

**1999/00 Annual Summary
of
Engineering Faculty Council
University of Southern California**

September 2000

TO: Faculty of the School of Engineering

FROM: Joseph Kunc
Chair of the Engineering Faculty Council

DATE: August 25, 2000

SUBJECT: Summary of EFC Activities

Please find attached the complete set of EFC documents from the past year. EFC Bylaw X.8 requires that at the end of each year “the Chair of the Council will report to the entire faculty of the School, providing a comprehensive summary of the activities of the Council during the year.” This letter and the attached documents fulfill this obligation. The other EFC documents are already published on the EFC Web Site.

I want to thank all the members of the EFC for their exceptional efforts this past year. As the attached documents attest, this EFC addressed a wide range of complex and important issues that ranged from the allocation of intellectual property rights to the search for a new dean. These issues often reached far beyond the School into the Senate and the University at large.

I also want to thank all the faculty in the School for their many efforts in working with the EFC this past year. Effective faculty governance requires such active participation despite our busy schedules.

Again, I thank you all.

List of Attached EFC Documents

1. Agendas of Monthly EFC Meetings

- Monthly meeting agendas from October 1999 through May 2000

2. Special EFC Meetings

- November 9th memo about search for a new Associate Dean of Research
- Summary of November 29th meeting between EFC and Provost Armstrong

3. EFC Statements and Announcements

- September 6th memo on EFC officer elections
- List of EFC members
- EFC monthly meeting schedule
- October 12th memo on EFC web site
- October 20th memo on search for new Associate Dean of Research
- October 28th memo on EFC meeting with special committees
- February 3rd memo on storing confidential EFC documents
- February 3rd memo on Academic Senate listservers
- February 8th memo on EFC Merit Award
- February 16th memo on EFC Annual Budget
- February 26th memo on Professor Gunderson's service
- February 29th memo on EFC archives
- List of School faculty eligible to vote in EFC election
- March 2nd memo on access to faculty personnel files
- March 3rd memo on EFC candidates for the new Dean
- April 29th memo on Professor Axelband's service

4. Correspondence with Other Units

- October 8th memo on meeting with Dean Silverman
- October 28th memo on faculty 'wish list'

- October 29th letter on alleged problems with faculty ‘wish list’
- October 29th letter on response to alleged ‘wish-list’ problems
- November 2nd letter on response to response of ‘wish-list’ problems
- January 5th memo on Professor Mendel’s pending building report
- February 4th memo on EFC comments on SOE strategic plan
- February 20th memo on school spending and salary distribution
- February 24th letter in response to salary-distribution memo
- March 2nd memo on “policy on faculty-staff work relations”
- March 4th memo on conflict of interest guidelines
- March 12th memo on EFC representation on APT subcommittee
- May 2nd memo on APT/EFC Merit Review
- May 9th memo on Search for new dean of SoE

5. Academic Senate Issues

- September 29th letter to Senate President Tierney on faculty governance
- September 29th memo on Provost Armstrong’s letter request
- February 11th letter to Senate President Tierney on IP request
- February 11th report on the SOE’s response to draft IP policy
- March 2nd letter on nominations for Senate Executive Board
- March 5th letter to Senate President Tierney on benefits white paper
- March 5th white paper on benefits for research faculty
- May 1st memo on Vice Provost’s Sullivan promised IP response
- May 2nd memo on Vice Provost’s Sullivan promised IP response
- May 24th memo on Senate vote on EFC dismissal resolution

6. EFC Special Tasks and Committees

- October 8th memo on new EFC committees
- List of EFC representatives on SOE committees
- November 30th memo on committee on research incentives

7. Miscellaneous

- Proxy for absentee vote
- EFC stationary

Agendas of Monthly EFC Meetings

AGENDA for the EFC MEETING on October 6, 1999

- 1. Approve minutes of the September EFC meeting.**
- 2. Resolution thanking Past Chair Prof. Costas Synolakis.**
- 3. EFC priorities.**
- 4. Issues for EFC meeting with the Dean.**
- 5. EFC policy on proxy voting.**
- 6. Selection of EFC Web master, the School email addresses.**
- 7. EFC Committees:**
 - EFC By-Laws (already existing)***
 - Food Services (already existing)***
 - Distance Learning***
 - ITV***
 - Merit Review***
 - Patent Royalties and Rights***
 - Research Incentive Grants (RIG)***
 - New Associate Dean for Research***
 - Seaver Library***
- 8. Time-table for future EFC meetings.**
- 9. EFC open meeting with faculty.**

Other business.

Adjournment

AGENDA for the EFC MEETING on November 3, 1999

- 1. Approve minutes of the October 6th EFC meeting.**
- 2. EFC meeting with the Special Committees.**
- 3. EFC meeting with the Provost.**
- 4. New form for voting proxy.**
- 5. Replacement of CE representative**
- 6. EFC representative on the Engineering Computer Committee.**
- 7. EFC Merit Award.**
- 8. New Associate Dean for Research.**
- 9. EFC By-Laws.**

Other business.

Adjournment.

AGENDA for the EFC MEETING on December 1, 1999

- 1. Approve minutes of the November 3rd EFC meeting.**
- 2. Discussion with Dean Len Silverman.**
- 3. EFC meeting with the Special Committees.**
- 4. EFC Meeting with the Provost.**
- 5. EFC candidates for the new Associate Dean for Research.**

Other business.

Adjournment.

AGENDA for the EFC MEETING on January 12, 2000

- 1. Approval of minutes of the December 1, 1999 meeting.**
- 2. New Secretary of the Council.**
- 3. Reports of EFC Special Committees and Tasks.**
- 4. Faculty Open Forum on Intellectual Property.**
- 5. New stationary of the Council.**
- 6. EFC Merit Award.**
- 7. The School Salary Review Committee.**
- 8. Disclosure of Budget of the School of Engineering.**
- 9. The School Strategic Plan.**
- 10. The University Policy on Review of Department Chairs.**
- 11. Transfer of documents between EFCs.**
- 12. Profile of new dean of the School.**

Other business.

Adjournment.

AGENDA for the EFC MEETING on February 2, 2000

- 1. Approval of minutes of the January 12, 2000 meeting.**
- 2. Theo Tsotsis sabbatical leave.**
- 3. Budget of the School of Engineering.**
- 4. Open Forum on Intellectual Property Policy.**
- 5. Engineering Representation on Senate Committees.**
- 6. EFC presence on School Merit Review and other committees.**
- 7. New Associate Dean for Research .**
- 8. EFC Merit Award.**
- 9. Archives of Engineering Faculty Council.**
- 10. Evaluation of the School Strategic Plan.**
- 11. Incoming Elections.**

Other business.

Adjournment.

AGENDA for the EFC MEETING on March 1, 2000

- 1. Approval of minutes of the February 2, 2000 meeting.**
- 2. Access to Dean's personnel files.**
- 3. Intellectual Property Policy at the Academic Senate.**
- 4. 'Conflict of Interest Guidelines'.**
- 5. Merit Award Ceremony.**
- 6. The 'White Paper' on Research Faculty.**
- 7. The 'Mendel's Report'.**
- 8. The School budget and salary distribution disclosure.**
- 9. EFC candidates for the new Dean of Engineering.**
- 10. Dean's Faculty-Staff Work Relations Policy.**
- 11. EFC presence on the School Merit Review.**
- 12. Engineering 'recreational area'.**

Other business.

Adjournment.

AGENDA for the EFC MEETING on May 3rd, 2000

- 1. Approval of minutes of March 1st, 2000 meeting.**
- 2. Elections to 2000/2001 EFC.**
- 3. Meeting with Dr Elliot Axelband.**
- 4. Senate Resolution 'Dismissal Language Restoration'.**
- 5. Dean's 'Conflict of Interest Guidelines'.**
- 6. The School budget and salary distribution disclosure.**
- 7. Dean's 'Faculty-Staff Work Relations Policy'.**
- 8. Engineering representation on Senate Committees.**
- 9. 'White Paper on Research Faculty'.**
- 10. EFC presence on the School Merit Review Committee.**
- 11. EFC candidates to the New Dean Search Committee.**
- 12. Early appointment of Interim Dean.**
- 13. EFC summer activities.**

Other business.

Adjournment.

Special EFC Meetings

11/9/1999

To EFC members:

I had a conversation with Dean Silverman about the ways to proceed with the joint (faculty + dean) selection of the new Associate Dean for Research. The atmosphere of the conversation was very pleasant. He assured me that he would not appoint the new associate dean before the EFC meeting on December 1st. He said that he may not fill the position for a long while after December 31st (the day George Bekey is planning to step down) or perhaps he will keep George part-time (or something like that) in the position after December 31st. He said that one of the reasons for that is that it may not have much sense to appoint a new dean for research after December 31st, for there is only about one and a half year from this date to the moment of the change of the Dean of the School of Engineering. He will discuss the issue in more detail during the EFC meeting on December 1st. His attitude about Dean-EFC cooperation on the subject was very positive, he has nothing against such a cooperation.

Joseph Kunc
Chair of Engineering Faculty Council

Summary of the November 29th, 1999 meeting of Provost Lloyd Armstrong with the Engineering Faculty Council.

Present were Provost Armstrong and the following EFC members: B. Khoshnevis, B. Kosko, J. Kunc, M. Mataric, V. Marmarelis, S. Nutt, G. Papavassilopoulos, M. Safonov, C. Synolakis, T. Tsotsis, and one guest (Sol Golomb). The meeting lasted from 4: 00 pm to 6:15 pm.

Provost Armstrong was asked about his plans with respect to selection and appointment of new dean of School of Engineering. He stated that he would form a search committee by summer 2000, that the committee will seek recommendation of the EFC on candidates for the new dean, and that the new dean should be appointed by summer of 2001. If the selection process is not concluded by that time, the Provost will appoint an interim dean (other than dean Silverman) and continue the process until its successful completion.

The Provost suggested that the engineering faculty start thinking about what they want to see in a new dean. In response, a number of participants strongly emphasized desirability of selecting a dean who will present a compelling vision and who is able to build an atmosphere of trust and fairness in the school. The Provost concurred.

The Provost said that he welcomes direct information from faculty about the affairs in the School of Engineering, including information about performance of the school administrators. He said that the email sent to provost@usc.edu goes directly to a computer in his office. Staff does not screen it. He encourages faculty to contact him at this address, or by phone, to share with him any information the faculty feel is important.

The Provost stated that there is a consensus among University administrators and the Board of Trustees that academic quality should be the top priority goal for USC for the future.

The Provost will, most likely, keep the 5-year term for deanship of the School of Engineering, with a renewal for the second or subsequent terms only if dean's performance is excellent.

The Provost said that he sees a need for a substantial raise in the salaries of engineering faculty, but that this is a school issue since there are no formal mechanisms for him to use his budget for this purpose. He also supports the idea that salaries of all faculties in the School should periodically be reviewed by a school-level committee to eliminate any striking disparities. He said that he is in favor of salary raises on basis of merit and against 'across the board' raises.

The Provost stated that periodic disclosure (a few times a year) of the School of Engineering budget to Engineering Faculty Council is perfectly reasonable thing to do, and that he sees no arguments against doing so.

The Provost is now in a process of formulating a procedure for periodic review of departmental Chairs. His comment on periodic review of Deans was incomplete, but it seems that he would like to retain a high degree of flexibility and freedom of decision on the issue.

The Provost is now considering a policy change that would have USC paying a substantial portion of tuition for faculty and staff children who attend colleges other than USC.

The last part of the meeting was devoted to discussion on the USC policy on intellectual property rights because this is a subject of great importance to the engineering faculty and because the Administration and Academic Senate have just started a university-wide debate on the subject. It was clear from the discussion that there are numerous issues that have to be thoroughly analyzed, and that a serious involvement of the school faculty in the process of shaping the policy is of significant importance to effectively protect the faculty intellectual property rights.

EFC Statements and Announcements

September 6, 1999

COMMUNIQUE

Dear faculty members of the School of Engineering:

The 1999/2000 Engineering Faculty Council held its first meeting of the new school year and elected its officers for the 1999/2000 term. The officers are as follows:

Chair: Joseph Kunc AME
Vice-Chair: Bart Kosko EE-Systems
Secretary: Theo Tsotsis ChE/PTE (fall only)

Designated Alternates to the Academic Senate:

Michael Safonov EE-Systems
Costas Synolakis CE/ENE.

That means that the same three EFC members from last year (Kosko, Safonov, Synolakis) will return to the Academic Senate this year along with newly elected EFC Chair J. Kunc.

The Council intend to work hard to justify the trust placed by the faculty in its elected representatives. We warmly encourage participation of all the faculty in Council matters, and welcome suggestions regarding the issues to be considered.

Departmental representatives to the Engineering Faculty Council are listed below.

Best regards,

Joseph Kunc

THE 1999/2000 ENGINEERING FACULTY COUNCIL

Mike Gruntman AME	ext. 5536	mikeg@spock.usc.edu
Behrokh Khoshnevis ISE	4889	khosnev@usc.edu
Bart Kosko EE-S	6242	kosko@sipi.usc.edu
Joseph Kunc AME	5375	kunc@usc.edu
Chung-Chieh (Jay) Kuo EE-S	4658	cckuo@sipi.usc.edu
Vasilis Marmarelis BME	0841	vzm@bmsrs.usc.edu
Maja Mataric CSCI	4520	mataric@usc.edu
Steven Nutt MaSC	1634	nutt@usc.edu
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Costas Synolakis CE/ENE	0613	costas@usc.edu

Theodore Tsotsis	ChE/PTE	2069	tsotsis@almaak.usc.edu
Firdaus Udwardia	AME	0495	fudwadia@alnitak.usc.edu

1999/2000 EFC REGULAR MEETING SCHEDULE

[all listed days are Wednesdays]

October 6

November 3

December 1 (Thanksgiving recess is Nov. 25-27, 1999)

January 12 (Classes start on January 10th, 2000)

February 2

March 1 (Spring recess is March 13-17, 1999)

April 5

May 3

June 7

TO: Faculty of the School of Engineering

FROM: Joseph Kunc,
Chair of the Engineering Faculty Council

DATE: October 12th, 1999

SUBJECT: EFC Web Site

Engineering Faculty Council has unanimously approved Professor Mel Breuer EE/S as the Web Master of the Council's Web Site. The URL of the Site is <http://www.usc.edu/dept/engineering/efc/>. Professor Breuer's extension and email address are 04469 and *mb@poisson.usc.edu*, respectively.

The Council encourages all faculty members to distribute useful information about the faculty- and School-related issues through the Site (the EFC Web Site policy is published there).

TO: Faculty of the School of Engineering
FROM: Professor Joseph Kunc, Chair of the Engineering Faculty Council
DATE: October 20th, 1999
SUBJECT: Search for the new Associate Dean of Research

Dear Faculty of the School of Engineering:

The Engineering Faculty Council has appointed a committee to propose potential faculty candidates for the position of Associate Dean of Research. The three-year term of the current Associate Dean for Research, Professor George Bekey, ends on December 1st. Professor Bekey has told the EFC that he does not plan to seek a second term.

The EFC search committee will give its recommendations to the EFC which will then make its recommendation to Dean Silverman near the beginning of November. The actual appointment of the next Associate Dean for Research lies at the discretion of Dean Silverman. The EFC assists the Dean on this important matter only in an advisory capacity [EFC By-Law IV. Role: "The Council will (A) advise the dean and faculty on the central academic and institutional issues of the school with such reports, deliberations, and recommendations as it chooses.....(D) advise the dean and faculty by functioning as a planning committee for the School"].

The members of the EFC search committee are as follows:

George Papavassilopoulos	yorgos@usc.edu	ext. 4453
Paul Ronney (Chair)	ronney@usc.edu	0490
Firdaus Udwadia	fudwadia@usc.edu	0495

Please send any comments, suggestions, or potential candidates (including self-nominations) directly to the committee members. If you prefer, you can send your comments to me and I will forward them to the committee.

Thank you for your cooperation.

Best regards,

Joseph Kunc

TO: Members of Special Committees of the Engineering
Faculty Council and members of EFC

FROM: Joseph Kunc
Chair of the Engineering Faculty Council

DATE: October 28th, 1999

SUBJECT: Social meeting of EFC with Special Committees

The 'drink-and-pizza' party of the Special Committees of the EFC and the members of EFC will take place at **5:00 pm Friday (TOMORROW), October 29th, 1999, Room 107 of the HNB (Hedco-NeuroScience Building)** (corner of Watt Way and Downey Way).

The EFC will supply a lot of good pizza and drinks.

We look forward to see you there!!!

February 3, 2000

To all past Chairs of the Engineering Faculty Council (Sol Golomb, Gerry Fleischer, Mel Breuer, and Costas Synolakis):

The Engineering Faculty Council had established a rule during its January 12, 2000 meeting that all confidential materials reviewed by the current and past EFCs must be kept in the Council Archives and be accessible to future Councils. (The EFC has now its own Archives (a large file cabinet with a lock) that are kept in the USC Senate Office.) Therefore, please send me all documents of this nature you have, so I can store them in the Archives. Of course, send everything else (confidential or not) that may be of some organizational, 'historical', statistical, etc value for EFC.

Best regards,

Joseph Kunc
Chair of the Engineering Faculty Council

TO: Faculty of School of Engineering
FROM: Joseph Kunc, Chair of Engineering Faculty Council
DATE: February 3, 2000
SUBJECT: Faculty communication

This is a reminder that USC Academic Senate operates two following listservers, effective and important tools of exchange of information between USC faculty:

- 1) SENATE NEWS - for official communication from the Academic Senate to its constituents USC faculty.
- 2) USC FORUM - for free discussion among USC faculty.

* To join these mail lists send the following two messages to
LISTPROC@usc.edu

SUBSCRIBE SENATENU-L <Lastname Firstname>

SUBSCRIBE USCFORUM-L <Lastname Firstname>

* To be removed from USC FORUM send the following message to
LISTPROC@usc.edu

UNSUBSCRIBE USCFORUM-L

* Please share this service with your faculty colleagues, by forwarding this message to colleagues who did not receive it automatically (our email address list is still incomplete).

Additional information:

* The SENATENU listserver is not interactive. Comments on topics from either listserver should be sent to USC FORUM using the e-mail address

USCFORUM-L@usc.edu

* USC FORUM is not edited, the responsibility for the content of the message is with the sender.

For additional information please see:

<http://www-hsc.usc.edu/~jzernik/senate1.htm>

TO: Engineering Faculty
FROM: Joseph Kunc, Chair of Engineering Faculty Council
DATE: February 8, 2000
SUBJECT: EFC Merit Award

Professor Mel Breuer (EE-Systems) has been selected by the Engineering Faculty Council as the recipient of the 1999/2000 EFC Merit Award. The citation of the Award reads: "The Engineering Faculty Council recognizes Professor Mel Breuer for outstanding meritorious service to the University of Southern California School of Engineering, for his efforts in enhancing faculty governance, maintaining integrity under difficult times, and breathing new life into the Engineering Faculty Council".

TO: Engineering Faculty

FROM: Joseph Kunc, Chair of Engineering Faculty Council

DATE: February 16, 2000

SUBJECT: EFC Annual Budget

Engineering Faculty Council has now its own annual budget (\$4000). It is intended to be used for the Council operations. However, if you have an interesting idea how some of this money can be spent on betterment of life of engineering faculty, please send it to me. The Council will consider the idea with great sympathy.

Annual Budget of Engineering Faculty Council

- 1) Lunches at EFC meetings_____ \$2,250
- 1) Maintenance and development of EFC web page_____ \$800
- 1) EFC Stationary _____ \$100
- 1) Annual Report _____ \$150
- 1) Work study_____ \$300
- 1) Materials and supplies_____ \$400

TOTAL: _____ \$4,000

February 26, 2000

Professor Martin Gundersen, Chair
Department of Electrical Engineering/EP
University of Southern California

Dear Professor Gundersen:

Academic Senators from the School of Engineering and the entire Engineering Faculty Council thank you very much for the time, energy and resources you have committed in the last several months to development of the Senate Communication Network. We are also very pleased to hear that you are now undertaking a similar effort to expand and improve electronic communication between the EFC and the faculty of the School of Engineering. We appreciate it very much.

We wish you best,

Engineering Faculty Council

TO: Engineering Faculty
FROM: Joseph Kunc, Chair of Engineering Faculty Council
DATE: February 29, 2000
SUBJECT: EFC Archives

Dear colleague:

The Engineering Faculty Council has now its own Archives kept in the USC Senate Office. Please send us documents and/or memorabilia that may be of some organizational, 'historical', statistical, etc value to the Council.

TO: Department Chairman and Dept. EFC Representatives

FROM: Johanna Wingert, Asst. to Dr. Michael Safonov

RE: Eligible Voters for Upcoming EFC Election

Following is a list of possible eligible EFC voters for the upcoming election in April. Eligibility is based on Section D of the Bylaws of the Engineering Faculty Council:

*****"***** D. Eligibility. *****

Those eligible to vote and run are all full-time regular faculty whose primary appointment is in the department in question. Individuals holding SpecialFaculty titles, as enumerated in the Faculty Handbook, are eligible neither to vote nor to serve on the Faculty Council.

Since department chairs already have a formalized advisory role with the dean, they are not eligible for membership on the Council during their terms as chairs, but are counted for purposes of departmental representation, and are eligible to vote.

Faculty members who are more than half-time administrators at the University are not eligible to vote for nor to serve as members of the Council."

Please check the department that applies to you. If you believe there should be any corrections please let me know as soon as possible.

AME Blackwelder ron@spock.usc.edu
AME Browand browand@spock.usc.edu
AME Campbell campbell@ian.usc.edu
AME Domaradzki jad@spock.usc.edu
AME Dravinski mdravins@mizar.usc.edu
AME Egolfopoulos egofopo@alnitak.usc.edu
AME Erwin erwin@spock.usc.edu
AME Flashner hflashne@almaak.usc.edu
AME Gruntman mikeg@spock.usc.edu
AME Jin yjin@mizar.usc.edu
AME Kaplan kaplan@usc.edu
AME Kunc kunc@spock.usc.edu
AME Langdon langdon@mizar.usc.edu
AME Lu sclu@usc.edu
AME Maxworthy maxworth@mizar.usc.
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TO: School of Engineering Faculty
FROM: Joseph Kunc
Chair: Engineering Faculty Council

Bart Kosko
Vice-Chair: EFC

DATE: March 2, 2000

SUBJECT: Information on access to faculty personnel files

Every USC faculty (and staff) member has the right to regularly inspect his or her personnel files and so can verify or challenge the accuracy of the file contents. Section 1198.5 of the California Labor Code secures this right for California employees: "Every employer shall at reasonable times....permit that employee to inspect such personnel files which are used or have been used to determine that employee's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action." Appendix 1 below gives the full text of this statute. Appendix 2 gives the full text of Associate Dean Devinny's 27 April 1997 memorandum on file access that includes the statement that "faculty requesting to review their personnel files may do so."

Faculty should submit separate written file requests to their department chair, dean, and to the provost. A request to review one of these three files need not count as a request to review the other two. Faculty should promptly report any difficulties or irregularities in the file-review process to the local office of the California Labor Commissioner:

Labor Commissioner
Department of Industrial Relations
Division of Labor Standards Enforcement
320 West 34th Street
Room 450
Los Angeles, California 90013
(213) 897 - 35689

APPENDIX 1: California Labor Code 1198.5

(a) Every employer shall at reasonable times, and at reasonable intervals as determined by the Labor Commissioner, upon the request of any employee, permit that employee to inspect such personnel files which are used or have been used to determine that employee's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action.

(b) Each employer subject to this section shall keep a copy of each employee's personnel file at the place the employee reports to work, or shall make such a file available at such place within a reasonable period of time after a request therefor by an employee.

- (c) This section does not apply to the records of an employee relating to the investigation of a possible criminal offense. It shall not apply to letters of reference.
- (d) If a local agency has established an independent employee relations board or commission, any matter or dispute pertaining to this section shall be under the jurisdiction of that board or commission, but an employee shall not be prohibited from pursuing any available judicial remedy, whether or not relief has first been sought from a board or commission.
- (e) This section shall not apply to public employers, including, but not limited to, every city, county, city and county, district, and every public and quasi-public agency. This section shall not apply to the state or any state agency, and shall not apply to public school districts with respect to employees covered by Section 44031 of the Education Code. Nothing in this section shall be construed to limit the rights of employees pursuant to Section 31011 of the Government Code or Section 87031 of the Education Code, or to provide access by a public safety employee to confidential preemployment information.

[Section 31011 of the Government Code concerns county employees. Section 87031 of the California Education Code concerns employees at community colleges.]

APPENDIX 2: Text of Associate Dean Devinny's Memorandum on File Access

To: Engineering Faculty

From: Joseph S. Devinny
Associate Dean for Academic Affairs

Date: 27 April 1999

Subject: Response to Engineering Faculty Council

The Engineering Faculty Council has asked that the School of Engineering describe its policies on faculty review of their files. The School adheres to the policies of the Provost's office: faculty requesting to review their personnel files may do so. Letters of reference will be withheld except in cases where a special need is demonstrated, in which case redacted or summarized versions will be made available. Documents covered by attorney-client privilege or those describing a criminal investigation will also be withheld.

The Engineering Faculty Council also asked what procedure would be followed if an anonymous letter critical of a faculty member were received. We have not received any such letter while I have been Associate Dean. While it may be necessary to investigate any serious allegations in such a letter if one is received, the Dean and I have decided that the letter itself will be destroyed once the investigation is complete.

TO: School of Engineering Faculty
FROM: Joseph Kunc
Chair: Engineering Faculty Council
DATE: March 3, 2000
SUBJECT: EFC candidates for the new dean

The process of selection of the new dean of the School of Engineering will be initiated by Provost Lloyd Armstrong in a few months. As a part of the process, the Provost wants the Engineering Faculty Council to submit a list of the Council's candidates (internal as well as external) for the position. Therefore, we ask you, the engineering faculty, to discuss this exceptionally important issue with your colleagues, and provide the Council with names of people who you feel have great personal integrity, accurate vision of academic future and extraordinary managerial skills to serve successfully in this position.

Please submit the names of your candidates for consideration by the Council by September 15, 2000.

To: Faculty of School of Engineering

From: Joseph Kunc,
Chair of Engineering Faculty Council

Date: April 29, 2000

Subject: Interaction with the Government and Corporate World

Dear faculty:

The Engineering Faculty Council invited recently the Associate Dean for Research Development Dr. Elliot Axelband to a meeting to talk about the broad range of his research-related activities on and outside the campus. (The meeting was a result of very positive opinions of many of our colleagues about their highly productive interactions with Dr. Axelband). It is clear from the meeting and discussions with engineering faculty that Dr. Axelband has indeed been first-rate help (both technical and advisory) to numerous research initiatives (including very large projects involving world-class corporations) seeking support of the government and/or corporate world. Since many engineering faculty is now in process of developing new-field research projects, it is highly probable that cooperation of the researchers with Dr. Axelband on variety of issues related to the projects (market analysis, serious contacts, selection of right sponsors, etc) should have a significant impact on the projects chances of success.

Correspondence with Other Units

TO: Leonard Silverman, Dean of School of Engineering

FROM: Joseph Kunc, Chair of Engineering Faculty Council

DATE: October 8,1999

SUBJECT: Invitation to meet with EFC

CC: Lloyd Armstrong Jr, Provost of the University of Southern California

The Engineering Faculty Council would like to invite you to a lunch meeting to talk about issues that are of great interest to the faculty of School of Engineering. Members of the EFC have attended the recent Annual Fall Faculty Meeting Luncheon (on Sept. 29,1999) and are familiar with the subjects you presented there. Therefore, we would rather like to discuss with you in detail the following important issues the EFC has selected and rank ordered (high to low priority):

- 1) Your participation in transition to the New Dean of the School of Engineering.
- 1) Making the School faculty salaries compatible to that of similar national engineering schools.
- 1) Quarterly disclosure to EFC of the School of Engineering budget and spending.
- 1) Retention of part of faculty research grants (Research Incentive Grants) and remission tuition for RAs.
- 1) Space allocation of the New Engineering Building.
- 1) EFC evaluation of the School of Engineering Associate Deans.
- 1) Support for Seaver Science Library.

Of course, please feel free to talk to us about any other novel or interesting ideas you are or plan to implement during this academic year.

If convenient, we would like to invite you to join us at the EFC's December meeting on December 1st. If not, the EFC may be able to meet near that date on another Wednesday.

TO: Faculty of the School of Engineering
FROM: Professor Joseph Kunc
Chair of the Engineering Faculty Council
DATE: October 28th, 1999
SUBJECT: a 'wish-list' of engineering faculty

Dear Faculty of the School of Engineering:

Below is a memorandum of the Engineering Faculty Council. The EFC has approved this memorandum by an unanimous vote (with one abstention).

MEMORANDUM

TO: Lloyd Armstrong, Jr, Provost, University of Southern California
FROM: Joseph Kunc, Chair of the Engineering Faculty Council
DATE: October 26, 1999
SUBJECT: a 'wish-list of the engineering faculty

This memorandum presents 'wish-list' of actions that the faculty of the USC School of Engineering would like the administration to undertake during its now-commencing search for the new dean of the School of Engineering. The list is not exhaustive; it mentions only those tasks most frequently recommended by our faculty over the last decade. There is a widespread belief in the School that this memorandum will be a useful contribution of our

faculty to the process of selection, appointment and goals setting for the new dean, and consequently, to a significant improvement of quality of the School. The EFC has approved this memorandum by an unanimous vote (with one abstention).

1. Form a Dean Search Committee with large and genuine representation of faculty, and with mandatory inclusion of outside candidates in the search. The faculty representatives on the committee should be elected by the Engineering Faculty Council.
2. Create a detailed program of fundamental changes in School policies dealing with identification and promotion of academic quality in the School. The need for the changes has been enhanced greatly over the last decade by the low ranking of the School's academic quality in the US News and World Report evaluations of US colleges and universities. The most recent survey (USNWR, August 30, 1999) of engineering programs at national schools whose highest degree is a PhD gave our School 32th place in the category of academic reputation. In addition, no department in the School has appeared recently in the departmental ranking. These rankings can be significantly improved by changing the ways in which the intellectual potential of our faculty is evaluated, promoted and directed. Clearly, the potential is well above those low rankings, especially when one considers the following: (a) about 15% of the faculty in the School are members of the National Academy of Engineering or/and the National Academy of Sciences, while about 25% are Fellows of major national and international academic and professional associations; (b) the volume of research funding per faculty in the School has been consistently among the top three engineering schools in the country; (c) the 'age' and size of our school, and its geographic location in Southern California, one of the world centers of science and modern technology and an influential part of the Pacific Rim community.
3. Create a joint Provost-Dean-Faculty committee for reorganization of undergraduate teaching programs and styles in the School of Engineering. We would like to see the School faculty play the dominant role in this committee, with faculty committee members elected by Engineering Faculty Council.
4. Establish a rule that limits the tenure of deans of the School of Engineering to a maximum of two terms (10 years) and that makes the reappointment of the School dean after the first term subject to faculty vote.
5. Bring the faculty salary structure to a level compatible with similar engineering schools at private and public universities in the country. A recent comparison done by EFC of the faculty salaries in our School of Engineering and similar national engineering schools has shown that our salaries are on average significantly lower.

6. Disclose the School and departmental annual budgets to the faculty, and create an effective system of control of expenditures with emphasis on upgrading the departmental infrastructure.

7. Introduce periodic reviews of the Dean's performance by the School faculty, with the results of the reviews provided to the USC Board of Trustees, the Alumni Association, the Provost and the President.

8. Introduce annual reviews of the department chairs' performance by the departmental faculty, with the results of the reviews provided to the Provost.

9. Formulate and implement a well-defined procedure for appointing department chairs, including the following: several candidates for the position should be considered; and a mandatory secret vote should be taken of all departmental full-time faculty members on the qualifications of the candidates.

10. Require mandatory vote of all departmental faculty on hiring new faculty members, and executing the process according to the USC rules and regulations.

cc: Faculty of the School of Engineering

October 29th, 1999

e-Memorandum

To: Joseph Kunc, Chair of the Engineering Faculty Council (EFC)
From: T. Maxworthy, R.F. Blackwelder, L.G. Redekopp, F.K. Browand, E. Meiburg,
Professors of Aerospace and Mechanical Engineering.
Subject: EFC memo. to the Provost on "a 'wish-list' of the engineering faculty"

We have read the subject memorandum and were extremely surprised that the EFC could have sent it out in the name of "all" engineering faculty without more general consultation with that faculty as a whole. While the EFC was elected to represent us all it seems to us that in a matter this controversial and potentially divisive its contents should have been raised at departmental faculty meetings before the final memo was delivered. Even the most confident politician usually polls his/her constituency before making major policy decisions that could so radically affect its future. At the very least it should have been made clear that the memo represented the opinion of "some" of the engineering faculty. It also seems to us that a number of the items violate the democratic principles that we, and we believe you too, feel are the basis for governance at the faculty level. In items 1). and 3). why should only the EFC vote for the committees you mention? Is this likely to produce "a large and genuine representation of faculty?" Surely in matters this important the whole faculty should be involved. The precedent is clear: we all vote for members of the APT Committee, similar procedures could be implemented in these and similar cases. Also, we have disagreements on several other items included in the memorandum but this is not the place to air them. We simply want to emphasise that we think that the EFC is overstepping its mandate by promoting controversial proposals without the consent of the faculty as a whole and that this situation should be remedied as soon as possible.

Tony.

Tony Maxworthy
Smith International Professor of Mechanical Engineering,
Professor of Aerospace Engineering,
Dept. of Aerospace and Mechanical Engineering,
RRB 211,
Univ. of Southern California
Los Angeles, CA, 90089-1191

Tel: 213-740-0481

Fax: 213-740-7774

October 29th, 1999

Dear Professors Maxworthy, Blackwelder, Redekopp, Browand, and Meiburg

I am happy to respond to the points you raise in your broadcast email today about the EFC's "wish-list" memo to the Provost. It would have been more productive if you had raised these points earlier at our open monthly meeting this month or with your EFC representatives who duly discussed and voted on the memo. The EFC has held an open monthly meeting since its inception in 1992. But again, I am happy to discuss these points now in a five-part response.

First, you state that the memo's "contents should have been raised at departmental faculty meetings." EFC members should discuss on-going issues such as this one with their department members, and indeed many EFC members did so this semester and have done so in the past. We hope department chairs will call on their EFC representatives at department meeting to discuss such issues. But the EFC members themselves do not have the authority or an obligation to call department meetings.

Second, you state that "At the very least it should have been made clear that the memo represented the opinion of 'some' of the engineering faculty." But the memo clearly stated in the opening paragraph that "The EFC has approved this memorandum by an unanimous vote (with one abstention)." You state yourself that the EFC represents the faculty of the school. Indeed the EFC is the sole elected body that represents the faculty. Of course, this does not mean that each faculty member will agree with each EFC action. In this case, the EFC duly called for comments from all its members in drafting the memo

and then conducted a secret vote that approved the final draft of the memo. This collegial process lasted six weeks and was entirely legitimate.

Third, you ask “why should only the EFC vote for the committees you mention?” The rationale of the EFC memo on this point is that in the past the EFC (and the faculty that it represents) has had no say whatsoever in the appointment of such committees as called for in items 1 and 3 of the wish-list memo. We proposed that the EFC duly appoint such committees, not to augment or aggrandize the authority of the EFC, but to give the faculty more say in the process. If the majority of the faculty want to select such committee members through an election process, then the EFC would support that. But this is the first we have heard of such a request.

You further cite the school’s APT committee as a precedent-setting example for letting faculty select committee members. But the APT example does not support your claim. In fact, the APT example counts as evidence against it. It is true that faculty vote for APT members—just as they vote for EFC members. But the APT does not allow faculty to elect any of the members of the committees it appoints. In like manner, we proposed that the EFC would select the committee members called for in items 1 and 3 of the wish-list memo. Nor does the APT allow faculty, in private or through broadcast email, to question or even comment on any of its decisions. (The EFC posts all its proceedings on the EFC web site and encourages all faculty to attend its monthly meetings.) And the APT meets each year whereas search committees for deans are relatively rare and can involve members from outside the school.

Fourth, you claim that “the EFC is overstepping its mandate by promoting controversial proposals without the consent of the faculty as a whole.” Controversy is in the eye of the beholder and notoriously so. Still, your claim is hard to support given that the EFC’s (secret) vote was unanimous after a lengthy period of discussion—no controversy emerged in such a diverse and loquacious body. In any case, the EFC acted fully within its rights as an elected advisory body to ask its members to propose such “wish-list” items dealing with the future of the school and to discuss these items with the faculty they represent, to memorialize such council-wide discussions in the form of draft memos, and to vote on the final version of the memo and send it to the administration for consideration.

Last, you state that “we have disagreements on several other items included in the memorandum but this is not the place to air them.” Broadcast email is indeed not the place to air such opinions. Again, the correct place to air them is either in direct conversation with your EFC representatives or at the EFC’s monthly meeting open to all faculty. The next EFC meeting is Wednesday, November 3rd, at noon in the Faculty Center. You are welcome to attend.

Sincerely,

Professor Joseph Kunc
Chair: Engineering Faculty Council

November 2nd, 1999

Dear Joe,

Thank you for your reply to the memorandum from five AME faculty members regarding the EFC wish-list to the Provost. I list my replies in the same order as your seven paragraphs. My prior co-signers have read these replies and agree with the essentials of my arguments.

1). Since most of us are too busy to attend the EFC meetings we have to rely on our representatives to keep us informed. May I remind you that you are one of the representatives from the AME Department. As far as I am aware at no time have you or any other of our representatives discussed EFC business with members of the Department. Furthermore, the EFC web-site is useless as source of information. It is out of date and does not include a list of agenda items for any of the meetings, not even for the up-coming meeting on Nov. 3rd 1999. In particular, it does not include the minutes of meetings at which the items in contention were discussed nor does it have an up-to-date list of Council members.

2). Similar reply to that above. You have not discussed any EFC business with us in any meaningful way. May I remind you that any faculty member has the right to place an item on the agenda of the Department meetings! In any case the system is flexible enough to allow a faculty member to suggest a special meeting to the Department chairman if he believes it necessary. I can think of no case where such a request has been rejected.

3). This is a tired repeat of the items above. The collegial process did not include the faculty of the AME Department as it should on this important issue. We were never informed of the on-going deliberations of the EFC. As far as I am concerned, as an AME faculty member, the present wish list is that of the EFC alone.

4). The request for full faculty involvement in the election of members to a Dean's Search Committee and an Undergraduate Teaching Committee, should their formation ever be approved, has now been raised and should be acted upon at the appropriate time.

5). Here you have completely missed the point. We were talking about electing committees on a par with the APT and EFC not ones that are subsidiary, and subservient, to them. They, too, should be elected by the whole faculty and not by a sub-group no matter how select it may be.

6). A confrontation with the Provost must always be viewed as potentially controversial and devious. Many of the items raised in the EFC memorandum to him directly challenge his authority as chief operating officer of the University. The Council certainly has the right to do so but had better be sure that the faculty is more-or-less united behind it before going ahead. I have no doubt you and the committee underwent the process with the best of intentions but once again I must refer you to items above. We, in the AME Department, were never informed of the ongoing deliberations. The draft memoranda, for whatever reasons, were never made available to us for comment. If they had been we would certainly have objected to some items and requested that the language be substantially modified. The process you outline in your reply, and imply was followed, was not adhered to since we in the AME Dept. were not involved at all. Perhaps we were unique in this regard, on the other hand perhaps not.

7). Finally, the main reason I resorted to writing a memorandum and a letter about this matter, is because the status of my health precludes stressful personal confrontations. As a result I will not attend the next Council meeting. Perhaps some of my colleagues will see fit to do so. In any case it seems to me that the damage has been done, the memorandum sent, and to resort to further recriminations beyond this public exchange of memoranda and letters will serve little purpose.

Yours Sincerely,
Tony Maxworthy,
Smith International Professor of Mechanical Engineering,
Professor of Aerospace Engineering,
Dept. of Aerospace and Mechanical Engineering, RRB 211,
Univ. of Southern California
Los Angeles, CA, 90089-1191

Tel: 213-740-0481
Fax: 213-740-7774
e-mail: maxworth@mizar.usc.edu

TO: Leonard Silverman, Dean of School of Engineering
FROM: Joseph Kunc, Chair of Engineering Faculty Council
DATE: January 5, 2000
SUBJECT: Jerry Mendel Report

You stated during our December meeting that Jerry Mendel would provide the Engineering Faculty Council (within a month after the meeting) with a report on the

School Administration decisions and plans on functions, management, space allocation and utilization, etc, of the “New Engineering Buildings”. We would appreciate very much receiving the report soon, so all of us have enough time to carefully study and discuss this important information before the end of the Spring semester.

TO: Leonard Silverman
Dean of School of Engineering

FROM: Joseph Kunc
Chair of Engineering Faculty Council

DATE: February 4, 2000

SUBJECT: EFC comments on SOE Strategic Plan

CC: Engineering Faculty, Lloyd Armstrong, Martin Levine

This is the EFC-approved evaluation of Version IV of the School Strategic Plan:

We commend you for undertaking the important task of developing a strategic plan for the School of Engineering. It will be no easy matter to move the School over the next decade or so close to the top of the country's highest-quality engineering schools. To this end, we strongly suggest that your office undertake a fundamental revision of this draft of the strategic plan.

The core problem with the current draft is its emphasis: the draft reads more as an advertising promotion for the School than as a critical step-by-step plan for constructive reform. In particular, the draft plan does not focus widely or deeply enough on the School's weaknesses. For instance, what about the relatively low mean level of faculty salaries and the relatively high variance of those salaries? The November 1998 EFC faculty poll listed faculty salaries as one of the main problems that the School needs to address. And does it really make sense to list the aging, widely criticized ITV center in the "strength" section?

The first step in correcting any weakness is to candidly identify it. To that end, we suggest that you directly ask the School's faculty what they think the School's main weaknesses are. We think that the faculty should have a major say in the strategic plan, and especially in a frank assessment of the School's weaknesses. This would go a long way toward balancing the current draft's top-down approach with a bottom-up perspective.

The current draft also fails to present a clear and compelling vision of the School's future. We suggest that you completely revise this section and address some of the EFC "wish list" topics that we sent to the Provost in October 1999.

Last, the draft also needs someone to carefully line-edit it. The current version contains typos and factual errors. For instance, the draft wrongly states the ranking of some departments.

If you wish, the EFC would be happy to schedule a meeting with you to further discuss this draft or future drafts of the strategic plan.

TO: Len Silverman, Dean of School of Engineering

FROM: Joseph Kunc, Chair of Engineering Faculty Council

DATE: February 20, 2000

SUBJECT: School spending and salaries distribution

CC: Jay Schoenau,

The Engineering Faculty Council had learned during the last meeting of the Council with the Associate Dean for Budget Jay Schoenau that you oppose regular (quarterly) disclosure of: (1) details of spending (dollar amounts) under the School budget section entitled "Expenditures", and (2) distribution of salaries of the engineering faculty.

(1) As you know, the question "where does the School's money go?" has regularly and frequently been asked by the engineering faculty during the last decade. An answer to the question seems to be so important to our faculty that disclosure of details of the School budget has unanimously been voted by the Council as one of its top priorities. (Provost Lloyd Armstrong repeatedly assured the Council that he sees no reason whatsoever to avoid such a disclosure.) If the question remains unanswered, some faculty may start suspect a corruption or a mismanagement of the School budget. Unanswered rumors may then do a lot of harm to the School and perhaps to the University. Clearly, there is no need for this.

(2) The once-a-year disclosure of distributions of salaries in each department of the School (for the "Assistant Professor", "Associate Professor" and "Professor" categories) has also been unanimously voted by the EFC as one of its top priorities. If the School salary policy of the last decade has been fair, the distribution in question will look like a typical distribution of most of engineering schools similar to our School. In such a case, the issue would probably be dropped from the EFC agenda. If the distribution has too many abnormal 'resonances', 'plateaus', etc, then knowing and understanding this, our faculty may choose a direct, constructive and effective participation in fixing the salary crisis.

We urge you to reconsider your present opposition to disclosure to the EFC the details of the School spending and the School salary distribution. Issues which are on EFC list of top priorities should be taken seriously by both engineering faculty and your office. We believe that close cooperation of these two elements of the School on issues that are important to the faculty can produce great outcomes beneficial to all of us.

Feb. 24, 2000

Joe,

The School of Engineering's policy on budget detail has been stated before and is unchanged. It is also quite consistent with University policy. USC's policy is also not to give detailed salary distribution data as the Provost will confirm.

Unsubstantiated allusions to corruption and mismanagement are certainly not going to improve relations between my office and the council.

Len

TO: Leonard Silverman
Dean of School of Engineering

FROM: Joseph Kunc
Chair of Engineering Faculty Council

DATE: March 2, 2000

SUBJECT: Clarification of new school “policy on faculty-staff work relations”

The EFC has examined the “Faculty-Staff Work Relations Policy” that you issued on December 21, 1999. This policy raises fundamental questions about free speech and adult conduct in the School. Everyone agrees with you that “faculty and staff should be treated with dignity and respect.” But any attempt to regulate or punish speech at a university touches on deep moral and legal issues and requires careful scrutiny. To that end, the EFC would very much appreciate it if you would answer the following questions:

1. Should not the EFC play a role in formulating or at least reviewing such a proposed policy since it clearly affects all faculty members and it deals with the core academic issue of freedom of speech?
2. Did you have legal counsel in drafting this policy? Did a USC or other attorney review the final draft?
3. The policy twice uses the statement that “Obscenity, profanity, or intimidation of any kind is not to be used at any time.” Just what counts as “obscenity” or “profanity?” Can you give examples? How does this “profanity” standard relate to that of, for example, prime-time network television?
4. The policy prohibits “obscenity” and “profanity” when faculty speak to staff and repeats this prohibition when staff speak to faculty. Does it also apply among faculty (when faculty speak to other faculty) and among staff (when staff speak to other staff)? If so, then have you called for a complete ban on “profanity” in the School of Engineering? How would that square with the constitutional right to free speech of every person in the School? If not, then how would such unequal treatment square with fairness? The wording of the policy implies that two faculty or two staff members could tell each other a ribald or even a “profane” or “obscene” joke but neither faculty member could tell it to a staff member and neither staff member could tell it to a faculty member.
5. Does the policy apply to School administrators? Do you assume that all administrators are either faculty or staff? Suppose a staff or faculty member believe that an associate dean or the dean himself has violated this policy. To whom should they report it? Would the university enforce this school policy?

6. The School of Engineering is just one of 19 schools at USC. Is this the same policy that the other Schools use? If so, then why is this not university-wide policy? If not, then why and how do the policies differ?

TO: School of Engineering Faculty

FROM: Joseph Kunc
Chair of Engineering Faculty Council

DATE: March 4, 2000

SUBJECT: Conflict of Interest Guidelines

Below is draft of 'Conflict of Interest Guidelines', a proposal submitted recently to the Engineering Faculty Council by George Bekey. The Council would like to hear the engineering faculty opinion on the issue and asks you to comment on the document. We will appreciate very much if the comments reach the Council by March 25, 2000.

GAB--Draft 2--1/24/00

USC School of Engineering Policy On Conflicts of Interest

Introduction:

During the past several years there have been increasing opportunities for engineering faculty, staff and students to participate in the dramatic growth of the high technology industry in this country. The School of Engineering has encouraged such entrepreneurial activity and supported it by assisting faculty with access to information, capital sources, business advice and legal information. We encourage faculty to commercialize their inventions, and to take leaves-of-absence (if appropriate) to create a start-up company.

While assisting the entrepreneurial spirit, it also important to keep in mind that our fundamental responsibility is academic and not commercial. Clearly, there are right and wrong ways to go about creating a start-up company. It is possible for outside activities to enrich our teaching and research, but it is also possible for them to create intolerable conflicts of interest. The purpose of this policy is to provide guidelines for minimizing conflicts of interest, while at the same time encouraging the development of new ventures.

Examples:

In order to clarify some of the issues that may arise in connection with our commercialization efforts, consider the following examples. In each case, Prof. A is minimizing potential problems, while Prof. B is clearly in a conflict of interest situation.

Example 1. Faculty role in startups.

Several faculty members and outside colleagues form the company SuperDuper.Com (SDC).

- Prof. A becomes a "Science Advisor" to SDC and spends every Thursday at its facility.
- Prof. B becomes the CEO of SDC. He devotes only early morning and late evening hours to the company, and spends the rest of his time on campus.

Example 2. Faculty role in startups

Several faculty members and outside colleagues successfully raise \$500,000 and form MicroSuper.Com (MSC)

- Prof. A becomes the "Science Advisor" to MSC. The work is so complex and challenging that she realizes he cannot accomplish it during his one-day-per week consulting time. She decides to devote two days per week to MSC and reduce her USC commitment to 75% time. She requests a 25% reduction in load and salary for a year.
- Prof. B becomes the CEO of MSC. Clearly, this is a full-time job, but he continues to teach his classes while devoting a substantial fraction of daytime hours to telephone an email communication on MSC business. He does not request a reduction of commitment or salary.

Example 3. Relation with outside sponsors.

NanoGenomics, Inc. gives a research contract to the USC Nano-Geno lab to pursue research in its main area of interest. The PI is a founder and major stockholder in NGI.

- Prof. A, the lab director, accepts the research contract but accepts no consulting or other remunerative relationship with SGI. He does not charge his salary to the NGI contract. His research goals and those of NGI coincide. He and his students perform the research and publish papers on the results in scientific journals. Intellectual property is shared between NGI and USC.
- Prof. B, the director of a competing lab, replies to an RFP from NGI to develop commercial products from the results of Prof. A's research. He accepts a contract which includes summer salary for himself and a consulting agreement with NGI, as

well as a stock option plan tied to the company's success with sales of the newly developed products.

Example 4. Consulting.

Two faculty members act as co-PI's on a government grant that includes a portion of their summer salary as well as a subcontract to an outside company, Suspect Technology, Inc. (STI).

- Prof. A meets with friends in STI and arranges to be hired as a consultant by STI to work on the subcontract. His argument is that he is clearly qualified since he also does research on the same topic on campus.
- Prof. B refuses an offer of a consulting position and he disposes of all his STI stock prior to the initiation of the work.

Note that none of the situations indicated above are completely clear, but may involve gray areas. Hence, the need for a set of guidelines. The policy statement that follows presents such a set of guidelines.

As the School's involvement with industry increases, a number of other possible areas of potential conflict will arise. This policy is intended to prevent possible misunderstandings and potential lawsuits. In most cases, potential problems and misunderstandings can be eliminated by timely and complete disclosure of outside involvement to the Dean's Office. An annual disclosure will be required in the future, as described below.

School of Engineering policy on Conflict of Interest.

In the following all outside companies are simply referred to as COMPANY and all inventions are referred to as INVENTIONS.

1. Full time faculty may not spend more than the usual authorized consulting time on COMPANY work during the average week in the academic year. If faculty desire to spend more than the approved consulting time (an average of one day per week or 39 days during the academic year) on COMPANY work, the fraction of their salary paid by USC should be reduced accordingly.
2. Members of the research staff are not authorized to devote paid University time to consulting or outside work. Substantial involvement in COMPANY activities will result in a proportionate reduction of salary.
3. It is understood that sometimes the lines between "COMPANY work" and "USC work" will be fuzzy, since INVENTIONS may have grown out of USC work that may be

continuing. In such circumstances it is essential that the Department Head or Center Director be informed of any activities which could raise the appearance of conflict of interest.

4. Faculty and staff should not use university telephones, computers, secretarial assistance and other resources for COMPANY work without clear prior written authorization from the Office of the Dean of the SoE.

5. USC SoE faculty may not hold management positions in COMPANY, without explicit written authorization. "Management" refers both to such positions as President, Vice-President or CEO of a start-up COMPANY, Principal Investigator of a contract at COMPANY, or Department Manager (or similar title) at a COMPANY where the faculty member consults or works part-time.

6. Disclosure of involvement in start-up COMPANY to the Office of Technology Licensing (OTL) does not take the place of disclosure to the School of Engineering; both are required.

7. Graduate students may not work on COMPANY business while being paid as Research Assistants on grants or contracts. This policy is intended to be absolute; no compromise positions are permitted.

8. If graduate students are employed by COMPANY, their academic research should not be guided or directed by any employee or principal of the COMPANY, even if the employee is a faculty member. Thus, no student should be put in a position of split loyalty between his/her academic research program and his/her employment. Further, hiring and firing decisions by the COMPANY should not influence the academic program of any students.

9. USC laboratory facilities are not be used for COMPANY business or by COMPANY personnel for any purpose without explicit written authorization from the Department Chair to this effect, and even then, only under conditions which do not detract from the primary mission of the University. Such agreements must clarify the allocation of any intellectual property which may result from such use of USC facilities.

10. In order to reduce the occurrence of conflicts of interests and resolve any pending or potential problems:

- The organization and policies of COMPANY with respect to USC personnel must be reviewed by the appropriate Department Chair or Center Director and submitted for approval to the Dean;

- Each SoE faculty member will be asked to disclose all her or his involvement with outside companies annually at the time of submission of the Annual Report.

- A Conflict of Interest Review Panel will be established and chaired by the Associate Dean for Research. The Panel will monitor all active COMPANY-SoE interaction and may request inputs from participating faculty members, in addition to the annual Conflict of Interest statement.

TO: Terence G. Langdon
Chair of Appointments, Promotions and Tenure Committee

FROM: Joseph A. Kunc,
Chair of Engineering Faculty Council

DATE: March 12, 2000

SUBJECT: Representation of EFC on APT's Merit Review Subcommittee

Discussions of various faculty members with Engineering Faculty Council led to consideration of a possibility to have 3 representatives of the Council on the APT's Merit Review Subcommittee. The Council discussed the issue during its March 1st, 2000 meeting and recommended unanimously to have 3 faculty members as EFC representatives on the Merit Review Subcommittee. We understand, however, that this initiative requires an approval of the APT Committee followed by some changes of the text of the Section 3.5 of the APT Handbook. Therefore, the Engineering Faculty Council propose the following new wording for this Section to be considered and possibly implemented by the APT:

3.5 MERIT REVIEW SUBCOMMITTEE

At the beginning of each academic year, the APT Committee elects five members and the Engineering Faculty Council elects additional three members (either Associate Professor or Full Professor) to serve on the Merit Review Subcommittee. This subcommittee reviews the faculty merit evaluations presented each winter by the department chair to the Dean. Specifically, the subcommittee reviews the faculty rankings provided by the department chair for consistency with the data provided in the annual faculty records. The subcommittee typically questions the department chair about any apparent discrepancies. The Chair of the subcommittee makes a written report to the Dean pointing out unresolved discrepancies, as well as any recommendations it may wish to make regarding alterations to the faculty rankings

within any department, or recommended improvements to the merit review process in general.

To: Professor Joe Devinny, Associate Dean for Academic Affairs
Professor Terry Langdon, Chair, Committee on Appointment, Promotions,
and Tenure (APT)
Professor Joe Kunc, President, Engineering Faculty Council (EFC)

From: APT/EFC Merit Review Committee

Date: May 2, 2000

RE: APT / EFC Merit Review Committee Summary Report, 1999-2000

Members: Professor Berok Khoshnevis (ISE, khoshnev@rcf.usc.edu, APT, EFC), Associate Professor Keith Jenkins (EE-Systems, jenkins@sipi.usc.edu, APT), Associate Professor Bingen Yang, (AME, bingen@usc.edu, APT), and Associate Professor Jim Moore (CEE, jmoore@usc.edu, APT, EFC-elect, recording)

Participating Chairs: Martin Gunderson (EE-P), David D'Argenio (BME), Muhammad Sahimi (CHE), Florian Mansfeld (MS), Robert Scholtz (EE-S), Carter Welford (CEE)

Departments submitting documents, but not represented: CS, ISE

Departments neither submitting documents, nor represented: AME

Some Department Chairs could not participate because of scheduling conflicts. The Dean's Office reports that no further meetings are planned.

The procedures followed by the Department Chairs vary across Departments, but are consistent with the guidelines and requirements defined by the Dean's office. In all cases, the Departmental merit evaluations were completed in one of three ways:

- (a) binding or near binding evaluation by a committee or committees consisting of several faculty members;

- (b) binding evaluation by the Department Chair only; or
- (c) a combination of (a) and (b), typically reported as separate scores.

In all cases, the Department Chair has the authority to adjust the ranking presented to the Dean's office, though there is presumably no reason to do so when separate scores are reported.

We believe the rankings reported to the Dean's office make a difference in the merit raises received by faculty members. We perceive differences in the quality of the process across Departments. Our objective is to alert the Dean's Office, the Engineering APT Committee, and the Engineering Faculty Council to some key faculty concerns with respect to these differences. We have tried to define this contribution in a way that we hope will help the final decisions as fair as possible.

Base weights assigned to teaching, research, service, and availability vary from approximately uniform [.25, .25, .25, .25] to skewed in favor of research [.50, .30, .20, .0]. Further, the opportunity for individual adjustments in these faculty load profiles varies across Departments. Some Departments use firm, uniform weights. Others strive for a standard vector of weights, but admit differences in special cases reflecting either long-standing commitments to individuals, or exceptions that serve the interests of the Department. One Department assigns each faculty member to one of a small set of profiles configured to match the preferences of the faculty member and the needs of the Department. One Department Chair makes substantial adjustments in the weight vector on an individual basis across all faculty. Some Departments break elements of the weight vector into sub-scores (e.g., number of publications and indirect cost recovery, quality of teaching and number of units delivered, etc.).

The roles of faculty committees and Department Chairs in identifying final merit scores vary across Departments. As noted above, some Departments report two scores, one from a Department committee and one from the Chair. Some report only a score determined by committee. Some report a committee score subject to minor adjustment by the Chair to account for special circumstances, and, in at least one Department, scores are determined solely by the Chair. One Chair found the merit review forms so confining and potentially misleading that he submitted, in addition to the standard measures, a brief summary of each faculty member's activities and circumstances. The committee found these few sentences very enlightening, and urges the Dean's office to review this additional material.

Collectively, these variations reflect reasonable differences in Departmental cultures and traditions, the priorities of the Department Chairs, the priorities of the current Department merit review committees, and the collective expectations of the several faculties. Overall, the committee considers these modest differences to be healthy, a likely source of satisfaction for Chairs and faculty members alike, and a likely source of insight for the Dean.

None of these variations strike the committee as unreasonable, with one exception. There are almost always special exceptions to any Department's standard faculty profile, often reflecting long standing contractual agreements with individuals. Departments admit different degrees of variation across faculty members. In those cases in which a variable vector of weights is the rule rather than the exception, each faculty member should (at a minimum) be cognizant of the weights to be applied in his or her case. The committee feels that faculty members whose base weights are subject to adjustment should be permitted an opportunity to negotiate with the Department Chair the elements of the weight vector that define his or her faculty profile. This is most often the case when variable weights are used, but not always, and we urge the Dean to be alert the prospect of merit scores based on weights that the faculty being evaluated have not been party to determining.

There was general agreement across Department Chairs that it is difficult to evaluate teaching, and several Chairs were skeptical about the quality of information from course reviews. A few Departments stratify scores by course level to try and control for systematic variations in student attitudes. Most Chairs have considered observing faculty in the classroom, but the Committee is aware of only one who does. All who commented see potential value in first hand observation of teaching. Some feel this would be considered invasive. One felt a visit from a representative of a faculty committee was probably less invasive than a visit by the Chair.

The Chairs' opinions about the importance of their own role in the merit review process varied considerably. Some felt they effectively had no substantive role, and that merit raises were decided in the Dean's office. Others felt they had a defined role, but that the role was subordinate to the Dean's, and that this was undesirable on the grounds that the Chairs were generally better informed about individual faculty members than is the Dean. One Chair whom had served as Associate Dean for Academic Affairs showed the greatest cognizance of the process. The other Chairs were not in an equivalent state of information.

Opinions about roles aside, the Chairs appear to have different understandings of how the School's raise pool will be allocated. The committee resists offering the Dean advice on how to evaluate individual faculty contributions, or about the degree to which the Dean chooses to involve himself in these decisions. However, the committee believes the Dean's office should help ensure that the Chairs understand the respective roles the Dean has defined for them and for himself. It is important the Chairs have a clear understanding of their own standing in the merit review process used to evaluate faculty members. It would be beneficial for the Chairs to have an opportunity to compare notes. A summary document comparing the base weights, admissible profile adjustments, and procedures currently in use in the various Departments would be of value to the

Chairs, and of interest to the faculty. It would also be a likely source of reassurance for skeptical faculty.

Most Chairs voiced some degree of dissatisfaction with the School's merit review procedure. The Chairs who exerted the most control over the process voiced the greatest concern, principally because they found their faculty members reluctant to take responsibility for the process. Most Chairs felt their faculty members did not take the merit review process seriously, and that faculty members perceived a disconnection between the contents of annual reports and the magnitudes of merit increases.

Several Chairs report many faculty members consider the reports pointless. Some Chairs share this perspective.

The Chairs who exerted the least control over the merit review process were also the Chairs most satisfied with the process, presumably because their faculties saw value in the process and made a substantive contribution to it. In short, Chair reports of low faculty morale co-varied with reports of low faculty engagement in the merit review process, and with low satisfaction on the part of the Chair. Chair reports of higher faculty morale co-varied with reports of substantive faculty engagement in merit review, and higher satisfaction on the part of the Chair.

The committee does not know whether good morale begets a responsible, engaged faculty; or whether engagement and a sense of faculty-centered control produce good morale. It is clear, however, that this is a feedback relationship.

The committee considers the various Departmental merit review procedures reasonable variations on a theme, but the level of voluntary faculty disengagement from the process reported by several Chairs is troubling. The sharp differences in morale across the Departments are also troubling. The committee believes that there are many reasons for these differences, but these cannot be assessed here. The committee recognizes, as do most all members of the faculty, that there are differences in the economic opportunities available in different engineering fields; and in the level of agency, foundation, and industry interest in the research associated with different fields. The Dean's office is in no way responsible or accountable for the existence of these differences. However, the Dean's Office is responsible for setting the rules of the game with respect to the merit review process. The committee believes that these rules are operating, and that they are reasonably effective and reasonably fair. Still, a substantial number of faculty members do not understand whether and how these rules benefit them. We encourage the Dean to contemplate what steps might increase the transparency of the merit review process, directing first attention to the role of the Chairs; and we encourage the School of Engineering faculty to be attentive to any such effort.

TO: Lloyd Armstrong, Jr,
Provost

FROM: Joseph Kunc,
Chair of Engineering Faculty Council

DATE: May 9th, 2000

SUBJECT: Search for new dean of SoE

Responding to your request, the Engineering Faculty Council has elected the following seven faculty from the School of Engineering as candidates to serve on your Committee to Search for New Dean of the School of Engineering:

David D'Argenio, Bart Kosko, Joseph Kunc, Phil Muntz, Michael Safonov, Costas Synolakis, and Firdaus Udwadia.

I am sending this message to Mrs. Ramirez too in case your email system is temporarily disabled.

Academic Senate Issues

29 September 1999

Professor William G. Tierney
President: Academic Senate
School of Education
WPH 701C
Mail Code 0031

Dear Professor Tierney:

As you requested, please find enclosed the Engineering Faculty Council's response memorandum to Provost Lloyd Armstrong's letter to you of 16 August 1999 in which he states that he will not accept the Senate's May resolution on electing department chairs. The EFC has approved this response memorandum in an unanimous vote.

Please note that I have also copied on this letter the chairs and vice-chairs of the University's other Faculty Councils. I did this because the EFC initiated the Senate

resolution. The other Councils need to know the full context and history of the process that led to the resolution in order for them to make an informed response of their own.

Sincerely,

Professor Joseph Kunc
Chair: Engineering Faculty Council

cc: Faculty Council Chairs and Vice-Chairs

enclosure: EFC Response Memorandum to Provost Armstrong's letter of
16 August 1999

MEMORANDUM

DATE: 29 September 1999

TO: William G. Tierney
President: Academic Senate

FROM: Joseph Kunc
Chair: Engineering Faculty Council

Bart Kosko
Vice-Chair: Engineering Faculty Council

SUBJECT: Faculty Governance: Response to Provost Lloyd Armstrong's 16 August 1999 letter stating that he will not accept the Senate's May resolution on electing department chairs.

SUMMARY

The President of the Academic Senate asked each faculty council chair to respond to Provost Armstrong's letter of 16 August 1999. The Provost states in this letter that he will not accept the Senate's May resolution to modify the language of the *Faculty Handbook* dealing with selecting department chairs. The Senate voted on May 12th to replace "and/or" with "and" in the following sentence: "The chair of a department is appointed by the dean, following selection by (1) departmental election and/or (2) thorough consultation with the full-time faculty of the department and of related departments." This memorandum gives the response of the Engineering Faculty Council (EFC) on this core issue of faculty governance. The EFC has approved this response in an unanimous vote. The response has three parts.

The first part states the history and context of the resolution. The senators from the School of Engineering proposed the resolution. Senate Past President Lawford Anderson seconded the motion. The resolution arose from a March referendum of the engineering faculty on a like resolution. Roughly half of the tenure-track faculty voted with nearly 80% approving the measure. The Senate duly debated the resolution and considered the two arguments that the Provost gives in his letter.

The second part analyzes the Provost's letter. The letter omits the crucial "extraordinary circumstances" clause in the very next sentence of the *Handbook*. This clause gives the administration full discretion to ignore or even bypass any election. The letter states that faculty votes "make no sense" in "small" departments. But even appellate courts decide most appeals by the vote of three-judge panels. The letter further states that elections may "lead to a destructive polarization." But administrative appointment offers no more legitimacy than does a democratic vote and may well produce even more polarization. Neither the Senate nor the Board of Trustees invokes such a provision when they elect their members and leaders.

The third part concludes with a suggestion for future action: The Academic Senate should conduct a faculty-wide referendum on the resolution. Electing department chairs is so central to faculty governance that the Senate should hear from the entire faculty before it further discusses or negotiates this issue with the administration. The gravity of this issue makes the issue too important for any Senate committee to decide it.

I. HISTORY AND CONTEXT OF THE CHAIR-ELECTION RESOLUTION

The selection of department chairs is a core issue of faculty governance. That is why we believe that the current members of the University's faculty councils and the

newly convened Academic Senate should know the history and context of the 12 May 1999 vote (Resolution 98/99-11) in the Academic Senate on the election of department chairs. We also believe it is important to make clear what the resolution does and does not state.

1. The Resolution Replaces "OR" with "AND"—not with "EITHER-OR"

The Engineering Faculty Council's (EFC's) Academic Senate representatives proposed the motion to amend the *Faculty Handbook* to replace the inclusive-or disjunctive connective "and/or" with the conjunctive connective "and" in Section 2-1-C Academic Organization: "The chair of a department is appointed by the dean, following selection by (1) departmental election and/or (2) thorough consultation with the full-time faculty of the department and of related departments" (emphasis added). Hence the resolution amounts to a one-word change.

A key point is that the motion did *not* replace the "and/or" connective with an exclusive "either/or" connective whereby a vote would replace faculty consultation in the process of selecting a department chair. Nor did the resolution unconditionally omit "thorough consultation." So it is wrong to assume that voting would replace faculty consultation. Chair selection would instead depend on both. The current language of the *Handbook* permits deans to appoint chairs without a secret election of the department faculty. This occurs routinely in some schools and occurs occasionally in others. Voting to select department chairs is common but not uniform across schools.

A further and crucial point is that the subsequent language of the *Handbook* would still allow the administration to select chairs in "extraordinary circumstances." We discuss this point below in Section II.

2. The Senate Motion Arose from a Vote of the School of Engineering Faculty

An EFC member brought the issue of chair election to the EFC in the early spring of 1999 because of that member's department's past experience with the dean appointing department chairs. The EFC agreed then in an unanimous vote that the all departments in the School of Engineering should elect their chairs. The vote was not binding on the Dean because the by-laws of the EFC authorize the EFC only to advise the Dean. But the same by-laws authorize the EFC to conduct faculty polls: "IV. Role. The Council will...C. Call special meetings of the faculty or conduct faculty polls." The EFC voted to conduct such a poll because of the importance of chair selection to faculty governance and because a secret-ballot poll gives a direct measure of the will of the faculty.

The EFC carried out a school-wide referendum in March on the following yes-no proposal: "All departments in the School of Engineering shall elect their chairs by secret

majority vote of all department faculty. Elected chairs shall be tenured, senior faculty and shall serve for three years. Nominations and elections shall take place during the spring semester of the third year of the current chair's term. The three-year term of the chair-elect shall commence on the following September 1st."

The Dean of the School of Engineering sent a broadcast email to all engineering faculty during the voting period to explain the language of the *Faculty Handbook* on chair selection and to state that "I fully recognize the need for appointing chairs who have the strong support of their department faculty. In the School of Engineering, elections have almost always been held and the individual chosen by the department normally is appointed chair. The dean's office has overseen the process when necessary."

One engineering faculty sent a broadcast email to the faculty as a follow-up to the dean's broadcast message near the end of the voting period. His email message criticized the language of the ballot measure as "very poorly formulated since it does not address the issue of recruitment of a chair from outside the department." His message further suggested the change to the *Handbook* that formed the basis for the Senate resolution: "If you want a revision that makes election central to the process, why not vote on changing 'and/or' in the current *Faculty Handbook* wording to 'and'?"

The vote was overwhelmingly in favor of the EFC's proposal. Roughly half of the tenure-track faculty casts votes with nearly 80% approving the measure. The vote count was 49 yes to 13 no (with 3 votes declared invalid).

That favorable vote outcome led the EFC officers and Academic Senate representatives to propose a like measure to the Senate. They based their proposed resolution on the earlier suggestion of replacing "and/or" with "and" and on the language of the Provost's and Academic Senate's Joint Sub-Committee on the Review of Deans and Department Chairs.

Then on 14 April 1999 the EFC submitted the following resolution to the Academic Senate's Executive Committee: "Amending Chair Selection Procedure in *Faculty Handbook*. Whereas, the Provost's and Academic Senate's Joint Sub-Committee on the Review of Deans and Department Chairs has found that: (1) 'Fundamental to the success of a Chair is a capacity to coalesce interest and commitment to this objective with his or her faculty' and (2) 'The core ingredient is that whatever steps are taken are believed by those who take time to be serving their interest, and that their stake in a common venture is enhanced by taking them'; whereas, elections add credibility and serve to imbue a Chair with increased power to coalesce interest among the faculty; therefore, it is resolved that the Academic Senate recommends to the President of the University of Southern California that the Faculty Handbook, Section 2-1-C Academic Organization be revised by replacing words 'and/or' with the word 'and' in the paragraph concerning procedures for appointment of department chairs."

3. The Senate Vote Followed Due Deliberation and was Entirely Valid

The Senate heard the motion to approve the chair-election resolution at its last meeting of the semester on 12 May 1999. Senate Past President Lawford Anderson seconded the motion. The minutes of that meeting show that the Senate duly debated the proposed resolution. Each senator was fully informed on the matter because each had a copy of the motion and the relevant section of the *Faculty Handbook*.

Critics of the resolution stated the two objections to it that deal with voting in small departments and in "polarized" departments that the Provost cited in his August 16th letter to explain why he does "not believe that an election will always be the best way to evaluate the results of that [faculty] consideration" and that we discuss in the next section. The Senate voted 12 to 8 in favor of the resolution (with 7 abstentions) despite these two objections. Hence the vote was 60% in favor and 40% opposed.

We note that a dissenting senator observed at the first meeting of the Senate this semester on 15 September 1999 that the combined 8 no votes and 7 abstentions exceed the 12 yes votes (56% no/abstain to 44% yes). That is true. But it is equally true that adding the 7 abstentions to the 12 yes votes would result in an even greater majority in favor of the motion (70% yes/abstain to 30% no). Splitting the abstention "votes" would seem the fairer way to treat them. But splitting them would not have changed the vote outcome.

Nor does a "large" proportion of abstentions invalidate a vote. A "large" proportion of American voters abstains from voting for President and for other officials because these voters do not vote at all. Indeed only a minority of the electorate elects the President. Yet no one suggests that the subsequent Presidential vote is not valid.

II. ANALYSIS OF THE PROVOST'S LETTER

Provost Lloyd Armstrong sent Academic Senate President William Tierney a letter on 16 August 1999 that states that the Provost and President will not accept the Senate's proposed change of "and/or" to "and" in the *Handbook*. The Provost's two-paragraph letter is short enough to restate it here in full:

"On May 13, 1999, Greg Thalman sent me a resolution passed by the Academic Senate regarding a proposed *Handbook* amendment on Chair Selection (Resolution 98/99-11). As required by the Trustees as part of the consultative process that might lead to a change in the *Faculty Handbook*, I have discussed this proposed amendment with the members of the Provost's Council as well as with several other members of the senior administration, including President Sample.

"The consensus is that it is not in the best interest of the University to accept this proposed amendment to the *Faculty Handbook*. While everyone with whom I consulted

supports the idea that chairs should only be appointed following full consideration by the faculty of their department, we do not believe that an election will always be the best way to evaluate the results of that consideration. For example, in some cases, departments are so small that elections make no sense; in others, the climate might be such that an election is likely to lead to a destructive polarization. I personally believe that the present system that provides options for evaluating faculty opinion has served us well, and will continue to do so in the future."

Senate President Tierney has asked each faculty council to respond to the Provost's rejection letter. We now do so as we consider the Provost's arguments.

1. The Letter does not consider the "Extraordinary Circumstances" Provision in the Handbook

The Provost's letter casts the resolution as requiring that "an election will always be the best way to evaluate the results of that [faculty] consideration" (emphasis added). The letter's last sentence confirms this reading of the resolution when it states that the present system "provides options" (emphasis added) and thus the proposed system in the resolution does not.

But this reading casts the quantifier "usually" as "always". For the subsequent language of the *Handbook* on chair selection lets the administration override the voting process in "extraordinary circumstances": "Appointments would normally be in conformity with department members' judgments. If, in extraordinary circumstances, agreement is not reached after such consultation and consideration, the dean shall consult with the appropriate vice-president(s), who shall have the full and separate reports and recommendations of the departmental faculty, prior to decision" (emphasis added).

The *Handbook* does not explain how to tell such extraordinary circumstances from non-extraordinary ones. So this gives the administration full discretion in exercising this option. Again each senator had a copy of the complete language from the *Handbook* when the Senate heard and passed the resolution in May. And the senators from the School of Engineering made a point of calling out the broad discretion of the "extraordinary circumstance" clause. Changing "and/or" to "and" did not alter the other language in the *Handbook*. Hence the resolution does not require elections come what may.

The resolution requires that faculty will usually but not always elect their chairs. This measured approach is not trivial because it restricts the exceptions to voting to just those cases that rise to the high standard of an "extraordinary circumstance." We presume that a few controversial cases would in time come in practice to define such circumstances or at least illustrate them.

We also note that President Tierney's 1 September 1999 letter to all council chairs asking for responses to the Provost's letter also casts the resolution in terms of "always" rather than "usually" per the "extraordinary circumstances" clause: "As you will see, the

resolution that passed the Senate stipulated that all department chairs must be elected." Again this is simply and crucially not so.

The Provost's letter also suggests in its "options" sentence that the resolution would allow voting only. Changing "or" to "and" does not eliminate the current *Handbook* option of "thorough consultation with the full-time faculty of the department and of related departments." Indeed it requires this second option. The point is that the resolution did not replace the inclusive "or" of the informal "and/or" connective with the exclusive "or" of "either/or" (in the sense of either option *A* or *B* but not both or neither). That would have been a very different resolution—as would have been one that required elections only.

The logic of the resolution also allows for null votes: Departments can vote not to vote for a chair (perhaps by voting for that option or voting for "none of the above") and still maintain the legitimacy of the democratic process. The null-vote option further weakens the alleged extreme "always" status of the resolution.

The change from "and/or" to "and" in one sentence of the *Handbook* retains the full force of the *Handbook* language in the very next sentence, it maintains and requires the option of faculty consultation rather than eliminates that option, and it allows for null votes.

2. The Small-Department Argument is Not Persuasive

The Provost's letter asserts that elections are not the best way to select chairs when "departments are so small that elections make no sense." But just when is that? If a department is so small that elections make no sense then does the department itself make sense? And why would appointing the chair make any more sense?

Sample size does affect the structure of a democratic vote. A voter has increasingly more say in the election outcome as the number of voters falls. But this means that the election process only empowers voters as the number of voters falls in a department. Why would voting not make sense for such small departments? And if there are some objective cases where this holds then why not suggest the appropriate clause in the *Handbook* that would restrict the resolution from holding in just those cases?

The integer nature of voters lets us check cases. Suppose first that a department has only one person in it. Then either that person has no chair or that person is the chair. Voting is pointless in either case but not nonsensical per se. Suppose next that a department has just two persons in it. Voting can make sense even in this highly unlikely case. The two faculty members may both vote to elect one or the other as chair. Or they may both vote for themselves or for each other. Then the "extraordinary circumstance" clause could apply and the administration could choose for them. Or they could vote to have no vote and so again they could invite the administration to choose for them. Or they could vote on some fair (equally likely) selection method such as a flipping a coin.

The case of just three faculty clearly allows for meaningful votes. Faculty panels and committees with three members vote this way all the time. They do so with and without secret votes and despite potential "hard feelings" among the voters. Indeed both state and federal courts of appeal use three-judge panels to vote whether to grant or deny appeal requests (except in rare cases where many judges sit *en banc*) and thus to set often crucial legal precedents.

The cases of four, six, eight, or other even-numbered departments do allow for split votes but again here either the "extraordinary circumstances" clause can apply or the department can vote on some other tie-breaking method. Simple majority votes will always be meaningful in odd-numbered departments with three or more faculty. Again faculty routinely vote among themselves in such numbers when they assemble as subgroups in departments or in research institutes or in other academic units.

The alleged senselessness of voting nowhere emerges in this enumeration of cases. And in any case the "exceptional circumstances" clause could cover this undefined problematic case.

3. The Polarization Argument is not Persuasive

The Provost's letter further says that an election is not the best way to select a chair when "the climate might be such that an election is likely to lead to a destructive polarization."

This polarization claim is no more obvious than the prior claim about the voting in small departments. And the "extraordinary circumstances" clause could also cover it. This also suggests that appointing a chair amid such volatile politics would somehow avoid such "destructive polarization." But why should it? An appointment that overturns or bypasses an election in such a charged political atmosphere might just as well exacerbate the destructive polarization as lessen it. An election might well be the lesser of the two "destructive" outcomes.

The point is that the key issue is not the popularity of the outcome. The key issue is the legitimacy of the selection process. But any such appointment process can never have the same moral legitimacy as participatory democracy. Only the imperfect process of (secret) voting has ever succeeded at expressing the unforced consent of the governed.

And once again the "extraordinary circumstances" clause in the *Handbook* allows the administration to pick chairs despite or even without an election in such allegedly problematic cases.

The polarization argument also does not generalize. Why not ban voting at any level of society if the results would produce "destructive polarization"? Can we apply this reasoning to all divisive or contentious majority votes that pass 51% to 49%? Why not be consistent and apply such limits to how the faculty vote for their leaders in the faculty councils or in the Senate? Would USC's own Board of Trustees not vote for

directors or other leaders if the outcome might unduly polarize members? Why should university faculty be an exception?

4. The Letter Does Not Address the Rationale of the Resolution

The Provost's letter does not address the "whereas" arguments in the language of the resolution. We stress that the first two "whereas" arguments come from the Provost's and Academic Senate's Joint Sub-Committee on the Review of Deans and Department Chairs:

- a. "Fundamental to the success of a Chair is a capacity to coalesce interest and commitment to this objective with his or her faculty."
- b. "The core ingredient is that whatever steps are taken are believed by those who take time to be serving their interest, and that their stake in a common venture is enhanced by taking them."

This gets to the heart of the issue: Do faculty have the right to pick their own leaders? The practice of such democracy is increasingly common at other universities and throughout the world.

There is no question that such participatory democracy strengthens faculty morale, improves faculty retention and recruitment, and sets an honorable example for the students we teach. But should the right of the faculty to vote for its faculty leaders at the department level have to rest on pragmatic arguments? Should not democracy simply be the moral default?

III. CONCLUSION: LET THE FACULTY VOTE ON THE RESOLUTION

We have shown that the arguments in the Provost's letter are not persuasive and that they do not overcome the crucial "extraordinary circumstances" clause of the *Faculty Handbook* that would provide for the two cases the letter puts forth to oppose the election process. We fully understand that USC is a private institution and that the Senate and faculty councils serve only an advisory role to the administration. The Provost can legally reject any resolution that the Senate approves. But such actions can easily demoralize the Senate and the faculty at large. Why should any faculty member spend the many hours of service required in any form of faculty governance if the process is wholly or even partly an ineffective one? The opportunity costs are simply too high. The collegial process requires compromise on both sides—and compromise based on reasoned argument.

This lone instance of the Provost rejecting the current Senate resolution by no means proves that the Senate's advisory process is itself unreasonable. Provost vetoes can provide a healthy check on potential Senate excesses. But the current action does raise

an important and more general point: What recourse does the Senate have if the administration rejects its duly processed resolutions?

The origin of the current resolution suggests a general answer for at least those vetoed resolutions that clearly affect faculty governance: Poll the faculty.

1. The Senate Should Conduct a Faculty-Wide Referendum on the Resolution

The Engineering Faculty Council put its initial resolution on electing chairs to a yes-no vote of the engineering faculty. This simple but potent action had many effects. It secured a direct measurement of the will of the faculty on a central issue of faculty governance. It let all faculty directly participate in the EFC's decision-making process. And it gave the council a mandate to share not only with its dean but with the Senate and the administration.

We suggest that the Academic Senate do the same: Conduct a yes-no faculty-wide vote on the resolution. Such a focused referendum on an issue that affects every faculty member would give the Senate a direct and statistically significant measure of the will of the entire faculty. The proportion voting or abstaining would be meaningful. The vote result itself would be meaningful and might strengthen or weaken the Provost's claim about voting in small or polarized departments. This information would in turn help the Senate decide whether to pursue or drop further negotiations on the matter with the administration.

The crucial point is that no Senate committee should have the power to decide this issue or any other issue that arises from a duly processed Senate resolution. The very gravity of a veto on such an important issue of faculty governance warrants a direct and immediate response from the entire faculty. We should not only inform our faculty peers. We should consult them.

11 February 2000

Professor William G. Tierney
President: Academic Senate
School of Education
WPH 701C
Mail Code 0031

Dear Professor Tierney:

As you requested, please find enclosed the Engineering Faculty response to the "University of Southern California Intellectual Property Policy" – Drafted dated November 11, 1999.

The Response has been approved by the Engineering Faculty Council.

Sincerely,

Professor Joseph Kunc
Chair: Engineering Faculty Council

cc: Academic Senate
Lloyd Armstrong
Martin Levine
Cornelius Sullivan
Len Silverman
Engineering Faculty

11 February 2000

Response of the School of Engineering Faculty to the "University of Southern California Intellectual Property Policy" – Drafted dated November 11, 1999.

USC is among the top 20 U.S. universities in total volume of federally funded research, and among the top 10 private universities, yet lags far behind in royalties derived from faculty – invented intellectual property. These facts are not in dispute. However, the subject document (the "November 11 Draft") fails to identify any of the real reasons for this malaise, mistakes symptoms for causes, and prescribes a course of treatment based on a mistaken diagnosis which is certain to aggravate rather than cure the affliction.

The observation that universities which are highly successful in deriving royalty income from intellectual property also tend, on average, to allocate a larger percentage of the royalty income to the institution and a smaller percentage to the faculty is no doubt valid, but to believe that changing the distribution formula to further disincentive faculty invention is the first step toward improving the situation is absurd. (It is as logical as observing that rich people, on average, drive expensive cars, so the way to get rich should begin by buying an expensive car.) A university that has a proven track record of successfully licensing intellectual property is able to give a larger reward to the faculty inventor in the form of a somewhat smaller percentage of a far bigger pie, and innovative faculty may even seek out such institutions, having some concept of "total return" in mind. For USC, with its dismal record in this area, to put a significantly smaller carrot (28% instead of 50% after the first \$100,000 in royalties) at the end of the stick will have a predictable, and highly negative, effect on the incentive of faculty to submit invention ideas to USC. Even faculty members who have little chance of ever inventing anything lucrative are likely to feel that part of the trade-off when they selected USC rather than another institution was the possibility of a more generous royalty distribution, and will feel cheated when this is taken off the table. It is abundantly clear that the November 11 Draft was never shown to any expert in the psychology of motivation for comment and advice.

A tax on innovation may be penny wise, but pound foolish. We suspect that the biggest potential payoff from faculty creativity will ultimately come from the prosperity generated by independent start-up companies fueled by our creative inventions. The experience of Stanford suggests that not only is a wealthy community better equipped to

support our university, but also tax law provides strong incentives for the donation of their highly appreciated assets such as may generated by the most successful inventions. Even modest licensing fees or administrative red-tape runs the risk of killing the fragile spirit of innovation.

One provision in the November 11 Draft appeared to assert that anything posted on the Internet by faculty is automatically the property of the University. Since the lecture notes for our courses on the Instructional TV Network are all posted on the Web, for the convenience of our students, this would transfer ownership of our lectures, which have historically been the property of the faculty members, to the University. This is totally unacceptable. Moreover, there are many other examples of material that faculty members may wish to post on the Internet without relinquishing ownership.

We feel that it is very important that the whole intellectual property (IP) policy and the office that must implement it both reflect a complete and coherent strategy for IP development. A strong and highly incentivized IP office that can turn around a patent application quickly and effectively will be welcome by faculty. Finally, more attention needs to be paid to the process whereby these policies get drafted and discussed.

This Response of the Engineering Faculty concludes with three appendices, drafted by several faculty members with extensive personal experience in deriving royalty income from intellectual property. The first one describes what an effective IP policy should address. (These items are conspicuously absent in the November 11 Draft.) The second appendix explores the true benefits a university may derive from IP in a much broader context than merely trying to extract royalties by licensing. The third appendix focuses specifically on the proposed changes in royalty distribution and the actual effects that the draft policy, if adopted, would have.

APPENDIX 1

Objective for IP policy:

To maximize the incentives and the opportunities for academic researchers and the university to develop and commercialize intellectual property that will benefit society.

Concerns:

- 1) **Policy must deal with situations in which IP has value but the university is unable or unwilling to exploit it.** It is essential that the university have right of

first refusal regarding all IP developed in the course of university employment. Letting IP fall into the public domain by omission greatly reduces the possibility that it will serve the public good by being incorporated into commercially available products. Thus, there needs to be a clear and efficient procedure for the university to determine if it is interested in IP that is brought to its attention, pursue it vigorously if it is interested and to release it promptly back to the inventor if it is not interested.

- 1) **Policy must deal with situations in which imminent public disclosure threatens patentability.** It should be a part of the duties of faculty and department heads to be aware of the potential of their research programs to generate IP and to notify the university IP office promptly when potential IP is identified. Unfortunately, this realization often accompanies the preparation of manuscripts and public lectures that cannot or should not be delayed. The university IP office must have facilities to respond rapidly to notification of IP by drafting and filing provisional patent applications, often before making a final decision about the value and interest of the university in the IP. If the university ultimately declines the IP, the relatively minor cost of the provisional application can be passed on to the inventors in return for release of university rights.
- 1) **Policy must deal with situations in which the creator of the IP is naïve about its value or the appropriate route to commercialization.** It is often disastrous to allow IP be pursued by naïve university professors without the advice and direction of professional IP managers. This route also may impact adversely on the professor's academic career, in which the university has a vested interest. The policy should require the university to consult actively with the inventors of the IP regarding suitability of potential commercial partners, terms of licensing, and availability of continuing consulting and R&D services. However, the university must have ultimate control over IP that it chooses to develop and must be able to convey unencumbered rights to commercial partners.
- 1) **Policy must deal with situations in which individual contributions to IP development become contested.** It is essential that the university have clear policies regarding obligations to disclose, ownership and sharing in returns among all faculty, staff and students. The participants in research projects need to know the rules that govern its ownership and how they may be affected by the source of funds and the status of each participant. This must occur before IP is created and should be a part of the terms of employment at the university. As soon as IP has been identified, the university must require the contributors to decide amongst themselves about their status as inventors and their share in returns, reminding the

contributors that these are independent considerations. There must be a pre-arranged policy for binding arbitration in the event of disputes. Waiting for IP to generate returns and then deciding how to apportion them is foolhardy at best. The best chance of an honest discussion of relative contributions comes before minds are clouded by the passage of time, by subsequent development work that is not actually invention and by the presence of money on the table.

- 1) **Policy must deal with collaborative research projects involving other institutions.** There needs to be a clear and mutually agreeable policy for controlling IP and apportioning returns arising from research projects with various forms of consortium, subcontract and collaborative relationships. Somehow this must be done without impeding the development of those relationships, which are often formalized in the last few hectic days before a grant proposal is submitted. I would suggest drafting a “standard” policy based on consultation with other universities now involved in collaborative research with USC. That standard policy statement would then be attached to new subcontract agreements as they arise. If the collaborating institution objects (which will probably be rare), USC should consult promptly with the researchers at both institutions and either accept the policy of the collaborating institution or arrive at a compromise.

Conclusions:

In IP policy, it is best to “Lead, follow or get out of the way.” At USC we have two important advantages to exploit. First, there already is a lot of leadership out there and we can follow the extensive history of policies and solved problems at other institutions. Second, as a private institution, we should have less of the CYA paralysis that gets in the way when those who should be leading are worried about being hauled up before a legislative committee second-guessing their policies. In the end, though, IP policy is evolving rapidly. We cannot be leaders in technology development without being leaders in IP policy.

APPENDIX 2

Every university that has been effective in leveraging its faculty inventiveness did it because of faculty (and alumni) good will. The Bayh-Dole Act gave IP rights (for

inventions etc arising from Federal Research Contracts and Grants) to universities because the government did such a bad job of tech transfer. USC (and most other universities) have been no more successful than the federal government in tech transfer. When the university tries to maximize any kind of royalty income, it places a burden on the company who will develop the intellectual property. This is no big deal if we are successful in licensing to large, established companies -- but all universities record with the large companies is probably very spotty -- our best market is startups.

Small companies often start on a shoe string, and royalties are as bad a liability as excessive bank debt. USC should encourage small companies to develop USC IP by helping make the small companies successful. It should try even harder to help if our alumni or faculty are involved as founders of the company. There are so many examples of grateful former students and faculty who reward their institutions with gifts many times what any royalty stream would have been.

The university can help by:

- (1) Releasing ownership rights to IP that is of value to small faculty/alum startup promptly.
- (2) Taking equity in lieu of royalties.
- (3) Assist startups in getting the right kinds of management and financial help.
- (4) Be perceived as a positive force -- not as a negative influence.

We stress BOTH faculty and alums. The behavior of the University of Illinois in the Mosaic/Netscape fiasco was a case where a university that had been successful in its IP policies tried to greedily cut out a student developer, and left such hard feeling that the student would never give anything to the university. UIUC has literally dozens of former students and faculty give many times the value of any royalties.

The university cannot do anywhere near the job in developing IP as a small private concern. The university MUST demand protection of its assets -- heavy insurance, indemnification from suit, etc, that startups don't worry about. Hence, USC assertion of OWNERSHIP of IP also accrues risks, and USC has too much to loose.

If USC cedes ownership graciously and promptly (just because we own some property, doesn't mean that we have to behave stupidly about it), the risk of liability is traded for the risk of "success" in equity we take in any new venture. Our expenses should be greatly reduced, and our negative influence would disappear.

Both university and faculty greedily seeking the maximum fraction of nothing is rather pointless. Inventors know that they have to trade ownership for increased likelihood of success. We should leave venture capital and tech transfer to professionals, and get back to our fundamental business.

While we have the greatest respect for our colleagues who deal with IP for the university, the truly skillful in this area are not making university salaries, and subject to second guessing by numerous administrators. We do best at teaching and research. Microsoft never saw the need to give degrees or compete in the NCAA, why do we think we can do their business better?

APPENDIX 3

The key issue is this: Right now USC splits royalties 50-50 with the inventor. The November 11 Draft reduces the inventor's share to 28%. The school's idea seems to be that it wants to get the goose to lay more golden eggs by feeding it less. But the proposal is worse than this in at least three ways:

- (1) it sets up a DECREASING sliding scale for royalties after the first \$100,000 (no book contract in history has ever scaled royalties down with increasing volume),
- (2) it maintains the current practice of letting USC deduct not only filing expenses but "expected expenses"—many of us licensed patents through USC and still have not seen a penny of it,
- (3) it not only gives royalties to the department (chair) and school (dean) but slides up their cut from 12/5% to 17% once royalties hit the \$100,000 threshold.

This proposed policy and tweaks of it simply do not make it worth the while of faculty to pursue a patent with USC. The policy effect would be to further demoralize the faculty, to politicize the creative component of research by paying department chairs and deans to meddle in the creative process, reduce the expected salary of a faculty member and thereby on the margin increase faculty attrition (especially among the most creative) and decrease recruitment of creative faculty, and of course to encourage more faculty to file patents outside the university.

We feel that to the extent there is a problem with patents at USC it is on the distribution side and not on the production side. In fact if it were on the production side one could argue to increase the current 50% share to inventors. But the problems lie squarely with our patent office. There is a lot we could do to streamline our review and filing process and most of all to improve how USC markets its patent portfolio. The policy proposed in the November 11 Draft does not even address this issue.

March 2, 2000

Connie Roque
Academic Senate
University of Southern California
UUC 4th floor
Los Angeles, CA 90089-2991

Dear Connie:

I was told by Bill Tierney that Costas Synolakis, a Senator from the School of Engineering, has already been a nominee of the Senate Nominating Committee for the Senate Executive Board. Therefore, this is the Engineering Faculty Council nomination of Michael Safonov (EE), a write-in candidate to the Senate Executive Board as its member-at-large. (The Engineering Faculty Council unanimously selected both Michael Safonov and Costas Synolakis as the Council candidates to the Executive Board during the EFC meeting on February 2, 2000.) The candidacy of Michael Safonov is supported by the following five Senators: Peter Heseltine, Harvey Kaslow, Bart Kosko, Joseph Kunc, and Nelly Stromquist.

Sincerely,

Joseph Kunc
Chair of the Engineering Faculty Council

cc: Engineering Faculty Council

5 March 2000

Professor William G. Tierney
President: Academic Senate
School of Education
WPH 701C
Mail Code 0031

Dear Professor Tierney:

Please find enclosed the Engineering Faculty Council White Paper proposing change of policy on benefits for Research Faculty.

The proposal has been unanimously approved by the Engineering Faculty Council.

Sincerely,

Professor Joseph Kunc

Chair: Engineering Faculty Council

White Paper

Proposal for Academic Senate Policy Change on Benefits for Research Faculty

Summary:

This is a recommendation for a change in the benefits policy for USC Employees with the title Research Faculty. Specifically, it addresses an inequity that has developed between the benefits of this payroll classification and all other payroll titles in the University. When a Research Faculty member drops below 100% time, he/she loses all medical benefits and several other benefits. By contrast, exempt staff, non-exempt staff and tenure-track faculty who are between 50 and 99% time all retain those same benefits. We believe there is no reason for this inequity other than the lack of advocacy that exists for this group. This document endorses remedying this inequity by making the part time benefits policy for Research Faculty the same as the other payroll categories.

Value of Research Faculty:

Research faculty play a considerable role in the reputation of the School and University. Their research and funding for example has a significant impact on US News and World Report Rankings. They mentor students and guide student research. And they often teach.

Financial Background:

Research Faculty are generally supported on soft money (e.g., research contracts), and as such pay into the fringe benefit pool. In this sense, they are already paying for the benefits we are proposing they receive. The number of Research Faculty in the School is small and the cost of providing benefits to the faculty will be relatively insignificant.

Marty Levine and Janis McEldowney are evaluating the impact of such a change University-wide and will have the information available shortly.

To: Cornelius Sullivan
Vice Provost
From: Joseph Kunc
Chair of Engineering Faculty Council
Date: May 1, 2000
Subject: Follow-up request for explanation

Dear Provost Sullivan:

More than two months ago, at the Academic Senate's monthly meeting on February 16th, you said you would send the Engineering Faculty Council a written response to the IP (Intellectual Property) document that the EFC prepared in response to your November 11, 1999 draft of IP policy. So far we have not received your response. It is important that we do since we are to debate this matter again at the Senate's next meeting on May 10th.

Thank you for your cooperation.

May 2nd, 2000

Joseph,

I am absent from campus and will not return until Monday May 8th.

Neal

At 09:36 AM 4/30/00 -0700, Joseph Kunc wrote:

To: Cornelius Sullivan
Vice Provost
From: Joseph Kunc

Chair of Engineering Faculty Council

Date: May 1, 2000

Subject: Follow-up request for explanation

Dear Provost Sullivan:

More than two months ago, at the Academic Senate's monthly meeting on February 16th, you said you would send the Engineering Faculty Council a written response to the IP (Intellectual Property) document that the EFC prepared in response to your November 11, 1999 draft of IP policy. So far we have not received your response. It is important that we do since we are to debate this matter again at the Senate's next meeting on May 10th.

Thank you for your cooperation.

Cornelius W. Sullivan
Vice Provost for Research
Administration Bldg. Room 300
University of Southern California
Los Angeles, Ca 90089-4019

Phone:(213) 740-6709
Fax: (213) 740-8919
e-mail: csulliva@usc.edu

To: School of Engineering Faculty

From: Joseph Kunc
Chair: Engineering Faculty Council

Bart Kosko
Vice-Chair: EFC

Date: 24 May 2000

Subject: Academic Senate vote on EFC resolution to restore dismissal language

The Academic Senate voted at its last meeting on May 10th to approve a resolution that the EFC had earlier approved unanimously. The resolution passed with no opposition (and two abstentions). The resolution calls for a small language change to the Faculty Handbook. The collegial process requires that the Senate now take the approved resolution to the Administration for its approval.

The resolution simply restores the original language on faculty dismissal in the 1987 version of the Faculty Handbook. The new on-line version seems to have occurred by oversight but in any case makes it far too easy to dismiss tenured faculty. Allegations in a new lawsuit from a dismissed tenured faculty member in the Health Sciences Campus led the Senate to investigate how this language changed. The Senate found that someone on a handbook committee in 1996 or 1997 inadvertently changed two commas to a semicolon and moved a logical 'or.' This small grammatical change had a profound logical and legal effect. It lowered the former dismissal hurdle from the high bar of "misconduct, dishonesty, or conflict of interest that brings severe injury or discredit to the University" to the low bar of any misconduct or any dishonesty or any conflict of interest whatsoever.

We accepted a friendly amendment from a senator from the Health Sciences Campus. The amendment emphasizes that the on-line version of the Handbook is not necessarily the current Senate-approved version of the Handbook. The full text of the original resolution follows.

Academic Senate Resolution

DISMISSAL LANGUAGE RESTORATION

WHEREAS protecting tenure is essential to protecting academic freedom and to advancing the educational mission of the university,

WHEREAS dismissing tenured faculty should occur only for good cause and only after adhering to the highest standards of fairness and due process,

BE IT RESOLVED THAT

the Academic Senate asks the Administration to replace the paragraph on faculty dismissal in the current on-line version of the Faculty Handbook (Section 3-6 Conditions on Tenure) that reads

“Tenured faculty may be dismissed, demoted, or prematurely retired for adequate cause (See section on Faculty Dismissals) only upon proof of one or more of the following: serious neglect of duty; incompetence; major violations of academic freedom; misconduct; dishonesty; conflict of interest that brings severe injury or discredit to the University; or moral turpitude related directly and substantially to the fitness of the faculty member in his/her professional capacity as a teacher or researcher.”

with the paragraph on faculty dismissal in the 1987 version of the Faculty Handbook that reads

“Tenured faculty may be dismissed, demoted, or prematurely retired for adequate cause (See section on Faculty Dismissals) only upon proof of one or more of the following: serious neglect of duty; incompetence; major violations of academic freedom; misconduct, dishonesty, or conflict of interest that brings severe injury or discredit to the University; moral turpitude related directly and substantially to the fitness of the faculty member in his/her professional capacity as a teacher or researcher.”

This proposed language makes exactly two changes to the current language: (1) it replaces the semicolons after ‘misconduct’ and ‘dishonesty’ with commas and (2) it moves the logical connective ‘or’ from the beginning of the last clause to the beginning of the clause that begins with the phrase ‘conflict of interest.’

EFC Special Tasks and Committees

TO: Members of the Engineering Faculty Council

FROM: Joseph Kunc
Chair of the Engineering Faculty Council

DATE: October 8th, 1999

SUBJECT: New Committees of EFC

CC: Lloyd Armstrong Jr, Provost of the University of Southern California
Leonard Silverman, Dean of School of Engineering

The EFC unanimously approved several committees of the Council during its October 6th meeting. The EFC thanks very much all the faculty who have agreed to serve on the committees. The committees are (in random order):

- 1) ***Committee on Changes to EFC By-Laws*** (Firdaus Udwadia) to propose changes to the existing By-Laws.
- 1) ***Committee on Food Services*** (Costas Synolakis) to analyze the situation in food services.
- 1) ***Committee on Representation of Faculty on the School Merit Review Committee*** (Steven Nutt, Mike Safonov (Chair)) to establish a faculty representation on the School of Engineering Merit Review Committee.
- 1) ***Committee on ITV*** (Mike Gruntman (Chair), Antonio Ortega, Massoud Pirbazari) to organize faculty support for and participation in growth and improvement of the School ITV program.
- 1) ***Committee on Distance Learning*** (Peter Beerel, Dan Erwin (Chair), Paul Rosenbloom) to streamline participation of the School faculty in the development of distance learning in the School of Engineering.
- 1) ***Committee on Search for New Associate Dean for Research*** (George Papavassilopoulos, Paul Ronney (Chair), Firdaus Udwadia) to provide a contribution of the School faculty to the process of selection of the dean.
- 1) ***Committee on Patent Royalties and Rights*** (Geoff Shiflett, Vasilis Mar-marelis (Chair)) to analyze proposed changes to the rights.
- 1) ***Committee on Research Incentive Grants*** (Phil Muntz (Chair), Aluizio Prata) to reanimate the policy returning portions of research grants (“no-string attached money”) to the grants investigators.

- 1) ***Committee on Seaver Library*** (Najmedin Meshkati, Mohammad Sahimi (Chair)) to analyze the situation in the library.
- 10) ***Committee on the New Engineering Building*** (Henryk Flashner, Behrokh Khoshnevis, James Moore (Chair)) to monitor the progress of the initiative and the plans for allocation of space and for other uses of the Building.

The role of the committees is to diagnose the issues under their consideration, propose relevant solutions and recommendations in the best interest of the faculty of the School of Engineering and welfare of the School. The work of the committees end at the moment of submission of their final reports to the EFC.

The Council unanimously approved Mel Breuer as the Web Master of the EFC Web Site.

The Council unanimously approved Mike Safonov to continue as the EFC representative on the dean's Engineering Research Committee.

The EFC expects all the committees (but one) to submit their reports before the EFC meeting on December 1st, 1999. The exception is the *Committee on Search for New Associate Dean for Research*, which will deliver its report by November 1st, 1999.

Representatives of the EFC on the School Committees

The Engineering Faculty Council discussed representation of EFC on the APT's Merit Review Sub-committee during its March 1st, 2000 meeting and accepted the conclusions of the last-year discussions of EFC with APT. (It seems that the discussions produced an interim agreement that it would be productive to have 3 representatives of EFC on the sub-committee.) Subsequently, the Council voted unanimously to have the following faculty members as its representatives on the APT's Merit Review Sub-committee:

Edmond Jonckheere – *Engineering Computer Committee.*

Behrokh. Khoshnevis, George Pappavasiloopoulos, Costas Synolakis, Firdaus Udwadia
–*APT's Merit Review Committee.*

Micheal Safonov – *Engineering Research Committee.*

TO: Engineering Faculty Council

DATE: November 30, 1999

FROM: Committee on Research Incentive Grants

SUBJECT: Interim Report

The Committee's Charter is to "reanimate the policy of returning modest portions of research grant overhead to PI's and Co-PI's". The "reanimation" refers to the Research Incentive program that was planned for S.O.E Investigators earlier in this decade, but subsequently aborted due to budgetary pressures. The Committee's Charter is deceptive since it raises important issues concerning School governance and the appropriate role of Faculty involvement in the implementation of research directions through selective investments of resources. At this time it is only possible to present a preliminary outline of several issues that will require more careful analysis.

- 1) Some return to Investigators is useful and although generally rather small (few percent does appear to provide an appreciated incentive.
- 2) In order for a Research Incentive to be a permanent feature of the fiscal landscape, it needs to be institutionalized. That is, the incentive program should be no more vulnerable to transient plundering during budgetary emergencies than other important School programs.
- 3) The broader question of the use of the overhead returned to the S.O.E. should be studied. Since faculty investigators generate the funds, it seems reasonable that the Faculty should have some type of oversight role vis-à-vis the use of these funds. Of course, care must be taken to ensure a reasonable discretionary flexibility for the School's Administration. This particular issue may be a component of a more general "sunshine" policy concerning S.O.E. budgetary priorities. Such considerations are obviously delicate subjects and must be addressed from a balanced perspective. They are important because School directions are set by implemented budget priorities. An acceptable, meaningful mechanism for Faculty input to budgetary implementations needs to be formulated.

Acknowledgements: indent Data from earlier EFC studies of M. Gruntman and S. Nutt and a recent input on Research Incentives from Paul Ronney have been useful.

Miscellaneous

VOTING PROXY for MEMBERS of the 1999/2000 EFC

The name of the member issuing the proxy: _____

The name of the member receiving the proxy: _____

This proxy is for the issue : _____

that will be voted on during the EFC meeting held on _____

My position on the issue (circle one) : FOR or AGAINST or
ABSTAIN

Signature of the member issuing the proxy: _____

Date:
