MINUTES OF MEETING NUMBER 84
OF THE
SENATE OF MICHIGAN TECHNOLOGICAL UNIVERSITY

22 October 1975

(Senate Minute pages: 1058-1077)

Meeting No. 84 was called to order on Wednesday, October 22, 1975 at 7:05 p.m. in the Faculty Lounge by President L.M. Julien.

The roll was called by the Secretary, E. Erickson. Twenty-one members or alternates were present. Absent were Coffman, M.S. (F), Doane, V. L. (MR), ElRite, R.E. (PE), Juntunen, J.L. (AFROTC), Olson, C.K. (MG), Smith, R.L. (Pres.), Stebler, R.C. (AL), Thompson, V.D. (AROTC), Timm, R.F. (AL).

Acknowledgement of Visitors: The following visitors were in attendance: Heldt, L. (MY), Miller, R. (ST), Zak, R. (Lode Reporter).

The Minutes of Meeting No. 83 were approved as distributed.

The President's Report

1. Request for 1975-76 Faculty Salary Schedules. President Julien sent a request to President Smith as per Senate Proposal 4-74 requesting salary information for the 1975-76 academic year. (See Appendix A of these minutes - Available by Request from the Senate Office).

2. Distinguished Teacher Award. Vice President Stebbins has requested that at the time of the next Senate election in the spring, a ballot go out in the same mailing for nominations for Distinguished Teacher of the Year Award, and be sent to him. E. Booy wondered if a distinguished researcher might also be brought to attention at the same time. Julien said that he believed the nominations for outstanding research award have been made by a committee consisting of those who have received the award in the past; it is a different mechanism.

Vice President Stebbins said that the Distinguished Teacher Award is a worthy thing to continue, and there has been difficulty in the past getting nominees for it, and that the administration wants more participation in selection of nominees. President Julien suggested that there would be a greater response if ballots for nominations went out at the time of the Senate election. The students have a plan which they will use, which, they think, will get a bigger response from students. Vice President Stebbins feels that the award is something that should continue, but that there is poor participation at the present time. He also said that if there are better suggestions for obtaining nominees, he would welcome them. Julien said that if there are no objections, the nomination ballots will be sent out at the time of the Senate election during the spring.

3. Senate Committees to Define Their Goals. President Julien charged all of the Senate Committees with defining their goals. There are many people coming to him and saying, "Where do I take this problem?" Committee chairmen, and members, are to define their committees' goals and reasons for existence, in such a way that if a request came for information that it would be obvious where to take these questions.

4. Long-Range Planning. President Julien found out that the Senate President is to be on the Steering Committee that is going to be involved with Long-Range Planning. The duties and charges will be defined in the very near future. These refer to what President Smith and the Board of Control have been looking at during the last few meetings.

5. Proposal 4-75, Amendments to the Faculty Patent Policy (see pages 1015-1016 Senate Minutes). Last Friday President Julien had an interesting meeting concerning the patent policy. The following people met: H. Sach, of the Audio-Visual Committee who was instrumental in presenting this proposal; L. Julien; J. Romig; T. Evans; and J. Gemignani, who is the patent lawyer for the university. The proposal was covered point by point and Mr. Gemignani said the proposed changes were not acceptable. He said that he could not recommend to the Board of Control a single one of the changes, and, in fact, he put forth an attitude that was very depressing, from the faculty's viewpoint. His attitude in this, and Julien did not know if it reflected the University's or not, in spite of what the patent policy says, was that we owe our body, soul and everything we do to the university. Most faculty members who read the patent policy, feel anything they do at home or on their own time not connected with the university, their job, or university equipment, belonged to them. Mr. Gemignani's position was it belonged to the university. The Audio-Visual Committee spent many hours and worked a long time on this and the feeling was that had the patent counsel been available to them much earlier that perhaps something could have been worked out. Even if nothing had been worked out, it certainly could have saved a lot of time in looking at the proposal. Julien recommended that any committee involved in something like this in the future should directly contact the people who are involved in making the decision on the university basis.

Weaver wondered what defense does the faculty have against such an attitude. In answering, Julien referred to a particular point, one of the changes the committee wanted placed in the patent policy:

Section 5c
New: "The inventor or his designated agent has the right to an annual audit of the records pertaining to his patent and royalty income."

The committee wanted this spelled out. Mr. Gemignani’s answer simply was that it is not necessary to have that spelled out because the individual already has the right through the courts. One can sue the university if one thinks that he has been wronged.

Julien went on to read the statement that this pertains to directly. Appendix C in the handbook after #7:

"The University claims no equity in inventions developed without the use of its funds, facilities, or equipment. The following element of patent policy is designed to provide for assistance to the inventor or inventors in such cases:

8. In cases in which the University claims no equity, the University, at its discretion, may agree to assume the costs of the patent application upon assignment to the University or its assignee and to share the royalty income and/or other income with the inventor or inventors as provided in . . .

Gemignani said that he felt that the patent counsel had the discretion to claim equity or not.

Booy wondered if he had anything to say about those who might work for someone else during the summer and have two universities claiming the same patent. Julien replied that they did not ask that particular question and that in the final analysis, if a lot of money were involved, it would probably be decided by the courts.

Horvath asked to hear Gemignani’s specific comments on each of the recommendations. Julien reported the following comments: (See pages 1015-1016 Senate Minutes. Also see handbook for Academic Faculty, interim ed., 1974, Appendix C, pp. 46-48).

Section 5a

From: "The University may permit the sponsor or sponsors royalty-free, non-exclusive, non-transferable right to use the invention"

To: "The University may assign its share of patent rights to the sponsor or sponsors on a royalty-free, non-exclusive, non-transferable basis. The assignment of the inventor's share will be negotiated between him and the sponsor or sponsors."

Mr. Gemignani's response to this was that an outside donor or contributor to the project would not be willing to negotiate with two different people. In addition to that, additional inventors on a given process would require new negotiations. Consequently his opinion on that was that the University must have only one representative in negotiating and that the inventor has no real power in the discussion. The committee asked him what the inventor's participation should be and he said that should depend only upon the patent counsel. If the patent counsel wishes to consult him, fine; if he doesn't, he is not required to.

Section 7

From: "Subject to administrative decision, the University may relinquish its equity in any invention to the inventor or inventors."

To: "The Director of Research may relinquish the University's equity in any invention to the inventor or inventors.

a. The Director of Research has the authority to decide whether the University will exercise its option to patent a disclosure.

b. If, after 90 days have elapsed, no decision has been made on a disclosure, the inventor has the right to withdraw it and obtain a patent at his own expense and under his own name."

The objection to this:

a. According to the regulations of the University, the Board of Control is the only one authorized to relinquish any equity in any invention. The Director of Research cannot have that authority.

b. He said the time element is an unreasonable time element, that this was too restrictive.

Section 8

From: "... at its discretion"

To: "... on application of the inventor."

Gemignani would not give on that point whatsoever. From his viewpoint, if he gave on that it would do away with the right he has to claim everything, so he was not going to change on that.

Section 11

www.admin.mtu.edu/usenate/58-89 minutes/84m.htm
The University will require every professional employee to sign a patent agreement that is in accord with this patent policy.

From: "... professional employee."

To: "... member of the research faculty."

Add: "Other faculty who engage in research using University funds, facilities, or equipment, must sign the patent agreements."

The position that he took on this was that it would be untenable to administer. The decision could not be made when someone came here whether they would be working in research or not. He claimed it was just untenable to work that administratively.

Section 12

From: "Where an inventor reduces to practice a conception with the use of University facilities or in the course of his employment the University may claim rights even though the conception may have occurred outside of his University employment."

To: "Where an inventor reduces to practice a conception with the use of University funds or facilities, the University may claim the rights to such inventions."

He did not say much about this, but thought it was too redundant with #8. His feelings on #8 were reflected in this one. Julien's main impressions of the meeting were that the faculty owed their hearts and souls to the university, 24 hours a day and that they should have talked to Mr. Gemignani a long time before this, thereby saving a lot of time with the patent policy committee and possibly coming up with something constructive.

The history of this proposal is as follows: the Senate passed this proposal and recommended it to the administration. It was put before the Board of Control. The Board of Control referred it to their lawyer, Joseph A. Gemignani, who, for this report, said he was not going to recommend a single thing be accepted and Julien assumes that the Board of Control would accept his recommendation.

Horvath commented that the Senate can take no action until the Board of Control acts. Gemignani's recommendation will go back to the Board and that is here it now stands. Nufer wondered if it would be useful to have a representative of the faculty appear before the Board of Control to explain the faculty position; if they are getting a rejection from their attorney, he wondered if anyone would want to counter his argument. He commented that this was the third Senate year on the same matter.

Horvath recommended that the chairman of the committee that presented this proposal be asked by the Senate to be its representative at that Board of Control meeting, or that the Senate request someone who has been very active on the committee be faculty representative at the Board of Control meeting to respond to some of these statements. Julien agreed that the Senate could make that request.

Final Report on Elections Procedure

President Julien gave the final report on the Elections Procedures. He said that last time he dismissed the Elections Procedures Committee but there were some questions about what the election procedure actually was and that he had found the procedures that the Elections Procedures Committee recommended and had been using. He referred to the pages where they can be found. It is in the Senate minutes on page 812 and then on page 918 was a modification and these should explain the Elections Procedure.

R. Horvath suggested that the next time the annual report was written up that the Elections Procedure be included, because it was approved as a committee report and has never appears as a proposal. Yet it is an important one; it is something that people refer to time and time again. Presently, one cannot find it in any kind of index.

Report of University Sabbatical Leave Committee

Chairman L. Heldt said that the committee has prepared a written report and he passed out copies of the report (See Appendix B of these minutes - Available by Request from the Senate Office). Heldt said that the report summarized the sabbatical leave to date, and that the program began in 1967. He indicated that it came from original action by the Senate, further action taken by the university administration, and finally action taken by the Board of Control in 1967. The first sabbatical leave was in 1968. He said, "I believe that I can speak for the committee when I say that the committee has always worked in such a fashion as to enhance this program at the university to the best of our ability. Also I believe that we can say unequivocally that the program has been very successful. I think it is a program of which Michigan Tech should be proud." He went on to answer questions and discussed points of interest.

Senator Spain raised a question concerning the approval procedures. He commented about the way that sabbatical leaves are presently funded. The rest of the department picks up the teaching load of the person who leaves; half of the
salary reverts to the department, but usually this is not enough to hire a replacement so some additional student assistants are hired and the rest of the faculty in the department picks up the slack. He said that he thinks because of this, that the faculty of the department should have a say in whether a sabbatical leave is given to a member of that department or not. Because in certain instances this puts a very heavy load on the department and he thinks not to allow them to have a say in whether the person gets a leave or not is rather a poor policy. His opinion was that there should be a vote by the department as to whether or not they can afford to pick up the load for this person. Because of the importance of the decision to the department, he felt it should be made by the department.

Heldt thought that what Spain was saying was that the department was bearing the cost of the program. Spain replied that everybody was picking up the load, and that he thought that the people who are picking up the load should have a chance to say whether that person should get the sabbatical leave or not.

Heldt said that he knew the problem being referred to and agreed with what was said, but that there are several problems in doing something about it. It is difficult as far ahead as six to eight months, to know what a departmental situation is going to be, so the faculty would be taking a vote well ahead of the critical time; and, there are other means of doing something about this. For example, it would be possible to bring in a visiting professor, someone on leave from another university who would come in for that year, and that would certainly help.

Spain commented that he thought that someone could not be brought in. Vice President Stebbins said that someone could come in. If, someone was on sabbatical from Berkeley he would get half salary from Berkeley and half from Tech.

Senator Booy commented that she was under the impression that sabbaticals were a normal part of the academic life of universities in the United States and wanting to take a vote on whether or not it is convenient for academic excellence to be upheld is "just a teeny side of appalling." She also said, "If we believe in academic excellence, this type of achievement would seem to be essential." She realized that there were inconveniences but the thought of taking a vote on who this year is the good guy to get a sabbatical would seem to throw it all into the lap of politics and out of the area of academic excellence.

Miller (F) said that he could see arrangements with an industrial concern for the year for some project. Then the university saying "no you can't have it" or visa versa, and that it is difficult to plan in advance. Heldt replied that the plans would have to be tentative until everything could be worked out.

R. Horvath asked about the percentages of people who applied and received sabbaticals. Heldt replied that since 1970, every faculty person who had applied for sabbatical leave, eventually went on sabbatical leave. He said, "you can interpret that in terms of the Committee being very liberal or the faculty being of high excellence, or some combination of the two."

Reports on Meetings of the Academic Council and the Board of Control

1. President Julien gave his report about the October 14 Academic Council Meeting. Of prime significance was a report on remedial writing by Mary Tidwell; a writing laboratory and equipment for it are now in the old Ad building. An invitation was given by Mary Tidwell to faculty members to recommend people for utilization of this laboratory. A student will be tested to find out what he is deficient in, he can then take specific parts of this laboratory to try to improve himself. Tutors will be available to help him go over the material.

Next the Board talked about the increasing problem of a large number of tenured spots on the faculty -- how to keep the number from becoming too high. Then there were some statistics handed out on activity of the faculty in terms of release time, consulting, off-campus visitors, and papers presented, in terms of this representing the development of the faculty. There was miscellaneous discussion which centered around the budget and the cut that the university will probably be facing in the near future. Questions were asked and thrown about a little on how would the budget be reduced and the question got around to the fact that the SS&M budget has probably been reduced in the past few years to as low as it may be able to get, and the next step may be the reduction of staff, and there was some discussion as to how one might go about doing this but there were no final decisions, no final comments.

2. The Report on Meeting of the Board of Control was delivered by Vice President P. Nelson (See Appendix C of these minutes -- Available by Request from the Senate Office). At the conclusion of the Board of Control report there was a brief discussion. President Julien said that K. Baldwin, President of the Faculty Association, and he have talked with the Secretary of the Board of Control, J. Romig, and that Mr. Romig has agreed to place the minutes from the meetings of the Board of Control on reserve in the library.

Miller (F) asked if there was any information on a recent questionnaire filled out for the Board. Vice President Stebbins addressed himself to this question. He said that the Board of Control has been concerned with the ever increasing percentage of faculty who have tenure. This question was raised by the Board of Control about a year ago, and it was decided to be more careful in the screening of those persons recommended for tenure although the university has tried to be careful in the past; and to encourage faculty development. In his report to the Board, Vice President Stebbins tried to show that in addition to watching the tenure level, the staff is doing a good job.

Weaver raised a question concerning the budget. According to the report on the Board of Control meeting, the total enrollment has gone up nearly 10%, but Weaver said that he does not see the budget going up 10% and sees the number of the faculty...
going down. He wondered if the Board of Control or the Administration has a policy or wished to comment on this -- whether there is going to be an increase in enrollment each year, with a steadily decreasing number of faculty. Julien deferred discussion of Weaver's question and said that he would ask President Smith to speak on this subject at a future Senate meeting.

Committee Reports

A. Curricular Policy

P. Nelson, the chairman gave the report. Members of this committee this year are P. Nelson, E. Huang from Civil Engineering, J. Spain from Biological Science, A. Young from Humanities, and M. Coffman from Forestry. At the first meeting they tried to discuss what the goals of the committee should be for the coming year but have not agreed on them.

B. Instructional Policy - No Report.


D. Academic Calendar-Structure

Weaver said he asked to have the committee dismissed last year and was asked to wait until Senator Doane's report was in. The Committee did a lot of work, and the results of the surveys are very interesting. If you look at the survey that was taken by students at the instigation of Senator Hennessy, there were approximately 96% for the early start calendar and Weaver's opinion was that regardless of anything else contained in his Committee's report this was probably the ways things would go. You don't go against 96% of the student body, regardless of the reasons for individual students voting one way or another. He pointed out that Senator Doane's report indicates that the faculty has a somewhat different opinion. All the reports are in, and now the decision will have to be made, although the Senate will not make that decision. Weaver again requested that the Committee be discharged because everything is done as far as he can see. Julien thanked the Committee for their work and discharged them.

E. Audio-Visual Instructional Material

No representative was present. Julien said that Sachs indicated that since it was an ad hoc committee he thought that it should be dismissed, but Julien thought that in view of the decision to try to involve someone with the Board of Control, the Senate should probably wait a little while before dismissing the committee.

F. Elections Committee - No Report.


H. Roles of the Senate and Faculty Association

Stebler could not make it to the meeting; he did meet with Keith Baldwin, President of the Faculty Association, earlier this week. He will be calling a meeting of the Joint Senate-Faculty Association Committee studying the roles of the Senate and Faculty Association in the very near future and he should have something to report at the next Senate meeting.

Old Business

Julien suggested that no action be taken to set up a Committee on Professional Standards and Development at this time. He wants to wait to see what develops in the University's Long-Range Planning Committee, out of which may develop other committees, such as a Committee on Professional Standards and Development.

New Business

Senator Nufer brought up two items. First he congratulated the departments through the Senate for the tremendous support received each year by the United Way drive. P. Nelson was the campaign chairman on campus. For the departments that may not be aware of it, Michigan Tech traditionally has contributed 49% to the drive, and this year they are anticipating raising over $18,000 of the $38,000 amount. The drive will be over before the Senate meets again in December, and Nufer felt it would be well to go on record as congratulating the faculty and staff for the tremendous work they do each year.

Second the Social Sciences Department had a member who submitted a memo to the faculty and as a result of his submitting this memo, a motion was made in the department that it be brought up as a Senate item. The person who submitted the memo will not be identified, but was not Nufer himself. The subject is “Rights of Non-smokers;” presented in the form of a memo:

Tech has observed the rights of the smoker rather than those of the non-smoker. In Senate meetings a non-smoker can, if he is lucky, get a seat next to someone who doesn't smoke. All too often, however, he miscalculates and absorbs second-hand smoke for the two-hour session. In travel of pool cars, the rights of the smokers to smoke is observed so that the non-smoker may arrive at a meeting feeling like a kippered herring, particularly if there is more than one smoker
in the car. I have generally observed the rights of smokers and have traveled at my own expense to meetings and have gotten a tax rebate, to avoid inconvenience; however, I have observed that other universities are now observing the rights of non-smokers in regard to travel and faculty meetings. This includes having separate seats for smokers in the Senate meetings, no smoking rules for such meetings, and separate pool cars for trips to meetings for those who smoke and those who don't. I think the matter might be one for faculty deliberation.

This was taken up in the Department of Social Sciences Faculty meeting on the 23rd of September and the motion was made that this should be presented under new business at the Senate under the heading of Rights of Non-Smokers, to be considered by the Senate. Nufer concluded by saying that he was submitting this as a proposal from the Social Science Department.

Julien said that the matter could not be a proposal this time but it could be submitted as a proposal at the next meeting.

Horvath commented that he thought it was a good idea. And it would be a reasonable thing that at Senate meetings, Faculty Association meetings or luncheons, to have a place set aside for people who want to smoke. He suggested that the Senate appoint a committee to make recommendations on university policy concerning no smoking regulations. Booy commented that there is a Board of Control policy concerning smoking areas already established. Horvath replied that a committee could bring some of these things to light. Julien said he would form an ad hoc committee to find out what the regulations are regarding smoking. He then asked for a smoker and a non-smoker to volunteer for the committee. The committee would consist of E. Booy and R. Kauppila. Julien said that the committee would be charged with finding out what the rules and regulations are and making recommendations. There will be both a majority and minority report if need be.

Senator Phillips brought up a third item of new business. He said that he has received some feedback from various organizations on campus that are concerned about grading systems. He suggested that there be committee research, evaluating Tech's grading system and initiate a plus and minus system; or if Tech had a number system at one time, going back to a number system. Some of the students felt that it was unfair for a person to be issued a C when they were really C+ students. Many students felt there should be some differentiation in the actual breakdown. Julien commented that Phillips was really looking for a specific charge to examine the grading system at Michigan Tech and that it would be done by the Instructional Policy Committee. Spain seconded the motion and said that he thinks that it is ridiculous for computers to do all the calculating and not to designate two slots on the computer card for grades rather than one.

Phillips said that he feels at this time that the students feel that if a new system were initiated they would feel a lot better about the grades they got. Of course, there would always be someone who would not be happy about what they got. A number grading system would tell exactly what the student earned in the course and there would be no arguments about where the C's and B's break off. Julien summarized the discussion by saying there is a motion directed to the Instructional Policy Committee to examine the grading system at Michigan Tech with the idea of alternate grading systems, and the Senate will have the committee examine this question and see if it can arrive at some answers.

The meeting was adjourned at 8:33 p.m.

E. Erickson
Secretary