

**Professional Concerns Committee
Minutes for March 2, 2017**

SU 109
3:15 pm

Members in Attendance: K. McErlane, K. Schwarz, K. Katkin, J. Farrar, S. Weiss, Cynthia Thomas (sub for G. Newell), L. Wermeling, A. Watkins, B. Buckley, B. Mittal, M. Torres, A. Miller, K. Fuegen, S. Neely, J. Hammons, T. Bonner, B. Zembrodt, B. Puente-Baldoceda

Members Not in Attendance: S. Alexander, K. Ankem, D. Dreese, Y. Kim, H. Ericksen, M. Carrell, K. Sander, S. Nordheim, J. Gilbert, S. Finke

Guests: Samantha Langley

1. Call to Order, Adoption of Agenda. Agenda adopted at 3:18
2. Approval of Minutes from PCC Meeting of Feb 16, 2017. Minutes approved.
3. Chair's Report and Announcements

- 4 PCC items at Faculty Senate.
 1. By a vote of 26-7, on Mon Feb 27 Faculty Senate approved the following resolution that was recommended by PCC:

Be it resolved that the Faculty Senate of Northern Kentucky University respectfully disagrees with the University's efforts to obtain a gag order to prohibit our student Jane Doe from talking with reporters about the university's response to her campus sexual assault and recommends that the University, in the future, not seek to prohibit students from talking with the media about matters having to do with the University and its policies.

2. By unanimous vote, Faculty Senate also approved a resolution opposing the enactment of Section 2 of H.B. 249, the proposed state legislation that would strip public universities in Kentucky of our present authority to establish and enforce our own campus firearms policies. The full text of this resolution is appended to these Minutes.
3. Faculty Senate discussed PCC's recommendation that the frequency of RPT review be changed from annual to biennial, except for tenure-track faculty members currently in their 2,3,4, year, who will have the option of choosing annual or biennial review. This item will be voted on at the next Faculty Senate meeting on March 27, 2017.
4. Faculty Senate also discussed the "Statement of Solidarity" recommended by PCC. As discussed below, a Faculty Senator requested that PCC consider recommending one additional proposed amendment to the Statement. This

Statement will be voted on at next Faculty Senate meeting on March 27, 2017. At the next Staff Congress meeting on Thurs March 9, Staff Congress will also discuss whether to join or endorse the Statement of Solidarity.

- At Faculty Senate, Idna Corbett made a presentation about the proposed Honors College. This proposal was not approved by Faculty Senate, but will be presented directly to the Board of Regents. Idna Corbett said that the Honors College's curriculum will be approved by UCC under ordinary curricular processes.
- A faculty member asked PCC to address whether faculty members on medical leave should have the option to delay or skip the annual performance review process during the pendency of the leave. After discussion, PCC members agreed that PCC should look into this issue. K. Katkin said he would pull together the existing policies and will bring the information to a near-future PCC meeting.
- A PCC Member asked whether PCC had made (or should make) a recommendation about whether candidates for faculty and chair appointments should be ranked by the relevant search committees or faculty bodies. K. Katkin said he would review past minutes of the PCC regarding the decision that was made the last time this issue was brought up and will bring that information to a near-future PCC meeting.

4. New Business

- Voting Item: **Amendment to Statement of Solidarity**

On Feb 16, 2017, PCC voted to recommend that Faculty Senate adopt a Statement of Solidarity with all members of the NKU community, of all backgrounds, including: race, gender identity, sexual orientation, religion, immigration status, and national origin. This recommendation was discussed at Faculty Senate on Feb 27, 2017. In Senate's discussion of the item, one Faculty Senator requested that PCC consider amending the following sentence, which appears as the first sentence of the final paragraph of the proposed resolution:

We condemn all acts of violence and bias against any religion, and stand in support of those of all faiths, belief systems, races, ethnicities, nationalities, political affiliations, gender expressions or sexual orientation.

The Senator requested that the phrase "or immigration status" be added as follows:

*We condemn all acts of violence and bias against any religion **or immigration status**, and stand in support of those of all faiths, belief systems, races, ethnicities, nationalities, political affiliations, gender expressions or sexual orientation.*

Because this item was not noticed on the Agenda for today's PCC meeting, K. Katkin asked unanimous consent to amend the Agenda to add it. No objection was raised. The Agenda was then amended to allow PCC to take up this item.

PCC discussed the proposed amendment. No PCC Member voiced objection to its adoption. A motion to adopt the proposed amendment was made and seconded. The PCC voted to recommend the amendment. The first sentence of the final paragraph of the proposed Statement of Solidarity adopted by PCC on Feb 16, 2017 is now amended to read:

We condemn all acts of violence and bias against any religion or immigration status, and stand in support of those of all faiths, belief systems, races, ethnicities, nationalities, political affiliations, gender expressions or sexual orientation.

A revised version of the Statement that reflects this amendment will be distributed to Faculty Senate with the Agenda for its next meeting on March 27, 2017.

5. Old Business

- Voting Item: **Intellectual Property Policy**

The PCC resumed its discussion of Dr. Samantha Langley's proposal for a new Intellectual Property policy. K. Katkin presented a written set of proposed edits to the draft. These proposed edits were intended to: (1) reflect the tenor of past PCC discussions of Dr. Langley's draft; and/or (2) restore or retain certain provisions of NKU's current Intellectual Property policy, where warranted.

The PCC noted that Dr. Langley's proposal is less faculty-friendly than the current policy in several important respects, and is not more faculty-friendly than the current policy in any discernable respect. In particular, as compared with the 2009 policy currently in effect, the proposed draft policy would:

- Enable the university to assert copyright ownership in works of scholarly and creative activity created by faculty members, even in the absence of an express agreement;
- Enable the university to assert copyright ownership in teaching materials created by faculty members, even in the absence of an express agreement;
- Change the stated purpose of the intellectual property from meeting "the need to encourage the production of creative and scholarly works" to "facilitating the process whereby NKU creative and scholarly works may be put to public use and/or commercial application";
- Create ambiguity about ownership of intellectual property in some instances where the current policy provides clarity; and

- Reduce the royalty rates and expense-reimbursements paid to faculty members whose patentable intellectual property is commercialized with the assistance of the University.

K. Katkin stated that the proposed draft policy introduces a new concept of “exceptional NKU support” that is faculty-unfriendly and laden with traps for unwary faculty members. Under this concept, if a faculty member receives any support for scholarly productivity beyond office space and library access, the faculty member stands unknowingly to relinquish intellectual property rights. Common forms of support including differential teaching loads awarded under “active scholar status,” or sabbatical leave, could constitute “exceptional NKU support” under the proposal. Under this concept, faculty members could unknowingly forfeit copyrights simply by using specialized resources (such as pottery kilns) that are here for their use. Addressed in viii.p.4.

Dr. Langley stated that the concept of “exceptional support” is common practice in academia.

K. Katkin said that with respect to copyrights, this is not so. Copyrights should be distinguished from patents. Copyrights ordinarily are retained by faculty members at all reputable universities, and have always been retained by faculty members here at NKU, including under the 2009 IP policy currently in effect. We should keep the language in the current policy on copyrightable works. See B. p.6. Sharing the copyright should be faculty member’s option if s/he wants something in exchange for it. A faculty member should never be deemed to have alienated a copyright in the absence of an express written agreement, signed by the faculty member, manifesting the faculty member’s intent to do so. There should be an express written manifestation of the faculty member’s agreement to alienate a copyright. An IP policy should not lay traps for unwary faculty members.

P. 7 D ii. Creator should be allowed to use the works they created even if it is copyrighted by the University.

Dr. Langley replied that the faculty had complained about old policy not being faculty-friendly, and that is why this policy was written. It was not written to take money from faculty.

K. Katkin asked Dr. Langley to identify those any aspects of the proposed draft policy that are more faculty-friendly than the IP policy currently in effect. Dr. Langley replied that the proposed draft policy would provide a royalty rate of 50% to faculty members on income received by the University through the sale, licensing, leasing or use of intellectual Property, which the University owns pursuant to any section of this Policy. K. Katkin noted that in the current IP policy, the same royalty rate is 60% to 100% in cases where the revenues are less than \$50,000. Accordingly, reducing this royalty rate to 50% is not actually faculty-friendly. Dr. Langley did not identify any other

examples of any aspects of the proposed draft policy that would be more faculty-friendly than the IP policy currently in effect.

K. Katkin asked the PCC Members whether PCC should proceed to vote on the recommended revisions to the draft policy, or, alternatively, whether we should instead vote on whether to recommend rejecting the policy and remaining with the status quo? If the administration's intention was to make the IP policy more faculty-friendly, then the administration should be willing to rescind this policy proposal if the faculty opposes it.

Is current policy compliant with SACS? The only SACS accreditation standard for IP policy is that the policy needs to be clear about who owns IP rights. NKU's current IP policy is clearer than the proposed policy, particularly with respect to copyright ownership. Accordingly, from a SACS compliance standpoint, it would be safer to retain the present status quo.

The conclusion of the discussion was that the faculty would be better served by PCC recommending rejection of the proposed new policy rather than trying to edit it.

6. The meeting was adjourned at 4:35.

NKU FACULTY SENATE RESOLUTION ON PROPOSED CONCEALED-CARRY LAW

Approved by Faculty Senate, Feb 27, 2017

BACKGROUND

In Kentucky, currently no permit is needed to purchase a firearm, and no person is required to register a firearm. Moreover, open carriage of firearms already is lawful except in restricted areas. Public universities, including NKU, currently qualify as areas in which carriage of firearms may be restricted.

In its current session, the Kentucky Legislature is considering two proposals that would increase carriage of deadly weapons in public places. These proposals would impact NKU directly. In particular, Section 2 of H.B. 249 would amend existing KRS § 237.115(b) to provide that:

A publicly funded college, university, or postsecondary education facility shall not restrict the carrying or possession of a deadly weapon on any property owned or controlled by the institution by a person who holds a valid concealed deadly weapon license. . .

At the same time, Section 1 of S.B. 7 would amend KRS § 527.020(2) to eliminate the current system of concealed-carry licensure, and instead would authorize every lawful owner of firearms to engage in concealed carriage of those firearms. In essence, this proposal would deem every lawful gun-owner to be a person who holds a valid concealed deadly weapon license.

Against the background of Kentucky's existing law, the two current legislative proposals together would authorize almost anyone who has not been convicted of a serious crime to carry firearms—either openly or concealed—on our campus. Our university would be stripped of its existing legal authority to promulgate and enforce its own policy on deadly weapons. Neither our campus police nor anyone else would know who might be carrying firearms on campus.

RESOLUTION

For the following reasons, *the General Faculty of Northern Kentucky University urges the Kentucky legislature to refrain from stripping public universities in Kentucky of our existing legal authority to establish and enforce our own campus firearms policies*, as Section 2 of H.B. 249 would do.

(1) **NKU is our workplace.** Under the two proposed bills, all private-sector workplaces (including private universities) would remain free to set their own firearms policies. In addition, many public-sector workplaces (including police stations, sheriff's offices, detention facilities, prisons, jails, courthouses, local government offices, K-12 schools and pre-schools, airports, and the Kentucky Capitol building) would remain free to set their own firearms policies. As with other public and private employers, the governing authorities of Northern Kentucky University are best situated to set an appropriate firearms policy for our workplace.

(2) **Concealed carry on campus is not needed to protect our campus from armed criminals.** NKU has its own campus police force which is capable of protecting our campus from crime. NKU has not experienced any problem with violent crime, and indeed has been recognized for its exemplary safety. The proposed measure is not needed to prevent crime.

(3) **Concealed carry on campus may threaten our financial viability.** At NKU, we have an obligation to keep our students safe. Moreover, parents pay increasing attention to “safe campus” factors when deciding where to send their children to college. We are concerned that parents would question the safety of a campus with unregulated firearms carriage, and would choose to send their children elsewhere. Any corresponding impact on student enrollment numbers would reduce our operating budget and impair our ability to carry out our basic educational mission.