

Faculty Assembly Meeting

Minutes for April 23, 2013

Members Present: Kathleen Bragdon, Bill Cooke, Tracy Cross, Sarah Day, Michael Deschenes, David Dessler, Emmett Duffy, Nancy Gray (Secretary), Rick Gressard (President), Susan Grover, Trotter Hardy, Will Hausman, Gina Hoatson, Scott McCoy, Brent Owens, Gül Ozyegin, Lily Panoussi, Suzanne Raitt (Vice President), Jennifer Taylor, Jeanne Wilson.

Members Absent: Carl Hershner.

Others in Attendance: Michael Halleran (Provost), Terry Meyers (parliamentarian); Clayton Clemens, Michael Stump, David Gilbert.

The meeting was called to order at 3:35pm.

Approval of Minutes: minutes for March 26, 2013 were approved.

Honor Code Update

Clay Clemens, representing the President's Honor System Advisory Committee, reported on that committee's review of the William and Mary Honor System. The last of review of the system was in 1997. The current review has yielded the most significant number of changes to the Honor Code in many years. A draft of the proposed revisions has been distributed by the President's office to the campus community for feedback; once that feedback has been obtained, the President's office will report it to the Advisory Committee, at which time a decision will be made as to next steps to be taken. Clay Clemens provided the Faculty Assembly with two handouts: "President's Honor System Review/Advisory Committee Proposed Redrafted Honor Code, Executive Summary, March 2013," and a flow chart of the "Honor System Process" highlighting proposed procedural changes reflecting system changes. The Review/Advisory Committee's concerns were twofold: changes *within* the system (students' fundamental rights; procedural issues; clarification of terminology); and changes *to* the system (optional proposal by faculty members of early resolution of certain kinds of infractions; linking the nature of the sanction to the nature of the violation; possible modification of any sanction determined to be impractical by the Dean of Students; and additions to the appeals process of consideration of possible procedural errors and possible violations of student rights). In addition, the Committee will provide guides for faculty on preventing violations, and will conduct an analysis of the climate of integrity on campus.

Questions and feedback: Bill Cooke asked how faculty members will know what infractions are eligible for the early resolution option, considering the complicated nature of the levels and procedures outlined on the flow chart. Clay Clemens responded that the new code and informational guide should help with specifics such as levels of infractions that will be dealt with by the Honor Council. Bill Cooke asked if there's data on the level of concern among faculty members that outcomes of Honor Council hearings are at times unsatisfactory. Clay Clemens responded that the Committee did get faculty feedback to that effect, but hopes the new guidelines will help; for instance, if a faculty member or student feels a procedure is not fair, a new feature of the system is that the Advisory Committee will hear grievances. Gina Hoatson asked what the student reaction has been to the new proposals. Clay Clemens responded that most initial

feedback came from members of the Honors Council; so far response from rest of the student body has not been voluminous, but is still in progress.

Report on Intellectual Property Policy

Trotter Hardy referred us to the April 2013 Intellectual Property Policy Draft posted on the Assembly's Blackboard site, then summarized what's being proposed. In essence, "administrative work product" belongs to College and "academic work product" belongs to the faculty member and/or College depending on the faculty member's use of "customarily provided resources."

Questions: Bill Cooke asked for clarification of what the major changes from the old policy are. Trotter Hardy responded that the changes primarily have to do with clearing up ambiguities. Lily Panoussi asked what happens if a faculty member uses more than "customarily provided resources" but those resources are paid for by grant money. Trotter Hardy responded that grant purchases are included in "customarily provided." Jeanne Wilson asked if examples could be added to the proposed policy, for instance regarding new equipment bought with grant money. Susan Grover noted that we are really talking about how "customarily provided" is defined. Trotter Hardy said he will add an example or two to illustrate how that works. Jeanne Wilson noted that it has been incumbent on faculty members to negotiate with deans about how and by whom permission is given for use of materials. Trotter Hardy responded that any agreements should be put in writing. Suzanne Raitt asked who makes the final determination in case of a dispute about what's "customarily provided." Trotter Hardy said it's the Vice-Provost for Research, which he will add to the proposed policy. Bill Cooke asked what happens if, for instance, he generates a power point presentation which then is to be used by someone else in another course – does the instructor of the second course need his permission? Answer, yes. Sarah Day noted that online courses are the major gray area of questions of intellectual property. Jeanne Wilson noted, and Trotter Hardy agreed, that only software which is used solely by a particular faculty member falls under the category of "not customarily provided." Sarah Day asked that there be further clarification in the policy, or other available help, to alert faculty members to the need to investigate any potential issues as they instigate projects. Susan Grover noted that materials and resources included in "customarily provided" are rapidly expanding along with new software. Jeanne Wilson suggested there be some expanded definition in the proposed policy of what's included. The question of procedure in adopting the revised policy was outlined: if Faculty Assembly approves the policy, it then goes to the Provost and the President for approval. Trotter Hardy suggested that instead of a formal Assembly vote, the new policy will be considered approved if after Assembly members' review of the changes as posted on Blackboard, no objections are brought forward. Trotter Hardy made a motion that Faculty Assembly recommend to the Provost and President that the revised Intellectual Property Policy be adopted, with opportunity for rescission of the vote within a specified time after distribution the policy as currently revised. Motion seconded, and unanimously approved.

Provost's Report

Michael Halleran reviewed the Board of Visitors action at its April meeting on the William and Mary Promise. Originally the reason for moving toward this kind of action was the need to stabilize the financial foundation of the College. What developed politically produced a good package, but with some compromises. The Provost briefly reviewed the Promise's basic tenets as they are outlined on the William and Mary website and in news reports. In effect, the Board has set tuition for the next three years: for in-state

new students, there are five tuitions, depending on year of enrollment; for returning students tuition will go up at the rate of inflation; tuitions set are guaranteed for each class. Out of state students are not given the same promise, but the tuition set for them represents the lowest increase in eleven years. The other component that made adoption of the William and Mary Promise politically attractive is that it extends advantages to the middle class. The Promise also allows the College to deal with our biggest issue: faculty and staff compensation. In year three, faculty salaries ought to be at the 51st percentile of peer institutions, and at the 60th percentile in year four. As to expectations for increased productivity on the part of the faculty, collectively we will be more fully engaged in teaching, and we will account for all invisible and less visible as well as visible teaching; but the agreement does not specify any effects on individuals. We will also bring about integration of NTE faculty into full faculty rights. The language of the Promise is different on the administrative and staff side, but basically deals with the same kinds of issues. The Provost will report annually to the Board of Visitors on progress made.

Questions: Michael Deschenes asked if the policy can be overturned if a new Governor wants it overturned. The Provost replied that the State cannot renege on the commitment in case of, for instance, greater than expected inflation, since flexibility for re-calibration is already built into the policy. But in the case of political attack, since the Promise has been voted on and passed, getting rid of it or changing it would require a new action by the Board of Visitors to undo what's been done. The other possibility is that the State could reduce its financial support to the College. However, excellent groundwork has been laid, which makes it far less likely that negative changes will occur. Jennifer Taylor asked what the rate of faculty salary increases will be. The Provost responded that it's 6% for each of next 5 years. Bill Cooke asked about the provision for a consultant with academic experience to help us increase teaching efficiency – where will we find such a person? The Provost said that since we're already very efficient, it's unlikely there will be a problem for any consultant in the vision of changes or in identifying areas needing change. Katie Bragdon asked why our own faculty can't do the efficiency study. The Provost answered that the advantage of using external reviewers is that they come without the same assumptions as insiders, thus ensuring more credibility; also, the Governor wants an outside reviewer. Gul Ozyegin asked what category of raises includes NTE faculty. Answer: instructional faculty. Will Hausman noted that he's been asked by several people what the faculty thinks about the Promise. Suzanne Raitt responded by proposing, at Will Hausman's suggestion, that Faculty Assembly send a letter to the Board of Visitors to thank them for their efforts on our behalf. It was agreed that Suzanne Raitt and Susan Grover will draft the letter and post it for our review.

Report on Proposed Retirement Incentive Program

Action on the Faculty Assembly Faculty Affairs Committee's April proposal was tabled at the last meeting with a request to the Provost for his response to what has so far been proposed. The Provost distributed his written response in the form of his proposal on "Retirement Practices, Policies and Programs." In essence, the current practice of providing instructional faculty with salary increases of 8% and 7% in the last two years before retirement will cease at the end of the 2014-15 academic year; opt-in dates for faculty members specify that to be eligible they must agree to retire no later than the end of the 2014-15 academic year; faculty members who finalize their decision to retire after March 1, 2014, but before December 31, 2014, will receive (retroactively) a 15% salary increase, inclusive of any increase already received, for 2014-15; all potentially

eligible faculty members and all deans will be informed of this change, allowing faculty members time to make informed decisions; the “Return to Work Policy” will continue; and the Faculty Assembly remains committed to working during the 2013-14 academic year on developing a policy of retirement *incentive* options. If and when this policy is adopted, it will be sent out to all faculty. Scott McCoy asked what it would take to have the “return to work policy” opened up to all eligible faculty regardless of differing practices by school or college. The Provost said that would require Board of Visitors approval. The Provost then asked for Faculty Assembly approval of his proposal. After some discussion and advice from our parliamentarian Terry Meyers, Bill Cooke made a motion to postpone the FAC proposal indefinitely. The motion was seconded by Will Hausman, and passed unanimously. Bill Cooke then moved that Faculty Assembly approve the Provost’s proposal. The motion was seconded by Gina Hoatson. Some discussion ensued, divided among those favoring the motion and not. After commenting that it’s critically important that the details of any policy adopted be communicated to all eligible faculty and deans, Susan Grover made a motion that we postpone Bill Cooke’s motion indefinitely. The motion was seconded by Will Hausman, and the motion passed after a tie vote of 8 in favor and 8 against, broken by Assembly President Rick Gressard, who voted in favor. Rick Gressard noted that we do have one more meeting this year, and new motions or discussions can be addressed at that time if so desired.

Standing Committee Reports

None.

Old Business

None.

New Business

Suzanne Raitt announced she’ll send out a list of standing committee preferences for next year.

Rick Gressard announced that the Faculty Survey report to the Board went well, without much Board discussion.

Suzanne Raitt reminded us that election of new officers will take place at our May meeting. So far Bill Cooke and Susan Grover have been nominated for Vice-President; new member Lea Theodore has been nominated for Secretary.

Meeting adjourned at 5:20.