MINUTES
Intercampus Faculty Council
March 9, 2005
Submitted by Van Reidhead, IFC Secretary

Attendance:
Rocco Cottone, Chair, Eddie Adelstein, Gordon Christensen, Mike Hilgers, Todd Hubing, Sudarshan Loyalka, Stuart McAninch, Bob Schwartz, Paul Speck, and Jakob Waterborg. Absent: Gary Ebersole, Frank Schmidt, Van Reidhead.

Open Discussion
There was some discussion regarding that IFC meetings are open meetings since UM is a public university. There was also some discussion regarding the resolution of support for President Floyd and the response of the press to the resolution. Generally, this press included some very positive opinions regarding the President. The MU Council at their recent meeting endorsed the letter of support to President Floyd, though there was some concern that this resolution was directed toward those who had been more outspoken on the name change issue. Rocco passed around a copy of the newspaper article by Nate Carlisle from the Columbia Daily Tribune (March 2, 2005) reporting on the resolution.

Agenda
Approved with change to time of discussion for the Office of the General Counsel (OGC).

General Discussion on the Role of IFC
Contact with faculty on other campuses could be further developed to foster improved collaboration. One aspect that would be important is that at IFC we get a better feeling for the more global aspects of the university. Whether the IFC Chair should attend the General Officers meetings was discussed, but there was no consensus regarding whether this would be beneficial or appropriate. Concern was voiced by Jakob that, in general, the faculty view many of the members of IFC as possibly being a co-opted instrument of the administration. Jakob suggested that one function might be to have the Chair simply list the items of discussion. Rocco voiced the opinion that the presence of the IFC may also impact the nature of the discussion at the IFC meeting. Rocco suggested that IFC ask President Floyd whether this would be appropriate. Mike indicated that one positive advantage would be that it might lead to more expeditious collaborative processes but that we would also need to establish trust with the Officers and continue to work to develop more collaborative processes. This may require that the role of the IFC chair may be better defined.

Further discussion centered on the difficulties in walking the appropriate line in representing the faculty and working with the administration at the system level. It was suggested that the subcommittee should look at the CRR to see if any changes to the bylaws for IFC may be required. Jakob also noted that it should be determined whether IFC should serve an advisory role in budgetary affairs related to UM.
Paul commented that having a different person as Chair in this role each year could complicate this relationship. He also noted that the addition of another channel of communication might present difficulties in responding as a group, and that there might be other, more effective channels to pursue this type of relationship.

**Patriot Act, Intellectual Property Rights, and Greivances**  
Report provided Marvin E. “Bunky” Wright, Office of the General Counsel

**IP**  
Bunky Wright commented that IP is handled by outside legal council. The attorneys are approved by Bunky’s office but are made by the Technology Transfer Office. Firms from throughout the US are used to identify an attorney and firm with expertise in the appropriate area. This firm then would prosecute the patent. Copyrights and trademarks are typically handled through Bunky’s office.

There are CRR policies regarding patent guidelines, IP ownership, income/monetary aspects. The general policy is that 1/3 of the income goes to the inventor, 1/3 to the department, and 1/3 to the university to further develop the concept and facilitate as a revenue stream to the university. Depending on who is licensing the patent, they heed to address other complications that may arise that they need to make sure is in concert with the 1/3, 1/3, 1/3 policy. Steve Lehmkuhle noted that the office also ensures that the patent development is in line with any governing federal regulations and risk management.

**Patriot Act and HIPPA**  
When HIPPA was instituted and institutions needed to prepare for it, the office worked to develop a presentation to discuss the HIPPA requirements as they related to each campus and the policies and procedures that should be utilized. Issues are privacy about the information with respect to individuals. Typically, issues come from the UMC Hospital or the UMKC School of Dentistry.

Regarding the Patriot Act, the office does not get involved, unless they are contacted by an individual on the campus with respect to some agency seeking information or materials that someone at the university may have. It has been the position of the General Counsel Office that the University does not automatically respond. Typically they will wait for a subpoena and discussion with the individual and an attorney at OGC. They will determine whether to challenge the subpoena and will work with the unit or individual to whom it is directed and try to focus it toward a narrow point of inquiry. Kate Markie (of the OGC office) would work with whomever it is directed at the university. Steve Lehmkuhle gave an example of which a request was made to see a list of books that a particular individual had checked out. OGC has worked with the librarians to put an appropriate process in place. Typically, the OGC would be cooperative with agencies such as the FBI, but will not simply “roll over.” They would work to focus the request to an appropriate level. The OGC would try to avoid “fishing expeditions.” Paul asked about these types of issues based on the concerns of the faculty in this general
area. Bunky suggested that the broad-based types of requests should not be of concern, simply because they have not been received. Typically, most requests have been for student records from INS and IRS and has been specific toward a particular student. Courses taken, period within the country, and financial records are typical requests, but even the release of this information is covered by FERPA. Thus, the OGC is particularly careful even with such requests along these lines. The student may or may not be informed based on the documentation in the subpoena. To the knowledge of Bunky and the other attorneys present, they were unaware of any such types of requests related to any faculty member.

Jakob asked a question related to the request by the Kansas City press for emails between President Floyd and Chancellor Gilliland for a period of 10 days. According to Bunky, this is a narrow, specific period of time; they have been asked previously for periods of 3 – 4 years, which may constitute more of a general “fishing expedition.” The OGC would forward the request to the identified individual to forward specific emails to Bunky’s office, in order to see if there are legitimate reasons or exceptions in the statute to remove protected/exempted information. Certain emails were removed because they were exempted. Part of the process does include a review and it takes an extreme amount of time. All of the attorneys within the office are involved in this process.

Discussion then was given to the sunshine law. The sunshine law does not require an individual at the university to answer questions for the public or the news media. We are also not required to produce a document that answers their questions. However, if we have the information, we do have an obligation to gather that information but can require payment for costs to do so. Bunky’s office would also review whether the request was appropriate under various statutes of the law. There are also provisions for fines and payment of fees if the request is supported by court system.

A typical number of requests for student records (could include parents in custody disputes) is 3 – 4 per week. Early on, there were several Patriot Act requests, but there has not been one in the past six months.

There are typically 16 -17 requests per month that require time from the office of the General Counsel. The fraction of requests from the news media was about 70% (and an additional 20% who were assumed to be news media request) in prior years. (Some requests associated with the sunshine law are a requirement of a journalism course taught at UMC.)

Privacy Issue Related to Email
Jakob asked about the privacy policy on the UMKC campus and indicated that the Provost was waiting for a response from legal Counsel so that the policy could be implemented. Steve responded that Kandis and Les Sapp were working with legal council to review other policies and that the IFC would receive a response to this request. Jakob also talked about the establishment of the oversight committee and sought direction for how this committee should function in an appropriate manner. Steve responded that there is nothing in CRR that would prohibit the establishment of
this committee. He also noted that further work was needed on the Privacy statement. Jakob reiterated to Steve that they are waiting for a formal response, which Steve indicated it would be forthcoming.

Other Issues related to OGC
Paul asked about UMC optometry or other off-site clinics and posting of gun laws related to UM that weapons could not be brought onto the premises. Will there be any comment from legal council be forthcoming in this area? Bunky did not recall any question being presented to his office regarding this signage issue but he did recall the report that his office had given to the Board of Curators. He indicated that the approach that the university utilizes should be consistent across campus and campuses, and because of the issues associated with ensuring that all buildings had the proper signage, that UM had made the decision not to develop signage for the campuses. He did not recall that strip malls or other areas were discussed in this report but indicated that his office would be willing to look into this question when asked. One of the attorneys in the room also noted that a specific format needed to be utilized.

Academic Calendar
Steve Lehmkuhle indicated that the dates for a “normal” academic calendar would be set and deviations from the calendar would be approved. Two versions are proposed: an early spring option (start date before MLK day) or late spring option (start date after MLK day). Both calendars include time in the fall for pre-registration activities. Spring break would start the last Monday in March. Steve also mentioned that the normal calendar gives us significant latitude in exam schedules and numerous other aspects, such as commencement dates, dates for intercession, summer schedules, dates for off courses (MBA, etc.). The concept is that we would always have a starting point. Steve requested that feedback must be received prior to the mailing date for the Board meeting, which is the end of March. Steve indicated that he believed he had developed as much flexibility in the calendar as was possible.

Paul commented on the calendars of UMSL’s competitors and K-12 school dates. The date that was the most sensitive was the Fall start date. Typically, people started at the later start date (or later). He voiced the concern that the start date suggested might result in a competitive disadvantage, for example, due to child care. The other issue that is still of concern, is that UMSL will be moving to a year-round calendar that still would benefit from the latest possible fall start date, and the earliest possible spring start date. Paul indicated that they were trying to be competitive and was concerned that this might have an impact based on the UMSL student profile.

Steve reiterated that the stability of the fixed calendar dates was a key advantage to the approach of the normal calendar. These dates would be fixed for potentially 20 years. Steve also reminded us that we (the four campuses) would choose one of the two options as a group. Paul noted that in the past at UMSL, the faculty has set the calendar and Gordon noted that according to CRR, that this was a shared activity. According to Paul, at UMSL, they would prefer the late start in the fall and the early start in the spring.
Gordon noted that UMC would not be able to respond to this request at this time and that we needed to determine whether we should think about this as a campus vs. system level at this time. Regarding UMR, Todd indicated that perhaps the normal calendar should be written that spring break might be described as the “week that contains the last Wednesday” rather than the last Monday, which might make coordinating of St. Patrick’s more straightforward and require less “exception” requests. Regarding UMKC, Jakob indicated that they do not have the same concerns with start dates as UMSL, in part, due to the fact that MO and KS have schools that start at significantly different times. They also did not seem to be as concerned regarding the start date of their competitors.

Steve suggested that if we had any specific concerns that we channel them through our Provost. Time is of concern and we need to make this decision. Steve will keep us informed and would like the Provost to be the point of contact on each campus. The faculty must also have input.

**Joint Appointments**

Steve indicated that the policy was written so that tenure and promotion decisions involved both departments. The option of having a primary department was also discussed, that would provide the tenure and promotion review. The concern was that this decision should not be made late in the process. Steve indicated that the intent was to write this so that this level of flexibility was included. The clarity (in either case) needs to be there for the faculty member. If truly a 50/50 appointment, according to CRR, tenure is in one department; but in practice, the individual may have tenure in both departments. Discussion occurred regarding whether practice was the same as CRR policy. Paul raised the question of “primary” department and whether this indicated that this department is where tenure lies.

Sudarshan questioned section 6a regarding the criteria that are specified in the document and that these should be defined by the faculty. Steve indicated that Section 2 should also be reviewed because of possible procedural problems and asked for advice regarding (1) the joint issue and the level of flexibility (i.e., tenure in two departments) and (2) the special considerations section, which would be a longer process. Steve also noted that a “primary department” approach was the preferred approach and is the method that has been added. A final point of discussion was that this document needed to be reviewed for any possible conflicts with other sections of CRR. Paul recommended that if it is truly a 50/50 appointment, the individual would need to be tenured in both departments.

There was also some discussion regarding the benefits/detriments of tenure in both departments. Possible issues might relate to who pays the individual’s salary, etc. Another issue is related to what happens when a unit is eliminated. Steve noted that tenure implies a commitment of the institution as a whole to the individual while Sudarshan noted that it may be described somewhat differently. Steve indicated that he would report back at the next meeting about specifically what it means to have joint
Tenure. Paul requested that this information be shared with faculty governance, at the Provost level, etc. Lastly, Sudarshan requested that for section 4b, that the second sentence in this section be reviewed.

**Tenure Ban Legislation**
This legislation has been withdrawn.

**FAS and Peoplesoft**
Pete Wilden shared the latest numbers on FAS. Just under 1900 faculty have been entering data since the system went live. The system is up and running and it is being utilized by the faculty with greater frequency. Problems that are identified are being resolved as quickly as possible. The PeopleSoft down time (2 – 2.5 weeks) will require some time to work through issues. There will be errors when individuals try to upload information. The only way to fix these is to have the system live. Steve also noted that there will be a bill released later this week related to performance based funding for higher education, i.e., accountability. The information contained within FAS will enable UM to better capture what they are doing. It is expected that a minimum of 3000 individuals will upload information into FAS.

**Other Issues**
Policies on Executive searches and non-tenure track faculty – Steve suggested we consult the President.

**Discussions with President Floyd**

**Executive Searches**
Mike Hilgers relayed the concern regarding the Chancellor Search using an appointed committee using a totally closed search process from the perspective that faculty input may be limited. The second issue here was at what level (how far down) do closed search processes go? President Floyd responded – if the search is open, the degrees of freedom are diminished and sitting Presidents and Chancellors will likely not apply for consideration for the position. This is the reason why the process is closed throughout. Then the decision becomes one of how can a broadly constituted group be assembled. The strongest individuals must be involved in this committee. A decision regarding the Chancellor Search Process has not been made for UMKC. President Floyd does not advocate the closed process for Provost, Dean, Chair, but it is important for Chancellor Searches to have the most desirable pool of candidates. President Floyd also recommended that the campus go through a “de-brief” process to discuss the approaches that the committee used and discussion regarding the candidate pool. The Search firm that was used at UMR made over 300 contacts as part of this search. This same search firm will be used for the UMKC Chancellor search. Todd reiterated that if a closed search process is to be used, that there should still be some representatives elected by the faculty. President Floyd indicated that this is a valid point, but that there are issues here, with regard to any “agendas” associated with particular individuals that may be counterproductive to the search process or the interest of the campus as a whole.
Stuart noted that appointed committees may result in some members of campus feeling that they are not represented on the committee. Stuart also suggested that we need to take into account some of the recent history on the UMKC campus and relationships between faculty and administration. Jakob indicated that 8 members of the committee were nominees from the Faculty Senate.

**Relationship with IFC**

President Floyd enjoys his relationship and counsel with IFC. If IFC is represented on the General Officers Committee, then the Student Association and Staff Association will also ask to be represented. President Floyd indicated that IFC representation on the General Officers Committee would be a poor use of time, as crucial information is brought to the IFC as the process currently stands. It would also be appropriate that we (IFC and the President’s Office) review CRR with regard to our role and relationship. Questions related to some of the verbage in the definition of the IFC role/charge (e.g., “liaison”) were also raised and indicated he would look at this further.

Gordon asked whether the IFC might have a role in enunciating the value/benefit of higher education to the state of MO. President Floyd’s response was that the IFC (and other faculty leaders) might be called to voice their opinion in this regard. He felt though that based on other factors, that it would be effective for him to be the interface with this General Assembly and Governor.

**Campus Reports**

UMKC is proceeding with the search process and the committee (21 members) has been named. The President will continue to serve as the Acting Chancellor. The Faculty Senate reacted well to the President’s approach to the formation of the committee. Jakob reiterated the concern that the state budget stay flat and that any raises would come from reallocation. The Provost used a significant portion of his reserve to balance the budget on campus.

UMSL – the evening college will be eliminated as a separate unit. Staff are being reappointed and monies associated with the college are being distributed to other units. The Deans will have more resources and control to meet the demands of the marketplace. Expedited reviews will occur for Full and Associate Professor positions; this is a tool that has some risk, but is necessary to achieve specific strategic goals. UMSL has a new Vice Chancellor for Development and will fill this position in April. Everyone involved in the process is pleased with the selection of this individual. Budget and planning met to look at the current situation and hope to have a process in place this Friday. There are problems in College of Nursing that continue to exist. The Provost will bring in some consultants which has delimited the problem. This has raised other issues, such as what is the relationship between clinical and other faculty. A consultant came in to the campus to talk about what type of research should occur in an urban university and what roles the different schools should fulfill.
UMC – Numerous small issues that are ongoing that will not be discussed. They anticipate a new grievance policy will be worked out. Faculty will be made aware of the changes in the near future. This is scheduled to be on the BOC agenda for the April meeting. Have moved forward with faculty review of Intercollegiate Athletics program. The reporting relationships are being developed. Regarding the name change, about 1/3 of faculty have no opinion and 1/3 felt it was inevitable. There remains a group of people who are still upset and concerned. This seems to be leading to a discussion regarding what is the name of the UMC campus. We use the name MU, where do we fit in the system and where is it going. The discussion of non-regular faculty is ongoing. Many of the “irregular” faculty are concerned about this basic aspect of their relationship with the university. There is significant confusion about this issue, what it means, and how to address it.

President Floyd suggested that Steve Lehmkuhle work with this group (and the IFC subcommittee that has been constituted) to address this issue. Jakob pointed that the CRR is not as well defined for non-regular faculty as for regular faculty, in part due to the varied roles of these individuals. President Floyd suggested that we, the faculty, need to be the ones to define the role(s) of non-regular faculty.

UMR – the Strategic Planning process – Mike has been involved in the online report to the BOC. Some facts – UMR topped 5000 in UG enrollment and have two faculty in the process of National Academy nomination. Open forums have been held and we voted to have a series of open forums on the budget, which has been distributed to all the budget center directors. The budget deficit forecast for UMR for 2006 is $6.4M and the faculty will have some input into the process to address the deficit.

President Floyd –
Thanked the IFC for the endorsement. Press clippings regarding the endorsement (at least in the print media) were distributed. We are continuing to move forward in the directions that we discussed previously. It appears that we will not have a withholding but a deferment in payment. We should receive full payment in June but the sales tax revenues are not at the expected level. Reserves that were being held centrally were used to address cash flow issues. The deferment should therefore be invisible to the campuses. The legislature has requested 5 – 20 % budget reduction forecasts, especially from a personnel/work force reduction aspect.

Paul asked for clarification regarding the likelihood of a withholding. Nikki responded that that at this point in time, it appears that there will not be a withholding. The above 5 – 20% reduction forecasts though remain a concern in this regard. Rocco asked about the future of support for higher education in the state. President Floyd indicated that while many states are seeing a net increase in higher education, in MO, we will see a net decrease in higher education. This is due to the structural flaw that exists in budgeting, despite the improvement in the economy. Expenses are growing faster than revenue. Gordon commented about higher education being non-unified and the impact of this on the stability of the budget to higher education. President Floyd responded that we need to take a more fundamental approach regarding how we carry out higher
education, including slowed administrative hiring, increased focus on academics, program offerings from top to bottom, consolidation, and becoming more efficient in what we do as an institution.

Paul commented on the definition of a budget “crisis,” suggesting that a crisis has an end point. Since the budget situation is unlikely to change in the immediate future, that we need to view this more as operating in a new budget “environment.” This suggests that we take a new strategic approach – we could focus on preserving quality and the core of what we do, and indicating that there will be limitations on what the university can do/provide for the state. The question comes up of whether we (UM) can afford multiple programs, such as in engineering, law, etc. President Floyd suggested that the leadership team must take a fundamental look at how it provides education to the state of MO. How do we deliver an “efficient” job of higher education but maintain the core mission of UM? Another related issue is the difficulty in developing a holistic approach toward higher education in the state, given the various constituencies within the UM system and with higher education in general at all institutions within the state. President Floyd commented that UM needs to take a leadership role in this area. Also discussed was the possibility of eliminating out of state tuition and offering one flat tuition rate and whether campuses could set their own tuition rates.

Meeting adjourned at 2:10.