**University of Baltimore – University Faculty Senate**

Meeting Minutes: March 5, 2014

Attendance:

**Senators:** Joseph Wood (Provost), Kenneth Lasson (Law), Jose Anderson (Law), Stephanie Gibson (CPA), John Callahan (CPA), Christine Spencer (CPA), Jack Bates (CAS), Cassandra Havard (Law), Patria Julnes (CUSF), George Julnes (CPA), JC Weiss (MSB), Stanley Kemp (CAS), Julie Simon (CAS - CUSF), Dennis Pitta (MSB), Dick Bucher (Adjunct), Catherine Johnson (Library – UFS Vice President), Dan Gerlowski (MSB- UFS President)

Meeting called to order by Dan Gerlowski at approximately 1159 am.

1. Approval of February Minutes
	1. **Minutes approved unanimously**
2. Approval of Agenda
	1. **Agenda approved unanimously**
3. Provost Update
	1. Adjunct faculty
		1. Effective January 1 2015 all adjuncts under three course workload across any state-funded school(s) will be eligible for benefits
		2. There are a number of reasons adjuncts are teaching fewer classes at UB including the consolidation of sections, removal of courses often taught by adjuncts (i.e. COSC 100) and cancellation of sections with too few students enrolled.
		3. When contracts are not signed in a timely manner, delays occur.
	2. EAB/Student Success Collaborative
		1. Should be available by the middle of next semester
		2. Analytical services being brought in for the purpose of improving learning effectiveness
	3. Calendar Add/Drop issue—Michael Driscoll
		1. Calendar handout from Michael Driscoll
			1. Change add/drop period from 9 calendar days to 14 calendar days with access blocked to add classes from the 10-14th day class without permission from the dean’s office
			2. There may be special situations where recommended solutions are not sufficient and in those cases special rules could be implemented for all
			3. Motion to send to the Academic Policy Committee and ask for a recommendation in writing to the UFS in time for the April meeting.
				1. **The motion passed unanimously**

d. Process improvement—P/T review

 -Peer review is important and needs to be discussed and promoted
 - Provost will try to get recommendations together about dossier review including a workgroup for this summer
 - Wants to implement each college program effectively, and make sure the dossiers reflect the approved guidelines for p and t review

1. UFS Worklife Committee Report
	1. Sabbatical Policy
		* 1. Clarify the standards of “appropriate committee”
			2. Clarify compensation for consulting during sabbatical
			3. Consideration of dissemination of results
	2. The Worklife Committee will undertake work on refinement of sabbatical policy
	3. Emeritus Policy
		* 1. Replace the language in the proposed policy from: “The faculty member must have demonstrated exemplary service that has promoted the mission and achievements of the University of Baltimore over the course of his or her career at the institution” to: “The faculty member must have demonstrated teaching, research, or service that has promoted the mission and achievements of the University of Baltimore over the course of his or her career at the institution”
			2. Recognition of service for employees broadly defined
	4. Future work on refinement of emeritus policy
	5. Looking into offering more benefits to emeritus profs
	6. Motion to accept the policy revisions as written
		1. **Motion passed with 1 opposed**
	7. Motion to have the Worklife committee to look into the emeritus status of non-associate or full professors and to thank the committee for their work
		1. **Motion passes unanimously**
2. Gen Ed Council
	1. Governance path within schools for capstone implementation replaced by discussion of the need to have timely communication regarding the establishment and results of summer workgroups and panels
	2. Stephanie: Motion that any workgroups that are empaneled over the summer be named and the individual senates are informed, the work should be made available to all senate bodies, a member of each workgroup should attend the first meeting of each senate to report on the work done over the summer.
	3. Motion to have an electronic vote on Stephanie’s written motion
		1. **Motion passes unanimously**
3. UFS nomination process
	1. President, VP & Secretary open for nominations
	2. Nomination committee
		1. Senate president from each senate, law representative, library representative & adjunct representative
	3. Beginning April 3rd week of self-nominations
	4. Elections to take place in May
	5. Motion to accept committee as defined above
		1. **Motion passed unanimously**
4. UFS Academic Support committee
	1. Update and improve plagiarism tutorial - need to get plagiarism tutorial recommendations back from academic support committee in a timely manner
	2. Bigger/broader campaign for both faculty and students
	3. UFS would like a draft by the next meeting
5. Faculty Concerns over use of Turnitin
	1. Faculty concerns- faculty member was sued  twice for $10000 in civil and criminal court for theft of property over the use of Turnitin
	2. Case dismissed from court in both instances but a long and painful process
	3. See end of minutes for court precedent supporting Turnitin use
	4. Faculty protected through inclusion of intention to use service on syllabus
	5. Possible recommendation - include use of Turnitin or similar as a matter of general policy for the university
		1. Refer to Academic Policy Committee
6. Mission Statement – regular review
	1. Must be submitted to System by March 31st
	2. Feedback from the senates must be sent to Dan Gerlowski by March 20th
7. Initial Set Draft Research Questions for Student Success has been compiled- review requested
8. CUSF report
	1. 2 % salary July increase scheduled for July will take place
	2. UFS position of the ASA boycott of Israeli academic institutions - concerns about voting without full understanding of the issue were raised.
	3. CUSF voted to support the presidents letter but also amended that we support academic freedom for all students and faculty regardless of where or who they were
	4. Write to state representatives asking them to not support Academic Duplication bill

**Meeting was adjourned at 2:00 pm**

Turnitin Issue – From the Maryland Office of the Attorney General

A student could bring a successful copyright suit against the University or professor for using Turnitin only if the company running Turnitin violated the student’s copyright. However, the 4th Circuit (MD’s home court) has already ruled that Turnitin’s practice of uploading copies of student essays for future use does not violate copyright law. In A.V. ex rel. Vanderhye v. iParadigms, a group of Virginia students brought suit against iParadigms (the company that runs Turnitin) saying that Turnitin violated their copyright. The court found that iParadigms did not violate copyright using the fair use doctrine. Under fair use, because iParadigms used the students’ papers for comparison purposes only in order to prevent plagiarism and prevent students’ works from future plagiarism, and not for reasons relating to the expressive content of the students’ work, the copies through the Turnitin system did not infringe the students’ original work.

Vanderhye v.iParadigms, LLC, 562 F 3rd 630 (4th Cir. 2009)

If a student tried to bring a copyright action against the University or a professor, it would necessarily fail on the grounds of direct infringement, since the professor in using Turnitin, did not reproduce, make a derivative work, sell, perform, or publicly display the paper. The claim would also fail on contributory infringement grounds, since in order to find that a party knowingly contributed to the infringement of copyright, there has to be an infringement in the first place (See also MGM v. Grokster, 545 U.S. 913, 930 (2005) (“one infringes contributorily by intentionally inducing or encouraging direct infringement and infringes vicariously by profiting from direct infringement while declining to exercise a right to stop or limit it”)