

Report of the Committee of Collegiate Senators

Changes to the Faculty Handbook: There is concern over the process for making changes to the Faculty Handbook and communicating these changes to the faculty.

Action Item: The Senate will establish an ad hoc committee to determine the process for making changes to the Faculty Handbook and communicating these changes to the faculty. This committee will also determine the current University policy on the ownership of teaching materials created by university faculty. This committee will report back to the Senate by its December meeting.

Background: Labor Day weekend Ellen received a concern from a member of the College faculty on a change to the Faculty Handbook.

The original concern: "I was surprised by the addition on page 18 of the phrase: "The University is the beneficiary and owner of work produced by members of its faculty in their faculty capacities". I'm familiar with that phrase from where it had been, and still is, on page 46, in the "Innovations and Patent Policy" section covering research, but I'm a little unsettled by it also being included in "Duties of Members of the Faculty", as there it could be construed to cover everything, including the things that several of us remember them explicitly stating the University did not, and would not, have ownership over."

I forwarded this concern to Provost Kersh and, after some research in the Provost's Office, a reply from Associate Provost Chavis on September 30 included the following:

From Associate Provost Chavis:

"Changes to the Faculty Handbook generally are made only by faculty action, board resolution or a change in university policy. For the past several years, I have handled the changes that are generated by faculty action. For example, if the faculty votes on something that implicates the Handbook, our office reviews the change and then passes it on to the Legal Department to ensure that it is consistent with existing university policies and procedures. Only then do we give the green light for the Handbook to be edited.

After hearing about your inquiry, I consulted with our Legal Department to determine the origin of the language. The section of the Handbook in which this sentence now appears, regarding the Duties of Members of the Faculty, refers to Appendix I of the Policy Resolutions in Implementation of the Bylaws of Wake Forest University, and we found that this language appears in a version of the Policy Resolutions that dates back to 2002. This means that it has been the Board-adopted policy of the university at least since that time.

As you noted, that sentence has appeared before, and continues to appear now, elsewhere in the Handbook. For whatever reason, in past years it was moved from the "Duties" section of the Policy Resolutions and placed in the "Inventions and Patent Policy" section of the Handbook. The university is constantly striving to update the Faculty Handbook, and I learned that this language was added to the "Duties" section of the Faculty Handbook in August 2021 in order to be consistent with the current version of Appendix I of the Policy Resolutions, which is almost exactly the same as it was in 2002.

After consulting with a lawyer in the Legal Department, we believe that the language should probably be clarified to say something like, "The University is the beneficiary and owner of work produced by members of its faculty in their faculty capacities as set forth in applicable University policies, including policies on copyright and intellectual property generally, designed

to encourage and enhance research, development, and utilization of the fruits of University work.” There are distinct university policies that determine whether it is the university or the faculty that owns the work of a faculty member, and the existing Copyright Policy (which, in general, tends to favor individual ownership of copyrightable works) is included in the Faculty Handbook. The Inventions and Patent Policy referenced in the Handbook was replaced by a Board-approved Intellectual Property Policy in 2017, and we will update the Handbook to link to the current policy.

The need for minor changes and clarifications like this sometimes arises, and we are working toward ensuring that this potential change is on the radar to clarify the language and point readers to the specific policies. A change to any language specifically approved in an earlier Board action, however, will require another board action and may take longer to be reflected in the Handbook.”

From the Faculty Handbook:

The following text, from the introduction to the handbook, gives the following protocol for changes to the document: “Policies contained in the handbook are subject to change. The University's Board of Trustees will from time to time adopt policies (including, but not limited to those described above) of general application relating to the employment and conditions of employment of members of the faculty, and may also authorize the faculties, the administration or both, to adopt such policies. Those policies may be changed from time to time in accordance with the needs of the University, and the right to make such changes is reserved to the university. Appropriate policies will be developed in consultation with the Faculty Senate regarding the process for revision of certain policies contained in the handbook. Those procedures will be subject to approval of the Board of Trustees or the President, as required.”

Other changes to the Handbook: AAUP has also raised some questions about changes to other parts of the Handbook, including to Chapter 3: “Faculty Evaluation” “Professional Conduct”, “Campus Disruption,” and “Use of the University Name.” Some Senators recall discussion of this language being rejected by the faculty in 2019. AAUP has added this issue to the next College Faculty Meeting, and it is mentioned in my report to this College Faculty meeting on the Senate.

Final remarks: Confusion remains about how changes to the online Faculty Handbook are made, how the faculty learn of these changes, and how the Senate is involved in changes. The specific issue of ownership of teaching materials is not clear to all the faculty.

ADA-Accommodations: Some concerns about ADA accommodations administration arose in our Collegiate Senators Suggestion Box. As a result, there is interest in obtaining the numbers of faculty applying for accommodations, the number of faculty denied accommodation, and the procedures for denying a physician supported ADA accommodation. AAUP has set up a committee to investigate ADA-Accommodations and COVID policy, a committee that involves College chairs, AAUP, Committee on the Faculty, members of College COVID Working Group (including me); this committee will have its first meeting Monday, October 11.

Ellen Kirkman
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