

EPUS Committee Report  
March 2017

A second draft of the proposed revisions to Article 4 of Regents' Laws and Related Policy (Policy 4) is still out for vetting by the campuses. The status and feedback form for the [Regent Laws and Policies Review 2016-2017](https://www.cu.edu/regents/rlpreview) can be found at <https://www.cu.edu/regents/rlpreview>. **All faculty are encouraged to review the proposed revisions to the Regent Laws and Policies and provide feedback via the online submission site** to the review committees throughout the year. Concerns regarding this policy that were shared at the last Faculty Assembly meeting have been submitted via the online feedback form.

Unauthorized filming or recording of faculty and/or classes and unauthorized posting of films or recordings taken of faculty or during classes to social media has been brought to EPUS for discussion. Concerns about unauthorized sharing of course materials, including the intellectual property of instructors, have been raised during the discussions of unauthorized filming or recording.

- System APS 1014 Intellectual Property that is Educational Materials (<http://www.cu.edu/ope/aps/1014>) addresses the ownership of intellectual property developed by faculty for use in courses.
- Each Blackboard shell also contains a copyright statement ("The copyrighted materials posted to this course are intended for your personal use in this course and should not be shared with others or retained beyond the end of this course. To learn more about copyright visit <http://www.copyright.gov/>.")

A discussion will be held during the March Faculty Assembly meeting to help determine what, if any, action EPUS may want to pursue related to these concerns.

The *Guidelines for Externally-Funded Changes to Faculty Work Assignments* (dated December 20, 2004) were also brought to EPUS for review and comment. The *Guidelines*, including the comments and questions gathered by the committee to date, are attached to this report. A discussion will be held during the March Faculty Assembly meeting regarding the *Guidelines* and any additional comments or questions that faculty might have.

Multiple campus policies and system APSs (Administrative Policy Statements) along with the Regent Laws and Policies remain under review/revision. EPUS continues to monitor the progress of the system APS and Regent Laws and Policies reviews/revisions and will provide feedback as needed. The committee will also bring faculty-related campus policies to the Faculty Assembly for endorsement when the revised policies are ready for Faculty Assembly review.

Submitted

Andrea Hutchins  
EPUS Chair 2016-2017

TO: Academic Deans, Chairs, and Directors, and Faculty

FROM: Rogers Redding  
Vice Chancellor for Academic Affairs

SUBJECT: Guidelines for Externally-Funded Changes to Faculty Work Assignments

DATE: December 20, 2004

*Purpose.* These guidelines are developed to support decision-making regarding approval of commitment of faculty time to grants or other externally-funded activities (funded by gifts or extended-study activities, for example), associated course buyouts, and changes in workload allocation. These guidelines also address the use of salary savings resulting from such course buyouts.

It is intended that these guidelines be implemented in each unit as soon as possible, but no later than the Spring 2005 semester.

Primary responsibility for establishing policies regarding grant-funded workload changes rests with the Schools, Colleges, and Library. These guidelines encourage each academic unit to adopt a policy as a part of its formal governance that complies with applicable federal and campus requirements, and meets the basic requirements of these guidelines. In the absence of such a written unit policy on file in the campus Office of Research, these guidelines will serve as the effective policy for the unit until the unit's policy is developed.

#### Guidelines.

1. An externally funded buy-out of faculty effort for teaching a course should be budgeted at least at 10% of the faculty member's academic-year salary. It is also noted that faculty effort for service or other research activities may also be bought out, and the level of effort that is bought out must be devoted to the externally funded project. Exceptions will be made automatically when small grants from funding agencies outside or within the university formally designate maximum funding levels for course buyouts at less than the 10% of academic year salary.

**Rationale:** The government and other sponsors require that the university has established policies regarding course buyouts to demonstrate that faculty time funded by externally-funded projects is, in fact, committed to those projects. While the framework for course buyouts need not be identical across units, they should be well defined and documented. The use of a 10% minimum is based on recommendations from the Faculty Research Council and Faculty Assembly, and is consistent with best practices elsewhere. These guidelines will also provide a means for the Principal Investigator (PI) to calculate campus match on projects that fund faculty at a lower rate (as approved by the dean and chair), possibly increasing competitiveness of some proposals.

**Commented [AH1]:** Dates need to be changed

**Commented [AH2]:** Is this really meant to be a policy? The Subject Line states "guidelines" It needs to be clear and could be the reason why this is not used.

**Commented [AH3]:** Is this a 3-credit course? That seems to be the assumption based on the % time mentioned but it should be specified since not all courses taught are 3-credit courses.

The teaching requirements may be different for different Colleges, so a three-credit course in one college may not equate to a 3-credit course in another college. It may have to be referred to each college to define.

**Commented [AH4]:** For a tenure-track or tenured faculty member a 40% teaching load = 15 credits (or 5 courses at 3 credits each). That equates to 8% time per 3 credit course, not 10% time.

Why are faculty buying out a 3-credit course at a higher % time rate than they are actually getting credit for to teach it?

**Commented [AH5]:** Does the differential workload statement apply only in circumstances for grants or is this proposed 10% minimum implying that differential workloads in general can only deviate 10% from the standard distribution for the faculty line.

**Commented [AH6]:** There is also a disconnect between what the buyout is for a course and what an adjunct would get paid to teach the course (assuming it is an adjunct that is hired to teach the course that was bought out). Is that a concern?

**Commented [AH7]:** Lecturer pay seems to be all over the map, there's a good chance that this buyout and a replacement lecturer's compensation wouldn't match. This would be of concern if it affects salary savings as dealt with later in the document.

**Commented [AH8]:** This guideline needs to become a policy in order to satisfy the Federal Funders.

**Commented [AH9]:** Does this council still exist? If so, who serves on it?

**Commented [AH10]:** Where is 'elsewhere'? Is this a reference to the other CU campuses? Other universities?

2. Deans have the authority to approve differential workloads for faculty, including, but not limited to, course offloads for an amount less than 10% under special circumstances. These cases will be fully documented in the grant or gift application package and routing forms, and in the case of a grant, this reduced cost will be indicated as a campus match in both the proposal budget and proposal forms (e.g., routing forms, cost match forms).

**Commented [AH11]:** Where do department chairs enter the equation? Wouldn't they need to approve this as well?

**Commented [AH12]:** Again, should probably be broken down into credit hours

**Rationale:** This provision allows the campus to charge the full proportion of faculty salary on grants where this is possible, while retaining the flexibility to address internal and external circumstances in which full funding for course buyouts is not possible or appropriate.

**Examples.** There are several circumstances in which Deans would normally approve a lower buyout rate for courses, including: (a) providing special support to a non-tenured faculty member's research development; (b) responding to limitations in policy or documented standard practice associated with the funding agency's support for faculty time; (c) stimulating research and grant proposals in a particular area; and, (d) assisting a faculty member to enter a new specialty area with a grant application.

**Commented [AH13]:** Think this is a great thing to potentially offer NTTF/CTT, but it could be tricky in practice. Would NTTF who are not CTT need to have research listed in their yearly workload/document they are being evaluated on? Does every college allow them to do that? Etc... A lot of NTTF have to do any research on their "own" time, since that criteria isn't part of their yearly evaluation.

3. Faculty members may fund a small percentage of their salary as part of an externally-funded project without an associated course buyout. This would apply, for example, when a faculty member wanted to devote a small percent of his or her time (up to a maximum of around ten percent) to a grant project without a course buyout and as a result reduce his or her effort in service or other research activities. The portion of the faculty member's workload that is funded by an external project could come from the faculty member's effort in teaching, research, and/or service. It should be noted that if this tack is taken, any substitution must be negotiated with the Dean / Chair and the faculty AND documented in writing for auditing purposes.

**Commented [AH14]:** #3 has the same problem as already mentioned above. Who determines what percent from research or service is equivalent to the "small percentage" of buyout? Seems arbitrary and too much power given to the Dean

**Commented [AH15]:** What would that look like. Many faculty are doing at least some unfunded research and there should be some definitive framework for determining what those percentages should look like.

**Commented [AH16]:** Since service and research are not as easily quantified as teaching, how will it be determined what a % equates in those areas?

In addition, it should be possible for a faculty member to build up credit towards a course buy out, for example, by funding a small percentage of their salary from several smaller funded projects. And when that total funded buy out reaches the 10% AY salary level, a course buy out may be approved.

**Commented [AH17]:** Since we cannot work more than 100% (if receiving payment from a grant), assuming a 40 hour work week this should be 16 hours teaching, 16 hours conducting research and 8 hours service. This may be one way to attempt to quantify, though there are still a lot of challenges with quantification.

**Rationale.** In some cases it may be in the PI's interest to commit a small portion of time to a grant without an accompanying course, research or service commitment buyout. While it is important for the campus to demonstrate reduction in other work assignments when commitments are made to externally-funded projects, this provision allows small time commitments to projects, at the request of the PI, without accompanying formal changes in teaching, research, or service responsibilities.

**Commented [AH18]:** This is confusing. Several "small" projects are as time consuming as a large one. Does this send the message that only large grants are valued?

4. Unless otherwise documented prior to submission of a grant or gift application, the salary savings resulting from course buyouts should be distributed as follows:

- Two-thirds of the salary savings, but no less than twice the honorarium rate in the college, to remain in the instructional unit (e.g., department).
- The remainder goes to the college. There is a presumption that these salary savings will remain in the college unless a critical situation occurs such that campus wide redistributions across colleges are necessary to sustain current programs. Any redistribution of salary savings away from the college must be negotiated.
- The amount of the salary savings that remains in the department is a matter for negotiation between the dean and chair. An agreement to modify the provision in the first bullet above should be in writing at the time the grant or gift application is submitted.

Rationale. Within the limits of the campus's need to use temporary salary savings to meet instructional commitments, the intent of this provision is to provide incentives at both the college and department levels that supplement the incentives in the Facilities & Administration (F&A, formerly ICR) policy. While salary savings may be used in some circumstances to support the additional administrative costs of managing grants, deans, chairs, and principal investigators are urged to develop organizational structures, such as broadly based centers and interdisciplinary grants management offices, that can provide needed support services using the funds available through direct grant budgets and indirect-cost-return policies. This is needed to ensure that instructional funds are not necessarily used to subsidize externally-funded projects.

To provide incentive for grants to include salary allocations, the salary savings must accrue to the college as they have budgeted for those savings. Obviously, if these funds are available to the deans and chairs, they can be used to offset campus shortfalls. However, the distribution should go back to the campus from the college and not simply removed from funds available to the college.

5. For faculty on academic-year appointments, summer salary may be budgeted up to 33 1/3% of the faculty member's academic year salary, and no salary savings will typically be accrued from this budgeted summer salary. The 33 1/3% maximum applies to all compensation received from the campus during the summer, so the potential income from grants is reduced when the faculty member is paid for teaching or other activities. Summer salary under externally sponsored projects is always at the same base rate of pay as the academic-year salary.

Rationale: While some agencies allow less summer funding, the campus maximum is set to reflect what those with the most lenient policies will approve.

These guidelines have been reviewed and endorsed by the Faculty Assembly on December 10, 2004, based on three understandings: (a) All colleges will be

**Commented [AH19]:** It may only apply to filling vacant positions (through retirement, job change, etc), but reference has been made in some colleges that salary savings were starting to be handled differently than in the past. Probably worth looking into whether that would affect this buyout situation as well.

**Commented [AH20]:** So everyone except the faculty member securing the grant gets a financial reward during the regular academic year. Not much incentive to pursue the grants. People will say just pay yourself in the summer but what if you don't want to work in the summer? Faculty should get some direct financial compensation during the academic year and not be forced to work in the summer to receive additional pay.

Another challenge is we have been told we need to buy-out our research first (not teaching or service). Assuming people are not completely dropping all their other research to work on a grant it may not benefit the faculty member to do this.

**Commented [AH21]:** How do we know what is going to the college? How much of the salary savings is being diverted to the campus? And how much of what is going to the college is being used to develop research? This process needs to be VERY transparent. As it stands right now, this is a 'black box'.

**Commented [AH22]:** This needs clarification. PIs should not be involved in this endeavor. It should be an institutional obligation to provide the infrastructure to allow PIs to be successful with their research and not spend their time doing accounting.

**Commented [AH23]:** Maybe we're not understanding this but this does not appear to be an incentive to get grants. An incentive is to get extra salary as a reward for obtaining the grant.

**Commented [AH24]:** How is this currently being done? Same transparency comment as above

**Commented [AH25]:** Does this equal 1/3 of a faculty member's base salary, or does that also include any stipends?

**Commented [AH26]:** Is this where OSP is interpreting the overload issue?

**Commented [AH27]:** Why the limit to basically 1 month of summer? Why couldn't a faculty member have 2 grants, each of which paid 1 month (or 33 1/3%) of summer salary as long as the granting agencies were OK with that?

Is there a legal necessity for a summer salary maximum? If not, why is there one listed?

**Commented [AH28]:** This needs to be updated based on current guidelines.

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encouraged to develop written policies regarding course buyouts that provide specific guidance within the college, and that reduce the negotiations that might need to occur as grant or gift proposals are submitted. The Faculty Assembly emphasizes that these policies should be developed through democratic processes associated with faculty governance; (b) these guidelines will be revisited prior to May 31, 2008, with another review by the Faculty Assembly, to ensure that provisions are appropriate under the fiscal conditions that exist at that time; and, (c) a system-wide or campus-wide change in workload policies may require an review before May 31, 2008.

**Commented [AH29]:** Dates need to be changed. If this becomes a policy then it needs to comply with policy review schedule.