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Faculty Senate meeting minutes: 03/17/2004

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TO: FACULTY SENATE
FROM: CHARLES H. ELLIS, Jr., SECRETARY, FACULTY SENATE
SUBJECT: MINUTES, 2003-2004 FACULTY SENATE MEETING, 17 MARCH 2004

Present: (Professors) Alper, Aroian, Bannister, Barnes, Blank, Brookins, Bursey, Ellis, Howlett, Hunt, Krishnamoorthy, Kruger, Lowndes, Margotta, Morrison, Peterfreund, Serafim, Shafai, Sherman, Sherwood, Vaughn, Wray
(Administrators) Abdelal, Finkelstein, Hill, Meservey, Onan, Soyster, Stellar

Absent: (Professors) Alverson, Bansil, Bruns, Flym, Futrelle, Hansberry, Khaw, Metghalchi, Ondrechen
(Administrators) Greene, Weiss, Zoloth

Provost Abdelal convened the meeting at 12:04 p.m.

- I. **Minutes.** The minutes of February 25 and 26 were approved.
- II. **SAC Report.** Professor Lowndes reported the following.
 - A. **Meetings.** The Agenda Committee met twice in regular session since the last Senate meeting and will meet again on March 18 with the President and the Provost to continue the discussion on search procedures and the budget process.
 - B. **Upcoming Items.** A number of items, including proposed graduate programs, that will be coming to the Senate need more complete information before they are ready for Senate consideration.
 - C. **Next Meeting.** Next week's meeting depends on whether SAC receives materials in time to send to the Senate.
- III. **Provost's Report.** Provost Abdelal reported the following.
 - A. **Graduate Enrollment Incentive.** The Provost's Office is working with directors of graduate programs to strengthen our graduate enrollment position next fall. In the next fiscal year, as an incentive, graduate programs that exceed projections will share any realized revenue equally with the University.
 - B. **Financial Activities.** The Provost's Office continues to work with numbers and requests from colleges for the next fiscal year.
- IV. **Question and Discussion Time**

The floor was yielded to Leslie Hitch, Director of Academic Technology Services, who urged faculty to respond to the online IS customer service questionnaire.
- V. **Ad Hoc Handbook Review Committee Report – Section IV.** Resolution #3 was on the floor. It read as follows:

BE IT RESOLVED that the Faculty Senate approves Section V.J.2 (Copyright Policy) presented in the Revised Draft (2/27/04) from the *ad hoc* Committee to Review the Faculty Handbook, to go into effect when published in the revised edition of the *Faculty Handbook*.

Professor Alper expressed concern at what seemed to be inconsistency (p. 25) between what appeared in the first sentence of paragraph 3 and the whole of paragraph 5 with regard to ownership.

He suggested deleting the first sentence of paragraph 3 and moving paragraph 5 up to where the first sentence would have been.

Professor Ellis agreed that the text was inconsistent. He yielded the floor to Professor Herman.

Professor Herman explained that the wording in paragraph 3 had never been designed to apply to faculty. The important phrase was “within the scope,” which is a particular term of art in the copyright law. For example, articles for the *NU Voice* written by an employee of the *Voice* would belong to the University because they were written within the scope of the writer’s employment. However, faculty work, until passage of the recently passed workload policy, has not been within the scope of employment unless substantial University resources were invested or a contract between a faculty member and the University or a funding agency stipulated different ownership. The “scope of employment” phrase must be in the document to cover the instance of faculty who do research and/or writing as part of their jobs, and to cover all other University employees to whom the copyright policy also applies. He suggested clarifying the language so that faculty would not confuse their research and scholarship as necessarily being within this definition.

Professor Ellis presented Professor Herman’s suggested clarification, which would retain the first sentence and add new language. Paragraph 3 would then read as follows (new text in bold type):

All works created or developed by a University faculty member, staff member, or consultant within the scope of his or her employment will be considered a ‘work made for hire’ within the ‘agency’ meaning of the Copyright Act and copyright ownership will reside in the University. However, works created by faculty **as part of their workload assignment under the general rubrics of research, scholarship, publishing, creative activity or performance, or teaching** in the University, except as restricted by written agreements **or by the use of substantial University resources as defined below**, belong to the faculty member. **Course materials created by faculty for use at Northeastern, except as restricted by written agreements or by the use of substantial University resources as defined below, belong to the faculty member** and may be used by such faculty in other works, provided that appropriate acknowledgement of their origin as part of the University’s curricula is included in any other such work.

Professor Sherwood asked for clarification of the term “substantial University resources.” Provost Abdelal responded that the national norm interprets this as utilizing staff paid by the University or core facilities or extensive supplies (not paper) that would be used, for example, in the sciences or engineering. Professor Herman pointed out that this was specified in paragraph 5 as, “substantial use of funds, facilities, equipment, and materials.” He added that the copyright policy applies to all members of the University community, not just faculty.

Professor Ellis was willing to accept Professor Herman’s suggested text as a friendly amendment, but Professor Lowndes recommended taking a vote on so significant an issue.

Motion. Professor Ellis moved Professor Herman’s suggested text, and the motion was seconded.

Professor Aroian asked what would be the impact on distance learning and other electronic materials. Professor Herman responded that a section in the copyright policy deals with electronic courseware; a contract signed between the faculty member developing the course and the University would determine both ownership and royalties.

In response to a question about the contractual nature of our copyright policy with respect to these courses, Professor Herman explained that currently faculty generally retain all rights in courses delivered by television, but courses developed for NU-Online usually involve an enormous amount of time and work by staff members both in their creation and delivery using institutional resources, which would trigger the substantiality clause. Generally, such NUOL courses are developed under contract between individuals and the University.

Professor Blank expressed concern at what he found to be a disturbing trend. As we move on to new forms of media for teaching and presentation, the University seems to be adopting a policy of exempting these new forms from faculty rights. He cited the exemption of free online courses from the University's tuition remission employee benefit for faculty members and their families.

The floor was yielded to Vice President Hopey (Adult and Continuing Education) who reported that creators of such online courses are currently compensated for course design and development, but we may have to model differently in the future. He has set up a working group to look into compensation and royalties and would be happy to share the results of this effort with the Senate.

Professor Herman pointed out that the copyright policy simply provides a framework for negotiation in individual cases.

Provost Abdelal added that in each case agreement has to be finalized before anything is signed.

There being no objection, the Senate turned to a vote.

Vote on Professor Ellis's amendment: PASSED, 25-0-1.

Vote on the main motion, as amended: PASSED, 26-0-0.

- VI. **Renaming and Reorganizing University College.** Professor Sherman moved Resolution #1, and the motion was seconded. The resolution read as follows.

BE IT RESOLVED THAT the name of University College be changed to the School of Professional and Continuing Studies, to better reflect its primary role as Northeastern's continuing education college for adults and working professionals seeking part-time education.

The floor was yielded to Professor Herman who noted that the resolutions came from a committee within UC as part of an effort to revivify it and set in on a new track. The Agenda Committee had sent the report and resolutions to the Academic Policy Committee, which he chairs and which voted unanimously in favor of them.

The floor was yielded to Vice President Hopey who explained that the change of name and restructuring were designed to reposition UC to be competitive in the Boston marketplace, to have greater faculty oversight and involvement, which are crucial to its success, to attract quality students by offering a rich curriculum, and to generate revenue.

Professor Barnes pointed out that the focus should not be only on part-time programs, noting the full-time paramedic program. Vice President Hopey assured him that he would continue to support the paraprofessional programs.

Professor Vaughn was skeptical about the potential success of the name change. Vice President Hopey responded that he had commissioned a study to look at names, including approaches to alumni and current and prospective students. They found the present name confusing, but the proposed name resonated with them.

Professor Kruger commended the long-overdue refocusing for UC and the systematic approach to obtaining a more desirable name.

There being no objection, the Senate turned to a vote.

Vote on Resolution #1: PASSED, 25-0-1.

Professor Sherman moved Resolution #2, and the motion was seconded. The resolution read as follows:

BE IT FURTHER RESOLVED THAT the Academic Council for Lifelong Learning be established and authorized to serve as the academic approval and oversight board for all undergraduate and graduate degree credit activities of the School of Professional and Continuing Studies. The membership and authority of the Academic Council for Lifelong Learning shall be:

1. Membership: The permanent members of the Academic Council for Lifelong Learning include the Vice President for Adult and Continuing Education (*ex officio*), the Associate Dean for Graduate and Professional Education of the School of Professional and Continuing Studies (*ex officio*), the Vice Provost for Undergraduate Affairs (*ex officio*), and the Vice Provost for Graduate Education (*ex officio*). In addition, the committee membership shall include three Associate Deans, each from a different day College [including the Law School], selected by the Provost, and seven tenured faculty members appointed by the Faculty Senate Agenda Committee. The Associate Deans and the faculty shall serve staggered terms and may be reappointed. The Vice President for Adult and Continuing Education will serve as chair.

2. Scope of Authority and Responsibilities: The Academic Council for Lifelong Learning shall be responsible for conducting the academic business of the School, including such matters as the evaluation and approval of new credit-bearing courses and curricula, the review of existing courses and curricula, the review and approval of new and existing degree programs, the permitting of academic variance, and other academic concerns. The Academic Council will be responsible for voting the granting of degrees, and as such it will review and approve the credentials of undergraduate and graduate students for the purpose of granting degrees. The Academic Council may establish its own internal processes and by-laws for how it will function and operate.

The floor was yielded to Professor Herman who explained that this would be the first time UC would have a coherent governance structure, whereas, in the past, it was governed program by program or department by department. The Academic Policy Committee was particularly anxious that at least some of the faculty appointed to the Council have an ongoing relationship with UC.

Professor Vaughn asked about the connection of day and night courses with the same names, i.e., History, Sociology, and Physics. Vice President Hopey replied that these programs cater to different markets. He anticipates that there will be greater involvement of day program department faculty, and he has sixty consultants from different departments who will help establish a whole new process for UC faculty in the fall.

Provost Abdelal noted that a collegial approach is already in place. Shortly after Vice President Hopey arrived here, significant collaborative efforts were quickly developed and far greater coordination with the deans has been established.

Professor Alper expressed concern about having administrators on the council rather than having a faculty committee that would make its own recommendations based on faculty perspectives as in the day colleges. Professor Herman explained that departments and UC programs do not at present have the intimate contact that some believe the departmental consultants can provide. Many UC programs are free-floating and are governed either by faculty who are not part of the day schools, but are hired specifically to handle the task, or by administrators. The goal of the proposed governance structure is to engage the faculty of the day schools in such a way that the same kind of oversight would happen in UC. Since UC does not have a full-time faculty of its own, the only way to assure proper governance is by creating a council that brings a diverse group of faculty together with administrators from UC and the Provost's Office. Provost Abdelal pointed out that a number of non-

tenure track, full-time faculty were hired last year in preparation for dealing with the CBA accreditation.

Vice President Hopey noted that his committee had looked at other models and concluded that NU should not continue an *ad hoc* approach.

Dean Stellar expressed support for the reorganization and added that some significant incentives for the day colleges were associated with the new structure.

Professor Vaughn asked whether the evening programs in the School of Engineering Technology and the Lowell Institute would come under this new structure. Vice President Hopey replied that an accredited evening program important to a day school should stay in the day college.

Professor Peterfreund recommended looking at the resolution in the context of what lies ahead. For UC to grant its own degrees, we need absolutely rigorous quality control. The proposed system of faculty representation and oversight is the best approach under the circumstances, i.e., the unlikelihood of there ever being much of a permanent faculty in UC.

Professor Ellis agreed with Professor Peterfreund that the proposed structure would be workable with appropriate oversight and quality control.

Professor Sherman asked whether the oversight committee would replace the current system of consultants. Vice President Hopey replied that UC would still have faculty consultants and he hoped to have more department chairs and faculty involved. He added that in some ways this governance structure would be a model that would enhance delivery of new offerings to the lifelong learning market.

Professor Bursley wondered at the statement that no full-time faculty had been in UC before last year. Provost Abdelal responded that there had been no full-time faculty in UC other than those involved in administration, but last year, to meet AACSB accreditation demands, six CBA faculty were hired to assist in the teaching of business courses. In the past, UC relied on part-time lecturers who were not paid very well, but we are now being more aggressive about finding the highest caliber part-time lecturers and continuing the full-time faculty who were hired last year, and then integrating the full-time faculty of the colleges. [In this exchange there may have been confusion regarding faculty hired full-time in UC as opposed to the full-time faculty from the colleges who have taught in UC programs over the years, in substantial numbers.]

Professor Herman recalled that in 1961 a battle had taken place to get full-time faculty involved in UC as consultants and teachers. Although the faculty won that battle, over the years since then, their numbers have dwindled. The governance has tended to be by administrators. This proposal is an effort to restore faculty control that has been in decline for thirty years. Also, curriculum developed would go from this governing body to either the UGCC, where all the colleges are represented, or to the Graduate Council, where the colleges are also represented, so that all new programs would be vetted by day school faculty.

Professor Lowndes expressed his strong support for the proposed Council structure. The range of faculty and administrators on the Council would embrace a very broad range of views and interests, and thereby insure that high quality programmatic standards would be maintained and that the integrity of the basic college programs would be upheld. The Council would be a dynamic forum that could facilitate new programs being more speedily developed and brought to market, a vital strategic factor for professional and continuing education programs.

In response to a question about granting degrees and dealing with individual student waivers, Vice President Hopey explained that the Academic Council would create subcommittees to deal with those issues and processes.

There being no further discussion, the Senate turned to a vote.

Vote on Resolution #2: PASSED, 25-0-1.

Professor Sherman moved Resolution #3, and the motion was seconded. The resolution read as follows:

BE IT FURTHER RESOLVED THAT the School of Professional and Continuing Studies is authorized, as an independent college, to grant lifelong learning degrees.

The floor was yielded to Professor Herman who explained that the resolution would give UC the ability to offer degrees tailored to its particular clientele subject to all the reviews that take place through the University in terms of curricular development and authorization of a program.

Professor Ellis suggested changing “is authorized” to “be authorized” because authorization to grant degrees comes from the Trustees, not the Senate. The change was accepted as a friendly amendment.

Professor Ellis asked whether the degree titles in the proposal would come to the Senate at a later date for approval. Professor Herman responded that the purpose of the resolution was not to grant UC the sole power to approve particular degrees; those degrees would come individually to the Senate for approval.

Professor Bursey suggested adding “to recommend the granting of lifelong learning degrees to the Trustees” in place of “to grant lifelong learning degrees”.

Professor Ellis pointed out that the Senate would be resolving that the granting be authorized, which meant that the Trustees would make the decision.

Professor Peterfreund suggested adding “by the Trustees” after “be authorized”.

Professor Brookins asked for clarification of “lifelong learning” degrees as opposed to the traditional degrees. Vice President Hopey responded that a lifelong learning market exists for programs that do not fit within a traditional discipline, and a number of institutions offer various degree designations to reflect that category. Lifelong learning schools (Northwestern, NYU, and Harvard among others) tend to have degrees entitled Master of Professional Studies, Master of Liberal Arts, Bachelor of Philosophy, and other titles.

Professor Peterfreund viewed the problem as what shape the amendment should take to reflect the full range of degrees that would include paraprofessional and continuing studies programs. He suggested deleting the adjectives from the degree titles, and this was accepted as a friendly amendment.

Vice Provost Meservey, as a point of clarification, explained that the Senate had recommended that UC have degree-granting authority (June 2002), which was approved by the Trustees.

Professor Herman explained that what had been passed by the Senate was authorization based on a certain set of AACSB actions. However, the following year, the AACSB reversed its position and refused to allow the Business degrees to be severed from one another. The Senate then passed another resolution rescinding the authority that had been granted for independent degrees. Nothing further on this matter had come to the Senate. Trustee approval (6/14/02) was made “with modification: Passed subject to favorable action by the AACSB re: accreditation guidelines.”

Professor Ellis explained that eliminating “lifelong learning” would cover the sins of the past and continue the authorization to confer any degrees that might be granted under the old system, as well as any other degree. He added that the Senate’s past approval had been in a very specific context that had to do with the accreditation of the College of Business and what appeared to be a window

that the AACSB had opened. It had been opened for Boston University but then was closed for everyone else, including Northeastern. When the Senate passed that, the intent was toward that specific context, not that UC was being authorized to offer other degrees broadly. With this resolution, any new degrees have to come through the standard processes.

Professor Sherwood thought it made sense, in light of the history, that “lifelong learning” be retained. Provost Abdelal responded that the term was introduced to emphasize that a number of degree programs expected will be of that kind, but to eliminate it gives a more general authorization.

Professor Lowndes suggested changing “grant” to “offer” and this was accepted as a friendly amendment.

As amended, Resolution #3 read as follows:

BE IT FURTHER RESOLVED THAT the School of Professional and Continuing Studies be authorized, as an independent college, to offer degrees.

There being no further discussion, the Senate turned to a vote.

Vote on Resolution #3: PASSED, 26-0-0.

Professor Sherman moved Resolutions #4 and #5, and the motion was seconded. The resolutions read as follows.

4. BE IT FURTHER RESOLVED THAT where there is an existing accredited bachelors degree currently offered by University College (example: BSBA w/business), such degree may be offered by the renamed School of Professional and Continuing Studies in conjunction with a day-college, but the authority to grant such degrees, along with the oversight for those degrees, remains with the day college, unless the college that currently holds degree-granting authority agrees to relinquish its authority.

5. BE IT FURTHER RESOLVED THAT new degree programs proposed by the School of Professional and Continuing Studies, must follow the approval processes of the university, however the University Undergraduate Curriculum Committee and the Graduate Council are authorized to develop and submit to the Senate for formal approval expedited approval processes for the designated lifelong learning degrees and credit bearing programs in the School of Professional and Continuing Studies which mirror the expedited approval processes already designed for University College undergraduate and graduate certificates.

The floor was yielded to Professor Herman who explained that Resolution #4 covered the two situations that exist in UC and Resolution #5 assured that programs originating in UC would pass through the University governance structures established for all academic programs.

Professor Burse suggested, for consistency, to change “grant” to “offer” and this was accepted as a friendly amendment.

Professor Peterfreund suggested replacing the comma after “university” in Resolution #5 with a semi-colon, and adding a comma after “however” and this was accepted.

Professor Peterfreund suggested that the question of who is authorizing the University Undergraduate Curriculum Committee and the Graduate Council be removed from the passive voice, and, since both are children of the Senate, the Senate should be authorizing them to develop expedited approval processes.

Professor Bannister supported the proposal and the resolutions, but, having had a long history with the AACSB and how volatile its changes can be in terms of the criteria on which the College of Business is evaluated, he suggested deleting in Resolution #4 the words “currently” and “bachelors” and adding “or proposed” after “existing”. These changes were accepted as a friendly amendment.

As amended, Resolutions #4 and #5 read as follows.

4. BE IT FURTHER RESOLVED THAT where there is an existing or proposed accredited degree offered by University College (example: BSBA w/business), such degree may be offered by the renamed School of Professional and Continuing Studies in conjunction with a day-college, but the authority to offer such degrees, along with the oversight for those degrees, remains with the day college, unless the college that currently holds degree-granting authority agrees to relinquish its authority.

5. BE IT FURTHER RESOLVED THAT new degree programs proposed by the School of Professional and Continuing Studies, must follow the approval processes of the university; however, the University Undergraduate Curriculum Committee and the Graduate Council are authorized to develop and submit to the Senate for formal approval expedited approval processes for the designated lifelong learning degrees and credit bearing programs in the School of Professional and Continuing Studies which mirror the expedited approval processes already designed for University College undergraduate and graduate certificates.

Professor Ellis asked what would be the effect of this legislation on students in the existing UC degree programs that have standard degree names in UC. Vice President Hopey replied that he has been working with the administration on how to deal with student transition. A model exists from the restructuring of Bouvé, and it is our obligation to help the students.

There being no objection, the Senate turned to a vote.

Vote on Resolutions #4 and #5: PASSED, 26-0-0.

Adjourned at 1:26 p.m.

Respectfully submitted,

Charles H. Ellis, Jr.
Secretary