BRANDEIS UNIVERSITY
FACULTY SENATE MEETING #5 – 2017-2018
MEETING MINUTES
AGENDA
Tuesday, February 27, 2018
12:00 PM – 1:30 PM
Heller-Schneider Classroom G2 (Ground Floor)

12:00 P.M. WELCOME

Senate & Faculty Reports on Trustee Meeting

Conversation with Provost Lisa M. Lynch
• Provost Goals and Priorities

12:30 P.M. Update from Members of the Intellectual Property Review Committee
http://www.brandeis.edu/provost/committees/index.html

Discussion of Next Steps for Remote Faculty Meeting Participation & Voting

1:00 P.M. Listening Session: Faculty Governance Task Force Report
• Senate discussion with members of the Faculty Governance Task Force

1:30 P.M. Adjourn

Spring 2018 Faculty Senate Meeting Dates
12:00 P.M. - 1:30 P.M., Location: Heller-Schneider Classroom G2 (Ground Floor)
Tuesday, March 13th
Tuesday, April 17th

Attachments:
• Faculty Governance Task Force – Draft Report: https://www.brandeis.edu/faculty-governance/index.html
PRESENT: Chair, Susan P. Curnan, Joseph Assan, Daniel Bergstresser, Jennifer Cleary, Joseph Cunningham, Jane Ebert, Susan Holcombe, Adrianne Krstansky, Sarah Mead, Paul Miller, Kate Moran, Carol Osler, Rajesh Sampath, Faith Smith, John Wardle

ABSENT: Joel Christensen, Elizabeth Ferry, Anita Hannig, Laurence Simon

Guests: Provost Lisa M. Lynch; Intellectual Property Review Committee (IP) Chair, Linda Bui & Ed Hackett; Sabine von Mering on Divestment; Faculty Governance Task Force co-Chair, Wendy Cadge, Robert Reitano, and Task Force Administrator, Shannon Kearns

12:00 P.M. WELCOME

Senate & Faculty Reports on Trustee Meeting
Discussion postponed to after Provost conversation.

Conversation with Provost Lisa M. Lynch
• Provost Goals and Priorities

• Provost Lynch summarized the biggest challenges and changes in the Office of the Provost.
• The movement of the Department of Student Life and realignment of affiliated departments, centers and programs within the Office of the Provost is a big change and the Provost said the transition has gone relatively smoothly over the year.
• Provost Lynch discussed the Top 10 Goals listed on the FY18 Key Goals handout (attached and circulated in the appendices of the January 26th Faculty Meeting minutes with the March 2nd Faculty Meeting Agenda).
  o The 2018 Reaccreditation self-study draft is being finalized. The Faculty Senate will receive a copy to review. There will be a campus-wide review of the draft throughout the spring as well as a review by the Board of Trustees. The Provost & President are using the self-study process to articulate University goals and plans for coming years.
  o There are candidate interviews and campus visits scheduled for open Dean positions at IBS and A&S, as well as for Institute and Center Directors.
  o The Teaching and Research Innovation Awards will be reviewed and awarded and will supplement and support new courses. The Provost expressed gratitude for the work of Tessa Venell who is documenting student and faculty student awards and seed grants research to see what received funding to assess impact and return. The return on investment
on this to date indicates that the University receives $6 for every $1 invested.
- Supporting the new framework for General Education has been a big area of activity.
- The pathway to retirement for tenured faculty is now more transparent than before.
- The Office of the Provost will post a job description for a new full-time Executive Director for the Center for Teaching & Learning (CTL) to supplement Dan Perlman’s Associate Director position. Additionally, the CTL is merging undergraduate and graduate teaching support.
- As the Provost mentioned in previous reports to the Faculty, the campus is responding to a big increase in student mental health support needs. Student mental health emergency responses previously may have taken up to a month and the response is now usually 3-4 days and improving. The system continues to be under review.
- The Provost described supports in place for first generation students, esp. programs like Posse and others for students with federal grant funding, and the office continues to review.
- Campus will celebrate “Bernstein at 100” this year.

- Senators inquired about how the self-study/self-assessment affects University planning and asked for an update on the commitment to diversity in the assessment process.
- The Provost said that the University is utilizing the self-study to make strategic investments.
- The Provost also said that President Liebowitz plans to hire 40 new faculty in the coming years as faculty continue to retire (it is anticipated that approx. 10 faculty will retire per year). There is an anticipated major faculty demographic shift expected in the change. And the Provost reported working closely with Mark Brimhall-Vargas, Chief Diversity Officer and Vice President for Diversity, Equity and Inclusion, who has given presentations to the Brandeis community recently indicating that the faculty diversity goals set during “#FordHall2015” negotiations were ambitious and Brandeis is making progress to reach the goals.

Senate & Faculty Reports on Trustee Meeting
- Guest Prof. Sabine von Mering reported on the conversation about divestment of fossil fuels from the University’s endowment at the January 2018 Board of Trustees meeting.
  - A panel of faculty representing various aspects of divestment from fossil fuels, e.g., history, science, economics, as well as student representatives, gave well-prepared presentations and participated in small group discussions.
  - Prof. von Mering reported that the Board was receptive and that it felt as though Board members had thought about divestment ahead of the
meeting. She described the response to the panel as unexpected and an unprecedented experience.

- Board members focused most on the cost of divestment, the match of Brandeis values with the proposed effort and appeals to the Board indicating the need to respond to people most affected by issues incurred by not divesting.
- The University is looking at how other schools divested and what are the financial implications.
- President Liebowitz is forming an ad hoc committee to be chaired by two trustees. Executive Vice President for Finance and Administration Stew Uretsky will also work with the committee.
- Prof. von Mering described the differences between the presentation to the Board this year and previously: There is different political movement on the topic today than during the prior presentation in 2016; the credibility of this panel on divestment; the Board has better understanding of divestment and better data on current University investments; it was an unprecedented dialogue (in a good way) between Trustees and Faculty and it was productive.

- Provost Lynch said that at the March 2nd Faculty Meeting, she will read a statement from the co-chairs of the Board of Trustees Academy Committee related to the General Education curriculum.

**12:45 P.M. Update from Members of the Intellectual Property Review Committee**

http://www.brandeis.edu/provost/committees/index.html (slides attached)

- Prof. Linda Bui, Intellectual Property Review (IP) Committee Chair, joined by Vice Provost for Research Ed Hackett, presented information about the IP Committee, including the history and background on when it was established, the charge of the committee, the impact of the committee to date and next steps.
- The Committee was formed in response to the 1980 Bayh-Dole Act passing to encourage innovation and invention to get products to market. Brandeis needed to disclose inventions in a timely measure and so the IP committee was formed.
- The Committee needs to review the policy, last reviewed in 2003, to address new issues.
- Prof. Bui reported that Brandeis spent nearly $900,000 on patents and intellectual property expenses in the last year, concluding that compliance can be both expensive, and lucrative, for the University, and provided a FY17 cost summary.
- Prof. Bui noted that some of the F&A costs required in Brandeis grant contracts are used to defray costs of compliance to the Bayh-Dole Act and that University projects that don’t fall under federal funding are still affected by the Bayh-Dole Act.
• Prof. Bui described the establishment and role of the Office of Technology and Licensing (OTL), which facilitates the patent process and aids other activities, including finding funding for Intellectual Property development.

• Prof. Bui identified two areas the IP Committee focuses on:
  o Clarification of IP ownership not addressed in the existing policy
  o Rewriting policy to make it transparent and equitable between the University and Brandeis stakeholders

• The IP Committee wants to know what concerns the Faculty in terms of Intellectual Property, noting that Faculty in sciences often have direct connections via labs to this work while professors outside of the sciences may have less contact, but are still impacted.

• The Committee’s role is to provide information on what peer institutions are doing, to look at best practices for consideration by the University, and ultimately, to make recommendations to the University about policy updates and changes.

• The Committee welcomes ideas and input.

Discussion of Next Steps for Remote Faculty Meeting Participation & Voting
• Due to limited time, this discussion was tabled. To be scheduled for a future Faculty Senate Meeting

1:10 P.M. Listening Session: Faculty Governance Task Force Report
• Senate discussion with members of the Faculty Governance Task Force
• Prof. Wendy Cadge, Faculty Governance Task Force co-chair, Senate Chair, and Task Force co-chair, Prof. Susan P. Curnan, joined by committee member Prof. Robert Reitano and committee administrator Shannon Kearns, described the charge of the Task Force and summarized the listening session schedule completed to date (this is the 12th meeting). See the Task Force website for the full schedule and the summary of this and other listening sessions.
• A robust discussion of the draft report ensued (see website for draft report: https://www.brandeis.edu/faculty-governance/index.html). Senators continued the discussion following the departure of Task Force members.

1:30 P.M. Adjourn
The meeting adjourned at 1:35p.

Respectfully submitted by Lanni Isenberg.
Office of the Provost: FY18 Key Goals

The Provost oversees, coordinates and promotes the university’s educational activities and research initiatives, seeking to catalyze growth while maintaining excellence. The provost is responsible for academic and administrative governance of the School of Arts and Sciences, The Heller School for Social Policy and Management, the Brandeis International Business School, the Rabb School of Continuing Studies, University Libraries, The Rose Art Museum, the research centers, academic support offices, and student affairs.

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<thead>
<tr>
<th>Academic Initiatives:</th>
<th>The Top 10 Goals</th>
<th>Student Services and Student Affairs:</th>
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<tbody>
<tr>
<td>• Self-study for 2018 NEASC reaccreditation</td>
<td>1. Complete self-study for 2018 reaccreditation</td>
<td>• Support development of new organizational structure that advances the student academic/life experience – undergraduates and graduates</td>
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<td>• New Appointments to fill: Dean of the International Business School, Dean of Arts and Sciences, and University Librarian; new Institute and Center directors - WSRC, HBI, and Schusterman Center for Israel Studies</td>
<td>2. Support development of new organizational structure that advances the student academic/life experience – undergraduates and graduates</td>
<td>• Support ISSO in light of changing immigration policies</td>
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<td>• Implement collective bargaining agreement for part time faculty and support ongoing contract negotiations for graduate TAs</td>
<td>3. New Appointments to fill: Dean of the International Business School, Dean of Arts and Sciences, and University Librarian; new Institute and Center directors - Women’s Studies Research Center, Haddasah-Brandeis Institute, and Schusterman Center for Israel Studies</td>
<td>• Support external funding applications for student support services program and first generation students in sciences</td>
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<td>• Oversee Teaching and Research innovation awards – prioritizing course development for general education requirements, and seed money for larger research grants</td>
<td>4. Oversee Teaching and Research innovation awards – prioritizing course development for general education requirements, usage of HistoryMakers archives and proposals that would be the basis for larger research grants</td>
<td>• Review academic affairs support services</td>
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<td>• Support development and implementation of new general education requirement</td>
<td>5. Support General Education requirement review and implementation</td>
<td>• Have a more defined global strategy including identifying 5-6 geographic markets that we can leverage for more meaningful relationships with regards to admissions, alumni relations, and research. Be more intentional in using Study Abroad as a tool for enrollment management.</td>
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<td>• Advance community discussion on key academic priorities that will in turn inform budget priorities</td>
<td>6. Create transparent policy for pathways to retirement for tenured faculty</td>
<td>• Engage community in discussion on student mental health issues and review sufficiency of current resources in the Brandeis Counseling Center</td>
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<td>• Update research policies on, IP, institutional base salaries, cost allowability and recovery, etc</td>
<td>7. Redesign CTL for both Faculty and Graduate Student Teaching support – appoint executive director of CTL</td>
<td>• Assess retention policies with particular attention withdrawals due to physical or psychological health reasons</td>
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<td>• Support diversity outreach for faculty appointments</td>
<td>8. Advance community discussion on key academic priorities that will in turn inform budget priorities within a new university wide budget model</td>
<td>• Examine the Role of Faculty Advising, with an Emphasis on First-Year Faculty Advising.</td>
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<td>• IBS/Heller AACSB reaccreditation, MA Ed dept review of our ed program</td>
<td>9. Engage community in discussion on student mental health issues and review sufficiency of current resources in the Brandeis Counseling Center</td>
<td>• Survey current student-faculty collaborative learning/work experiences</td>
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<td>• Create policy for pathways to retirement for tenured faculty</td>
<td>10. Support external funding applications for student support services program and first generation students in sciences</td>
<td>• Recognize the Changing Demographics of our student population and adjust academic support and student affairs programming accordingly</td>
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<td>• Redesign CTL for both Faculty and Graduate Student Teaching support – appoint Associate director of CTL</td>
<td>Special Events: Bernstein @ 100</td>
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<td>• Design structure to support open data access consistent with NIH, NSF and other federal agency requirements</td>
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<td>• Ensure financial and publishing support for Brandeis University Press</td>
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<td>• Review quality/expenses/outcomes of graduate education at Brandeis</td>
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<td>• Expand faculty mentoring</td>
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• INDICATES A TOP 10 GOAL
Re-examining the Brandeis Intellectual Property Policy

February 2018
IP Standing Committee Members

- Linda Bui (Chair)
- Edward Hackett
- Gary Jefferson
- Daniel Oprian
- Dagmar Ringe
- Lorraine Laham
- Steven Locke
- Rebecca Menapace
- Sam Solomon
- Stewart Uretsky
Prior to Bayh-Dole, Brandeis (and many other universities) did not have any IP policy in place. Motivation for the Act was to encourage innovation and invention and to facilitate bringing new processes and goods to the market in a timely fashion.

- **Under Bayh-Dole,**
  - Inventions arising from **federally funded** research projects are required to be reported to the government agency that funded the project.
  - **Universities are allowed to own inventions that are developed with federal funding** which allows the university to benefit financially from those inventions through licensing fees, etc.
  - The Federal government may use those discoveries royalty free for their own purposes.
Bottom Line

Brandeis is required to disclose all inventions that received Federal funding. Whether Brandeis chooses to retain ownership of the invention and to patent it is up to the institution, so long as Brandeis licenses the invention to the Federal government. Patenting is costly - Brandeis spent approximately $900K, but it can also can be lucrative.

Brandeis could not accept federal research funding without the Office of Technology and Licensing (OTL), or some other mechanism to ensure compliance with this policy.

**Important to have a clear policy that establishes (i) IP ownership and (ii) revenue sharing between creator(s) and the University.**
Brandeis IP Policy

- IP policy is meant to encourage innovation and invention as well as to protect the rights of faculty, staff, and students with respect to the ownership of their work and creations.

- Brandeis IP policy was last revised in October 2003. Given the changes in the nature of IP, as well as the relative importance of IP and technology transfer at the institution, we are re-examining the policy to make sure that it is up to date and capable of dealing with situations that might arise around IP.

- The role of the IP committee is to help shape the discussion about IP and to provide information to the different stakeholders at the university to facilitate the re-writing of the policy.
Last year, Brandeis received nearly $60M in federal funding.

Costs of complying with Bayh-Dole are defrayed through the “facilities and administration” expenses that are collected from grants. For most federal grants, F&A costs are on the order of 62.5% of the “modified direct costs.”

Even works that are not federally funded may be affected by the university’s IP policy - either because the work used a “significant” amount of university resources, or because of an agreement between the creator and the university.
Intellectual Property and Brandeis Fiscal Year 2017

- 62 invention disclosures received (five year average = 51).
- 4 licenses executed (five year average = 4.8).
- $2.3M in royalty income received (five year average = $1.94M).
- 37 Active license agreements.
- 225 Material transfer agreements.
- 156 Issued US patents.
- 118 Pending US patents.
Role of the Office of Technology and Licensing (OTL)

- Negotiate research agreements
- Manage intellectual property
- Negotiate agreements for commercialization of intellectual property
- Help to market and identify potential commercial partners
- Negotiate, review, and approve Material Transfer Agreements and Non-Disclosure Agreements
- Facilitate start-up opportunities
- Manage the NSF I-Corps program to provide educational and technical support for researchers to bring their technologies closer to commercialization and the marketplace
Under Consideration

Two areas of focus:

1. Clarification of IP ownership that either is not addressed in existing Brandeis policy or is otherwise unclear;

2. Re-writing the Brandeis policy to make transparent the equity sharing agreement between the University and Brandeis stakeholders.
Examples

- On-line courses, materials, videos, etc.
- Intellectual property created by students
- IP associated with computer science, coding, writing of apps
- Brandeis sponsored research
- Distribution of University held equity
- Distribution of revenues collected by University
- Sustainable funding of OTL
Next Steps

- Identify other areas of concern regarding current IP policy
- IP Committee will research the issues and will suggest possible options to address each issue with the aim of identifying “best practices” (or, at least provide information on what is being done at peer institutions)
- Present options to faculty for faculty input
- Make final recommendations
Simplified Example

Research

Patent

Marketing

Licensing

Commercialization

Existing Company

Start up Company

Revenue