



ACADEMIC SENATE MINUTES  
April 7, 2008

Call to Order

The regular meeting of the Academic Senate, held on April 7, 2008 was called to order at 3:04 p.m. by Paul Mogren, Senate President-elect. The meeting was held in room 115 C. Roland Christensen Center.

Roll:

David Ailion, Tim Ameel, Erica Anderson, James Anderson, Shmuel Baruch, Margaret Battin, Brooke Bennett, Dan Brinton, Ronald Bruhn, Jennifer Buhler, Kuan Chen, Liz Clark, John Conboy, Mohomoud Boncana for Lynette Danley, Marianna DiPaolo, Eric Eddings, Jessica Elder, Jessie Fan, Gene Fitzgerald, Greg Hatch, Rachel Hayes-Harb, Bob Hill, Brooke Hopkins, Tiffany Jack, Randy L. Jensen, Ryan Jensen, Megan Jolley, Mike Kirby, Thomas Kontuly, Stephane LeBohec, Edward M. Levine, Janet E. Lindsley, Karl Lins, Janis Louie, Brad Lundahl, Daniel Medwed, Katie Miller, Lex Newman, Maria Newton, Paul Nielsen, Gerado Okhysen, Richard Paine, Karen Paisley, David Pendell, Kevin Perry, David Plumlee, Kathy Pope, A. Lor Randall, Rita Reusch, Donn Schaefer, Randy Silverman, Bruce Smith, Sandra Smith, Gerald Spangrude, Nancy Staggers, Paul Stout, Andrejs Treibergs, Kimberly Walsh, Sharon M. Weinstein, Robert Wendel, Lisa Western, Mary Youngkin

Excused: A. Loris Betz, Penny Brooke, Hiram Chodosh, La Var Harline, Lester Partlow, Tim Slover

Ex-officio: John Francis, Kirtly Parker Jones, Nancy Lines, Paul Mogren, Susan Olson, Spencer Pearson, David W. Pershing, Octavio Villalpando, Michael K. Young

Others: Robert Flores, Ann Floor, Rachel Gallico, Rochelle McConkie, John Morris, Patrick Reimer, Stephen Reynolds, Edward Trujillo, Neil Vickers,

Approval of Minutes

The minutes of the Academic Senate meeting of March 3, 2008 were approved unanimously following a motion from James Anderson which was seconded by Sharon Weinstein.

Request for New Business

There was no new business.

Consent Calendar

The resignations, retirements, faculty appointments, auxiliary, and limited term appointments, appearing in Appendices I, II and III dated March 24 and April 7, 2008 received unanimous approval to forward to the Board of Trustees for their final approval following a motion from Gene Fitzgerald and seconded by Dan Brinton.

The Calvin S. and JeNeal N. Hatch Prize in Teaching awarded to Tom Malloy, Associate Professor of Psychology received unanimous approval.

The Undergraduate Council's recommendation for the special appointments to the special rank of University Professor for 2008-2009 for Professor Cassandra Van Buren from the Department of communication and Professor Stephen Koester from the Department of Modern Dance received unanimous approval.

#### Executive Committee Report

Sandy Smith, Executive Committee Secretary, summarized her written report of the March 24 , 2008 Executive Committee meeting.

#### Report from Administration

President Young expressed appreciation to the Academic Senate for honoring and respecting their core principals in fulfilling their responsibilities as representatives of the faculty at the University. He also applauded the ASUU for their accomplishments and efforts for in the successful way they handled the student body elections for the coming year.

President Young commented on the involvement in the Campus Master Planning and the valuable process in which it proceeded. He referred to the website for a look at the extensive and documented progress. He also commented on the development front and to be aware of an exciting announcement to come very soon.

He complimented the great things that are continuing to go forth with the Law School's website, [www.law.utah.edu](http://www.law.utah.edu) and the Federal grant from the Department of State to train Iraqi judges, prosecutors and civil authorities, and continuing the training of Afghanistan judges and prosecutors during the summer.

President Young announced that the commencement speaker will be Mario Capecchi, recipient of the Nobel Prize. He also invited everyone to attend a special ribbon cutting ceremony for the Co-generation Plant on April 22 at 11:00 a.m., an edifice indicating the University's commitment to the American College and University Presidents Climate Commitment for climate change and sustainability.

President Young responded to a question regarding the proposed new development in the parking lot on the west side of Rice-Eccles Stadium. The president indicated some concern about student engagement on campus and the entities offered for our students and community living near or on campus. The proposed project is designed to increase campus life and stimulate the private sector in developing 400 South. Campus office space, commercial and retail offices and restaurants, and the Campus Store are some of the options that could be included as well as additional on-campus housing on the upper level. The parking structure would mitigate nearly all lost parking spaces and the site lines from the stadium would be protected. If the project is deemed feasible, a development team may be selected in August.

#### Report from ASUU

Spencer Pearson, ASUU President, reported that Vice President Pershing has agreed to match funds for the expansion of the supplemental institution with the intent to better market the program as there is a strong correlation that students who participate maintain higher grades. He

expressed his appreciation in serving during his tenure and introduced the new ASUU president, Patrick Reimer. Patrick expressed his thanks for the well organized orientation he received from Spencer and is looking forward to assuming his new responsibilities.

#### Notice of Intent

The University Diversity Committee's request to include additional ex-officio members on the committee was presented by its chair, Ed Trujillo. Ed feels that the increase would be more inclusive in dealing with diversity. Kevin Perry made a motion to add an additional ex-officio, the Director of Admissions. *It was recommended by over a two thirds majority that the amended proposed changes to the charter and PPM be forwarded to today's Debate Calendar.*

Ed also commented on the forthcoming annual report which will include data over a two year period.

William Lockhart presented a synopsis of the proposed changes to the Complimentary Books Policy in PPM 1-4 which would govern the acceptance and disposal of complimentary books received from publishers or distributors by University employees that are not purchased with personal funds. The new policy would allow employees to retain these books for use at their discretion for academic or professional purposes and dispose of complimentary books that they judge are not useful. This will appear on the Debate Calendar on the May 5, 2008 Senate agenda.

Professor Lockhart also presented the proposed amendment to the royalty's policy in PPM 8-12.4 which would clarify that any faculty member or employee of the University with authority to assign or recommend course materials for any course offered by the University should do so based on sound academic values without any prospect of personal financial gain. He emphasized that this proposal does not question, rather endorses, the propriety of faculty members' assignment for their classes of books or materials they have authored. The amendment deals only with the potential financial benefit from those assignments. This will appear on the Debate Calendar on the May 5, 2008 Senate agenda.

#### Debate Calendar

The University Diversity Committee's request to include additional ex-officio members on the committee as amended, and revise the charter found in Policy and Procedures PPM 9-3, Section 4A (9)(a) to include the change, be approved as amended. *A motion from Kevin Perry which was seconded by Sharon Weinstein received unanimous approval to forward to the Board of Trustees for final approval.*

The request for the discontinuation of the Bachelor of Science in Physical Therapy Studies was explained by Paul Mogren as Scott Ward was unable to attend the meeting. With the implementation of the Doctor of Physical Therapy in 2004 there is no relevancy in offering the undergraduate degree any longer. *Jim Anderson motioned to accept the request and forward to the Board of Trustees for final approval which was seconded by Tiffany Jack and unanimously approved.*

Bob Flores presented the proposed University Policy 1-1, a new policy on University Regulations, as well as an overview of the ongoing project of reorganizing University

Regulations and streamlining a clearer system of adopting and revising University policies, rules, procedure and guidelines. The new policy will not change any substantive policy but will clarify procedures by which the changes can be made in the future. *Gene Fitzgerald motioned to accept the proposed University policy and forward to the Board of Trustees for final approval which was seconded by Sharon Weinstein and unanimously approved.*

#### Information Items

The request to change the name of the Bookstore Advisory Committee to The Campus Store Advisory Committee, and amend their By-laws to include additional ex-officio members was approved in the March 24<sup>th</sup> Executive Committee meeting.

#### New Business

There was no new business.

#### Adjournment:

The meeting adjourned at 4:30 p. m.

## **James Anderson – Professor, College of Humanities**

Jim Anderson (Ph. D., Iowa) has been on the University of Utah faculty since 1977. He studies the material practices of disciplinary knowledge formation. He has authored/co-authored/edited 16 books and published more than 100 articles, chapters, and monographs and been the recipient of more than 30 grants. He has been editor of *Communication Theory* and *Communication Yearbook*, associate editor of *Human Communication Research*, and special issues editor of *Communication Studies* and *American Behavioral Scientist*. He is a past president and a current fellow of the International Communication Association and executive secretary of the InterAmericas Council, an association dedicated to promoting the study of communication in the Western Hemisphere. He has been awarded the titles of Master Teacher and Distinguished Scholar by his professional associations.

Jim's service to the University includes two terms as chair of the Department of Communication, three terms (whole and part) on the Academic Senate, member and chair of Academic Policy Committee, two-term member and chair of the Faculty Budget and Planning Committee, multi-term and current member of the University Research Committee and chair of the Faculty Fellows subcommittee, multi-term member of Institutional Review Board and current vice-chair and member of the IRB Executive Committee, member of the Committee for Technology Enhanced Curriculum, the Discrimination Complaints Hearing Panel, and the Cyber-Infrastructure Council.

For the past five years, Jim has been working with homeless men, women, and children of Salt Lake as a confidant and advocate. Several of his publications and presentations have served to raise consciousness about the homeless and to reframe the issues involved with homelessness to facilitate better programs. He is currently developing the Center for Communication and Community—a University Center for Community Engagement—in order to encourage and support community-engaged scholarship.

Jim is a certified and experienced meeting facilitator, having run complex meetings in many places of the world and in several languages. He is noted for having all voices heard and for finishing on time. He is a strong advocate for shared governance and for transparency within the University. His wife Carol is a kindergarten teacher who regularly reminds him to play well with others and not to run with scissors—two principles he tries to follow.

**Lester M. Partlow, Ph.D.**

EDUCATION

B.S. (Biophysics), 1964, Johns Hopkins University  
Ph.D. (Biophysics), 1969, Johns Hopkins Univ.  
Postdoctoral Fellowship (Biology), 1969-70, Johns Hopkins Univ.  
Postdoctoral Fellowship (Pharmacology), 1970-72,  
Washington University School of Medicine, St. Louis, Mo.

ACADEMIC POSITIONS

Director of Medical Pharmacology, 2003 to present, Dept. of Pharmacology and  
Toxicology, Univ. of Utah School of Medicine and College of Pharmacy  
Associate Professor with Tenure, 2005 to present, Dept. of Pharmacology and  
Toxicology, Univ. of Utah College of Pharmacy  
Associate Professor with Tenure, 1978 to present, Dept. of Pharmacology, Univ. of Utah  
School of Medicine  
Assistant Professor, 1972-78, Dept. of Pharmacology, Univ. of Utah School of Medicine

SERVICE RESPONSIBILITIES

Departmental

Teaching Committee, member, 1992-95 and 1998; chairman, 2003-2005  
Graduate Training and Selection Committee, member, 1975-88  
Space Planning Committee, member, 1980-87; chairman, 1980-87  
Computer Facilities Supervisor, 1980-88. Established the department's first computer  
facilities for word processing, data analysis, and figure presentation.

School of Medicine

First Year Medical School Curriculum Committee, member, 1998-present  
Second Year Medical School Curriculum Committee, member, 2002-08  
First Year Medical School Promotions Committee, member, 2002- present  
Second Year Medical School Promotions Committee, member, 2002- 08  
Medical School Admissions Candidate Interview Committee. Member, 1995-99  
Medical School Admissions Selection Committee. Member, 1995-2002  
Committee for Re-Engineering the Basic Sciences, member, 1997-98  
Neurosciences Revision Committee, 1997  
Dean's Neuroscience Advisory Committee, member 1982-85  
Dean's Research Advisory Committee, member, 1977-83  
Endocrinology & Metab. Organ System Comm., member 1974-82; chairman, 1979-80

College of Pharmacy

Computer Advisory Committee, member 1987-90  
Committee for Development of a Pathophysiology Course, member, 1996-7

University of Utah Service Responsibilities:

Executive Committee, Academic Senate, University of Utah, 2006-08

Personnel and Elections Committee for the Academic Senate, member, 2006

Academic Senate, University of Utah, member 2005-08

Campus Planning Advisory Committee, University of Utah, 2003-2004

Academic Freedom and Tenure Committee, Univ. of Utah, member 1994-98

- a. Evaluated the merits of faculty complaints regarding AFT-related issues.
- b. Formulated the revised 1996 Faculty Code for the University of Utah.
- c. Served as liaison between the AFTC and various schools and departments.

Faculty Hearing Committee, University of Utah. Evaluated complaints of administration against faculty members and vice versa. Held formal hearings.

- a. Member, 1997-2000
- b. Chairman, 1997-99
- c. Hold-Over Chairman, 1998-99 Committee; completed on-going case, 1999-2000  
Worked closely with our university lawyers and top administrators in this effort.

Ad Hoc Committee on Faculty Hearing (Grievance) Committees, member, 1998-2000

Compared & standardized University grievance committee procedures.

Patent Advisory Committee, member, 1977-80 and 1991-94; chairman, 1979-80

Annuities and Salaries Committee, member, 1980-82; chairman, 1982-83

National Service Responsibilities:

Grants Reviewer for the National Institutes of Health (NIH), the National Science Foundation (NSF), and the March of Dimes.

Site Visitor for program-project grants for the National Institute of Neurological Diseases and Stroke (NINDS) of the NIH.

Reviewer for Brain Research, J. Pharm. Exptl. Therapeutics, Science, J. Cell Biology, Experimental Cell Res., Developmental Biology, J. Neurobiology, J. Neurochem.

Reviewer, National Research Grants for the Multiple Sclerosis Society

Member, Advisory Committee on Fellowships for the Multiple Sclerosis Society, 1984-87

Regional Interviewer, Multiple Sclerosis Society, Comm. on Postdoctoral Awards, 1990-3

Candidate's Statement:

I have been a faculty member at the University of Utah for 37 years and, during that time, have had the opportunity to serve on many committees at all levels of the University. I have been continually amazed at how well faculty governance works at our University and have greatly enjoyed my participation in the process.

In terms of experience, I have at various times been engaged in individually funded research and also taken part in collaborative research in conjunction with the VA hospital and the department of Bioengineering on lower campus. During these periods, I have often served at either Principal Investigator or Co-principal Investigator on grants funded by the NIH and other organizations. As a result, I deeply appreciate the importance of research in the function of an excellent university.

In addition, I have been involved in teaching at all levels. I am currently the Director of Medical Pharmacology and serve as the Course Master for three courses in the first and second year of Medical School. I also teach in several courses in the first and second year of the pharmacy school. In these teaching efforts, I have consistently received very high evaluations from my students. I have also provided graduate instruction to students in pharmacology. Many of these graduate students received their PhDs as a result of work done in my laboratory. As a result, I understand both the educational process and the needs and expectations of our teachers. In addition, I have had a lot of experience in dealing with students at all educational levels.

Finally, I have served on committees that involved very sensitive issues which often required negotiation and sometimes necessitated hard decisions. For example, I served for four years on the Academic Freedom and Tenure Committee and was Chairman of that committee when it became necessary to hold a formal hearing. As a result, I chaired the hearing and learned a great deal in the process. Second, I served for four years on the Candidate Interview Committee for the Medical School and for seven years on its Admissions Selection Committee. Hard decisions had to be made about which students would be admitted to medical school; this also was a growing experience as our decisions greatly impacted the lives of the applicants. Finally, I served on the Promotions Committee for both the first and second years of Medical School for the last six years. Again, extremely hard decisions had to be made about a medical student's future. I feel that these and other administrative experiences have prepared me to deal with a wide variety of issues critical to the function of the Academic Senate.

In my view, the most important role of the Academic Senate is to provide an interface between the faculty and the Administration so that the faculty will always have an input into decisions that might affect them. The Academic Senate also provides an important mechanism by which the faculty can originate the discussion issues that they view as critical to the future of their department or of the university as a whole. Finally, the existence of a functional (and hopefully proactive) Academic Senate is critical in order to maintain the faculty's right of self governance. I believe that these functions are enormously important and would therefore be willing to serve as President-elect and subsequently as President of the Academic Senate of the University of Utah if elected.

**APPENDIX I**

**APPOINTMENTS**

**Retirements**

1. Dr. Carole A. Gassert, Associate Professor of Nursing, member of faculty for 6 years, effective June 30, 2008. (See Emeritus Appointments)
2. Dr. Maeona Kay Kramer, Professor with tenure of Nursing, member of faculty for 36 years, effective July 31, 2008. (See Emeritus Appointments)

**Administrative Appointment**

1. Professor Phillip R. Kessler, Chair, Department of Naval Science, effective August 1, 2008.

**APPENDIX II**

**AUXILIARY FACULTY APPOINTMENTS**

**Auxiliary Faculty Appointments**

**MEDICINE**

1. Dr. Sihem Boudina, Research Assistant Professor of Internal Medicine, effective April 8, 2008 and ending June 30, 2008.  
B.S., 1997, University of Sciences & Technology, Algeria  
M.S., 1998, Universite Victor Segalen Bordeaux, France  
Ph.D., 2002, Universite Victor Segalen Bordeaux, France
2. Dr. JoAnn Cong-Yin Chang, Visiting Instructor in Ophthalmology & Visual Sciences, effective July 1, 2008 and ending June 30, 2010.  
B.S., 1996, University of Texas  
M.D., 2004, University of Cincinnati
3. Dr. Alicia Christiansen, Adjunct Assistant Professor of Pediatrics, effective June 1, 2008 and ending June 30, 2008?  
B.S., 1998, University of Utah  
M.D., 2003, Northwestern University
4. Dr. Virgil Davis, Assistant Professor (Clinical) of Surgery, effective April 1, 2008 and ending June 30, 2008.  
B.A., 1992, University of Missouri  
M.D., 1996, University of Missouri
5. Dr. Ivana De Domenico, Research Assistant Professor of Internal Medicine, effective April 8, 2008 and ending June 30, 2008.  
B.S., 2002, University of Messina, Italy  
Ph.D., 2005, University of Messina, Italy

6. Dr. Mary C. Halloran, Visiting Associate Professor of Neurobiology & Anatomy, effective September 4, 2008 and ending December 19, 2008.

B.S., 1983, University of Wisconsin  
Ph.D., 1985, University of California  
Ph.D., 1994, University of Wisconsin

7. Dr. Mengjing Huan, Visiting Instructor in Neurology, effective July 1, 2008 and ending June 30, 2009.

M.D., 2004, University of Texas

8. Dr. Evgueni Kholmovski, Research Instructor in Radiology, effective April 10, 2008 and ending June 30, 2008. This supersedes his appointment as Visiting Instructor in Radiology.

9. Dr. Christopher J. Kurz, Visiting Instructor in Ophthalmology and Visual Sciences, effective July 1, 2008 and ending June 30, 2009.

B.S., 1997, Westmont College  
M.D., 2002, University of California

10. Dr. Luis Moreno, Adjunct Instructor in Family & Preventive Medicine, effective April 1, 2008 and ending June 30, 2008.

B.A., 1989, Rice University  
M.D., 1993, Texas A&M University  
M.S., 2002, Wright State University

11. Dr. Shawn M. Ronan, Visiting Instructor in Ophthalmology & Visual Sciences, effective July 1, 2008 and ending June 30, 2010.

B.S., 1997, University of Minnesota  
M.D., 2003, University of Minnesota

12. Dr. Jonathan Silverstein, Assistant Professor (Clinical) of Radiology, effective June 1, 2008 and June 30, 2008.

B.S., 1981, Duke University  
M.D., 1985, Duke University

13. Dr. John J. Whitehead, Visiting Instructor in Ophthalmology & Visual Sciences, effective July 1, 2008 and ending June 30, 2009.

B.S., 1996, University of Arizona  
M.D., 2000, University of Arizona

#### MINES

14. Dr. Xuming Wang, Research Assistant Professor of Metallurgical Engineering, effective May 1, 2008 and ending June 30, 2008.

B.S., 1982, Kunming University of Science & Technology, China  
M.S., 1999, University of Utah  
Ph.D., 2004, University of Utah

#### NURSING

15. Ms. Susan B. Childress, Adjunct Instructor in Nursing, effective March 14, 2008 and ending June 30, 2008.

B.S., 1979, St. Anselm's College  
M.S., 1993, University of Phoenix

16. Professor Claudia G. Gerard, Assistant Professor (Clinical) of Nursing, effective July 1, 2008 and ending June 30, 2009. This supersedes her appointment as Instructor (Clinical) in Nursing.
17. Dr. Pamela Hardin, Assistant Professor (Clinical) of Nursing, effective July 1, 2008 and ending June 30, 2009. This represents a switch from her tenure track appointment as Assistant Professor of Nursing.
18. Professor Diane Kihara, Assistant Professor (Clinical) of Nursing, effective February 23, 2008 and ending June 30, 2008. This supersedes her appointment as Clinical Instructor in Nursing.

#### PHARMACY

19. Dr. Kamila A. Dell, Assistant Professor (Clinical) of Pharmacotherapy, effective April 14, 2008 and ending June 30, 2009. This supersedes her appointment as Adjunct Assistant Professor of Pharmacotherapy.

### APPENDIX III

#### EMERITUS APPOINTMENTS

##### **Emeritus Appointments**

1. Dr. Carole A. Gassert, Associate Professor Emerita of Nursing, member of faculty for 6 years, effective July 1, 2008. (See Retirements)
2. Dr. Maeona Kay Kramer, Professor Emerita of Nursing, member of faculty for 36 years, effective August 1, 2008. (See Retirements)

Honors and awards to members of the University community  
(from the April 14, 2008 Board of Trustees meeting)

1. In the recently released U.S. News & World Report's 2009 edition of America's Top Graduate Schools, the S.J. Quinney College of Law moved up six places over last year to 51<sup>st</sup>. The School of Medicine is ranked 50<sup>th</sup> for research and 31<sup>st</sup> for primary care. Several areas within the Health Sciences including pharmacy, the physician assistant program, nursing, nursing-midwifery, audiology, clinical psychology, occupational therapy, physical therapy and rehabilitation counseling also received recognition. The Master of Public Administration (51<sup>st</sup>), the College of Engineering (59<sup>th</sup>), the College of Education (73<sup>rd</sup>), Department of English (72<sup>nd</sup>), as well as many areas within the College of Science, were also highly ranked.
2. The College of Pharmacy is ranked 2<sup>nd</sup> in the nation for funding received from the National Institutes of Health (NIH). The pharmacy school's 67 faculty members received a total of \$23,600,000 in NIH peer-reviewed grants. The College of Pharmacy has been ranked among the nation's top four schools for NIH funding since 1975.
3. Kang Zhang, M.D., Ph.D., associate professor for ophthalmology services, recently received a Clinical Scientist Award in Translational Research. This award will provide \$150,000 per year over five years (\$750,000) for Zhang's research in defining novel genes for diabetic microvascular complication. The Burroughs Wellcome Fund, an independent private foundation dedicated to advancing the medical sciences, established this award to assist young scientists in their career development and to build capacity in undervalued research areas.
4. Sarah Hutchinson, post doctoral fellow at the Huntsman Cancer Institute, was recently awarded \$138,000 grant from the American Cancer Society for her research project focuses on the development and treatment of T cells in acute lymphoblastic leukemia. The American Cancer Society is the largest non-government, not-for-profit funding source of cancer research in the United States. The society currently funds 22 research grants totaling more than \$5,000,000 at the University of Utah, which includes the Huntsman Cancer Institute.
5. Ingrid Price, an undergraduate student studying political science and international relations, was named a 2008 Truman Scholar. She is one of 65 recipients of the Harry S. Truman Scholarship, a \$30,000 prize for undergraduate students interested in public service. Almost 600 candidates were nominated for the award. Ingrid's experiences include an internship with the U.S. Mission to NATO in Belgium and work with political campaigns and a local refugee assistance group.
6. The American Colleges of Pharmacy (ACCP) will honor Glenn D. Prestwich, Ph.D., presidential professor of medicinal chemistry, for his outstanding research and contributions to the field of pharmaceutical sciences. He will receive the prestigious Volwiler Research Achievement Award at the ACCP's annual meeting. Glenn is being

honored for his exceptional contributions to pharmaceutical education and for his commitment to research.

7. Stephen C. Hartsell, M.D., director of the emergency residency program and professor of surgery, was recently recognized as a “Hero of Emergency Medicine” by the American College of Emergency Physicians (ACEP). The honor recognizes physicians who have significantly contributed to emergency medicine, quality patient care, and service to the community. Hartsell established the first emergency medicine residency in Utah and has been the program’s director since its inception.
8. William Miller, professor of architecture and planning, was recently awarded this year’s American Institute of Architects (AIA) Bronze Medal, the highest award given to architects in Utah. The award is in recognition of Miller’s lasting contribution through teaching and service to the industry. Miller was the dean of the College of Architecture and Planning from 1992 to 2002 and has served on the board of directors of both the Association of Collegiate Schools of Architecture and the National Architectural Accrediting Board. He is currently serving a four-year term on the American AIA Educator/Practitioner Network Advisory Committee.
9. The Energy Tap team, sponsored by the Pierre Lassonde Entrepreneur Center, was named one of 20 semifinalists in the University of Oregon New Venture Championship 2008, a global entrepreneurship competition. The team’s project involves a technology that transforms waste heat into electricity. The University is currently doing a product test on the power plant waste heat stacks using this technology.
10. Abinash Roy, M.D., assistant professor of medicine, was recently awarded the Golden Award for Clinical Excellence by the Intermountain End State Renal Disease Network. This award was given in appreciation of Dr. Roy’s exceptional performance and contributions to the care of patients with chronic kidney disease and his outstanding clinical achievement in the areas of adequacy of dialysis, anemia management, nutrition and vascular access outcomes.
11. Associated Regional and University Pathologists (ARUP) Laboratories, a national clinical and anatomic pathology reference laboratory and a leader in innovative laboratory research and development, was recently recognized by Utah Business magazine and Wasatch Digital IQ at the first annual IQ Awards. ARUP was recognized as one of the “best of the best” capturing the Live Sciences/Health Care award for its ARUP Consult® program. ARUP is an enterprise of the University of Utah Department of Pathology.

12. Andy Pavia, M.D. chief of the Division of Pediatric Infectious Diseases and professor of internal medicine and pediatrics, was recently named to the National Biodefense Science Board by Michael Leavitt, Secretary of Health and Human Services. The board was organized to provide expert advice and guidance on scientific and technical matters regarding activities to prevent, prepare for and respond to adverse health effects of public health emergencies such as exposure to chemical, biological, nuclear and radiological agents.
  
13. Robert Allen, professor, director and David Eccles Scholar in the School of Accounting was the recent recipient of the annual Wildman Medal. This medal is given by the American Accounting Association (AAA) to the author(s) of an article, book, monograph, or other work which is judged to have made a significant contribution to the advancement of the practice of accounting. The award was named after John Raymond Wildman, the first President of the AAA. It was established to encourage research relevant to the professional practice of accounting.

**Academic Senate – May 5, 2008**  
**Executive Committee – April 21, 2008**

**Academic Senate – April 7, 2008**  
**Executive Committee – March 24, 2008**

MEMORANDUM

TO: Senior Vice Presidents David W. Pershing and A. Lorris Betz

FROM: Susan M. Olson, Associate Vice President for Faculty  
Richard J. Sperry, Associate Vice President for Health Policy

RE: Proposed Policy on Acceptance and Disposal of Complimentary Books

DATE: March 13, 2008

The Academic Policy Advisory Committee, chaired by Professor Bill Lockhart of the College of Law, has recommended adoption of this proposed amendment to Policy PPM 1-4, which will govern acceptance and disposal of complimentary books.

Utah state law prohibits public employees, including University faculty members, from accepting gifts worth more than \$50 if the employee “recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor” unless the employee makes a detailed written disclosure to the agency head and the Attorney General (Utah Code Annotated §§ 67-16-5 & 6). Arguably, this prohibition applies to acceptance of complimentary textbooks or other course materials by faculty members.

Faculty members receive complimentary textbooks and other potential course materials from publishers. Publishers provide these complimentary materials in order to encourage faculty members to require the use of their materials in courses taught by faculty members. If faculty members accept these books and treat them as their own private personal property, such as by selling them, they may be in violation of the statutory provisions discussed above. However, no violation will arise if faculty members accept these materials on behalf of the University under the following guidelines. Faculty members may accept these complimentary materials, may dispose of those considered not useful, may utilize them at their discretion in fulfilling their University academic and professional functions, and may normally retain them for the same purposes upon ceasing University employment.

Amended Policy PPM 1-4 III (E). addresses this issue and protects faculty members by making complimentary materials the property of the University, and providing for faculty use and disposition under the above guidelines.

Policy: 1-4 Rev: 2  
Date:  
May \*, 2008

Subject: **ACQUISITION ~~AND CONTROL OF NON-LIBRARY BOOKS~~ OF BOOKS;  
ACCEPTANCE AND DISPOSAL OF COMPLIMENTARY BOOKS**

## ~~I.~~ PURPOSE

To outline university policies regarding:

(A) books acquired by or on behalf of the university or any of its departments through research contracts and grants, development funds, or general funds; and

(B) other books received from publishers or distributors by University employees (including faculty members) and not purchased with personal funds (i.e., “complimentary books” or “review copies.”)

This policy does not apply to university libraries.

## II. DEFINITIONS

~~Books—Any hard bound published document or unbound item costing \$5 or more. Periodical subscriptions and information services are not included.~~

For purposes of this policy, the term “books” shall be interpreted to include not only the traditional format of bound printed pages typically used in University courses at the time of adoption of this policy, but also includes materials, information, teaching instruments or data collections distributed in any media, including but not limited to audio and videotapes, digital storage media such as optical or magnetic disks, and internet or similar transmittal for which fees are typically charged.

## III. POLICY

- A. Books acquired by any department of the university other than the university library through research contracts and grants, development funds, or general funds shall be controlled by the requisitioning department.
- B. All books acquired by university departments, except those acquired with funds from a grant or contract which restricts marking or identifying books, should be

stamped by the department ordering the books. Books should be stamped "University of Utah" on the title page and top edge of the book.

- C. Title to all books purchased under research or training contracts or grants shall be vested according to the agency regulations at the time of the acquisition. At the termination of the contract or grant such books will become the property of the university or returned to the awarding agency if required by agency regulation. It is the primary responsibility of the principal investigator to comply with the specific grant or contract regulation. Books not reverting to the contract-granting agency should be stamped by the department and if no longer needed by the department forwarded to the university library.

~~D. Terminating faculty and staff members should return all non-library books to their departmental chairman or immediate superior.~~

- D. ~~E.~~ Departmental collections developed with non-library book purchases will come under the jurisdiction of the director of libraries when they exceed one thousand titles.

- E. To comply with state law, books received from publishers or distributors by university employees (including faculty members) and not purchased with personal funds (i.e., “complimentary books” or “review copies”) are the property of the University of Utah and may not be sold or exchanged for personal gain. Employees may, however, retain these books for use, at their discretion, for academic or professional purposes, and (absent extraordinary circumstances) these books may be retained by a departing employee. Employees may dispose of complimentary books that they judge are not useful.

Senate Executive Committee April 21, 2008

For the proposal to adopt a University Policy regarding course instructors assigning as required reading any materials authored by the instructors  
(Faculty Financial Interest in Selection of Course Materials-- PPM 8-12.4, Sec. B. 10. (Duties to Students))---

The proposal developed by the Academic Policy Advisory Committee was first presented to the Senate in April and is scheduled for debate on May 5. During this comment period, members of the University community have come forward with a suggestion that the new policy should be broader than initially proposed, in one respect: ***it should apply not only to situations in which the course instructor is an author of the materials--- but also to situations in which an instructor is assigning course materials that were authored by (and royalties are paid to) another member of the faculty within the same department (or single-department college).***

The effect then would be that whenever any instructor within a department adopts course materials authored by another member of that department, the instructor and author must eliminate the appearance of financial motive, by donating to a charity a dollar amount equivalent to the royalties the author would receive from the purchase of the materials by students in that course.

A full description of the thinking behind this suggestion (and the pros and cons) should be developed before the May Senate meeting. For the immediate attention of the Executive Committee, two points should be mentioned.

1. The main argument for broadening the policy to encompass an entire department is that junior faculty who are selecting course materials may be directly or indirectly pressured to adopt materials authored by a more senior faculty member within the department, with the end result being that the adoption of the materials by a colleague is of financial benefit to the senior faculty.

2. The Academic Policy Advisory Committee did consider such a broader scope for the policy, and decided against formulating its proposal in that way. The committee weighed competing arguments---and its analysis will likely be described at the April Executive Committee meeting and possibly at the May Senate meeting.

## MEMORANDUM

TO: Senior Vice Presidents David W. Pershing and A. Lorris Betz

FROM: Susan M. Olson, Associate Vice President for Faculty  
Richard J. Sperry, Associate Vice President for Health Sciences

RE: Proposed Policy on Faculty Financial Interest in Selection of Course Materials

DATE: March 11, 2008

In response to a complaint arising in 2005-06 from a faculty member's charging a royalty fee on self-authored materials assigned to students, the administration asked the Academic Policy Advisory Committee (APAC) to consider whether the University needs a policy addressing this situation. After considerable discussion in 2006 and 2007, APAC recommends adoption of proposed Policy PPM 8-12.4 (B)(10) governing faculty financial interest in selection of course materials. The current chair of APAC is Professor William Lockhart of the College of Law. Prior committee chairs Davar Khoshnevisan, Department of Mathematics, and Linda Stephenson, Quinney Law Library, also led the discussion of this issue.

Because this policy is proposed as an amendment to the Faculty Code of Rights and Responsibilities (PPM 8-12), it must also be reviewed by the Academic Freedom and Faculty Rights Committee. That committee met and approved this policy on February 15, 2008. The committee is currently chaired by Paul Mogren, Marriott Library.

Rationale: Faculty members in many academic fields author books or other materials that are used in the courses that those faculty members teach. This is a fundamental scholarly enterprise, understandably accompanied by faculty preference for assigning these materials in their courses.. However, the receipt by faculty members of royalties or other compensation in connection with these required purchases *can* create the appearance of an inappropriate motive for choosing the faculty member's materials rather than other available materials in the eyes of students who are not well informed about the size of most faculty royalties. In addition, the practice could arguably be seen as violating Utah state law that prohibits a public employee ( including a University faculty member) from "us[ing] or attempt[ing] to use his official position to . . . further substantially the officer's or employee's personal economic interest." Utah Code Annotated § 67-16-4(1)(c).

Proposed Policy PPM 8-12.4(B)(10) addresses this issue by affirming faculty members' right to assign self-authored materials but requiring faculty members to contribute any royalties or other compensation generated by students' required purchases for the authors' classes to a tax exempt organization. The policy also provides a simple and fair way to calculate the contribution that does not over-estimate the amount of the royalty--by assessing it only on purchases of new books, while excluding used books from the calculation.

3/25/08

From: Bill Lockhart, Chair, Academic Policy Advisory Committee

To: Penny Brooke, Nancy Lines

cc: Susan Olson, John Morris

Re: Submission for Faculty Senate consideration of a proposed addition to the University's Policy & Procedure Manual regarding faculty financial interest in selection and assignment of course materials

Following is a proposed amendment of the PPM prescribing requirements intended to avoid any implication of financial motivation in faculty assignment of self-authored text or materials. On the advice of University counsel, it is also intended to avert any risk to faculty members that could arise from enforcement of the provision of the Utah Code which makes it a criminal offence for any public employee to "use or attempt to use his official position to: . . . further substantially the officer's or employee's personal economic interest." (Utah Code Annotated, section 67-16-4.)

It should be emphasized that this proposal does not question – indeed endorses –the propriety of faculty members' assignment for their classes of books or materials they have authored. It deals only with potential financial benefit from those assignments.

The proposed amendment was prepared and approved last Spring by the Academic Policy Advisory Committee. It has recently been reviewed and approved by the Academic Freedom and Faculty Rights Committee; and on 3/24/08 the Executive Committee of the Senate reviewed the proposal and recommended Senate approval.

\* \* \* \* \*

For addition as PPM 8-12.4, Sec. B. 10. (Duties to Students):

### **FACULTY FINANCIAL INTEREST IN SELECTION OF COURSE MATERIALS**

10. Any faculty member or employee of the University of Utah with authority to assign or recommend course materials for any course offered by the university shall do so based on sound academic values, without any prospect of personal financial gain.

(a) Self-authored course materials are encouraged and may be assigned; but, except for reimbursement of out-of-pocket costs, faculty may not accept or retain royalties or any other personal compensation or material benefit from the sale or furnishing of self-authored course materials to students in their own classes, or in any classes in their department or single-department college for which they have authority to assign or recommend course materials.

(b) Prior to completion of any course or teaching unit for which a faculty member has assigned or recommended self-authored materials that may generate any royalty or other author's compensation, the faculty member shall request, from all students subject to that assignment or recommendation, an anonymous statement of the number of new copies of such materials purchased by each student. This requirement can be satisfied by a form used for student course evaluations that includes the above inquiry, or by a separate survey submitted for anonymous student response before the end of the course or teaching unit. Upon completion of the survey, the faculty member shall file with his/her department chair or dean a brief statement of the number of new materials purchased as reported in the above survey and the rate of royalty or compensation last paid or contracted by the publisher to be paid. The obligation to avoid prospect of personal financial gain shall be satisfied by including with the above report a written commitment to contribute a sum, equal to the number of new books purchased by students multiplied by the reported royalty or compensation rate, to a tax exempt organization (which may include the University of Utah) not later than six months following completion of the course. Alternatively, the requirement can be satisfied by reporting an arrangement under which the author professor's royalty is deducted as a discount from the price of the new book.

(c) For purposes of this policy, the term "course materials" shall be interpreted to include not only books or similar traditional format of bound printed pages typically used in university courses at the time of adoption of this policy, but also materials, information, teaching instruments or data collections distributed in any media form, including but not limited to audio and videotapes, digital storage media such as optical or magnetic disks, and internet or similar transmittal for which fees are typically charged and author compensation provided.

(d) Faculty compliance with the above procedures shall constitute complete and satisfactory demonstration that any self-authored course materials were not recommended or assigned for purposes of personal financial gain.

4/22/08

From: Bill Lockhart, Chair, Academic Policy Advisory Committee

To: Penny Brooke, Robert Flores, Nancy Lines

cc: Susan Olson, John Morris

Re: Executive committee referral to Faculty Senate of alternative versions of a proposed addition to the University's Policy & Procedure Manual regarding faculty financial interest in selection and assignment of course materials

Accompanying this memo are two alternative versions of the proposed addition to the PPM that seeks to avoid implications of faculty financial interest in the selection or assignment of course materials. Alternative #1 is the "notice" version that was supplied for the Senate meeting on April 7, 2008, which applies only to self-authored course materials assigned in the authors' own classes. Alternative #2 is a modified version of Alternative #1, prepared at the request of the Executive Committee (but without a recommendation), to anticipate possible floor amendments that might seek to expand the policy to apply to course materials authored by any faculty in a department or single-department college that are assigned or recommended for courses in their department or college. Thus, Alternative #2 follows the same design as Alternative #1, though modified to achieve that expanded purpose.

The original Alternative #1 proposal was developed by the Academic Policy Advisory Committee partly on the advice of University counsel in order to avert any risk that a faculty member who assigns or recommends self-authored materials in her/his own classes might be subject to prosecution under the Utah Public Employees Ethics Act. That law makes it a criminal offence for any public employee to "use or attempt to use his official position to: . . . further substantially the officer's or employee's personal economic interest." (Utah Code Annotated, section 67-16-4.) While the limited royalties usually involved may not seem "substantial," certain interpretations of the act suggest the possibility that comparatively small royalties might raise legal questions.

The proposed policy also responds to concerns that the academic integrity of a course could be undermined by students' perceptions – however uninformed – that financial considerations motivated assignment of self-authored materials. Alternative #2 seeks to avoid possibly similar perceptions that course materials may be assigned because of actual or implicit pressure by one faculty member on another faculty member.

It should be emphasized that this proposal does not question – indeed endorses – the propriety of faculty members' assignment for their classes of books or materials they have authored. It deals only with potential financial benefit from those assignments.

Alternative #1 was recommended by the Academic Policy Advisory Committee and further approved by both the Academic Freedom and Faculty Rights Committee and the Executive Committee of the Senate (3/24/08). The expanded concept in Alternative #2 was not favored by the Policy Committee, and was not considered by the Academic Freedom and Faculty Rights committee. Although Alternative #2 was not considered on the merits by the Executive Committee, it was drafted at Executive Committee recommendation in order to facilitate

efficient consideration of possible proposals for amendment of the original Alternative #1 version.

## **ALTERNATIVE #1**

For addition as PPM 8-12.4, Sec. B. 10. (Duties to Students):

### **FACULTY FINANCIAL INTEREST IN SELECTION OF COURSE MATERIALS**

10. Any faculty member or employee of the University of Utah with authority to assign or recommend course materials for any course offered by the university shall do so based on sound academic values, without any prospect of personal financial gain.

(a) Self-authored course materials are encouraged and may be assigned; but, except for reimbursement of out-of-pocket costs, faculty may not accept or retain royalties or any other personal compensation or material benefit from the sale or furnishing of self-authored course materials to students in their own classes, or in any classes in their department or single-department college for which they have authority to assign or recommend course materials.

(b) Prior to completion of any course or teaching unit for which a faculty member has assigned or recommended self-authored materials that may generate any royalty or other author's compensation, the faculty member shall request, from all students subject to that assignment or recommendation, an anonymous statement of the number of new copies of such materials purchased by each student. This requirement can be satisfied by a form used for student course evaluations that includes the above inquiry, or by a separate survey submitted for anonymous student response before the end of the course or teaching unit. Upon completion of the survey, the faculty member shall file with his/her department chair or dean a brief statement of the number of new materials purchased as reported in the above survey and the rate of royalty or compensation last paid or contracted by the publisher to be paid. The obligation to avoid prospect of personal financial gain shall be satisfied by including with the above report a written commitment to contribute a sum, equal to the number of new books purchased by students multiplied by the reported royalty or compensation rate, to a tax exempt organization (which may include the University of Utah) not later than six months following completion of the course. Alternatively, the requirement can be satisfied by reporting an arrangement under which the author professor's royalty is deducted as a discount from the price of the new book.

(c) For purposes of this policy, the term "course materials" shall be interpreted to include not only books or similar traditional format of bound printed pages typically used in university courses at the time of adoption of this policy, but also materials, information, teaching instruments or data collections distributed in any media form, including but not limited to audio and videotapes, digital storage media such as optical or magnetic disks, and internet or similar transmittal for which fees are typically charged and author compensation provided.

(d) Faculty compliance with the above procedures shall constitute complete and satisfactory demonstration that any self-authored course materials were not recommended or assigned for purposes of personal financial gain.

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**ALTERNATIVE #2**

[Significant modifications of Alternative #1 underlined.]

For addition as PPM 8-12.4, Sec. B. 10. (Duties to Students):

**FACULTY FINANCIAL INTEREST IN SELECTION OF COURSE MATERIALS**

10. Any faculty member or employee of the University of Utah with authority to assign or recommend course materials for any course offered by the university shall do so based on sound academic values, without any prospect of personal financial gain.

(a) Self-authored course materials are encouraged and may be assigned; but, except for reimbursement of out-of-pocket costs, no faculty member in any department or single-department college may accept or retain royalties or any other personal compensation or material benefit from the sale or furnishing of any course materials to students in any classes in the same department or single-department college.

(b) Prior to completion of any course or teaching unit in any department or single-department college in which assigned or recommended course materials that may generate any royalty or other author's compensation were authored by any faculty member in that department or college, the faculty member responsible for that course or teaching unit shall request, from all students subject to that assignment or recommendation an anonymous statement of the number of new copies of such materials purchased by each student.

This requirement can be satisfied by a form used for student course evaluations that includes the above inquiry, or by a separate survey submitted for anonymous student response before the end of the course or teaching unit. Upon completion of the survey, a copy shall be provided to the faculty author of the course materials, who shall file with his/her department chair or dean a brief statement of the number of new materials purchased as reported in the above survey and the rate of royalty or compensation last paid or contracted by the publisher to be paid. The obligation to avoid prospect of personal financial gain shall be satisfied by including with the above report a written commitment to contribute a sum, equal to the number of new books purchased by students multiplied by the reported royalty or compensation rate, to a tax exempt organization (which may include the University of Utah) not later than six months following completion of the course. Alternatively, the requirement can be satisfied by reporting an arrangement under which the author professor's royalty is deducted as a discount from the price of the new book.

(c) For purposes of this policy, the term "course materials" shall be interpreted to include not only books or similar traditional format of bound printed pages typically used in university courses at the time of adoption of this policy, but also materials, information, teaching instruments or data collections distributed in any media form, including but not limited to audio and videotapes, digital storage media such as optical or magnetic disks, and internet or similar transmittal for which fees are typically charged and author compensation provided.

(d) Faculty compliance with the above procedures shall constitute complete and satisfactory demonstration that any self-authored course materials were not recommended or assigned for purposes of personal financial gain.

ANNUAL REPORT TO THE SENATE  
LIBRARY POLICY ADVISORY COMMITTEE  
UNIVERSITY OF UTAH

APRIL 2008

At its March 2007 meeting, the Academic Senate resolved: “to respond to the growing crisis in scholarly publishing and communication, we ask David Pershing and Lorris Betz to ensure that over the coming year university-wide conversations occur to develop courses of action for the Senate, faculty, libraries, and administration.” The Library Policy Advisory Committee (LPAC) took this resolution as its charge for the 2007/08 year and adopted as its primary focus the issue of scholarly communication.

LPAC met in November, February and April, during which it discussed scholarly communication initiatives on this campus and nationally. Specifically, it reviewed and supported efforts to fund a new position of Scholarly Communication Librarian, to develop and lead library efforts to promote new forms of scholarship and to inform and advise the scholarly community about intellectual property issues relating to scholarship. After receiving reports about and discussing the National Institutes of Health (NIH) new Public Access Policy and the University’s Knowledge Management initiatives being led by the libraries, LPAC supported and endorsed these initiatives.

Among other issues considered by LPAC were: adoption of a student fee in support of libraries, food and drink policies in libraries, legislative funding requests, reports on the Marriott Library renovations, and reports on recruitment for a new director of the Eccles Health Sciences Library. As the Senate is aware, again this year no new funding was allocated by the legislature for libraries.

For the coming 2008/2009 academic year, LPAC urges the Academic Senate to support the following:

- Continuation of university-wide conversations about scholarly communication issues as articulated in its March 2007 resolution;
- Celebration of the Marriott Library rededication and participation in planning and activities surrounding this event;
- Renewed efforts to educate the legislature regarding library funding needs (for collections and digital initiatives);
- Recognition of the growing roles of the libraries in supporting classroom and other technologies and the need for increased staffing support for these purposes (especially Eccles Library in HSEB and Marriott Library in its nine new technology classrooms).