

UNIVERSITY OF MASSACHUSETTS AT AMHERST  
OFFICE OF THE FACULTY SENATE

Presiding Officer Robert Wilson called the 654<sup>th</sup> Regular Meeting of the Faculty Senate to order on May 18, 2006 at 3:30 p.m. in Herter Hall, Room 227.

A. ADDRESS BY REPRESENTATIVE STEPHEN KULIK (D-WORTHINGTON)  
(QUESTIONS AND DISCUSSION TO FOLLOW)

(see attached)

Secretary Ernest May stated that it was good to hear that we have good news and we are clearly on the way up. He thanked Representative Kulik for his role in that saying he has been as good a supporter as we have there on the Hill. However, we ratchet ourselves up, then we get to a bad spot and we go down. The trend line has been down so that our state support has been diminishing. Is there anything in this current plan, which is much more elaborate and complicated than we have seen in the past, that will help us avoid the sharp downturns, because that was really the most damaging thing that happened to us.

Representative Stephen Kulik stated that the whole concept between the report of the Higher Education Task Force and the legislation that has come out of that is to bring stability and predictability over the long term to public higher education funding. It is also addressing many of the governance problems that may impact that. The Senate made some improvements, but they made some changes that he did not particularly care for. One of the strengths of the original proposal, for example, was a diminishing of the role that the Board of Higher Education has with regards to the University. The University is unique in that it can very much stand alone and be governed by its own Board of Trustees without the involvement of BHE. That disappeared in the Senate version. He thought it is something that he would like to see brought back into the bill. We would have a long-term funding commitment. He saw it similar to the commitment that was made to K-12 education when we passed the Education Reform Law in 1993 and we made a seven-year commitment to annual increases in funding for local education. They did that and they did it even in some rough economic times. Other things suffered, including higher education, so that we could support local public education in the towns and cities across the state. He saw this very much as the same kind of commitment. If we make this commitment, and he felt that the climate was right to do so this year, then we will stick with it. He did not think, even if they have an economic downturn towards the end of that seven-year period, which is likely, he would hope that that commitment to higher education will continue to be there and that the formula will work out well for this campus in particular. There are some internal system discussions that need to go on, that the Legislature does not traditionally involve itself in, but we have to be optimistic that, if we make the commitment, we will stick with it and that we will do our very best even in tough economic times. We are considering this at a time when there is still great instability in the state budget. That is a very good sign. We are trying to build new opportunities and we do not have all of the resources to do so yet, but we are trying to be optimistic about it.

Senator W. Brian O'Connor stated that he was intrigued by the so-called matching gift. If a person gives the University a significant amount of money, how much will the state match it? It goes from \$.25 to \$.50 to \$.75 and back to \$.50. Is this in the budget?

Representative Kulik replied that the endowment incentive program was in the House budget. It is subject to conference. It is a great program that has meant a lot. His guess was that there is an amendment already filed to take it up in the Senate next week when they begin debate on Wednesday. This campus has really utilized it very effectively. We meet with the Chancellor as a delegation every few months and he has spoken often of what it means for him to be able to go to a prospective donor and say "look, we have this program here that will leverage additional state funds for your private contribution." I am a big believer in it. I hope that that will be in the final budget. We will certainly work hard for it on the House side of the Conference Committee.

## B. SPECIAL MOTION OF THANKS TO DEANS LEE EDWARDS, LINDA SLAKEY AND THOMAS O'BRIEN

### Dean Lee Edwards

“Lee Edwards: someone who is firm without being rigid; who has a quiet strength willing the mountains to move when she wants them to; who is decisive but with understanding; who is compassionate when it is appropriate; whose sense of humor can catch you by surprise; who possesses a dignity evidenced when she walks into a room or across campus; who has by example, demonstrated a commitment to social justice; who can find solutions to the most challenging problems in her College; who has a sense of style (not too vogue, not too bold, but her own classic and subtle sense of finesse). These are only a few of the qualities that allow us to see her as someone who thoughtfully thinks through her decision making but also to know her as someone who understands how these decisions would benefit the college, the University, and all her faculty and staff.

What is also remarkable about Dean Lee Edwards is her commitment to teaching and learning. Even with her busy Administrative and fund raising schedules, she found the time to continue to teach. Her excitement was always reflected in her ‘funny lopsided smile when she talks about teaching.’

A visit to Lee Edwards’ office is always an opportunity to view the eclectic collection of art so very creatively displayed and so informative and illustrative of who she is personally and professionally – a strong woman who is not afraid of steering her ship into the choppy waters, dipping and bobbing but keeping afloat and in the end riding out the storm.

We know that Lee was one of the founders and a director of our esteemed Women’s Studies Program; she has been on the Board of Directors, and recently elected President of the National Council of Colleges of Arts and Sciences; she has published widely and continues to champion a range of Interdisciplinary programs and seminars; and after 15 years as the Dean of the College of Humanities and Fine Arts, she is still witty and energetic.

The new studio arts building to be constructed near the Fine Art Center will be one of Lee Edwards’ legacies. It is fitting that the foyer will be named in her honor. We congratulate you on your persistence and tenacity to fulfill this dream and mission. ‘The studio arts building was something that practically on day one became my mission,’ says Edwards. ‘The arts provide a sense of institutional identity and liveliness on campus that should not be lost.’ In addition, Edwards oversaw the creation of a new, interdisciplinary Masters in Architecture program, which will interface with the Engineering, Environmental Sciences, and Regional Planning program and encourage students to build careers in architecture on a foundation of related humanities courses.

Lee Edwards is a scholar, a leader, a pragmatic administrator who learned to swim with the sharks but not be a shark, and Lee Edwards’ continued commitment to advocating for Humanities and Fine Arts is a testimony of someone who we should be proud to call one of our own. We thank you for your fifteen years of dedicated service!”

### Dean Linda Slakey

“On behalf of the Faculty Senate, I would like to offer our sincere thanks and best wishes to Dean Linda Slakey for her excellent service to the University over the past 3 ½ decades. As a faculty member in the Biochemistry and Molecular Biology Department since the early seventies, she progressed from an assistant professor to a full professor. She served as Chair of the department in the eighties and was Dean of NSM for several years in the nineties. For the past five years, she has served as Dean of Commonwealth College. Linda was an active participant in several Councils and Committees of the Faculty Senate including the Academic Matters Council, Undergraduate Education Council and Research Council, to name a few. She was also a regular attendee and participant in numerous Faculty Senate meetings over the past 2 ½ decades. In addition to her active participation and contribution to the Faculty Senate and its Councils and Committees, she has been particularly effective in helping gifted students.

As Dean of Commonwealth College, she has been responsible for the impressive growth of the College, not only in numbers of students but in recognition throughout the state and nation as one of the premier Honor Colleges. She instituted the popular Dean’s Book offerings and convinced the students to organize a group that picked the books for the course. She was also instrumental in developing and continuing the highly successful Undergraduate Research Conference which is held in Boston every April and serves as a showcase for our talented students.

The Faculty Senate applauds your outstanding contributions to the University in all of the valuable areas of research, teaching, service and outreach. You have been truly a superior and conscientious university citizen and we wish you the best in your retirement years.”

**Dean Thomas O'Brien**

“When Tom O'Brien left his job as Vice President of Finance at Harvard University to become the School of Management's dean in 1987, he planned on a three-to-five -year tenure. After nineteen years as the School's longest-serving dean, he has transformed every facet of the Isenberg School. In his first year as dean, Tom created the School of Management's first diversity program and the UMass campus' first satellite development office. The former has transformed the School's student demographics; the latter its resource base for teaching, research, and outreach.

Milestones during the O'Brien years include the \$16 million, 45,000 sq. ft. Harold Alford Management Center; the incorporation of the Sport Management and Hospitality and Tourism Management departments into the Isenberg School; and five endowed faculty chairs—in entrepreneurship, business leadership, operations management, finance, and quality management-integrative studies. The last, the first of three campus professorships designed to integrate business, science, and technology, was part of a \$6 million gift to the School of Management from Eugene M. Isenberg '50. The School was renamed in his honor in 1997.

Research highlights during Dean O'Brien's tenure include the spectacular success of the School's world-class Center for International Securities and Derivatives Markets and the School's fast-growing Virtual Center for Supernetworks. In outreach to the Commonwealth's business community, the School remains headquarters for the statewide Massachusetts Small Business Development network. And the School's Professional MBA programs now have over 700 enrollments, including a thriving online program with students in 50 states and 13 countries. And the School's Day MBA Program is now ranked, by the Princeton Review, #4 in the Country for best professors, and #6 for overall quality of academic experience.

To accommodate soaring student demand for an Isenberg School education, Dean O'Brien has begun a new round of fundraising that will help attract a new generation of faculty and provide resources for a new classroom building. If the School's recent fund-raising performance is indicative, Dean O'Brien's legacy will prevail: During the past year the Isenberg School received two individual gifts of \$5 million and \$1 million toward those goals.”

Tom, congratulations on a job well done. Best wishes in whatever lies ahead for you.

**C. ELECTION (10 Minutes)**

**PRESIDING OFFICER OF THE FACULTY SENATE**

**NOMINEE:** Robert Wilson, Hospitality and Tourism Management

*(Further nominations will be accepted from the floor.)*

Robert Wilson was reelected to the position of Presiding Officer by acclamation.

**D. NEW COURSES (10 Minutes)**

There are no reports associated with the following motions:

<u>COURSE</u>	<u>TITLE</u>	<u>CREDITS</u>
CE-ENGIN 418	“Intelligent Transportation Systems”	3
HISTORY 254	“The Black Freedom Struggle since 1945”	3
HISTORY 269	“The American War in Vietnam”	3
SCH-MGMT 350	“Professional Ethics in Contemporary Society”	3

**MOVED:** That the Faculty Senate approve the courses CE-ENGIN 418, HISTO RY 254 and 269 and 35-06 SCH-MGMT 350, as recommended by the Academic Matters Council.

This motion was seconded and adopted.

<u>COURSE</u>	<u>TITLE</u>	<u>CREDITS</u>
BIOST&EP 571	“Physical Activity and Women’s Health”	3

MOVED: That the Faculty Senate approve the course BIOST&EP 571, as recommended by the Academic Matters and Graduate Councils.  
36-06

This motion was seconded and adopted.

<u>COURSE</u>	<u>TITLE</u>	<u>CREDITS</u>
NURSING 704	“Health Disparities and Social Justice”	3

MOVED: That the Faculty Senate approve the course NURSING 704, as recommended by the Graduate Council.  
37-06

This motion was seconded and adopted.

E. OLD BUSINESS

*(Tabled from the 651<sup>st</sup> Regular Meeting of the Faculty Senate. Reports previously distributed.)*

1. Special Report of the Academic Matters Council concerning the 2007-2008 Academic Calendar, as presented in Sen. Doc. No. 04-042A with Motion No. 47-04.

MOVED: That the Faculty Senate adopt the revised 2007-2008 Academic Calendar, as presented in  
47-04 Sen. Doc. No. 04-042A.

This motion was again tabled to the first meeting in the fall 2006 semester.

2. Special Report of the Academic Matters Council concerning the 2008-2009 Academic Calendar, as presented in Sen. Doc. No. 05-038A with Motion No. 43-05.

MOVED: That the Faculty Senate adopt the revised 2008-2009 Academic Calendar, as presented in  
43-05 Sen. Doc. No. 05-038A.

Senator Roland Chilton asked for a clearer explanation of the calendar change.

John Cunningham, Deputy Provost, replied that there is some ongoing discussion about significantly changing the spring semester. The interest is coming from the students so that they are done with the semester at the same time as some of the other large institutions in the area, like the University of Connecticut, the University of Rhode Island, the Boston institutions, and so on. There is an interest by Continuing Education to do away with the Winter Session in favor of what they would call a May-mester – a three-week, intensive course at the end of the semester in May for those who wish it, rather than a winter session. Those factors coming together lead to some conversations about the beginning of the semester around the time that other institutions do, either just before or after Martin Luther King Jr. Day. The end of the semester would be just before or just after Mother’s Day. These discussions were done by the Academic Calendar Subcommittee of the Academic Matters Council. He talked personally to some people at Amherst College, Smith and Mt. Holyoke. It was just a concept, but we hated to pass calendars that were reflecting a concept that might not be in synchrony with all of the discussion going on on campus. That is why we have asked to refer it back to the Academic Matters Council.

Senator Julie Brigham-Grette stated that it was her understanding that the reason that we originally have January off is because of rising fuel costs. Will those kinds of things be discussed in terms of the budgetary implications of that switch in terms of fuel costs or does that not matter these days?

Joyce Hatch, Vice Chancellor of Administration and Finance, said that they were doing an assessment of that. The current calendar tracks back to the sixties, so it was even before the fuel crisis of the seventies, which was interesting. An analysis of swapping one week here verses May was being done. So far, nothing seemed to be jumping out because, in fact, during January, the buildings are being heated because research is going on, and they have to accessible and open.

This motion was again tabled to the first meeting in the fall 2006 semester.

**F. NEW BUSINESS**

1. **Special Report of the Academic Matters Council and the Program and Budget Council concerning The Establishment of a Concentration in Culinary Science within the Food Science Major in the College of Natural Resources and the Environment, as presented in Sen. Doc. No. 06-033 with Motion No. 38-06.**

**MOVED: 38-06** That the Faculty Senate approve the establishment of a Concentration in Culinary Science within the Food Science major in the College of Natural Resources and the Environment, as presented in Sen. Doc. No. 06-033.

This motion was seconded and adopted.

2. **Special Report of the Academic Matters, Academic Priorities and Program and Budget Councils concerning the B.S. Degree in Public Health Sciences in the School of Public Health and Health Sciences, as presented in Sen. Doc. No. 06-034 with Motion No. 39-06.**

**MOVED: 39-06** That the Faculty Senate approve the B.S. Degree in Public Health Sciences in the School of Public Health and Health Sciences, as presented in Sen. Doc. No. 06-034.

This motion was seconded and adopted.

3. **Special Report of the Academic Priorities, Graduate and Program and Budget Councils concerning the Master of Science-Women's Health Nurse Practitioner/MS Degree Program (WHNP/MS) in the School of Nursing, University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-035 with Motion No. 40-06.**

**MOVED: 40-06** That the Faculty Senate approve the Master of Science-Women's Health Nurse Practitioner/MS Degree Program (WHNP/MS) in the School of Nursing, University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-035.

This motion was seconded and adopted.

4. **Special Report of the Graduate Council concerning the Ph.D. Program Post-Baccalaureate Entry and Requirements in the School of Nursing, University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-036 with Motion No. 41-06.**

**MOVED: 41-06** That the Faculty Senate approve the Ph.D. Program Post-Baccalaureate Entry and Requirements in the School of Nursing, University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-036.

This motion was seconded and adopted.

5. **Special Report of the Academic Matters Council concerning Changes in the Repeated Courses Policy to Concur with Changes in the Grading Systems, as presented in Sen. Doc. No. 04-046A with Motion No. 52-04.**

**MOVED: 52-04** That the Faculty Senate approve the changes in the Repeated Course Policy to Concur with Changes in the Grading Systems, as presented in Sen. Doc. No. 04-046A.

*Professor Gary Snyder* stated that Section E of the document says, "Students may repeat courses in which they have earned grades of C-, D-, D, or F." What happened to D+?

*Robert Wilson, Presiding Officer,* stated that the document would be modified to reflect the addition of D+ to the statement.

This motion was seconded and adopted.

6. **Special Report of the Ad Hoc Committee on Online Learning concerning The Creation of a Testing Center at the University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-037with Motion No. 42-06.**

**MOVED: 42-06** That the Faculty Senate approve The Creation of a Testing Center at the University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-037.

Senator O'Connor stated that there are 75,000 students who take the Medical College Admissions Test via pencil and paper. Effective January 1, 2007, they will no longer do that. They will take it all computer-based. They have not consulted with any colleges or universities. It looks as though our students will have to go to New York City to take the test. He asked if there was any thought in this proposal to having the Testing Center become a money-making opportunity? It also could take away from the availability of computers on this campus, which he was opposed to.

Senator Marilyn Billings replied that one of things the Committee had been looking at was some of the testing that could be done. Richard Rogers had been working on this quite diligently and they will continue to investigate that. He does not have the final plan on this.

This motion was seconded and adopted.

7. Special Report of the Research Library Council concerning The Implementation of a Digital Institutional Repository at the University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-038 with Motion No. 43-06.

MOVED: That the Faculty Senate endorse the recommendation of the Research Library Council that the campus 43-06 conduct further investigation into implementing an Institutional Repository, and that this investigation be led by the University Libraries. This implementation would include a pilot project entitled UMA STARS (Scholarship, Teaching, And Research Showcase) supported by one-time discretionary funds made available by the Director of Libraries.

This motion was seconded and adopted.

8. Special Report of the Undergraduate Education Council concerning Support for the Interwrite Personal Response System at the University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-039 with Motion No. 44-06.

MOVED: That the Faculty Senate approve The Interwrite Personal Response System as the classroom response 44-06 system that is supported at the University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-039.

This motion was seconded and adopted.

9. Special Report of the Graduate Council and the Research Council concerning Policy Statement on Joint Authorship at the University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-040 with Motion No. 45-06.

MOVED: That the Faculty Senate adopt the foregoing statement as the Joint Authorship Policy at the University 45-06 of Massachusetts Amherst, as presented in Sen. Doc. No. 06-040.

Professor D. Anthony Butterfield, Chair of the Graduate Council, added a friendly amendment. In the fourth paragraph, item 2 currently reads, "Simply executing a job for which pay is taken (e.g., collecting data) does not automatically convey the right to authorship." The new language would read, "Simply executing a job for which pay is taken (e.g., performing routine duties under the direction of an advisor/PI) does not automatically convey the right to authorship."

This motion was seconded and adopted as amended.

10. Special Report of the Rules Committee concerning The One-For-One Replacement of Parking Spaces, as presented in Sen. Doc. No. 06-041 with Motion No. 46-06.

MOVED: That whenever campus construction, renovation or development requires the elimination of faculty and 46-06 staff parking spaces, new parking spaces will be created on a one-for-one basis within a reasonable distance of the eliminated spaces, in no event at a greater distance than one-fifth mile, as presented in Sen. Doc. No. 06-041.

Senator Richard Bogartz indicated that he was personally opposed to the one-fifth mile aspect of this. He thought that the distance ought to be a function of the individual's body mass index.

This motion was seconded and adopted.

11. Special Report of the Undergraduate Education Council concerning The Revision of the Policy on Priority for Evening Exams, as presented in Sen. Doc. No. 06-042 with Motion No. 47-06.

**MOVED:** That the Faculty Senate approve the Revision of the Policy on Priority for Evening Exams, as presented in Sen. Doc. No. 06-042.  
47-06

This motion was seconded and adopted.

12. Special Report of the Academic Matters Council concerning the 2009-2010 Academic Calendar, as presented in Sen. Doc. No. 06-043 with Motion No. 48-06.

**MOVED:** That the Faculty Senate adopt the 2009-2010 Academic Calendar, as presented in Sen. Doc. No. 06-043.  
48-06

This motion was tabled to the first meeting in the fall 2006 semester.

13. Special Report of the Committee on Committees concerning Nominations to Faculty Senate Councils and Committees, as presented in Sen. Doc. No. 06-044 with Motion No. 49-06.

**MOVED:** That the Faculty Senate approve the Nominations to Faculty Senate Councils and Committees, as presented in Sen. Doc. No. 06-044.  
49-06

This motion was seconded and adopted.

14. Special Report of the General Education Council concerning Recommended General Education Designations for HISTORY 254 and 269 and SCH-MGMT 350, as presented in Sen. Doc. No. 06-045 with Motion No. 50-06.

**MOVED:** That the Faculty Senate approve the General Education Designations HSU for HISTORY 254, HS for HISTORY 269 and SB for SCH-MGMT 350, as presented in Sen. Doc. No. 06-045.  
50-06

This motion was seconded and adopted.

15. Special Report of the General Education Council concerning the Withdrawal of a General Education Designation, as presented in Sen. Doc. No. 06-046 with Motion No. 51-06.

**MOVED:** That the Faculty Senate approve that the General Education Designation be withdrawn from SOCIOL 120, as presented in Sen. Doc. No. 06-046.  
51-06

This motion was seconded and adopted.

16. Special Report of the Research Council concerning The Policy on Data Ownership, Retention, and Access at the University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-047 with Motion No. 52-06.

**MOVED:** That the Faculty Senate approve The Policy on Data Ownership, Retention, and Access at the University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-047.  
52-06

*Professor Charles Clifton, a Member of the Research Council, stated that one reason why the Research Council supported this is because of the increase in awareness that scientific data have to be made available to others. Our professional, scientific organizations and federal granting agencies require the data upon which public scientific claims are based have to be made available to other researchers and a check to use and a check to claims. The proposed policy states that the University has the legal responsibility for the data and the University is ultimately responsible for maintaining the data and making them available. This is currently the case for all sponsored research. The University owns all data from sponsored research by signed agreements, unless the grant or contract specifies that the granting agency owns the data. Un-sponsored research is now in limbo. It is not clear who has legal responsibility for the data. If one looks at the federal regulations and policies that exist, together with the logic that researchers are employees of UMass and use UMass facilities, it is not obviously the individual researcher who owns the data, but, in the current limbo, it is the current researcher who is the most vulnerable and most the attractive target for inappropriate*

requests for data. As a practical matter, the individual investigator will receive the request for data and, if it is appropriate, honor it. Many of us have done that. But, consider cases where the request is inappropriate. For instance, where it is politically or commercially motivated, under the current policy, the researcher is on his or her own to protect the data against unreasonable requests. The University, in fact, has protected researchers in this case during the past year, but there is no policy that requires it to do so. This proposed policy is intended to require the University to play the role of protecting data against inappropriate access requests. Another reason, to protect the individual investigator's right to access data, is that there have been cases where collaborators, graduate students, and postdocs have left the University and removed the data, preventing the principal investigator from having access to them. The principal investigator in these cases has been personally responsible for recovering the data, necessitating court action in some cases. According to policy, UMass has a legal responsibility for data, therefore, it is responsible for keeping data on campus and recovering it. The policy does state that the investigator has unfettered access to data and the investigator may take copies of data, if he or she leaves the University, but the University has the responsibility for the data. There are concerns about this. One concern is confidentiality. The policy tends to deal with this because some data are confidential and cannot be released. What was done in the policy was to limit access so that confidential data is not released. Right now, it is totally up to the individual investigator to protect confidential data. The second real concern is that this may constitute a change in working conditions and that is a matter for labor law issue. It has to be dealt with in collaboration with MSP (Massachusetts Society of Professors). It is a grey area because it is not clear what the current situation is. If the Faculty Senate approves this policy, then it has to be hashed out with MSP. The third concern is is this an intrusion upon the rights and freedom of the researcher? It is not intended as such. The policy is intended to be limited to scientific research data. It explicitly excludes copyrightable data, explicitly excludes data that is subject to intellectual property considerations and it is not intended to restrict the freedom of the researcher except to insist that the data be maintained in a coherent, clear, orderly fashion and that it be made accessible to others.

Senator Brigham-Grette stated that she was familiar with a lot of international data bases that archive this kind of information because it is required by federal agencies. This all costs money and what concerned her was that a statement in the policy states "that the owner of the data shall provide the storage space and provide the financial support as necessary." This depends on your grant support. If one stops having grant support and there is no capacity to maintain this data, who will pay for that? Is the University going to take up the storage? This sounds like a lot of paper stored some place. There is a practical aspect to this and she wondered if the Council had decided or discussed any of those aspects. We are basically adopting a policy that could cost a lot of money in the future and she was wondering who would maintain all of that. The departments do not have money for that.

Professor Clifton stated that the Council did not discuss that.

Senator Brigham-Grette asked "what about specimens?" She stated that there were trailers full of rocks and some of those would be going to the Smithsonian, but there are also questions that if you have specimens that have tremendous value, are the specimens, not just the data, included in this policy? For example, Steve Haggerty took with him his rocks from the Sierra Leone. His rocks have the best signature of where these diamonds come from. Was he not allowed to do that?

Professor Clifton answered that under this policy, one would have to get special permission. There is a two-year time limit on the retention of data.

Professor Steven Brewer, Representative of the MSP, was asked to confirm that the position of MSP was that this represents a bargainable issue and cannot be implemented unilaterally.

Senator Wilson asked if this had gone before the Program and Budget Council?

Secretary May answered that this had not been reviewed by the Program and Budget Council. He stated that, in Psychology, the data could be handled digitally, but with issues like tissue samples or other things that were complicated, the range of problems is enormous. This policy does throw it back on the administration, which he thought was generally a good thing. There have been no studies of what all the implications are.

Professor Clifton stated that if we are talking about very expensive, difficult-to-maintain materials, his suspicion was that they will have been collected with federal or other sponsorship support in which case, the University already owns them and already is responsible for them because the University already has legal responsibility for all data collected under grants and contracts.

Professor Richard Bogartz stated that it was not obvious to him that a rock was data or any other sample was data and this motion refers to data. It seemed to him that one has to do something, make an observation, make a measurement and record something: that would be data. He did not know whether the question of samples actually did come under this motion or not.

Senator Mokhtar Atallah stated that another question that he thought was not addressed in this document was when should the data be available to be public? Is it the data that is associated with publications that came out or is it any data produced in the lab? In some cases, one would be doing exploratory things and would one have to maintain data for that if it does not pertain to the next step that is going to be published and scrutinized and one is required to provide the proof for what is published? He thought that was the data that should be maintained, preserved and protected, but not just any data produced in the lab and, if it is data that is going to be published, there is still some priority in not releasing the secrets of the findings to someone else who can come and say that this data is public, it is made by the University.

Professor Clifton acknowledged that that was a good point. The definition of scientific data that falls under this is rather vague. Different agencies define it in different ways. The Council's intention was clearly to have it limited to data that have been used to support a public statement, a published article or something like that, and the NIH and NSF have cautions that say one does have to release the data prior to publication, one is supposed to release the data in a timely fashion, but, if there is cost, the person requesting has to pay the incremental cost. There is an unclarity here. The Council decided that they did not want to try to get a precise definition because no precise definition will satisfy everybody so they were, unfortunately, vague. Their intention was data that was used to influence and support a research finding or conclusion.

Senator Brigham-Grette asked Professor Clifton if he could confirm that this was data, not samples; something measured, not something collected?

Professor Clifton answered that he wish he could say yes, but no. The intention is that data shall be construed as all recorded information regardless of medium and all actual samples or examples that were created or gathered and that serve to influence and support a research finding.

This motion was seconded and adopted by a vote of 8 to 5.

## G. ANNOUNCEMENTS

### 1. Principal Administrative Officers

Vice Chancellor Joyce Hatch mentioned that at the last session, everyone heard an update on all of the construction that was going on and stated that everyone was still on track on the timelines. Another announcement had to do with faculty salary increases and the actual, new rates would be in the paychecks of June 2 and the retro amounts would be in the paychecks of June 16.

### 3. The Chair of the Rules Committee

Senator Bogartz, Chair of the Rules Committee, stated that three years ago, he was elected to the Rules Committee and, in each of those three years, he was elected to the Chairpersonship of this Committee. He wanted to thank everyone for their confidence and for giving him the opportunity to serve. He wanted to thank Ernie May for his confidence and support. He wanted to say that he would especially miss the bi-weekly meetings of the Rules Committee with the Administration, sitting in the same room with Chancellor Lombardi. Every time was a tutorial on how universities work and it was wonderful. He said that he would greatly miss that. He appreciated the Committee members and their friendship and opinions. His regrets had to do with the attendance at these meetings. He said that they had made these meetings much more interesting than they were before in terms of the Committee of the Whole meetings and the speakers, but it still has not seemed to do the trick and something should be done about that. Finally, he said that he thought everyone should get down on the administration a little bit in terms of their reluctance to talk to us. He thought they should have something to say to the Faculty Senate at just about every meeting, even if it was just a little bit.

4. The Faculty Delegates to the Board of Trustees

Senator O'Connor, Delegate to the Board of Trustees, said that he had not reported on the Board of Trustees meeting since last February. The Board of Trustees is alive and well. There is a meeting next week at the Medical School and there will be another meeting on this campus in August. He will report back next fall.

Senator Billings announced, on behalf of Jay Schafer, that the University Libraries, in conjunction with the other five colleges, are in the process of implementing a new online catalog. They have been doing that very diligently over the past year and this will be implemented over the summer. Everyone should be looking for announcements and they were working very hard to make things easier and better for everyone.

The 654<sup>th</sup> Regular Meeting of the Faculty Senate stood adjourned at 4:57 p.m. on May 11, 2006.

The proceedings of this meeting are available on audiotape in the Faculty Senate Office.

Respectfully submitted,

Ernest D. May  
Secretary of the Faculty Senate