I. Roll – The following senators were absent: Fraas, Kenick, Lanier, Morgan, Saavedra and Simos. Guests were John Aber, Dick Cannon, and David Proulx.

II. Remarks by and questions to the provost – In response to a question about net income from January-term courses, the provost said that the university expects to gain income from students who need to retake a course or want a new course; and students will gain from being able to continue on schedule without adding a semester or a year to graduation. He added that some classes may be both on line and off line; and the comparative results would be interesting. He also said that, when instructors instituted the use of clickers by students in large classes, grades improved significantly. One professor is doing a course with eight hundred students enrolled but only about forty students in the classroom at any one time. A professor said that a COLSA January-term course was capped at ten students, but most January-term courses have a maximum of thirty. The provost said that the financial success of the January-term courses will be definable but that the academic component is more difficult to measure.

III. University budget – David Proulx, who is the assistant vice president for financial planning and budgeting, presented the university’s statement of revenues, expenses and changes in net assets. That document includes such items as restricted grants and gifts, federal loan funds administered by the university, depreciation, financing of capital construction, payments to contractors, and payments set aside for future contracting. An example of what the “transfer” budget line might include would be a movement of money from unrestricted funds to plant funds. Depreciation of the buildings, which must be included in the budget, is valued over a thirty-year period on a straight-line basis. The budget shows an operating fund surplus but a significant loss in the endowment fund. However, the university’s loss in endowment funds, due to the current economic downturn, is a much smaller percentage than in many other universities. Regarding the statement of net assets, the accounting includes such items as construction services payable and debt proceeds held by others for construction purposes. Only unrestricted net assets are available for use. Of the current fund revenue for fiscal year 2009, 31.5 % is from tuition and fees, while sponsored programs provide 22 % and the state appropriation provides less than 14 %. Thus there has been an increased reliance on tuition and fees over time. Grants and contracts had gone up since 2000 but have recently taken a partial downturn, when adjusted for inflation. A senator asked for that data to be segregated by college, institutes, tenure track faculty, and research faculty. Are the institutes in the red, and how much of their grants come to the university as overhead? In response to a comment from a senator, David Proulx said that EOS gets a subvention from the state appropriation money, as do many of the academic units. Liberal Arts and WSBE have negative subvention allocations and provide money for the other units.

Auxiliaries such as housing and dining, the Whittemore Center, and the New England Center are supposed to fund their own expenses, renovation and maintenance; but the New England Center has not been able to support itself. Most auxiliaries may incur debt for construction purposes but must pay for it from their revenue. Athletics is an auxiliary but is not allowed to incur debt.
Athletics receives money from student fees, corporate sponsors, fund raising and ticket fees and also has a deficit. The facilities budget includes renewal and replacement, grounds and roads, etc. Regarding enrollment trends at UNH-Manchester and Durham, undergraduate enrollment has gone up continually during the last five years and is now over 12,000 full-time-equivalent students; but enrollment in continuing education has gone down, while graduate enrollment has stayed about the same. Royalty receipts have increased regularly from 1999 to 2009. Gifts to the university went up during the fund drive in 2002 and again in 2008. The endowment returns on investment have changed considerably in the last ten years, and the investment value has gone down recently with the economy.

The cost of attendance continues to rise. In 1991, the cost of attendance for non-resident students was about $13,000; and now it is almost $34,000. Need-based aid also continues to rise. Since 2000, it has gone up from about eight million dollars per year to about twenty-four million dollars per year. David Proulx discussed the tuition and financial aid by residency for undergraduate, graduate and continuing education students. Although some of the out-of-state students receive financial aid, the out-of-state students still help to subsidize the in-state students. New Hampshire is fiftieth in the state per capita appropriations for higher education and would have to increase its funding by forty percent to reach the appropriation of the next highest state; and so UNH has had to rely on student tuition to make up for the shortfall in state appropriations. The gap between non-resident and resident student contributions is widening. UNH has increased dependence on endowment income for general operations and financial aid, as well as for athletics, some professorships, and other purposes.

The university’s expenses now include 64.4 % for payroll and benefits and 23.8 % for supplies and services, which is similar to the percentages for 2005. The cost of fringe benefits has increased significantly, mainly due to the high cost of health insurance. The renewal and replacement contributions for UNH in Durham and Manchester have gone up, but the need has risen even more as the buildings have aged. In response to a question, David Proulx said that funds for consultants come from the unrestricted or restricted operating budget. He discussed the reserves, net assets, long term debt financing, and unrestricted fund balance. Strategic indicators allow comparability and trend analysis, transparency, and communication of financial performance and financial health to non-accountants. These indicators are used by the university management, rating agencies, and investors of USNH bonds. The ratio of unrestricted net assets to debt is the most important strategic indicator, supports debt for strategic facilities investments, is currently marginal and needs to improve. The operating margin shows the extent to which recurring revenues exceed expenses for the fiscal year. The target is 3 % to 5 % per year, and UNH now has about 1 %. Enrollment projections for fiscal year 2010 show about four hundred undergraduate students ahead of expectations but one hundred fewer graduate students. The extra undergraduate students would require two million dollars more in financial aid than budgeted. State funding is a concern. Please forward any comments or questions on budget issues to David Proulx or the chair of the senate's Finance and Administration Committee.

IV. Remarks by and questions to the chair – The senate chair asked that faculty attend the meeting with research consultants Oldacker, Belair and Wittie on December 1 from 10:00 to noon in the 1925 room of the Alumni Center. The short notice given to faculty is due to the appropriation cycle. The Agenda Committee met with Jan Nisbet on November 23 to discuss
the rationale for hiring a consultancy firm to address research funding at the university. The firm
would be used to secure government-funded projects only, would cost approximately $150,000
annually, and would be reviewed in about three-years. Julie Williams and Burt Feintuch are
currently working with faculty who are seeking NEH and NSF funding. The new senate
parliamentarian for the spring semester is Elizabeth Slomba. A senator said that all faculty
should consider attending the faculty union meeting at 1:30 p.m. on December 4 in 328
Kingsbury Hall and should remind their colleagues about that meeting. In response to a
question, the senate chair said that, if there is a vote for work to rule, the Agenda Committee will
present information to the senate at its next meeting.

V. Minutes – The minutes of the last senate meeting were approved unanimously except for one
abstention.

VI. Report on intellectual property rights – The chair of the senate's Library Committee said that
the Library Committee surveyed the intellectual property policies of many universities and
recommends that the UNH Faculty Senate support the following policy on intellectual property
rights of faculty and staff with respect to Blackboard:

The University of New Hampshire recognizes the intellectual property rights of faculty and
staff. The ownership of course sites will be that instructors who create Blackboard course
sites retain all rights to those materials posted on Blackboard, including the right to export
an archived copy of the site in digital format. Use of the site and access to its materials and
tools are determined by the instructor, and those rights may be reassigned by that individual.

Sections from the UNH Intellectual Property Policy website have been distributed to the senators
for review and can be accessed at www.usnh.edu/olpm/UNH/VIII.Res/D.htm. These sections
are as follows (with the parts emphasized in this meeting in bold).

8. Copyrightable Works

8.1 Copyrightable Works developed in the course of completing an individual's University
duties is assigned per Section 6 and/or Section 7 of this Policy. However, the University
waives its ownership in the interest of the author for Exempted Scholarly Works. Examples of Copyrightable Work considered Exempted Scholarly Works include the
following:

8.1.1 Traditional publications in academia regardless of their medium of expression, such as
textbooks, course material, case studies, peer-reviewed manuscripts, syllabi, tests, study-
guides, glossaries;

8.1.2 Academic software (not for commercial use);

8.1.3 Electronic publications such as web sites, course descriptions/notes published
electronically;

8.1.4 Photographs, films, charts, transparencies, video and audio tapes;
8.1.5 Graphic and sculptural works, works of art, architectural plans and structures;

8.1.6 Dress and fabric designs;

8.1.7 Theses and dissertations;

8.1.8 Music;

8.1.9 Furniture design.

8.2 If a Covered Individual retains title to Copyright in instructional or research materials, such as class notes, curriculum guides, laboratory notebooks, theses, or dissertations, that individual shall grant to the University a non-exclusive, irrevocable, Royalty-free right to use, display, duplicate, create derivative works and/or distribute the materials with appropriate attribution for educational and/or research purposes.

15. Appeal

In cases where rights and/or equities are in dispute, the ORPC shall report in writing such dispute to the VPR. Within 30 days of receipt of the notice, the VPR shall appoint an ad hoc review committee consisting of four persons: One person selected by the Inventor(s), the Director of the ORPC, one person selected by the VPR, and one by the Vice President for Academic Affairs. This committee shall recommend an agreement which shall take effect unless a further appeal is made by the individual or individuals involved, or by the VPR. In this event the review committee will present the case to the University President, whose decision shall be final and binding upon all parties, except for faculty who are members of the UNH American Association of University Professors collective bargaining unit, who retain the right to grieve the decision via the grievance procedure outlined in Article 9 of the AAUP-UNH/ University System of New Hampshire Collective Bargaining Agreement.

6. Intellectual Property Ownership

6.1 A Covered Individual shall own all Intellectual Property discovered, created, or developed by the individual, unless:

6.1.1 The Covered Individual discovered, created, or developed the Intellectual Property while conducting the University duties, responsibilities, and/or assignments for which the individual was or is employed (received/s salary, wages, stipend, or grant funds) by the University. Intellectual Property in these instances shall be assigned to the University.

6.1.2 Intellectual Property resulted from a Covered Individual making Use of University Resources (such as laboratories or libraries) or equipment beyond what is available to the non-University community. Intellectual Property in these instances shall be assigned to the University.
6.1.3 The Covered Individual discovered, created, or developed the Intellectual Property for which there is a legal obligation that otherwise restricts ownership by virtue of a Sponsored Research, Material Transfer, Confidential Disclosure, or other legally binding agreement. Intellectual Property in these instances shall be governed by the contract or other agreement between the University and the other legal entity. Federally-sponsored projects shall also follow 37 CFR 401.

6.2 The ORPC shall determine the appropriate classification for each Intellectual Property case reviewed.

A senator stated that many faculty use websites on their own computers and that the Library Committee's recommendation should include wording such as “...instructors who create websites including Blackboard course sites retain all rights to those materials posted on Blackboard and the other websites....” A senator said that on-line lectures should also be included. In addition, a professor said that the recommendation should be more general and include wording about instructional or research materials, such as class notes, curriculum guides, laboratory notebooks, theses, or dissertations. The former senate chair said that UNH needs a clear policy with which faculty are comfortable. A senator suggested that the Library Committee discuss these matters with a specialist such as Bob Dalton, and a professor said that the committee should review pertinent materials from the creativecommons.org website. Also, the policy should say that royalties should go to faculty. All on-line scholarly works should be included in the policy. A senator said that faculty members should also be able to control how the intellectual property is used. A former senate chair said that these matters are very important to faculty, and so the committee should follow up on them even if the faculty vote for work to rule.

VII. Adjournment – The meeting was adjourned.