



The University of North Carolina at Chapel Hill

MEETING OF THE FACULTY COUNCIL February 16th 2001 at 3:00 p.m.

**** The Pleasants Family Assembly Room in Wilson Library ****

Chancellor James Moeser and Professor Sue Estroff, Chair of the Faculty, will preside.

AGENDA

Type	Time	Item
ACT	3:00	Call to Order by the Chancellor.
ACT	3:00	Memorial Resolution for Carl S. Blyth, Professor of Physical Education Emeritus. Presented by Professor Frederick O. Mueller, Chair of the Department of Exercise and Sport Science.
DISC	3:05	Chancellor's Remarks and Question Time. Chancellor James Moeser invites questions or comments on any topic.
DISC	3:25	Remarks by the Chair of the Faculty. Professor Sue Estroff.
INFO	3:40	Annual Report of the University Committee on Copyright. Professor Laura N. Gasaway, Chair.
DISC	4:00	Faculty and Information Technologies in the 21st Century. Professor William Balthrop, Chair of the FITAC. Marian Moore, Vice Chancellor for Information Technologies.
INFO	4:20	Annual Report of the Buildings & Grounds Committee. Professor David Godschalk, Chair.
INFO	4:25	Annual Report of the Faculty Welfare Committee. Professor Diane Kjervik.
DISC	4:30	Topics Raised by Council Members.
ACT	4:50	Closed Session. Honorary Degree nominations for 2002.
ACT	5:00	Adjourn.

Joseph S. Ferrell
Secretary of the Faculty

KEY:
ACT = Action
DISC = Discussion
INFO = Information

Documents pertaining to meetings of the Faculty Council can be found at www.unc.edu/faculty/faccoun/.

REPORT TO FACULTY COUNCIL

COMMITTEE ON COPYRIGHT

January, 2001

The Copyright Committee, created as a result of a Faculty Council resolution, is now in its second year. The primary focus for the year has been responding to the June, 2000 report of the Task Force on Intellectual Property created by the General Administration and the subsequent adoption of the system-wide copyright policy.

Five members of this committee served on the task force (although one represented North Carolina State University at that time). The report included a recommended copyright use and ownership policy for the UNC system which was adopted with some changes by the Board of Governors on November 10, 2000 and was effective immediately. The thrust of the new policy is that faculty continue to own copyright in their scholarly and creative works, except for works in certain defined categories: "sponsored works," "directed works," and "works involving the exceptional use of institutional resources." A copy of the BOG resolution and policy is appended.

The Committee drafted a response for the Chancellor to proposals for changing the pending policy from North Carolina State University and more recently worked on preparing a response to a checklist of items from the President to which each chancellor in the system had to respond on issues in which there was campus flexibility. A copy of Chancellor Moeser's response to the President is also attached.

The remainder of this year the Committee will focus attention on how to merge the campus copyright use policy adopted by the Faculty Council in 1998 with the UNC policy. There are no major areas of conflict, but there are areas in which the campus policy will need to be expanded. The second activity will be to plan educational efforts for faculty and staff about the new policy.

Members of the Committee have met with the Faculty Information Technology Advisory Committee to discuss the new policy and to begin to explain its implications. A series of such meetings, publications and the like are needed to further this effort. Finally, the Committee continues to believe strongly that the creation of an Office of Scholarly Communications with an attorney at its head, as called for in resolution 98-12, adopted October 9, 1998, is critical to this campus and to members of the faculty, staff and student body.

Resolution 98-12. Endorsing Creation of an Office of Scholarly Communication.

The Faculty Council resolves:

The Faculty Council recommends the establishment of an Office of Scholarly Communication. Its purpose should be to support the University's teaching, research, and service missions in matters related to the creation, dissemination, and use of scholarly information. The Office should assist members of the University community in dealing with copyright issues that arise in the course of creating original work and in the use of existing copyrighted works for teaching, research, and service, and should offer legal advice when appropriate. The director of the Office should be a licensed North Carolina attorney reporting jointly to the associate provost for university libraries and the university counsel.

Attachments: 2

THE UNIVERSITY OF NORTH CAROLINA
OFFICE OF THE PRESIDENT

ADMINISTRATIVE MEMORANDUM

SUBJECT Copyright policy of the University

NUMBER 409

DATE Nov. 21, 2000

Over the past 18 months a University-wide task force, with the active leadership of the Faculty Assembly, has worked with the Academic Affairs and Legal Affairs divisions of this office to develop a policy framework for the administration of copyright within the University. This has been a collaborative effort, one that included a University-wide colloquium and extensive review of relevant law and copyright policies now in force at other U.S. colleges and universities. The product of that effort is a copyright policy adopted by the Board of Governors on November 10, 2000, to be effective that date. Attached to this memorandum are the Board policy, along with the Board resolution by which the policy was promulgated and a checklist to guide each University institution now to effect the policy. As stated in the Board resolution, this policy rewrites that policy appearing as Section XII, "Copyrights," at pages V-B-5-6 of The Administrative Manual of The University of North Carolina.

It is expected that in the coming months this office will provide further resources to the institutions to help administer the copyright policy, notably a statute-based primer on copyright ownership and a statute-based primer on copyright use. For the present, issues of copyright may be addressed either to David Edwards, Senior Associate Counsel, or Betsy Bunting, Associate Vice President for Legal Affairs.

At this time you are requested to commence administration of the copyright policy at your institution by addressing the attached "Checklist" with proposed institutional responses. The draft of your institution's responses should be forwarded to the Office of the President for review and approval.

Molly Corbett Broad

Attachment 1-Resolution Concerning Copyright Policy
Attachment 2-Copyright Use and Ownership Policy
Attachment 3-Checklist of Copyright Policy Matters

Attachment 1

RESOLUTION CONCERNING COPYRIGHT POLICY

The Board of Governors of The University of North Carolina, in recognition of the evolving importance and substance of copyright in higher education, hereby promulgates the following:

1. The attached "Copyright Use and Ownership Policy of The University of North Carolina" (hereinafter "the Policy") is hereby adopted.
2. The Policy is effective November 10, 2000; provided, that any copyright dispute with respect to a work created prior to this date shall be resolved under such relevant policies and procedures as had existed immediately prior to November 10, 2000, that are not inconsistent with applicable law, unless the parties to the dispute mutually agree in writing to abide by the Policy.
3. Nothing in the Policy is intended to alter the provisions of The Code of the Board of Governors, The University of North Carolina, Chapter VI: Academic Freedom and Tenure.
4. The president is hereby authorized to establish such supplemental policies or procedures, not inconsistent with the Policy, as the president may deem necessary or desirable to implement or administer the Policy. This may include provision for review by the Office of the President of policies or procedures intended by University institutions and agencies to implement the Policy.
5. The Policy rewrites Section XII, "Copyrights," at pages V-B-5-6 of The Administrative Manual of The University of North Carolina.

Attachment 2

COPYRIGHT USE AND OWNERSHIP POLICY OF THE UNIVERSITY OF NORTH CAROLINA

I. PREAMBLE.

The University of North Carolina, through its constituent institutions, is committed to complying with all applicable laws regarding copyright and patents. The University, as an institution devoted to the creation, discovery, and dissemination of knowledge, supports (1) the responsible, good faith exercise of full fair use rights, as codified in 17 U.S.C. § 107, by faculty, librarians, and staff in furtherance of their teaching, research, and service activities; (2) copyright ownership for creative, non-directed works by faculty, staff, and students and University ownership of directed employment-related works; and (3) protection of ownership rights for creators of works that require a different ownership model.

II. COPYRIGHT USE.

To the foregoing stated ends the University shall:

1. Inform and educate the University community about fair use and the application of the four fair use factors as set forth in 17 U.S.C. § 107 and as interpreted in applicable case law. The four fair use factors are:
 - a. The character and purpose of the proposed use.
 - b. The nature of the work to be used.
 - c. The amount and substantiality of the portion to be used.
 - d. The effect on the market or potential market for the work.
 - e. The effect on the market or potential market for the work.
2. Develop and make available resources concerning copyright laws in general and the application of fair use in specific situations.
3. Ensure that faculty, EPA and SPA staff, and students have access to assistance-in-making-fair-use-determinations.

III. COPYRIGHT OWNERSHIP.

With respect to determining ownership of copyright, the University's policy addresses works by category of copyrightable work (including traditional or non-directed works, directed work, and sponsored or externally contracted works) and by category of author (i.e., faculty, EPA and SPA staff, or student). Ownership of copyrighted subject matter, including software, hinges on which category of work and which category of author pertain to the work at issue. (In this Policy the term "Institution" means a constituent institution or component agency of the multi-campus University of North Carolina at which an author or work's creator is employed or enrolled.)

IV. COPYRIGHTABLE WORKS.

A. Works by Faculty and EPA Non-Faculty Employees.

1. *Traditional Works or Non-Directed Works*: A "traditional work or non-directed work" is a pedagogical, scholarly, literary, or aesthetic (artistic) work originated by a faculty or other EPA employee resulting from non-directed effort. (Such works may include textbooks, manuscripts, scholarly works, fixed lecture notes, distance learning materials not falling into one of the other categories of this Policy, works of art or design, musical scores, poems, films, videos, audio recordings, or other works of the kind that have historically been deemed in academic communities to be the property of their creator.)

Ownership: Creator of the work, unless it is a directed work, sponsored work requiring University ownership, or a work for hire described in a written agreement between the work's creator and the Institution. (See section B, below, for the definition of "work for hire"); under the Copyright Act the Institution is deemed the "Author" of a work for hire.) If the Institution is to be involved in commercializing a traditional work or non-directed work, the work's creator shall assign the work to the Institution under an

Assignment Agreement. The Assignment Agreement shall contain provisions outlining the commercialization responsibilities of the Institution and a mechanism for the sharing of commercial proceeds with the Author. In cases of ownership by the creator of a traditional work, the Institution, where practical, shall be granted a non-exclusive, non-transferable, royalty-free license for its own educational or research use (hereinafter referred to as a "Shop Right").

2. *Traditional Works or Non-Directed Works Involving Exceptional Use of Institutional Resources:* "Exceptional use of institutional resources" means institutional support of traditional works with resources of a degree or nature not routinely made available to faculty or other EPA employees in a given area.

Ownership: Institution. However, upon agreement by the appropriate institutional official or body, the Institution may release or transfer its rights to the work's creator, with the Institution retaining (a) a Shop Right, and/or (b) the right to require reimbursement and/or income sharing from the creator to the Institution if the work produces income for the creator. The parties may also negotiate for joint ownership of such works, with the approval of the appropriate institutional official or body.

3. *Directed Works:* "Directed works" include works that are specifically funded or created at the direction of the Institution (including, but not limited to, works for hire by faculty or other EPA employees).

Ownership: Institution. The work's creator, where practical, shall be granted a Shop Right. The Institution may release or transfer its authorship rights to the work's creator under a written agreement negotiated between

the creator and the Institution, usually with the Institution retaining (a) a Shop Right, and/or (b) the right to require reimbursement and/or income sharing from the work's creator to the Institution if the work produces income for the creator. The parties may also negotiate for joint ownership of such works, with the approval of the appropriate institutional official or body.

4. *Sponsored or Externally Contracted Works:* A "sponsored or externally contracted work" is any type of copyrighted work developed using funds supplied under a contract, grant, or other arrangement between the Institution and third parties, including sponsored research agreements.

Ownership: For a sponsored or externally contracted work created under an agreement that expressly requires copyright ownership by the Institution, the creator of the work must disclose the work to the Institution. Provided there is no conflict with a sponsored agreement, the Institution may release or transfer its rights to the work's creator under an agreement negotiated between the creator and the Institution, usually with the Institution retaining (a) a Shop Right, and/or (b) the right to require reimbursement and/or income sharing from the work's creator to the Institution if the work produces income for the creator; or the parties may also negotiate for joint ownership of such works, with the approval of the appropriate institutional official or body.

For a sponsored or externally contracted work created under an agreement that does not expressly require copyright ownership by the Institution or a third party, the creator of the work shall own the work, subject to required disclosure to the Institution where required under

institutional policy. In case of ownership by the work's creator, the Institution, if practical, shall be assigned a Shop Right.

B. Works by SPA Staff.

Most works by SPA staff members are considered to be "Works for Hire." A "work made for hire" is:

- a. a work prepared by an employee within the scope of his or her employment; or
- b. a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

Ownership: Works for hire made by SPA staff shall be owned by the Institution. In special cases, though, the Institution may enter into an agreement in advance that the SPA employee shall own the copyright. In addition, a designated institutional official may waive institutional ownership.

C. Works by Independent Contractors.

Works by independent contractors are Works for Hire.

Ownership: Works by independent contractors shall be owned in accordance with the contract under which the work was created. The Institution shall insure that there is a written contract for work by an independent contractor specifying institutional ownership.

D. Works by Students.

"Student works" are papers, computer programs, theses, dissertations, artistic and musical works, and other creative works made by students. (For purposes of this Policy, the term "students" includes teaching, graduate, and research assistants.)

Ownership: Ownership of the copyright to these works belongs to the student unless the work falls within one of the exceptions described below:

1. *Sponsored or Externally Contracted Works:* Ownership shall be in accordance with the section of this Policy on sponsored or externally contracted works made by faculty or other EPA employees.

2. *Works for Hire:* Student works created by students in the course of their employment with the University shall be considered to fall within the scope of Work for Hire in accordance with the section of this Policy on works for hire made by SPA staff.

3. *Classroom, laboratory, and other academic materials generated by students in the instructional process:* Students have a limited right to use these materials for personal, educational purposes. Students may not use these materials for commercial gain.

As provided by the institutional policy or as agreed to mutually, rights in student works may be transferred between the student and the Institution. In such cases, a written Assignment Agreement shall specify the respective rights and obligations of the parties. The parties may also negotiate for joint ownership of such works, with the approval of the appropriate institutional official or body.

V. WORKS SUBJECT TO PROTECTION BY BOTH COPYRIGHT AND PATENT LAWS.

In cases where an invention or creation is subject to protection under both patent law and copyright law, if the Institution elects to retain title to its patent rights, then the inventor/creator(s) shall assign copyright to the Institution and the Institution shall be compensated in accordance with the royalty provisions of the Institution's patent policy and procedures.

VI. ADMINISTRATION.

The chief executive officer of each Institution shall designate an administrative office, officer, or unit responsible for implementing this policy. The designated institutional administrative entity shall address various matters covered by this Policy, including developing policies and procedures designed to supplement and interpret the ownership aspects of this Policy, providing advice regarding ownership of specific works, releasing institutional rights, and accepting an assignment of rights to the Institution from an author or creator of a work.

VII. DISPUTE RESOLUTION.

The chief executive officer of each Institution shall designate a dispute resolution mechanism (such as a Copyright Committee or Intellectual Property Committee) for resolving any disputes which may arise among an author, other creator of a work, a third-party sponsor of a work, and an institutional official or office concerning copyright ownership or other rights.

Attachment 3

A CHECKLIST OF COPYRIGHT POLICY MATTERS TO BE ADDRESSED
THROUGH INSTITUTIONAL PROCEDURES AND RESOURCES

1. Designation by the chief executive officer of the Institution of an institutional office, body, or officer to interpret and administer the Policy (Sec. VI.), specifically, to include:
 - a. Education of faculty, staff, and students about the law of "fair use" (Sec. I.1.)
 - b. Provision to faculty, staff, and students of resources and guidance in the making of fair use determinations. (Secs. I.2. and I.3.)
 - c. Establishment of a policy concerning portability of "shop rights" beyond the Institution. (Secs. IV.A.1., IV.A.2., IV.A.3., IV.A.4., and IV.C.)
 - d. Definition of "exceptional use of institutional resources" at the Institution. (Sec. IV.A.2.)
 - e. Contracting for the terms of transfer, shared ownership, and/or commercialization of copyrighted works at the Institution. (Secs. IV.A.1., IV.A.2., IV.A.3., IV.A.4., IV.B., and IV.D.)
 - f. Determining the applicability of "work for hire" doctrine and the suitability of waiving that doctrine in individual cases. (Secs. IV.A.1., IV.A.3., IV.B., and IV.D.)
 - g. Specifying a policy to identify those instances in which there shall be disclosure to the Institution by the creator of a sponsored or externally contracted work created under an agreement that does not expressly require copyright ownership by the Institution or a third party. (Sec. IV.B.4.)
2. Establishment by the chief executive officer of a copyright dispute resolution mechanism at the Institution, including the determination whether or not there is to be recourse at the Institution beyond the initial dispute forum, such as to the chief executive officer. (Sec. VII.)

* Parenthetical references are to sections of the "Copyright Use and Ownership Policy of The University of North Carolina," as adopted November 10, 2000, by the Board of Governors.



THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
Office of the Chancellor

December 12, 2000

James C. Moeser
Chancellor

103 South Building
Campus Box 9100
Chapel Hill, NC 27599-9100
(919) 962-1365 Fax (919) 962-1647
james_moeser@unc.edu

President Molly C. Broad
The University of North Carolina
General Administration
CB # 9000, 910 Raleigh Road
Chapel Hill, NC 27599-9000

RE: Response of The University of North Carolina at Chapel Hill to the Request for
Plans for Administration of the *Copyright Use and Ownership Policy* of the
University of North Carolina

Dear President Broad:

I write in response to the request, made in Administrative Memorandum 409 dated November 21, 2000, that each constituent institution commence administration of the new Copyright Use and Ownership Policy by writing your office with institutional responses to the Checklist attached to the Memorandum. The responses for The University of North Carolina at Chapel Hill are stated below, following the checklist items to which they relate.

1. *Designation by the chief executive officer of the Institution of an institutional office, body, or officer to interpret and administer the Policy, specifically, to include:*

The institutional office to which the responsibility of interpreting and administering the Policy is assigned is the Office of the Vice Chancellor and General Counsel. On specific aspects of the responsibilities enumerated, that office will work with other University offices and committees, as follows.

- a. *Education of faculty, staff, and students about the law of "fair use."*
The Office of the Vice Chancellor and General Counsel, with the assistance of the Copyright Committee, a body of faculty and staff appointed by the Chancellor.
- b. *Provision to faculty, staff, and students of resources and guidance in the making of fair use determinations.*

The Office of the Vice Chancellor and General Counsel will undertake these duties in consultation with the Copyright Committee. In addition, the University hopes to establish a Copyright Officer position, reporting to both the Office of Vice Chancellor and General Counsel and the University Librarian, to provide resources and guidance in making fair use determinations and for other copyright issues.

c. *Establishment of a policy concerning portability of "shop rights" beyond the Institution.*

The Copyright Committee, working with the Office of the Vice Chancellor and General Counsel, will propose such a policy for consideration and adoption by the Chancellor.

d. *Definition of "exceptional use of institutional resources" at the Institution.*

The Copyright Committee, working with the Office of the Vice Chancellor and General Counsel, will propose such a definition for consideration and adoption by the Chancellor. We anticipate that definition to mirror closely the definition and discussion of this term in the Intellectual Property Task Force's Copyright Ownership Primer.

e. *Contracting for the terms of transfer, shared ownership, and/or commercialization of copyrighted works at the Institution.*

The Office of the Vice Chancellor and General Counsel, in consultation with the Copyright Committee and the Office of Technology Development, will develop standards for such contracts.

f. *Determining the applicability of "work for hire" doctrine and the suitability of waiving that doctrine in individual cases.*

The Office of the Vice Chancellor and General Counsel will determine applicability of "work for hire" to specific cases. The Chancellor will determine which administrator(s) should decide waiver requests.

g. *Specifying a policy to identify those instances in which there shall be disclosure to the Institution by the creator of a sponsored or externally contracted work created under an agreement that does not expressly require copyright ownership by the Institution or a third party.*

Section IV.B.4 of the Policy states that the creator of a "sponsored or externally contracted work" shall own that work where the agreement does not expressly require copyright ownership by the Institution or a third party, "subject to required disclosure to the Institution where required under institutional policy." UNC-CH will not be imposing such a requirement on our faculty, staff and students.

2. *Establishment by the chief executive officer of a copyright dispute resolution mechanism at the Institution, including the determination whether or not there is to be recourse at the Institution beyond the initial dispute forum, such as to the chief executive officer.*

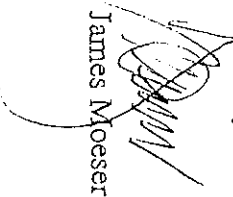
The Chancellor is ultimately responsible for the resolution of these disputes. It is our intention that panels of the Copyright Committee will hear disputes involving copyright ownership, unless the copyright issue is referred by the Provost to the appropriate University grievance committee because of its relation to other matters in dispute between the parties. The

Committee will make a recommended decision to the Chancellor, who will make the final decision in such cases.

We note that The Board of Governors' Resolution Concerning Copyright Policy states that nothing in the Policy is intended to alter the provisions of Chapter VI of the *Code* of the Board of Governors. Section 607 requires that each constituent institution establish a Faculty Grievance Committee to hear grievances of "matters directly related to a faculty member's employment status and institutional relationships within the institution." We would appreciate guidance from the Office of the President on whether a grievance by a faculty member concerning a dispute with an institutional officer about copyright ownership should be heard by the Faculty Grievance Committee or through the process for such disputes established under the Copyright Policy.

Please let me know if additional information is required regarding the implementation of the new Copyright Policy.

Sincerely,



James Moesser

JM:jin

bel Susan Brininghaus
Lolly Gasaway
David Parker

February 16, 2001 Faculty Council Meeting
Buildings and Grounds Committee

(Appointed by the Chancellor)
Annual Report--2000

Members:

Class of 2003: Thomas A. Bowers, Vice-Chair; Linwood Futrelle; Fred Mueller; Rachel Willis.
Class of 2002: Thomas B. Clegg; JoAnn B. Dalton; David Owens.

Class of 2001: David R. Godschalk, Chair; Richard Edwards; Walter Pryzwansky.

Student Members: Lee Connor; Wyatt Dickson; Brad Rathgeber.

Members leaving committee during past year: Christopher Clement; John Davies; Fred Hashagen; Ruthie Lawson; Brad Matthews; Mary Pardo.

Meetings during past year (2000): 1/10, 3/2, 5/4, 7/11, 9/7, 10/26, 12/5.

Report prepared by: David R. Godschalk (Chair), January 23, 2001.

Committee charge: The committee advises the Chancellor on siting and external appearance of new buildings and additions, removal of facilities, changes in long term use and appearance of campus grounds, selection of architects for University projects, preparation of long-range campus plans, placement and design of signs and art works.

Previous Faculty Council questions or charges: None.

Report of Activities:

Site recommendations: Women's Softball Fields and Stands; Rami's Head Development; Addition to Carrington Hall for School of Nursing; Addition to Ackland Art Museum;

Architectural firm recommendations: North Carolina Botanical Garden Visitor Education Center; Elevator in Steele Building; Electronic Support Center in General Storeroom 106; Classroom Renovations Phase I; Campus YMCA; Rams Head Development; Renovation of Connor, Alexander, and Winston Residence Halls; Renovations to MBRL—Glaxo Building; New Elevator in Bingham;

Exterior design recommendations: Sonja Haynes Stone Black Cultural Center; Addition to Ronald McDonald House; Renovations to Health Sciences Library.

Campus planning recommendations: David Godschalk served as chair and Tom Clegg, David Owens, and Rachel Willis served as members of the Design and Operations Team, and David Godschalk also served as a member of the Administrative Action Team, for the Campus Land Use Plan Update, working with consultants Ayers Saint Gross of Baltimore. David Godschalk served on the Facilities Planning Committee.

Other design recommendations: Building Signage for Public Safety Building; Plaza Garden for Linberger Center; Site Improvements to Avery and Teague Residence Halls; Exterior Stairs at Health Affairs Bookstore; Davis Library Garden; Landscape Improvements to Public Safety Building; Entrance Renovations to Daniels Student Stores; Site Plan for Women's Softball Field; Landscape Improvements to South Building; Replacement of Security Doors at High Rise Residence Halls; Campus Sites for Bicycle Racks; Historical Marker at Horace Williams Airport; New Entrance to Gravely Building; Concept Master Plan for Pit Area Development;

Recommendations for actions by Faculty Council: None.

February 16, 2001
Faculty Welfare Committee
Annual Report

Current Members: Steven Bachenheimer (2003), chair; Stephen Leonard (2001), Robert Joyce (2001), Michael Symons (2001); John P. Galassi (2002), Diane Kjervik, (2002); Douglas Elvers (2002), Judy White (2003).

Annual report prepared by: Steven Bachenheimer, Chair. This report covers the period February, 2000 through January, 2001.

Committee Charge: "The Committee works for and reports on the improvement of faculty working conditions, including salary and benefits." *Faculty Code of University Government*, §4-15.

Previous Faculty Council questions or charges:

1. To monitor compliance with the resolution "Supporting extension of employment benefits to domestic partnerships", adopted November 10, 1995
2. To monitor compliance with the resolution "Mechanisms to implement salary principles", adopted February 23, 1996

Report of activities:

1. The committee has monitored all employment benefits and found their governing policies to be in compliance with the resolution of the Faculty Council supporting extension of employment benefits to domestic partnerships.
2. In cooperation with Lynn Williford and OIR, we have begun an analysis of faculty salaries within departments. Data on individual faculty salaries can be compared by faculty rank as a function of years in rank, while aggregated departmental faculty salaries can be compared by faculty rank as a function of gender or race. A preliminary report on a prototype salary report will be presented to Faculty Council later this spring. At a later date, once the complete, revised report has been generated, the committee will present its findings to Faculty Council.
3. Because of our interest in the impact of instructional technology on faculty welfare, a member of our committee currently sits on FITAC (Faculty Instructional Technology Advisory Committee) and reports to the full committee on discussions and developments in the areas of faculty welfare.

Steven Bachenheimer, Chair
Douglas Elvers
John P. Galassi
Robert Joyce
Diane K. Kjervik
Stephen Leonard
Michael Symons
Judy White

Report on the Need for a Livable Wage for Teaching Fellows in the Department of English

Compiled by Melissa Bostrom, Michael Everton, Andrew Leiter, and Laura Mielke
on Behalf of The Association of Graduate English Students (AGES)

November 2000

Contents

- I. Introduction
- II. Cost of Living
- III. Timely Progress
- IV. Justification for Requesting a Livable Wage from the University
- V. Appendix 1: Generic Teaching Fellow Budget
- VI. Appendix 2: Survey Excerpts

I. Introduction

Teaching Fellows in the Department of English (T.F.s)¹ propose a pay increase that will reflect the cost-of-living in the UNC-Chapel Hill area. Currently, T.F.s in this department receive \$4,100 per section (before taxes), with a three-section limit per academic year. However, in order to offset living expenses in Chapel Hill and surrounding areas, approximately 80% of T.F.s are forced to take on significant work in addition to our work as graduate students and teachers.² Thus, we propose that this stipend be raised to \$5,000 per section. While even this proposed increase will not eliminate the need for students to work outside jobs in order to meet the cost of living, it will be a step closer to a liveable wage for the department's T.F.s.

We recognize the recent generous support of the State of North Carolina and of the University of North Carolina system in eliminating tuition and in offering Teaching Fellows health care. However, these developments have not changed the fact that it is nearly impossible to live in Chapel Hill (or surrounding areas), work toward a Ph.D. in English, and teach for the University without resorting to outside employment. Considering the service English Department Teaching Fellows provide the university, it seems appropriate that we be compensated fairly.

The following report is based on 80 responses to an anonymous AGES survey of students teaching and studying within the English Department. In the report we will examine the urgent need and justification for a livable wage for T.F.s in the Department of English.

¹ It is important to note that Research and Teaching Assistants are in the same pay situation as Teaching Fellows and that their concerns are also expressed by this report.

² See Section V for cost-of-living figures. See section VI for anecdotal evidence from these surveys.

II. Cost of Living

In response to a question about living on T.F. wages in Chapel Hill, one respondent simply writes, “This is a life of penury.” While this statement may seem an exaggeration, the simple reality is that compensation for T.F. work in the English Department—more specifically, the compensation of \$12,300 for the standard 2:1 teaching contract—does not come close to providing instructors with enough money to cover housing, utilities, food, and clothing.

- **The Compensation Gap—\$6,538:** Appendix 1 contains a “Generic Teaching Fellow Budget” compiled by English T.F. and former AGES President Robert Spinko in Spring 2000 and updated for the 2000-01 school year.³ In this modest estimation, the average Teaching Fellow in the English Department must generate approximately \$6,538 per year in addition to his/her English Department stipend simply to meet the basic costs of living.

Responses to our survey confirm the budget’s depiction of a substantial gap between a T.F.’s salary and the cost of living in the Chapel Hill area. Responding students in the English Department need an additional median income of \$400 per month, or \$530 per academic month. (Note that this means \$4,800 per year in addition to the stipend, excluding summer—a more conservative estimate than that in the Generic Student Budget in section V, perhaps because the pool surveyed includes those who are married or have substantial savings from previous work.) To meet this need, T.F.s work one or more additional jobs, receive assistance from parents and spouses, and take out loans. Respondents express frustration over needing to tap these other financial sources and share their experiences of stretching scant stipends to cover growing costs.

- **Increased Cost of Housing:** Housing costs are high and increasing rapidly in Chapel Hill, and housing proves to be the greatest financial burden of respondents. Some T.F.s estimate that housing and utilities take 2/3 of their stipends. Another notes that graduate student housing at Craige Dorm is not adequate for “mature singles.”⁴ Other options mentioned for saving money on housing involve living outside of Chapel Hill (one respondent reported paying \$675 for a double-occupancy residence 20 minutes from campus), but then T.F.s must pay for bus passes and/or parking. The more affordable housing in Chapel Hill is not necessarily safe, two respondents note. Another T.F. reminds us that he/she needs a warm, dry living space because his/her residence also “serves as a place of business where papers are written, papers are graded, books stored, etc.”

- **Spousal Support:**⁵ Many respondents note that spouses make their graduate studies financially feasible. However, not all feel dependence on a spouse is favorable. One instructor explains, “[A]t my age and as a woman ... I’m bothered by the fact that I could

³ See section V.

⁴ We should note also that the cost-of-living at Graduate Student Housing is not significantly cheaper than at off-campus housing. More importantly, living on-campus would prevent students from applying for in-state residency and, as a result, the Department of English would have to compensate the difference between the out-of-state and in-state tuition rates for its graduate-student teachers. The department, however, assuredly cannot to do this for all its T.F.s. Finally, there is not enough on-campus housing for graduate students in the first place. See <http://housing.umc.edu/grad/index.html>.

⁵ Also see “Parental and Spousal Support” in section IV.

not live independently and support myself before I got married.” In contrast, married T.F.s with children find it very difficult to make ends meet. One respondent remarks that she and her husband have difficulty affording childcare. Another notes that the UNC graduate employee health plan requires a \$3,000 fee to cover his wife and two children. This accounts for more than a quarter of his T.F. stipend after taxes.

- **Health Insurance:** Health insurance requires further consideration. While instructors appreciate the somewhat recently acquired benefit of health insurance, respondents to our survey point out that it does not cover all of health expenses. Multiple respondents mention the \$44 fee to receive healthcare in one of the summer sessions. Further, respondents note that insurance does not cover dental and eye-care visits, and that supplementary dental coverage for a single person is \$35 per month. As a result, many T.F.s go without regular eye and dental exams. Another respondent describes the burden of personally covering approximately \$4,800 a year for an uncovered medical condition. Finally, we should not lose sight of the fact that T.F.s do not earn enough in order to save against medical and other emergencies that might occur to themselves or to their families.

An increase in compensation of \$900 per section would be a modest raise considering that Teaching Fellows in the English Department have not received a stipend increase for six years. Further, as we have demonstrated above, even this raise would not enable graduate instructors to cover living expenses in full: that worthy goal would require a raise of approximately \$1,600 per section. However, an additional \$900 per section would greatly improve the standard of living of graduate instructors and represent a move toward adequate, humane compensation for institutionally crucial work.

III. Timely Progress

“Normally,” the Department of English’s *Guide to Graduate Studies, 2000-01* advises, “the Ph.D. degree is completed in four to five years of study beyond the M.A.”⁶ Why then does it take students in English seven years, on average, to complete their degrees? Typically, T.F.s must work outside jobs to compensate for the unlivable wage they receive, work that critically retards what the department considers to be “normal” progress toward the degree. “Everyone here is more interested in academics than in earning money,” one student writes, “but the reality is that . . . you have to prioritize those things that demand immediate attention in your life, like paying rent, buying food, and fixing your car. With teaching stipends at their current level, this too often means that graduate students have to go to work rather than get [academic] work done.”

From the perspective of a T.F. in the Department of English, then, the framework for timely progress is a myth. Based on our survey responses, we estimate that working outside jobs consumes 320 to 640 hours per academic year,⁷ time that could be devoted to working toward the degree. When approximately four out of every five graduate students work second jobs (that is, a job in addition to teaching a full load of courses), and many even work third jobs, the

⁶ UNC Writing Program, *Staff Manual, 2000-2001* (Chapel Hill: University of North Carolina Department of English, 2000): 26.

⁷ This figure is based on a range of 10 to 20 hours per week. It is important to note that some students work both less and more than this range.

English Department is going to take significantly longer to produce Ph.D.s than it ideally should. An increase in the T.F. stipend would significantly aid T.F.'s timely progress toward degrees.

- **The Potential for Research with a Livable Wage:** A \$900/section pay increase translates to approximately 90 hours of time at \$10/hour. That is 90 hours per section (or 270 hours in a typical 2-1 teaching contract) which could be devoted to studying for doctoral comprehensives or writing the dissertation. In other words, over the course of two semesters, the time saved from not being forced to work an outside job in order to meet bills could mean the difference between taking one year to write a dissertation or taking two to three years (accounting for fatigue from working and writing at the same time).

- **Fair Compensation for Teaching:** The degree to which we are fairly compensated for our work as teachers directly impacts how long it takes us to complete our courses of study. However, the amount we teach is not at issue (indeed, most students value our rigorous training as teachers) but rather the degree of compensation for that teaching. It is no coincidence that the Department of English has won a significant number of graduate teaching awards yet has brutally long completion rates for the Ph.D.

A sample break-down of time commitments reinforces the need for a livable wage. If a typical T.F. teaches one section of English 11, he/she spends approximately 15-20 hours per week on that course. Remember, during this semester he/she earns \$4,100 before taxes. Thus, considering that this student then must work 10-15 hours per week at a second job in order to meet minimum living expenses, there is little time left over for the 30-50 hours per week necessary for his/her own degree work. What suffers? Because we cannot cheat our students out of instructional time or attention to their needs as writers, and because we must pay our bills, our studies suffer—and our progress is not timely. Furthermore, when a Teaching Fellow teaches two sections, the time devoted to teaching can sometimes double, while the amount of academic work often remains constant.

- **The Unreality of Summer Research:** The English Department Ph.D. framework also assumes that students have time during the summers in which to research exclusively. This is not the case. Many students noted on surveys that they work 30-40 hours per week during the summer to help meet bills during the school year. This situation is particularly disturbing for Ph.D. students studying for their doctoral comprehensive exams (usually taken in the Fall) or writing their dissertations. Progress toward exam readiness and dissertation completion is radically checked when one must come to these tasks after working an 8 to 5 summer job. Not surprisingly, it is often at these two points—when responsibilities as a student most severely clash with bills—that students withdraw from their degree programs.

- **Unlivable Wages and Job Placement:** The administration should consider the quality of the candidate that the University is producing in this field. Faculty we hire usually have taught less than we do as graduate students, have been better compensated for what teaching they did do, and usually have had substantially more fellowship time in which to produce scholarship. At the Conference on the Future of Doctorate Education held at The

University of Wisconsin, Madison in April 1999, Robert Irwin suggested that any program which would not consider its own candidates for its own junior faculty openings is doing something wrong.⁸ It is safe to say that the Department of English at this university would not consider one of its own Ph.D.s for an entry-level faculty position.

If UNC-Chapel Hill wishes its English graduate students to remain competitive with those of other top tier schools in English—when to do so means producing high-quality articles and dissertations—UNC must reduce the amount of time students devote to making and worrying about money.

In conclusion, because the vast majority of students must work outside jobs in order to subsidize the unlivable wage they receive as T.F.s in this department, progress toward the degree is severely hindered. Many T.F.s say that they don't mind being poor; they just want to earn a wage that allows them to concentrate on making progress toward the degree and an academic job.

IV. Justification for Requesting a Livable Wage from the University

Why should the University take on the financial burden of increasing the compensation for Teaching Fellows at this time? Some T.F.s have the opportunity to obtain needed funds from alternative sources, such as parents, spouses, or loans. Why not shift the burden from the University to other possible funding sources? And why give T.F.s a pay raise when health insurance and tuition remission have been added to their compensation packages in the past six years?

- **Parental and Spousal Support:** Our data shows that many instructors do, in fact, rely on the support of parents and/or spouses already. While it is generous for parents to contribute to T.F.s' financial well-being by supplementing their teaching income, parents' contributions can hardly be seen as expected. Many parents cannot afford to offer support, and many students feel it unfair to ask for that support. Even the FAfSA, the federal government's standardized form for reporting income sources and requesting loan money, does not consider parental contributions when determining a T.F.'s eligibility for funds. If the government does not view parents as a source for funding graduate education, neither should the University.

As for spousal support, many of the married instructors in the English Department have expressed their relief at the decreased economic burden of being a T.F. when married to an individual working outside academia. For those students married to a fellow T.F., however, the additional income provided by a spouse does little to augment the household treasury. While our data indicates that married instructors seem to feel more financially secure if they have a spouse who works outside academia (because they do not have to live from one paycheck to the next), married instructors comprised only 26% of our sample, and those partnered with someone holding a non-academic job an even smaller number.

⁸ Robert McKee Irwin, "A Participant's Report," Proceedings of the Conference on the Future of Doctoral Education, *Proceedings of the Modern Language Association* 115 (October 2000): 1256-57, 1257.

- **The Inadequacy of Loans:** Perhaps the most logical sources of funding, ones that are accessible to all graduate instructors, are student loans. Why shouldn't T.F.s simply take out loans to cover the costs of living above and beyond the T.F. salary? First, since the majority of first year M.A. students are neither funded by the department nor in-state residents for tuition purposes, they face a double liability: they must find funds for both tuition and living expenses. Many take out between \$18,000 and \$20,000 in loans their first year alone. Second, if, on average, T.F.s in the English Department need an additional \$530 per month during the academic year to make ends meet, they would have to take out \$4770 per year if they relied on loans to make up the difference between their cost of living and University compensation for instruction. Given that the average time to degree in the department is approximately seven years, the additional years of loans would total between \$28,620 and \$33,390. Added to the figure for the first year of graduate study, such practices would result in a total of \$46,620 to \$53,390 in loans at the completion of the degree. (Furthermore, this number does not account for the loans T.F.'s often still owe from their undergraduate programs.) Reported starting salaries for UNC English Ph.D.s as junior faculty hover around the \$30,000 mark.⁹ Entering the job market with loans that total better than 150% of the starting salary seems, at the very least, unreasonable. Last year only 25% of our department's Ph.D. job-seekers found the security of tenure-track jobs.¹⁰ With a 75% chance that our post-Carolina employment will not lead to a stable job, most T.F.s find the prospect of taking out additional loans extraordinarily risky, at best.

- **"Real" Pay:** UNC T.F.s have benefited from two measures in the past few years: the addition of health insurance to the compensation package for graduate instructors and relief from in-state tuition through tuition remission. While both steps are commendable on the part of the legislature and the University, they simply bring Carolina's compensation in line with other institutions of our caliber. Tuition remission has represented a relief from approximately \$1100 in yearly tuition bills for graduate instructors (less for those who are no longer taking classes); it has not, however, provided relief from \$840 in fees. Tuition remission has meant an increased ability for graduate instructors to deal with cost-of-living issues; it certainly has not, however, closed the gap between T.F. compensation and the price of living in Chapel Hill. Health insurance, on the other hand, has provided no increase in "real" pay for T.F.s, as the cost for insurance (currently \$832 per year for those who do not qualify as T.F.s) was simply so prohibitive that many chose not to purchase it at all.

Thus, over the course of the past six years, T.F.s have received an increase in real pay of \$1100 (generously assuming that the average graduate instructor pays that much in tuition). Such an increase represents a raise of approximately \$61 per section taught for each year (\$20 per month). While our survey responses indicate that any raise is helpful

⁹ Salary data is reported only anecdotally; there are no consistent statistics on starting salaries for UNC English Department Ph.D.s. This figure is reported as the best estimate of the current UNC English Department Placement Committee.

¹⁰ See Shelly K. Schwartz, "Working Your Degree," *CNNFN*, 1 September 2000, 31 October 2000 <http://cmfn.cnn.com/2000/09/01/career/q_degreeenglish/>. English Department Professor Jeanne Moskal was one of the interviewees for this CNNFN feature.

in meeting the rising cost of living in Chapel Hill, a 1% increase per year hardly meets the challenges of paying bills in a place where rent jumps 5% (or more) annually.

Right now, T.F.s in the English Department teach 67% of the undergraduate course offerings.¹¹ We provide a valuable service to the department and our instruction should be compensated in a way that, *at the very least*, allows us to meet the basic costs of living. If the University values the contribution T.F.s make to the UNC community, it should enable T.F.s to afford living in the UNC community. We ask the University to affirm its commitment to excellent instruction, scholarship, and service by increasing the T.F. stipend.

¹¹ Fall semester 2000. See the Registrar's On-Line Directory of Classes.

V. Appendix I: Generic Teaching Fellow Budget

Income: 12300 (teaching contract; before taxes, which would be c. \$800 federal and \$400 state)
 11100 (after taxes)

Expenses:	Alone	With Roommate	
<i>Monthly</i>			
Rent	540	400	(These are among the cheapest apartments)
Power	80	50	(not including long distance)
Phone	30	15	
Internet	20	10	
(cable)	40	20)	(Basic cable: 20/month; 10/month w/roommate)
Groceries	200	175	(50/wk [2.75/meal], -25/month for common staples w/ roommate)
Entertainment	60	60	(15/wk for 1 movie, 1 play, 1 CD or 1 concert)
Food	100	100	(25/wk for 1 dinner and 2 lunches out)
Laundry	25	25	(paper, pens, printer ink, photocopies, notebooks, etc.)
Office Suppl.	40	40	
Car Insurance	50	50	
(Car payment	250	250)	(If no car pmt, probably old car: at least 50/month for upkeep)
Car upkeep	65	65	(Includes gas, oil changes, budgeting for minor repairs)
Month Total:	1500	1260	
Year total:	18000	15120	

Yearly			
Student fees	840	840	(\$417.12/sem. for 6-8, 9 hours)
Bus pass	175	175	(or F Lot parking permit, which is \$190)
Books (class)	750	750	(\$15/book, 9 books/class, 5 classes/yr)
Books (other)	180	180	(1 book/month, or 3 magazines/month)
Conference	500	500	(included since dept. funds run out quickly; alternately, this could be for 1 good suit/outfit, or 1 major car repair)
Lang test fee	40	40	(\$44/summer session for care at Student Health Services)
SHS Summ. Fee	88	88	
Car insp	20	20	
Car tax	175	175	
Computer	300	300	(will probably need a new one in 4 years; 1200/4=300 per year)
Clothing	250	250	(for man; women's clothes more expensive)
Medical	250	250	(not covered by insurance: physical, glasses, dental)
Emergency	250	250	(or miscellaneous expenses)
Totals:	3418	3418	
Grand Totals:	Alone	With Roommate	Amount needed from loans or outside work
	21418	18538 (Normal)	10318 7438
	17638	14758 (Old car, no cable, no comp)	6538 3658

Average cost of living: **\$17,638 - \$11,100 = \$6538** from loans or outside work.

VI. Appendix 2: Survey Excerpts

“With the necessity of working 15-20 hours a week in addition to teaching and studying, I have been working 60-80 weeks for almost four years. These long hours in and of themselves might not be so bad if it weren't also the case that I still can't afford to go to the dentist, fix my car, or replace worn out clothes. This year I had to borrow money from a family member for the first time in order to purchase a ticket to attend my grandfather's funeral. This incident very nearly drove me out of graduate school in disgust over my financial situation. It is no wonder so many of our most talented teachers and students leave for greener pastures.”

“For me, the most expensive part of living in Chapel Hill is housing—it is very hard to find inexpensive lodgings in the town itself. I currently live in Carrboro, where there are some large, less expensive apartment complexes. I do not always feel safe in the complex where I live, and would like to move closer to campus; however, I am not sure that I will be able to afford it in coming years.

“If we want to be competitive with top-ten schools, we need time to produce great articles and dissertations. To do this, we need more fellowships. And during teaching semester, we should be earning enough money so that we don't have to find half-time employment to pay the rent. How can we be expected to be excellent teachers, meaningful scholars, and committed colleagues if we have to spread ourselves so thin? This kind of environment makes people selfish—and they often have to be—not volunteering for conferences, graduate student organizations, etc. Raising our salary and increasing fellowships will make us better professionals.”

“Living on grad student income means giving up certain things—sometimes even safety. My second year here I did not work in addition to my RA-ship. To live on the stipend, I rented an apartment with three others at one of the most affordable complexes in town. Over the course of our first fall there, we had one attempted break-in, one successful break-in, and one botched break-in (the police nabbed the guy crawling out of our window). When we moved to a safer (though not necessarily fancier) complex, our rent increased by 68%. This is specifically why I began working part-time during the school year in addition to full-time during the summer.”

“At my age and as a woman, a feminist, who does not like to feel completely dependent on others, I'm bothered by the fact that I could not live independently and support myself before I got married. I was still taking money from my parents, and as soon as I got married, I became dependent on my husband. Decent housing in Chapel Hill is too expensive for a T.F. living alone, and a stretch for one with a roommate, as I've seen with single friends. The stress of living from paycheck to paycheck certainly isn't good for one's mental state and certainly doesn't encourage healthy study habits and full attention devoted to academics.”

“I dedicate a lot of time to my teaching. I WANT to dedicate a lot of time to it, since I like it and since my students are depending on a good class. (I am a first year teaching fellow, and I am developing a lot of brand-new lesson ideas. I mention this because it means that work takes a lot of time, and also because it means I am living on less money than teaching fellows who can teach more than one class per semester.) This leaves less time for my own classes. My new job

should leave even less time and energy for either. I am here to teach and study, and I want to do these well. As expenses seem to be going up, however (have you tried to buy a tank of gas lately??), I have decided I have to take this extra job, which should run between ten and fifteen hours a week and will definitely cut in on my school time. Nobody benefits if I come to work every day exhausted from trying to teach well and keep up myself and still pay the rent. The more money the university can spare, the better a chance I have of doing well the work I am here to do, both for my students and for myself.”

“The most frustrating situation that my wife and I will face while I am in grad school is that although my health insurance is paid for through my fellowship, I have to pay an additional \$3000 a year to place her and our two children on the policy. When you make \$12,300 and pay \$3000 for health insurance, an already financially difficult situation becomes worse. Loans help; my spouse working helps; any kind of raise in the stipend will also help—a lot.”

“I really enjoy teaching. It’s why I (and most of my colleagues) have chosen this profession in the first place. Without earning enough to survive on a Teaching Fellow’s stipend, however, I continually find myself in the disheartening position of having to take on second and third jobs in order to get by. This prevents me from contributing as much time as I would like to my students, and inevitably my own academic work suffers as well.”

“Everyone here is more interested in academics than earning money, but the reality is that (since a day is only 24 hours) you have to prioritize those things that demand immediate attention in your life, like paying rent, buying food, and fixing your car. With teaching stipends at the current level, this too often means that grad students have to go to work rather than get their own work done.”



The UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

Carolina Center for Public Service

Bank of America Center
137 East Franklin Street, Suite 201
Campus Box 3142
Chapel Hill, NC 27599-3142
Phone 919-843-7568 Fax 919-843-7379
Email cps@unc.edu
www.unc.edu/cps

Meeting of the Faculty Council

February 16, 2001

Announcement:

OPEN FORUM ON UNC'S PUBLIC SERVICE MISSION 2/20 & 2/27

All students, faculty and staff are invited to offer their viewpoints at two open forums on the University's public service mission. The forums will be held on Tuesday, February 20, from 11:30-1:30 in room 136 of the Tate-Turner-Kuralt Building and on Tuesday, February 27, from 4:30-6:00 in room 208 of the Frank Porter Graham Student Union. Participants are welcome to attend all or part of either forum.

Conversation will focus on the current University climate for public service; aspirations and visions of University public service and engagement in the future; unresolved issues and resources required to accomplish these aspirations; and support the Carolina Center for Public Service and other campus units need to provide to enable this to happen over the next three to five years.



The UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

Carolina Center for Public Service

Bank of America Center
137 East Franklin Street, Suite 201
Campus Box 3142
Chapel Hill, NC 27599-3142
Phone 919-843-7568 Fax 919-843-7379
Email cps@unc.edu
www.unc.edu/cps

Meeting of the Faculty Council

February 16, 2001

Announcement:

OPEN FORUM ON UNC'S PUBLIC SERVICE MISSION 2/20 & 2/27

All students, faculty and staff are invited to offer their viewpoints at two open forums on the University's public service mission. The forums will be held on Tuesday, February 20, from 11:30-1:30 in room 136 of the Tate-Turner-Kuralt Building and on Tuesday, February 27, from 4:30-6:00 in room 208 of the Frank Porter Graham Student Union. Participants are welcome to attend all or part of either forum.

Conversation will focus on the current University climate for public service; aspirations and visions of University public service and engagement in the future; unresolved issues and resources required to accomplish these aspirations; and support the Carolina Center for Public Service and other campus units need to provide to enable this to happen over the next three to five years.



The University of North Carolina at Chapel Hill

MINUTES OF THE FACULTY COUNCIL February 16, 2001, 3:00 P.M.

Attendance

Present (53): Allison, Ammemman, Angel, Assani, Bolas, Bollen, Bowen, Bynum, Carelli, Chenault, Clegg, Cordeiro-Stone, Cotton, Crawford-Brown, D'Cruz, Drake, Eivers, Files, Fowler, George, Gilland, Glazner, Grossberg, Henry, Huang, Janda, Kagarise, Kaufman, Kessler, Ketch, Kjevrik, Levine, Lubker, Madison, McKeown, P. Molina, A. Molina, Nord, Oley, Ptaff, Raab-Traub, Raasch, Rao, Reinert, Rosenfeld, Slatt, Steponaitis, Straughan, Strauss, Tauchen, Walsh, Weiss, Werner.

Excused absences (27): Adler, Bell, Bender, Blackburn, Bromberg, Daye, De La Cadena, Granger, Kopp, Kupper, Lefebvre, Ludlow, McCormick, Meece, Meehan-Black, Metzguer, Meyer, Moran, Nelson, Panter, Savitz, Sekerak, Stewart, Sueta, Taft, White, Williams.
Unexcused absences (4): Boxill, Graham, McQueen, Vaughan.

Chancellor Moeser called the meeting to order at 3:00 p.m.

Memorial Resolution

Prof. Frederick O. Mueller, Chair of the Department of Exercise and Sport Science, presented a memorial resolution for Carl S. Blyth, Professor of Physical Education Emeritus.

Chancellor's Remarks

Chancellor Moeser said that the anticipated short-fall in the State budget is now in the \$800 million range. Governor Easley has declared a budget emergency and has shifted \$1 billion to an escrow account until the fiscal picture becomes clearer toward the end of the fiscal year. The chancellor felt that the State had treated the University very fairly. The budget cuts will be 2% for the University System, with each institution having total flexibility for how it manages the cuts. There are no hiring freezes, and there will be no serious harm to any of the University's programs. There will be no employee lay-offs and no significant disruptions of service to the academic community. More serious is the prospect for the 2001-02 budget. State funds for substantial salary increases seem unlikely. The chancellor feels that the State budget problems will not seriously damage the University, due in part to the intellectual power of the University's faculty to continue to attract funded research and service contracts which form an increasingly large portion of the budget of the University. Only one dollar out of every ten dollars, used on the campus for purchased goods, is a State dollar.

The chancellor said that one major thing that the General Assembly could do for the University this year would be to allow more local autonomy in managing construction projects. Relief from burdensome State regulations and procedures could save millions of dollars of tax-payers' money. The State can also delegate to the University more autonomy in purchasing and personnel management.

Chancellor Moeser reported on other issues:

- On February 22 the Board of Trustees will hold its last working session on the Campus Master Plan. The meeting will be open to the faculty and the community. The plan will be presented to the trustees for approval at their March 22 meeting.
- The Sierra Club presented comments to the Chapel Hill Town Council regarding their environmental concerns arising from the master plan and will be making a special presentation to the trustees on that topic. The chancellor said the Club's environmental concerns are also the concerns of the University. We are committed to maintaining a sustainable environment within and beyond the boundaries of the campus. The plan was guided by an advisory group of UNC's top environmental scientists as well as consultants from two of the leading environmental consulting firms in the nation. In the plan, close attention is being paid to traffic, parking, green space, and storm water run-offs. All the points made by the Sierra Club will be addressed.
- The Horace Williams Planning Group will be holding two public meetings within the next two weeks: February 23 in Carroll Hall and March 2 in Berryhill.

- The Town/Gown Relations Committee meeting held last week was cordial and productive. The University intends to ask the Town of Chapel Hill to lift a provision in its land use regulations that limits the University's main campus building space to 14.2 million square feet. This is already a problem in several buildings under construction.
- The University will also ask an amendment of the Smith Center Special Use Permit to allow relocation of married student housing to an area south of the Smith Center where construction is now prohibited. This relief is needed before Odum Village can be demolished and the site used for other purposes.
- A dispute with the Town of Chapel Hill on revenues from a cell phone transmission facility has been resolved. (There had been a misunderstanding as to ownership of the property on which it was built and who was entitled to rental revenue from the property.) Chancellor Moeser thanked Vice Chancellor Nancy Sutfenfeld and Mr. Cal Horton, Town Manager, for negotiating an amicable settlement.
- We are in the process of creating a new position that will be responsible for managing renovation of historic structures.
- On February 22 groundbreaking will be held for the new Bioinformatics Building, behind the Cardinal Parking Deck. The chancellor said the University intends to be a national player in this new field.
- Provost Robert Shelton and the chancellor have been visiting the major academic units of the University.
- The Tar Heel Bus Tour will be held May 21-25, 2001.

Chancellor Moeser thanked Prof. Sue Estroff for convening a special meeting of the General Faculty on March 2 in Hill Alumni Center for Executive Vice Chancellor and Provost Robert Shelton. Dr. Shelton is a distinguished scientist and physicist who has served as a department chair in Physics, vice chancellor for research at the University of California at Davis, and most recently, associate provost for research for the University of California System. The chancellor said he has given Provost Shelton the task of leading the process for development of an academic plan for the University of North Carolina at Chapel Hill, building upon the existing strategic plans for the College and the various professional schools.

Vice Chancellor and Provost Shelton said he is looking forward to the March 2nd reception and meeting with the faculty. He considers himself one of the faculty as well as part of the administration. He said he has enjoyed getting out onto the campus and visiting the various schools and colleges, and thanked the staff in the Office of the Provost for carrying on with business as usual and helping to educate him. He added that it is a thrill to be at Carolina and he looks forward to the years ahead.

Chair of the Faculty's Remarks

Prof. Estroff called upon the secretary of the faculty to present a resolution. Prof. Joseph Ferrell read and the Council adopted a resolution in appreciation of Interim Provost Richard Edwards' service to the University. Prof. Estroff presented a gift of a sequined Carolina Blue baseball cap to Provost Edwards, who said it would surely make quite an impression on the golf course.

Prof. Estroff welcomed Provost Shelton, and wondered where the newspaper cameras were, as they had been much in evidence when the new football coach was introduced to the faculty. She encouraged the faculty to attend the reception for Provost Shelton, and to please bring their colleagues. She encouraged the Provost to continue to attend the Agenda Committee meetings. She said this was the first time that the University has had a provost who is also the executive vice chancellor and his presence as a chief administrative officer is vital to the work of the Council.

Prof. Estroff introduced John Heuer, the new chair of the Employee Forum. Mr. Heuer's work in Facilities Services has given him the opportunity to do much work in classroom design.

Prof. Estroff thanked the chancellor for cooperation in securing for the chair of the faculty a regular reporting slot at meetings of the Board of Trustees. She was invited to convey some of the faculty's agenda and concerns at the January meeting and expects this interaction to be ongoing. The theme of her remarks was "Why do faculty come to Chapel Hill and why do they stay?"

- She added some updates:
- Prof. Fred Mueller has informed her that there will be a \$2 per month fee increase for 2001-2002 for faculty and staff use of the student recreation center facilities. The additional revenue will help finance the new recreation center planned for the Ramstead parking lot.
 - She has been working with Associate Vice Chancellor Laurie Charest on a survey of faculty and staff to gather opinions on various options that are being discussed for change in the State employee health insurance plan.

- Prof. Estroff reassured the faculty that the recent reduction of State contributions to the retirement system will have no direct impact on the faculty or staff. The reduction applies only to employer contributions to the Teacher's and State Employee's Retirement System; the Optional Retirement Plan for faculty is not affected. Since TSERS is a defined benefit plan, the reduction has no effect on current or future retirement benefits on faculty and staff enrolled in TSERS.
 - The Student Honor Court remains under discussion. There will be a forum regarding this issue on Feb. 27.
- Prof. Richard Praff (History) called attention to the unusual amount of litter on central campus that had resulted from the recent student elections. He hoped these conditions could be avoided in future.

Annual Report of the Copyright Committee

Prof. Laura N. Gasaway, Chair of the Copyright Committee, briefed the Council on a new copyright use and ownership policy recently adopted by the Board of Governors. The full text of the policy will be found on the General Administration web site at http://www.northcarolina.edu/docs/aa/research/copyright/BOG_copyright_policy.pdf. The new policy covers a broad spectrum of copyright issues and should be carefully read by any member of the faculty who holds or intends to seek a copyright or who is collaborating in producing works copyrighted by others.

Mr. Ridley Kessler (Academic Affairs Library) asked about ownership of works done in collaboration between University employees and private companies. Prof. Gasaway responded there should be an up-front agreement between the faculty and the institution. If the work were to be done completely outside of the institution, ownership would be governed by contractual relations between the parties involved.

In response to a question about ownership of other forms of intellectual property, Prof. Gasaway said the policy addresses only issues related to material subject to copyright.

Prof. Ferrell asked if the new policy supersedes departmental policies in the event of conflict between the two. Prof. Gasaway responded that it does, but there is the possibility of varying the policies outcomes by explicit agreements between a faculty member and the institution.

Prof. Marilia Cordeiro-Stone (Pathology and Laboratory Medicine) asked about the relationship between the new policy and existing policies with respect to ownership of the products of research. Prof. Gasaway said that the new material in the policy is focused on ownership of copyrights.

Dr. Tim Sanford of the Provost's office asked about the relation between the copyright policy and the North Carolina Public Records Act. He expressed concern about the potential conflict between the policies embodied in public records law and the copyrighting of materials produced by public employees. Prof. Gasaway said these issues had been addressed and that the University's attorneys believe the policy to be consistent with the current state of the law.

Prof. James Ketch (Music) asked if there is a phone number which the faculty could call if they have any concerns relating to copyrighting. Prof. Gasaway offered to respond promptly to E-mail inquiries.

Mr. Kessler asked if information access issues are separate from issues of copyright, and if they are being addressed. Prof. Gasaway said that information, as such, is not subject to copyright. She does not see a conflict here.

Faculty and Information Technologies in the 21st Century

Prof. Bill Balthrop, chair of the Faculty Information Technology Advisory Committee (FITAC), introduced the topic of the day by reviewing the committee's origin and role. FITAC was originally created by Chancellor Hooker as a temporary body to advise the administration on the implementation of Carolina Computing Initiative (CCI). Its role later expanded to involve broader questions of information technology as it relates to research and service to the institution. As a result FITAC was reconstituted as a standing committee of the General Faculty two years ago. FITAC is composed of fourteen faculty members and a number of adjunct members representing affected constituencies. Prof. Balthrop said the goal of FITAC is to serve as an effective voice for faculty in the development of informational policy and initiatives on the campus. Specific recommendations will be presented to the faculty later on in this semester. He said it must serve student and faculty needs for technology. Information technology is affecting all aspects of society and higher education has a responsibility to contribute to this information, and to be sure that it takes place as responsibly and ethically as possible. The academic and professional success of faculty, students, and the Institution will increasingly depend on the success with IT in teaching and research, in addition to the traditional modes of learning. CCI is an important step toward advancement on the campus and greater success must depend on faculty needs in the coming years. There must be a sustained time for faculty to develop and learn to use and incorporate IT, and a sustained and continued grant program to support faculty development and use of software and other teaching mechanisms. There must be a strong commitment to increase classroom use of IT. The University must continue to invest greater resources and effective use of the resources to provide assistance to faculty for the materials for their courses. There will have to be continued support of upgrading and collaboration of IT. The faculty

must be continually and actively involved in the decision-making process for new initiatives, ongoing programs, and the allocation of resources.

Vice Chancellor for Information Technologies Marian Moore introduced to the faculty one of the new directions in which CCI may be leading us. She believes that interactive computer-based technology is poised to replace the textbook. The laptop computer is far superior to the textbook in its ability to access information from a wide range of sources, she asserted, and it has richer capacity for approximating real world experiences through sound and visual images. She demonstrated a sample CD designed to fulfill the function traditionally assigned to a course text. She said she is proposing that there be a Media Center on the campus, Knowledgeworks@Carolina, to create media books. The center would be staffed with trained professionals who would work with the faculty. It would also offer an opportunity to the faculty to create and shape and control this kind of intellectual property. She will be working with FITAC to realize these plans.

Prof. Lisa Slatt (Family Medicine) asked about research on the effectiveness of using personal computers as instructional tools. Ms. Moore responded that there is a great opportunity here for such research and she welcomes the prospect.

Prof. Vincas Steponaitis (Anthropology) found the idea very exciting but cautioned that there must be appropriate investment in maintaining and upgrading the media. Ms. Moore agreed.

Prof. Anthony Molina (Prosthodontics) worried that the faculty does not have the time or the resources to learn the technology. Ms. Moore agreed that there is great demand on faculty time. She said in this project the faculty member will have the benefit of working with a team with professionals who know how to use the technology effectively.

Mr. Kessler asked about relationships with the Center for Teaching and Learning. Ms. Moore said that there are many resources on campus that can be marshaled for the project.

Prof. David Kaufman (Pathology and Laboratory Medicine) noted that it would be interesting to explore a particular point at several levels of intellectual engagement, with different tools to reach different kinds of students. Ms. Moore said that the whole idea of the program is that it would be faculty-driven; the guiding principle would be to tailor the product to maximize its usefulness in the discipline at hand.

Annual Report of the Buildings & Grounds Committee

Prof. David Godschalk, Chair of the Committee on Buildings and Grounds, presented the committee's annual report and offered to respond to questions.

Prof. Elizabeth Chenault (Academic Affairs Library) asked if the committee was working with the Sustainability Coalition. Prof. Godschalk responded that the committee had not been approached by the coalition on any items.

Prof. Chenault said that there are many people on campus who are concerned with the damage to trees during the below-ground construction, and asked if the committee has addressed that concern. Prof. Godschalk said that matter is of continuing concern to the University's planning staff. Every new building creates a problem and there is active consideration of those issues on a very detailed level.

Prof. Cordeiro-Stone asked about relocation of the site of the Sonja Haynes Stone Black Cultural Center. Prof. Godschalk said it is being moved slightly south so it will not impact on the stream that runs through Coker Woods. The design has been approved for the new site.

Annual Report of the Faculty Welfare Committee

Prof. Diane Kjerвик, a member of the committee, presented the annual report on behalf of Prof. Stephen Bachenheimer, chair, who was unable to attend today's meeting. Prof. Kjerвик said that the committee will soon present a formal report of information it has been gathering on faculty salaries.

Honorary Degrees

On motion of Prof. Ferrell, the Council went into closed session to consider the award of honorary degrees.

Prof. Frank Wilson, Chair of the Committee on Honorary Degrees and Special Awards, presented five nominees for honorary degrees to be awarded at Commencement 2002. Each nominee was approved by the Faculty Council and will be recommended to the Board of Trustees.

Adjournment.

The business of the day having concluded, the Council adjourned at 4:55 p.m.

Joseph S. Ferrell
Secretary of the Faculty