mr. Frien seconded the motion. The Chair called for further nominations. Mr. Oring nominated Stephen Markovich. Mr. Markovich withdrew his nomination. Mr. Kweit moved that nominations cease and that the secretary be instructed to cast a unanimous ballot for Mr. Ring. A voice vote was taken and since no negative vote was heard, the secretary was directed to enter a unanimous roll call vote in the minutes for Benjamin Ring to serve as Vice Chairperson of the Senate.

13.

The Chair announced that since the past Chair, Arne Selbyg, is no longer on campus, the Senate Executive Committee recommends that past Chair, Paul Schwartz, serve another year in that position on the Executive Committee. The Chair requested Senate approval. Mr. Ring moved approval and Mr. Hamerlik seconded the motion. A voice vote was taken and, there being no objection, the vote was recorded as a unanimous roll call vote.

The Chair called for the election of a faculty representative to the Senate Executive Committee and the Council of Faculties. Mr. Ramsett nominated Myron Bender. Mr. Ring nominated Marcia O'Kelly. Marcia O'Kelly requested that her name be withdrawn. The Chair called for further nominations. There being no further nominations, a voice vote was taken and since no negative vote was heard, the vote was recorded as a unanimous roll call vote for Mr. Bender to serve as faculty representative on the Senate Executive

Committee and the Council of Faculties.

14.

The Chair called for the election of a student representative to the Senate Executive Committee. Mr. Glessner nominated Mary Corbett. The Chair called for further nominations. Mr. O'Kelly moved that nominations cease and that the secretary be instructed to cast a unanimous ballot for Ms. Corbett. A voice vote was taken and since no negative vote was heard, the secretary was directed to enter a unanimous roll call vote in the minutes for Mary Corbett to serve as student representative to the Senate Executive Committee.

15.

The Chair called for the election of three Senate members of the faculty to serve on the Committee on Committees. The Chair indicated that two faculty would be elected to two-year terms and one member to a one-year term. Nominations for two-year terms were considered first. Ms. Bostrom nominated Charlotte Humphries. Mr. Ring nominated Janet Kelly Moen. There being no further nominations, a voice vote was taken and since no negative vote was heard, the secretary was directed to enter a unanimous roll call vote in the minutes for Charlotte Humphries and Janet Kelly Moen to serve two-year terms on the Committee on Committees.

The Chair called for nominations to serve a one-year term on the Committee on Committees. Ms. O'Kelly nominated Benjamin Ring. There being no further nominations, a voice vote was taken and since no negative vote was heard, the secretary was directed to enter a unanimous roll call vote in the minutes for Benjamin Ring to serve a one-year term on the Committee on Committees.

16.

Mr. Tomasek moved to adjourn. Mr. Naismith seconded the motion and there being no objection, the meeting adjourned at 5:20 p.m.

Monty Nielsen
Secretary

NORTH DAKOTA STATE BOARD OF HIGHER EDUCATION PATENT POLICY

The North Dakota Board of Higher Education encourages the faculty, staff, and others associated with the institutions under its jurisdiction to seek patents on inventions as a method of bringing recognition and remuneration to all parties involved. Each institution shall establish a "patent review procedure" to define the institution's processing of such inventions or discoveries, consistent with Board policy. The inventor(s) shall submit to the institution the conception and/or reduction to practice of all potentially patentable discoveries prior to public "enabling" disclosure.

A patentable discovery may arise from the development of a new and useful process, device or apparatus, article of manufacture, composition of matter (including chemical compounds, microorganisms, and the like), plant, or related improvement, or a new use for a known material or device. A public "enabling" disclosure is one which will enable others in the same or a related field to fully understand and practice the invention. The institutional "patent review procedure" shall assure provision of guidelines to the inventor(s) in defining what constitutes a public "enabling" disclosure.

The institution shall have the right of first refusal to the title of all patentable discoveries derived with the use of facilities, gifts, grants, or contract funds through the institution, subject to restrictions arising from the overriding obligations of the institution pursuant to gifts, grants, contracts, or other agreements with outside organizations. The inventor(s) shall provide all necessary declarations, assignments, or other documents as may be necessary in the course of invention evaluation, patent prosecution, or protection of patent rights to assure that title in such inventions shall be held by the institution or other parties as may be appropriate under the circumstances.

The institution shall have six months in which to assess the technical and commercial viability and patentability of the discovery in accordance with institutional procedures. If the institution wishes to execute a patent, it will arrange to do so. If the university judges the discovery not to be patentable, or decides not to pursue a patent, and in the absence of overriding obligations to outside sponsors of the discovery, all rights will revert to the inventor. In no instance, and regardless of ownership of the patent, may the institution's name be used in connection with the marketing of the invention.

Subject to restrictions arising from overriding obligations of the institution pursuant to gifts, grants, contracts, or other agreements with outside organizations, the institution agrees, for and in consideration of the assignment of patent rights; to pay annually to the named inventor(s), or to the inventor(s)' heirs, successors, or assigns, a minimum of 30% of the net royalties and fees received by the institution. Net royalties are defined as gross royalties and fees less the expenses incurred by the institution in conducting the research and in procuring, protecting, preserving, maintaining, and licensing the patent and related property rights, and such other costs, taxes, or reimbursements as may be necessary or required by law.

When there are two or more inventors, each inventor shall share equally in the inventor's share of royalties, unless all inventors previously have agreed in writing to a different distribution of such share. The institution will have final authority over any agreement purporting to share rights and/or royalties between participating parties.

In addition to the inventor(s) share, the net royalties shall be dispersed by negotiated agreement with allocations to the originating department, the originating college/school, and the institution. In the disposition of any net royalty income accruing to institution parties, other than the inventor(s), first consideration shall be given to the support of research. The "patent review procedure" shall outline the negotiation and distribution mechanism at each institution.

The institution shall have six months in which to assist the technical and commercial viability and patentability of the discovery in accordance with institutional procedures. If the institution wishes to execute a patent, it will attempt to do so. If the university judges the discovery not to be patentable, or decides not to pursue a patent, and in the absence of overriding obligations to outside sponsors of the discovery, all rights will revert to the inventor. In no instance, and regardless of ownership of the patent, may the institution's name be used in connection with the marketing of the invention.

Subject to restrictions arising from overriding obligations of the institution pursuant to gifts, grants, contracts, or other agreements with outside organizations, the institution agrees, for and in consideration of the assignment of patent rights, to pay annually to the named inventor(s) or to the inventor(s)' heirs, successors, or assigns, a minimum of 30% of the net royalties and fees received by the institution. Net royalties are defined as gross royalties and fees less the expenses incurred by the institution in conducting the research and in procuring, protecting, preserving, maintaining, and enforcing the patent and related property rights, and such other costs, taxes, or reimbursements as may be necessary or required by law.

**NORTH DAKOTA BOARD OF HIGHER EDUCATION
CONFIDENTIALITY IN RESEARCH POLICY**

Within North Dakota institutions of higher education, research is integral to the search and transfer of knowledge. The disclosure and publication of new knowledge discovered in the course of academic and research activity is fundamental to the mission of an institution of higher education. At the same time, the expertise and facilities resident at the state's institutions are resources which can contribute to the economy of the state through cooperative research and development efforts with the private sector. In accordance with North Dakota Century Code 15-10-17(17), this policy provides the basis for the state institutions of higher education to establish procedures in receiving and publishing confidential material as part of sponsored research projects. The policy also addresses guidelines for clinical research programs and other activities involving human subjects.

I. RESEARCH PROPOSALS

Institutional research/contract proposals, under all circumstances, are considered to be privileged communications, and, when funded, become a part of the sponsor's confidential information.

Under North Dakota Law, Century Code, Section 15-10-17(17), no policy can limit or affect the applicability or implementation of any rule or regulation of the State Health Department. Therefore, provision is made for personnel of the State Health Department to examine research proposals, and subsequent contracts, under a confidentiality agreement with the institution to ascertain that no rule or regulation of the State Health Department is abrogated.

II. SPONSOR PROPRIETARY INFORMATION

Sponsored research activity may involve disclosure of data and/or information which the sponsor considers to be confidential. Trade secrets, descriptions of emerging technologies, or other information with unique value to the sponsor shall be identified by the sponsor as proprietary or confidential at the time of disclosure to institution.

Such information shall not mean: (1) information already in the public domain at the time of disclosure; (2) information rightfully received by the institution from a third party without obligation of confidence; (3) information publicly disclosed subsequent to the institutional receipt of such information by the sponsor or a third party; and (4) information which can be shown by the institution to be known to them prior to receipt from the sponsor.

Upon receipt of information identified as proprietary and/or confidential by the sponsor in accordance with the above exclusions, faculty, and others associated with the institution shall use the

appropriate degree of care to prevent the accidental or purposeful disclosure or use of such information. Students may not be assigned academic or research work which involves confidential information unless the information can be released in a timely fashion to meet the requirements of the student's academic program.

III. RESEARCH ON, AND DATA DERIVED FROM, HUMAN SUBJECTS

The conduct of research involving humans as subjects, including humans as sources of information, raises unique concerns which have motivated the promulgation of specific regulations to safeguard the subjects and their right to maintain their privacy. Institutional policies shall define regulations which include requirements of confidentiality regarding subject identity and informed consent to the release of data or other information produced by the research. Use of human subjects includes not only the manipulation of humans and their behavior under controlled circumstances, but also collection of information from humans by survey or observation. The institutional regulations shall require pre-commencement review by an assigned institutional review board or its representatives; researchers whose work uses human subjects shall be required to comply with these regulations. Institutional review boards shall establish their own policy for the protection of proprietary and confidential information contained in proposals and protocols submitted to it. Institutional policies shall specifically address situations in which a breach of confidentiality may result in social or economic harm to the subject and in which the publication format of educational and scientific data may lead to identification of a single subject.

IV. PUBLICATION OF RESEARCH DATA

Publication and dissemination of information are integral to the purpose of an institution of higher education. Local institutional policies should allow the free dissemination of data from knowledge creation efforts while maintaining the proprietary trade secrets, confidential information, and preserving the patent rights resulting from such programs. The right to publish the results derived from research and development programs shall be vested at all times in the institution, its faculty, staff, students, and associates.

In certain instances, the sponsor may request: (1) a limited time period in which the sponsor may examine potential publications to provide advisory comments and to identify its proprietary information; and (2) a time period in which public "Enabling" disclosures of research results or discoveries should be withheld to allow the preservation of patent rights. Other restrictions may apply within the context of local institutional policy and North Dakota State Law.

TO: Members of the University Senate DATE: Sept. 1988

FROM: Mark Frigaard, Chairperson Honors Committee

RE: Honors Committee Annual Report, 1987-88

The Honors Committee met five times during the academic year 1988-1989. I would like to thank all the members of the committee for making these meetings productive and brief. The work of our subcommittees provided many of the ideas and information required for decision making while a few subjects were introduced and acted on at the committee meetings.

The Sophomore Honors Essay subcommittee, composed of Richard Beringer, Michelle Creech, David Thomas and Mary Kweit, prepared topics for Sophomore Honors Essays.

The Standards and Requirements subcommittee, composed of Gene Mahalko, Patricia Warcup, David Thomas and Darlene Kolstad, provided revisions to the former standards and requirements of the Honors Program facilitating flexibility while maintaining excellence as our principal goal.

The Colloquia Subcommittee, composed of Jim Graves, Toby Howell, Jay Jerde, Mark Olson and Erik Seidel, furnished ideas for future colloquia to be taught through the Honors Program.

The members of the Honors Committee were: Honors Program Coordinator Paul Schwartz, Faculty Richard Beringer - History, Toby Howell - Physics, Mary Kweit - Pol. Sci., Gene Mahalko - Computer Sci., John Salter - Indian Studies, James Graves - Theatre Arts, James Waller - Microbiology Students Erik Seidel, Michelle Creech, Mark Frigaard, Mark Olson, Jay Jerde, Darlene Kolstad, Sandy Ridl and David Thomas (non-voting).

New faculty members to the Honors Committee for 1988-89 are Lois Oechsle - Nursing and Mary Coleman - Pathology.

Two major changes were made to the Honors Program standards and requirements this year. First, the credit for Introduction to Honors was reduced from 4 hours to 3 hours in an effort to ease recruitment of instructors. Second, the distribution requirement was modified. The distribution requirement for honors students requires them to do extended work in one class within each of three areas: Natural Sciences & Mathematics, Social Sciences and Humanities. This requirement allows Four-Year Honors students to be released from the university-wide General Education Requirements in application for graduation. For the sake of flexibility the Honors Committee decided to allow honors students to fulfill the university's General Education Requirements in lieu of the distribution requirements within any two of the three areas.

I may add that my description university-wide General Education Requirements excludes the requirements of some schools within the university such as the School of Engineering and Mines.

Three colloquia were offered in the Fall of 1987; AIDS, The Politics of Hunger, and Richard Wagner. In the Spring of 1988 the four colloquia were Memory, Spaces, Structure of University Disciplines and 1936-.

During the year ten students were admitted to full membership in the Honors Program: Michelle Creech, Lora Rose, Tim McCann, Angie Hovland, Sue Gruman, Steve Krantz, Heather Marxen, Kurt Scaletta, Eric Johnson and Erik Bohlman.

All students completing either their Four-Year Honors Program thesis or their Departmental Honors thesis in the Spring semester were considered for the Starcher Award. The Starcher Award was established this year as an award for the most outstanding undergraduate thesis. The Honors Program oversees the selection process; a committee of faculty from various departments reviews the theses and selects the award recipient. This year's recipient was Rosanne McBride for her Departmental thesis in Psychology.

Five students graduated from the Four-Year Honors Program this year: Janal Anderson, David Thomas, Steven Weekes, Robin Cook and Xan Nelson. In addition eleven students completed a Departmental Honors Thesis: Calvin Banyan, Thomas Erickson, Sheila Hilkerbaumer, Carol Kuntz, Rosanne McBride, William Lloyd Richmond Jr., Sandra Rushing, Donna Svingen, Mark Vollmer, Arlinda Faye Kristianson, Steven Weekes, Sharon Brown and Jeff Raines.

Finally, I want to give special thanks to the Paul Schwartz, Honors Coordinator for his insights and effort on behalf of the Honors Program and the Honors Program students.

To: University Senate

From: Compensation Committee, Tom Robinson, Chairperson

Re: 1987-88 Report

Other elected members who served on the Committee during 1987-88 are Jim Antes, Don Bostrom, Dick Hill, Art Jacoby (recorder), and Sherry O'Donnell. Ex officio members were Personnel Director Fred MacGregor and a designee from V.P.A.A. Alice Clark's office. The committee met seven times.

One of our meetings was with V.P.A.A. Clark to discuss budget requests made to the Legislative Budget Committee. Al Person, Executive Director of NDPERS, met with the Committee to discuss the health care program. Although state finances have since caused even harsher problems than we faced before, we feel both meetings were important because of the lines of communication, either continued or newly instituted. Perhaps one of the few bright spots in proposed legislation for the next biennium is a bill that would pre-fund at least part of the NDPERS health care premiums for retirees. It would start with members of PERS and with a modest amount of funding include TIAA members as well. It may not seem to be a high priority item, but the cost will be small to the state and future benefits to individuals can be enhanced. The Committee feels it appropriate that we support, individually and collectively, the continuation of self-funding for the NDPERS health care insurance program.

A continued item of business was pre-payment of tuition for North Dakota colleges and universities. The Board of Higher Education apparently has taken care of this issue to the extent that the Grand Forks Herald, in its June 10 edition, printed an AP article reporting a \$15 million bond program that North Dakota residents may use as a tax-exempt investment for future tuition payments. We are sorry that tuition waiver for dependents of UND personnel was not passed by the Board of Higher Education, but we hope the issue will be considered again in the future and receive a more favorable response.

Although the Committee was not directly involved in Flex Comp, we feel it will be a good thing for a number of people. We urge all faculty and staff to seek additional information regarding the Flex Comp program and also the changes that have taken place in TIAA-CREF.

MEMORANDUM

TO: University Senate

FROM: Faculty Instructional Development Committee
Robert E. Till, Chair

RE: Annual FIDC Report to the Senate

DATE: September 20, 1988

Committee Membership AY 1987-88

Mary Askim (Home Economics)
Richard Johnson (Computer Center)
Maurice Russell (Academic Media Center)
Hank Slotnick (Medical Education & Evaluation)
Robert Till (Psychology)
John Williams (Anthropology)
Alice Clark (VPAA) - ex officio
Lucy Schwartz (Director of Instructional Development)

Committee Activities AY 1987-88

During the academic year 1987-1988, the FIDC made grant awards in three categories: Instructional Development grants, Express Option grants, and Summer Instructional Development Professorships. In the first category, Instructional Development grants, the Committee awarded a total of \$19,704 to 16 faculty members representing 10 departments on campus. In the second category, Express Option grants, the Committee awarded a total of \$4,440 to 15 faculty members representing 13 departments. In the final category, Summer Instructional Development Professorships, the Committee awarded a total of \$30,312 to 13 faculty members representing 9 departments. Slightly more than half of the summer professorships were funded by the FIDC whereas the remainder were funded by the Office of Instructional Development. As in the preceding year, the Committee chose not to fund materials budgets with the stipends for the summer professorships. The Committee also acted in an advisory capacity to the Vice President for Academic Affairs and the Office of Instructional Development in the awarding of Developmental Leave Supplements.

UNIVERSITY CURRICULUM COMMITTEE

NEW COURSES APPROVED THROUGH SEPTEMBER 1988

CSci	381	Computer Graphics	3 cr.
CSci	384	Artificial Intelligence	3 cr.
Geog	300	Special Topics in Geography	1-4
Geog	474	Introduction to Geographic Information Systems	3
HPER	109	Introduction to Coaching	1
HPER	323L	Introduction to Teaching in Physical Education and Sports Settings-Lab	1
HPER	324	Sport Physiology	3
HPER	325	Youth and Children in Sport	3
HPER	355	Applied Motor Development	3
HPER	400L	Methods & Materials for Teaching Physical Education-Lab	1
HPER	406L	Strategies for Teaching Physical Education in the Elementary School-Lab	1
HPER	487	Senior Teaching Seminar	2
H Ec	348	Sports Nutrition	3
MBio	517	Advanced Immunology Laboratory	2
Soc	336	Racial and Ethnic Relations	3

To: UND Senate Executive

From: Henry Tomasek, chair of study committee

Re: Report from the study committee on university governance

At its May meeting the UND Senate passed the Executive Committee recommendation that "President Clifford appoint a blue-ribbon study committee of the University Council to explore ways of making faculty governance more effective, to discuss generally ways of improving academic life at UND, and to report back to the Senate by the October 1988 meeting" (Senate minutes).

The study committee has been meeting, and consists of Richard Hill, Benjamin Ring, Marcia O'Kelly, and Elizabeth Hampsten, in addition to myself. We intend to continue meeting, but wish to satisfy the charge that we report to the Senate by the October meeting by circulating for discussion the enclosed essay written by Ben Ring. We had agreed to bring a list of discussable topics to a recent meeting, and his contribution seemed to us such a satisfying summary of much of what we had been thinking about that we hoped it would stimulate general discussion at the October Senate meeting. Our intention is that it be the subject of discussion only. While the purpose of the study committee is to bring up subjects for discussion that might lead to possible action, for the purposes of this first meeting we request the format be limited to discussion only.

September 1988



memorandum

TO: Members of the Special Committee on University Governance DATE: 13 Sept. 8

FROM: B. A. Ring

RE: Suggestions for reform

Preliminary Remarks:

I come to the work of this committee with a strong but not, I fear, a widely shared bias. That bias is the one traditionally associated with the A.A.U.P., viz., faculty should have the primary responsibility for university governance when the issues at stake are academic, and it should be involved in the decision making process whenever the decisions impinge on academic matters. The academic issues at stake involve, first and foremost, the teaching role of the institution; other roles of a modern university are undoubtedly important, e.g., research, public service, cultural enrichment of the community. These are, or should be, adjuncts to and means for advancing the primary function. Faculty responsibility for the quality of education implies decision making in the areas of curriculum development, faculty selection, tenure, and promotion. The only constraint on this decision making should be the one imposed by financial limits set by the funding sources. Faculty decision making implies the right of faculty to establish their own rules of governance at the departmental level (not rules within a formula imposed from outside the faculty), and the departmental right to choose departmental chairs, and to insist that departmental business be conducted on a democratic basis.

These may all sound like platitudes and the jaundiced may justifiably ask whether these platitudes have ever been more honored in the observance than in the breach. Nonetheless they are my point of departure. One of the questions I think we must face at the outset is whether or not the professoriate any longer is committed to or desirous of such governance. If such governance is to work it requires a good deal of effort from the faculty. Professionalism, as inculcated in undergraduate training and confirmed by graduate programs, puts the primary emphasis on one's obligations to one's discipline and most particularly on the importance of adding original contributions to the sum of knowledge in one's field. Success is measured by one's peers in the discipline and the most important measure of success is publication in status journals in one's field. One's rewards are high status in one's field and ~~by~~ movement up the academic ladder, i.e. to more prestigious positions and institutions. Concern with teaching or institutional governance or the nature and quality of general

education is a distraction from primary obligations. At best one may be concerned with success in preparing undergraduates to go on in one's own chosen discipline and the quality of education may be measured in terms of its success in preparing students for further specialization. The question is whether or not faculty are willing to forego that orientation in favor of one that is concerned with the academic community at large in the institution where they are employed.

If there is to be effective faculty governance at the University of North Dakota, the institution will have to match its practices with its rhetoric. Faculty will have to see that concern with institutional policies and with the quality of undergraduate education is perceived as an essential part of one's responsibilities. Faculty members will have to see that there are real rewards for meeting these responsibilities -- moral, intellectual, and material satisfactions that result from honest effort. In the legal system there is, or was, a maxim that for justice to prevail it must not only be done, but it must be seen to have been done; in the academy the faculty must accept its duty to regard commitment to institutional welfare as exemplary, and it must be able to see that exemplary behavior is appropriately recognized. When, as at present, we proclaim that the brightest and best will always strive to move up and out rather than seek to raise the quality of our institution or improve the level of education offered here there is little likelihood that they will invest much time or thought in institutional governance.

It may seem whimsical to expect such reforms at a time when our public institutions are experiencing serious purse tightening and when the status of higher education in the state seems to be approaching a nadir. I would argue, however, that this is precisely the time when reform of our governance system is one of our major hopes. Part of the public's lack of enthusiasm for increased support of higher education comes from a growing sense that a college degree is not an indicator of educational achievement, although it clearly does have a high market value as a certifying document. Students do not come to college with an expectation of expanding intellectual horizons or sharpening their mental skills; they come because, "if you don't have a college degree you won't be able to get a decent (i.e. a well-paying comfortable) job." And the public is all too well aware that that one study after another, and one critic after another, confirms the failure of our colleges to educate. Students graduate without learning or consolidating basic skills and without the acquired information or acumen needed to assure that our nation or even our species will continue to flourish. Our alumni are not our most effective advocates and they give little evidence that they have come to love learning or reflection. If faculty are not willing to accept the responsibility for determining what constitutes a

Suggestions for reform

decent core education (I do not mean appropriate training), or for stimulating the love of learning in their pupils, or for assuring students that they will be given the best possible opportunity to work on their education, one can hardly be suprised if the public demands the kind of economies which push us toward providing training on the cheap as a substitute for quality in education. To continue in that direction is a prescription for disaster, not only for higher education, but also for our economy and our polity.

Immediate Reforms in Senate Practice

Senate attendance is so low that it is often a question as to whether we can even achieve the quorum needed to conduct business. This in part may be for reasons already suggested, but it is also a response to a widespread feeling that the University Senate wastes a tremendous amount of time on pettifogging detail while it fails to give active attention to serious issues. Some things could be done to change this situation: 1) avoid unnecessary voting on routine business. Since minutes are distributed in writing prior to Senate meetings we could dispense with most motions relative to minutes. As a normal mode of business the chair can simply announce that unless there are corrections or objections, the minutes shall stand adopted as circulated. Similar formulae can be used to deal with corrections and objections to the minutes. 2) Since most committee reports are ultimately "received and filed" a similar expedition could be used. The chair can ask if there are any questions regarding the report as circulated. If questions^{are} raised a committee representative should be asked to respond to them, but there is no need for the committee spokesperson to spend time repeating what is already in the written word. If there are no questions, or if all questions have been answered, the report could be received and filed automatically with out motions or votes. Though it would not save time it might be helpful if each committee report was prefaced by a statement of the official responsibilities of the committee and an indication of what parts of that charge were dealt with in the period under report. Where the committee report calls for Senate action, the report should put the action in the form of a motion which should come before the senate. The rules of the Senate could be so modified that such motions would automatically^{be} taken as moved and seconded, or the committee could be required to find Senators who would subscribe their names as movers and seconders to the proposed motions. In any case there should be no need to take floor time with these mechanics. 3) I would further suggest that such motions^{arising} from committee reports should be regarded as having been given a first reading at the meeting at which the report is submitted, and that action be postponed to the subsequent meeting. The agenda for each meeting should include the text of all motions that are to be brought before that meeting and these agenda should be distributed to all

faculty. This might both encourage Senate attendance and promote more general discussion among the faculty before items come before the Senate for action.

If these or other suggestions could expedite the business before the Senate there might be more time for serious debate on substantive matters. To this same end it seems to me that the Senate should make a regular practice of resolving itself into a committee of the whole. In far too many cases the laudable parliamentary practice of limiting debate to the motion before the house conflicts with the need of Senate members to discuss their broader concerns or to give voice to tentative or exploratory cogitations. We need more, not less, discussion; less, not more, voting.

Present practice requires roll call votes on substantive issues and publication of attendance records of Senate members. I think the Senate needs to go further and establish a report at the end of each semester of the voting and attendance records for the whole semester. I would like to go a step further and see a Senate seat automatically vacated if its holder misses more than three successive Senate meetings. While the seat remains vacant the quorum count should be suitably adjusted. If the seat is an elective seat it could be opened for re-election at the beginning of the semester following its vacation. If the seat is held by virtue of administrative appointment it could be continued vacant for some appropriate period. Somehow vacation of seats should be publicized in a way that would bring disapprobation on the delinquent senator.

A more serious problem, for which I offer no solution but which needs our attention, is that of obtaining appropriate recognition for service in University governance. Notoriously some faculty seek Senate membership or committee assignments to round out their dossier but give only pro forma attention to the attendant duties. Others accept membership in a very passive way. Yet others take their responsibilities seriously and are conscientious in the discharge of their duties even to the detriment of their own advancement. We need some way to reward the latter and discourage the former. All the devices I can think of are open to serious abuse but the present situation is, I think, intolerable.

Systemic reforms in governance/

Most of the faculty that I know do not believe that they have any real say in University governance. They are sure the University is run by some clique or core

bureaucracy. We may propose but it is always THEY who dispose; in fact it is also THEY who usually propose. This mind set may be unjustified or misguided but it is real. Our various long range planning efforts have all given some attention to this problem, and the discussions, sometimes embodied in the final product and sometimes not, have usually treated this problem under the rubric of "communication problems." Unfortunately the attempts to improve communication have only resulted in an ever proliferating mound of unread or unabsorbed paper. Only recently have I come to realize that what we call communication problems are usually failures to create public discussion and debate. This resolves itself into failures to create opportunities for debate and failure to find places for debate. Studies of professional engineers, I have heard, reveal that most new ideas in engineering arise from face to face discussions, not from journals, conferences, correspondence, or even telephone conversations. Moreover, most engineers won't walk more than 180' to initiate such a discussion. I suspect a study of the academic community would produce similar findings. We need a number of conveniently located and attractive commons rooms, or some such device, which would be easily accessible and always available to serve as theatres for discussion. It would be especially helpful if such rooms could serve to mingle faculty from different areas of academic specialization. We also need more occasions for discussion and debate. Perhaps the Senate could undertake to sponsor monthly University Town Hall meetings devoted to topics facing the university. Such meetings might open with some brief discussion among a selected panel and then open up to more general discussion. Such an effort would, I think, require careful thought to make it attractive. Attendance should be easy, enjoyable, and stimulating; the participants should have some reason to hope that such discussions might not only spread light but actually bear fruit.

The University should consider establishing a couple of free time periods during the week when neither classes or laboratories can be scheduled. One reason faculty can not get together to conduct the business of governance or to carry on the discussions which are the pre-requisite to an effective faculty role is the difficulty of finding any open times for scheduling such meetings. There will never be enough free time to do all the things we should, but as it is an inordinate amount of time is spent just trying to find open hours for necessary meetings. It seems probable that more time is lost in this way than would be lost by declaring certain hours reserved for meetings.

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To close on a more negative note I think we must acknowledge that several events of recent years have cast a serious shadow over effective faculty governance.

administration

The action of the ^{administration} regarding the creation of a department of space science, whatever its motivation or intent and regardless of the merits of the case, was devastating. To cut off debate by telling the members of the Senate that their concerns would be transmitted to the President but no action of their part was required since the recommendation had already been made to the Board, and its assent was a foregone conclusion, was tantamount to telling the Senate that it was a superfluous institution.

Unfortunately we already have some reason to fear that the Board also holds that position. Its intimation that the role of faculty governance is purely that of an advisor to the President does not give one much incentive for caring about faculty governance. To the best of my knowledge, though, no effort has been made to make the Board aware that such a position is contrary ^{to} the best traditions of American higher education and to the past practice of this university. I suspect the Board gave little thought to the possible impact of such a position on faculty morale. When pay is inadequate and when no serious correction of that inadequacy seems likely; when there is increasing criticism from many quarters of the quality of work being done by our faculty; then a Board decision to treat faculty as though they were essentially hired hands is only to drive another nail in the coffin. I think there is reason for faculty members to reconsider their priorities and to put their own house in better order, but those charged with the oversight and administration of higher education -- the governing boards and administrative bureaucracies -- have need to publically re-affirm their respect for, and need of, responsible faculty governance. We of the faculty, in turn, have the responsibility to put this case before them as strongly and as clearly as we can.