

The Faculty Senate at the University of Virginia
Wednesday, September 23, 2009 – 3:00-5:00 p.m.
The Dome Room of the Rotunda

Meeting Minutes

Ann Hamric, Chair of the Faculty Senate and Professor in the School of Nursing, called the meeting to order and offered welcoming remarks.

Ms. Hamric called senators' attention to the final report of the Faculty Senate Task Force on Non-Tenure-Track Faculty, completed in May 2009. The report recommends best practices for remedying the problems non-tenure track faculty reported in the Senate's Faculty Survey. Deans and others who have received copies of the report have responded positively. The deans will be sending it to their departments. In addition, the report is now posted on the front page of the Faculty Senate website.

The Executive Council is exploring ways to improve communications between senators and their faculty constituents. Documents and information will be posted on the website for easy access, and senators are encouraged to communicate with constituencies. This work is ongoing.

John T. Casteen III, President, reported on the state budget and its impact on the University's resources, with special focus on AccessUVa. [Slides shown during President Casteen's talk are available from Ann Witkower (aw6v@virginia.edu).]

AccessUVa is a financial-aid program that allows qualifying students to graduate without the burden of student loans. The program's cost is growing because of increased student need during the recession. The Board of Visitors remains committed to the program and is working to attract more gifts to build the program.

This year, one-third of the first-year class qualifies for some level of financial aid. U.Va. is required to commit a part of tuition to student aid, and we are probably more invested in using tuition for this purpose than most Virginia institutions. AccessUVa students have proven to be an asset to the University; they over-perform at U.Va., with high graduation rates. The University is looking at the fact that federal programs don't include scholarships to international students; we believe they should.

Regarding the state budget: Gov. Kaine announced an additional 15% reduction for us, on top of past reductions. The governor is now using some of the federal stimulus funds to offset some of these reductions. He will supply enough funds to bring 15% down to 8%.

President Casteen showed a slide that graphs how U.Va. has had to raise tuition in order to offset deficits. Tuition now provides more of the total budget; students are contributing more than the state.

Leonard Sandridge, the Executive Vice President and Chief Operating Officer, addressed what the University has done internally to implement the state-mandated reductions the President talked about. We faced a \$19M reduction in state funds, mitigated by the Governor's application of stimulus money to get the reduction down from 15% to 8% of tax dollars. That equals about 3% of the University's total budget. Administrative units were assessed a reduction of 3%, and

the academic units a 2.5% average reduction. Hopefully that will get us through the current fiscal year, but there is no assurance of that.

Uncertainty remains about how stimulus monies applied this year to reduce the deficit will impact next year. The state is requesting additional funds from the federal government, but Mr. Sandridge is asking Dr. Garson and the deans to continue to plan for reductions to total 6% for the upcoming year. The situation is challenging now, but it could have been much worse if we'd had to absorb the full deficit that the Governor was talking about at first.

Regarding layoffs: We're trying very hard to anticipate these downturns over the years to encourage units to manage cuts; some units couldn't manage it without reassignments. We've reduced employment at the administrative level by 6-7%; when an institution is as labor-intensive as we are, we don't make cuts without staff cuts.

The Governor has proposed furloughs, saying that every university and state employee must be furloughed for one day and only one day. While Mr. Sandridge's noted that furloughs would not be the most preferred way for coming up with that amount of money, U.Va. will need to participate. The Governor has established May 28 for a statewide furlough, but some flexibility will be given to higher education so that no classes are cancelled, and so that hospitals have way to deal with it.

The Virginia Department of Human Resource Management posted a question and answer webpage about the proposed furlough [now accessible through the Faculty Senate website], but it may raise as many questions as it answers. There is still a lot of uncertainty about how the furlough will be handled. Please be patient, recognizing that we're very concerned about this. The Secretary of Education has assured us he'll give us a chance to make our case. The Governor says he set that date thinking that the outlook may have changed by that date, making a furlough unnecessary. House and Senate members are not necessarily in favor of the furlough plan, and may discuss it during the general assembly. If the furlough is carried out, we will do everything possible to minimize its impact on everyone.

Mr. Sandridge said that he has heard discussion that the fourth quarter contribution to retirement may be changed. He assures any faculty and classified staff on the VRS system that this won't affect their retirement benefits, now or in the future.

Mr. Casteen returned to the podium and spoke about the University endowment and the capital campaign. He said that the Board of Visitors created funds to fill gaps in budgets. Now there are a number of funds that must be spent up, and the President has some priorities about using that money. He is particularly concerned about leaving adequate funds for the next president.

The endowment has experienced some loss, but not as bad as it could have been. Losses were reported at 21%, not as high as many schools.

It is important to continue the capital campaign even through bad times. Mr. Casteen said he is not encountering resistance in solicitations. An argument can be made for stabilizing the annual base of donations, as is the case with the Law School; Darden is close to that, but more market sensitive. McIntire may get to that point by the end of the campaign. Bob Sweeney, the Senior Vice President for Development and Public Affairs, is optimistic that we will reach the \$3 billion

goal by the end of 2011. Mr. Casteen has been asked to serve as consultant for a year after he leaves.

Mr. Casteen asked for nominations for Jefferson Awards. The original award was meant to reward service, not necessarily scholarship. But scholarship has been the major concern of the nominating committee in recent years. This year, there are two committees, one looking at scholarly excellence, the other at service.

Mr. Casteen then took questions from the floor.

Arthur Garson, the Executive Vice President and Provost, introduced **Harry Harding, Dean of the Batten School of Leadership and Public Policy**. Mr. Harding reported that the Batten School graduated its first class in the accelerated 5-year program in May. David Breneman was the founding interim dean of the school.

The agenda for this year includes:

- finalizing plans for remodeling Garrett Hall as the School's new home. Garrett Hall's central location in the Academical Village reflects Mr. Batten's desire for the School to be at the center of a broad network across grounds.
- forming an interim council with 22 members – those who have taught or will teach core classes, and those involved in planning – which will have representatives from all the schools and several centers.
- forming the School's faculty. Mr. Harding is preparing to make a number of full time faculty appointments; three of these will most likely be joint appointments with Arts & Sciences.
- designing the curriculum for the full master in public policy program.

Report by Ed Kitch, Professor at the Law School, and **Brian Pusser, Associate Professor at the Curry School of Education** and chairman of the Senate's Task Force on Scholarly Publication and Authors' Rights; and **Madelyn Wessel, Associate General Counsel** about their work on the issue of authors' rights and open access.

The Task Force formed last year, and produced a resolution that was presented to the Senate last year.

Ed Kitch said that he has studied and taught copyright during his career and has seen extraordinary changes come about as a result of transformations in technology. He advocated for the view that an essential role of higher education is to produce new knowledge and that it is important to reassure the public that scholarly work is being done to benefit the public interest. Scholarship should be available to the public that provides essential funding to support research; open access initiatives are designed to make resultant scholarship as easily accessible as possible. They are also aimed at empowering faculty as individual scholars to think about the rights they transfer to a publisher and to retain important rights to their own work that can be critically important in a digital age.

The current Copyright Act reflects the old world, in which producing a book or journal was a complex and lengthy undertaking culminating in a print version that could not be easily distributed or reproduced. In the current law, making any copy of a published article, even of your own article, is not permitted once the copyright has been transferred or assigned. Such a transfer means the scholar cannot make copies for colleagues or students, or post versions of the work on a non-profit website. If the transfer is absolute and the publisher has gone out of business, the author can be stuck without the rights to republish their own work. The good news is that a lot of publishers have already become more flexible in the terms of their publishing contracts, leaving authors with significantly more rights – but not all.

Scholars need to pay more attention to standard contracts and ask for more flexibility. The Senate needs to have a discussion on the proposed resolution and pass it, ideally at the next full meeting in November. Mr. Kitch asked Senators to bring this matter to the attention of their colleagues and to design appropriate discussions to gather faculty input on the resolution in preparation for their vote. Mr. Kitch, Mr. Pusser, and Ms. Wessel are willing to facilitate discussions.

Madelyn Wessel outlined the many resources available to Senate already on this topic. A comprehensive presentation was made to the Senate in April and those slides are available at the Faculty Senate website, along with a comprehensive memorandum that Ms. Wessel drafted for the Task Force in the spring and a revised Resolution. The draft resolution is based intentionally on the approach taken by Harvard and MIT. The Harvard model is a strong, fairly simple model that provides the University with a non-exclusive, non-commercial license to post faculty scholarship. All commercial rights remain with the faculty member. Harvard faculty are now posting works to the DASH [Digital Access to Scholarship at Harvard] repository. Public access is now enabled to DASH. With DASH, you can see the kind of potential that exists if universities start collecting scholarship and making it available to the world (see <http://dash.harvard.edu/>).

Regardless of the ultimate outcome of the Senate's vote on the Resolution, Ms. Wessel stressed how important it is for faculty scholars to read their copyright agreements. She noted, "You are owners of your work until you sign the standard agreement, at which point your control is gone." Ms. Wessel offered to come to individual departments or schools to offer workshops assisting faculty with copyright and author's resources and clarify questions regarding the Senate resolution.

A question was raised about the negative consequences to humanities journals that rely on download and reproduction fees, and whether such revenue will be lost if the work is offered for free to the public by the University. Ms. Wessel responded that the draft resolution offers important protections to address such situations with flexibility. First, a waiver mechanism is embedded in the Resolution. If a journal board elects not to allow its authors to retain open access rights, the journal can assert that prerogative and authors who wish to publish with them will obtain a waiver essentially automatically. The resolution also provides for a 12-month window, allowing journals to publish first. And, the version of the work that will be held at the University is the author's final draft, not the published version that remains the version of scholarly record. Ms. Wessel also noted that the broader crisis in scholarly communications that is hitting many small journals and academic presses hard will need to be addressed through a variety of strategies that might include initiatives such as that just announced by a group of

institutions including Harvard and MIT, to subsidize the cost of open access journals at the University level.

All the material Ms. Wessel is discussing will be on the Senate website. She urged Senators to get together with the people they represent, go through this material, and get good information out to everyone.

Ann Hamric gave a review of the presidential search process in which she is involved. The Search Committee has the difficult task of promoting transparency while also maintaining confidentiality.

The Special Committee on the Nomination of a President had its first meeting in August. Along with multiple Open Forums, the Committee asked for reports from faculty, staff, and students to provide feedback on challenges and opportunities facing the University as well as characteristics needed in our next President. The reports are available on the president's search website [<http://www.virginia.edu/presidentsearch/>], and Senators were asked to review the Faculty Consultation Report. An email address also is posted on the site [presidentsearch@virginia.edu], and Senators or any member of the community can provide additional feedback by emailing that address. The site has received thousands of hits and much feedback, all of which has been reviewed. There is a good deal of harmonization among comments.

In addition to nine BOV members, the Special Committee includes six faculty members; this is an increase compared to previous searches. Faculty members were not chosen to represent specific constituencies, but because they have significant experience within the institution. The Committee also includes two students and two alumni (also former rectors). Leonard Sandridge is the secretary; R. William Funk is the search consultant firm.

Faculty input has been actively sought and fully considered as well as input from other university constituents. Nominations are currently being solicited from individuals within and outside of U.Va. Confidentiality is of critical importance to the search at this level. Leaks can derail a candidacy if the candidate finds he/she is being discussed. Ms. Hamric asked for Senators to help address this issue with their constituents. In response to a question, Ms. Hamric stated that there is no fixed timeline for the Special Committee's work. The Rector has noted that the search will take as long as it needs to find the right person for U.Va.

The meeting was adjourned at 5 p.m.

Submitted by Kevin Lee, Secretary of the Faculty Senate