

Inter Faculty Organization

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Faculty Update Newsletter

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IN THIS ISSUE

(please control/click on the headline to jump to the article)

- [From The President's Desk](#)
- [Elections Have Huge Implications for the IFO](#)
- [Negotiations Report – Steady Progress](#)
- [SEGIP HRA Monthly Fee Charge](#)
- [Court Ruling Regarding Faculty Syllabi](#)
- [IFO Survey Ends November 20th](#)
- [Academic Affairs Update- Policy Review](#)
- [Nellie Stone Johnson-Save the Dates](#)
- [Contact Us](#)

FROM THE PRESIDENT'S DESK

by [Nancy Black](#), IFO State President

Dear Colleagues:

One of the main reasons my family chose to move to Minnesota in 1985 was because of its reputation for excellence in public education. In the last few years, I admit to having had some misgivings if that perception would hold true today. That enormous sigh of relief you may have heard the evening of November 7th came from me. The results of the 2012 election have reaffirmed the core values of Minnesotans.

Among other reasons for us to celebrate is that the election results mean that more favorable conditions exist for public higher education and state employee union contracts. Ongoing negotiations between our Negotiating Team and MnSCU continue unabated. And we now have the reassurance of fair legislative hearings for contract ratifications. (see Chief Negotiator Brent Jeffers' article)

The political forums and activities held on our state university campuses were impressive. I am gratified that our members rose to the occasion in terms of disseminating information and participation in the election process. I want to thank you all for your tremendous efforts. The state office staff, especially Russ Stanton, worked tirelessly on behalf of the IFO's positions as put forward by our Government Relations Committee. I do not want to steal Russ' thunder by writing more on the election, but instead suggest you read his article in this Update.

Yesterday, I attended the November MnSCU Board of Trustees' meeting. At that session, Vice Chancellor Laura King reminded the Trustees that the faculty have not had a pay increase in four years, and also pointed out to them that faculty productivity was up more than 12 percent, while we were teaching at least 40,000 more students. And I

reminded the Trustees that the IFO was the first state union to step up and negotiate a contract with a salary freeze when the state began to suffer financially in 2008. Historical perspective is critical when new trustees and legislators are making decisions that affect us and our ability to offer extraordinary education to students.

Finally, I am delighted to inform you that Melissa Anderson has joined our small state-wide office staff. Melissa is our new Administrative Assistant replacing Cindy Kellerman, and comes to us from the Medical School of the University of Minnesota. She holds a B.B.A. in finance from the University of Iowa and brings a great deal of expertise and experience with her. She also volunteers for the Animal Humane Society in dog adoption. We are so glad to have her as part of our team, and ask you to welcome her.

Best wishes to you and your family for a Happy Thanksgiving holiday.

ELECTIONS HAVE HUGE IMPLICATIONS FOR THE IFO

by [Russell Stanton](#), *IFO Director of Government Relations*

Shift in Legislative Control

The November 6th elections brought huge changes to the political landscape in Minnesota. Control of the Minnesota Senate shifted from a 37-30 Republican majority to a 39-28 Democrat majority. Control of the Minnesota House shifted from a 72-62 Republican majority to a 73-61 Democrat majority.

The margins could still change slightly; there are two seats in which there will be automatic recounts. Republican Representative Mary Franzen of Alexandria defeated Democrat Bob Cunniff, by one vote (10,652 to 10,651). In the Northfield area, Democrat Kevin Dahle defeated Republican Mike Dudley by only 82 votes.

Proposed Constitutional Amendments Rejected by Voters

In addition to shifting from very conservative control of the legislature to more moderate control, Minnesota voters rejected the Republican proposed constitutional amendments to constitutionally restrict marriage to the union of one man and one woman and to require a government-issued photo ID to vote. Republicans had hoped the two ballot measures would draw out the conservative base in the election, but it appears the opposite occurred; opponents of the measures organized and turned out in huge numbers to defeat the amendments.

The opposition to the constitutional amendments was particularly strong among students, inner city residents, and moderate suburban voters. Republicans lost legislative seats including in college towns and the suburbs. It appears the constitutional amendment strategy backfired on the Republicans, costing them legislative seats.

IFO Efforts Paid Off

After two years of funding cuts, political chaos, and lots of public employee bashing, IFO took some political risks and went "all in" on the elections this year with contributions, endorsements, and loads of hard work by faculty. The results reflect the effort. Twenty-one of the 23 incumbents who received contributions from IFO won (the exceptions were Rep. Steve Smith and Rep. King Banaian). Eleven of the 21 non-incumbents supported by the IFO won. A number of the political victories for the new majority came from state university towns, particularly in Bemidji, Moorhead, and St. Cloud.

The IFO joined a large coalition of church groups, unions, local governments and human rights groups to oppose the marriage amendment. The IFO partnered with MSUSA to oppose the voter ID amendment. The IFO spent \$25,000 dollars opposing the constitutional amendments, buying Facebook ads, lawn signs, stickers, etc., and those efforts helped defeat the amendments. National proponents of the marriage restriction amendment had previously won in all 32 states where it had been on the ballot; Minnesota became the first state to reject the amendment.

Implications for IFO Interests

So what will all this mean for IFO members?

First, expect big improvements, but not miracles—the state still has a structural deficit that needs to be addressed. Last biennium, the legislature just kicked the can down the road by delaying payments to school districts and borrowing against future tobacco settlement payments. Either more cuts will have to be made or tax revenue will have to be increased to balance the budget. At least with the new legislature, increasing tax revenue, particularly on the top 2% of income earners, is on the table for consideration. Governor Dayton will push for comprehensive tax reform. I don't expect further cuts in higher education. Funding will be tight—but a modest increase is possible.

Second, I expect the public employee bashing to end. Democrats have a history of respecting the collective bargaining process and of not trying to circumvent it through legislation. I expect the legislature will pass negotiated collective bargaining contracts, and a modest pay increase is possible. I also think it will be possible to finally get equal treatment for domestic partners.

Third, expect more stable, productive government. For twenty two years we have suffered from split government paralysis--Democrats now have a once in a generation chance to enact their agenda and bring real change. I don't expect Democrats will push a particularly liberal agenda, but I do expect less gridlock and chaos, and progress on some long simmering issues such as the DREAM act.

Thank You!

I have never seen as much faculty involvement in political action as I saw this year. Many, many faculty members made contributions, knocked on doors, volunteered at phone banks, put up lawn signs, and/or helped turn out student voters. It produced results. Thank you! My efforts on your behalf will be a lot easier during the next two years because of your work.

NEGOTIATIONS REPORT – STEADY PROGRESS TOWARDS REACHING A SETTLEMENT

by [Brent Jeffers](#), *Chair of the IFO Negotiating Team*

The IFO and MnSCU negotiating teams have been actively engaged in collective bargaining for the past 21 months, and because of last week's election results, we are more optimistic that a satisfactory settlement is very likely. The Minnesota Legislature is a necessary component in our contract ratification process, and the newly-elected lawmakers will undoubtedly be more favorable to public-sector employees and our negotiated settlement than the outgoing ones. It has been 22 years since the Democrats have controlled both legislative chambers in Minnesota as well as the Governor's office. The IFO's considerable effort in this election was instrumental in key districts with state universities. This shift in power should prove fruitful for the 2011-2013 contract we are currently negotiating as well as the MnSCU allocation for the next biennium. The allocation establishes the basis for the 2013-2015 contract in which collective bargaining will commence Spring Semester.

I am pleased to inform you that our November 2nd and 3rd bargaining sessions made steady progress as both parties offered serious proposals and counter-proposals that continue to move us forward. Faculty are understandably impatient with four years without a salary increase, and it is evident the MnSCU management team is well aware of the faculty's position. In order to reach a settlement, there will have to be salary increases. Your team is dedicated to negotiating the most money possible. We have agreed to bargaining dates in December, January, and February as both parties are committed to reaching an agreement.

SEGIP HRA MONTHLY FEE CHARGE EFFECTIVE JANUARY 2013

by [Donna Blake](#), IFO Controller

The State Employee Group Insurance Program (SEGIP) provided an HRA account of \$250 in 2009 and another HRA account of \$125 in 2011 to each insurance eligible employee. The state has been paying the monthly administrative fees to Eide Bailly for these accounts. Effective January 2013, these fees will be passed on to employees who have funds remaining in their 2009 and/or 2011 SEGIP HRA.

Anyone with funds left in his or her 2009 and/or 2011 SEGIP HRA account should have received a letter from Eide Bailly stating that a monthly administrative fee of \$2.73 will be deducted from the SEGIP HRA account, beginning in January 2013. If you have a balance in both the 2009 and 2011 HRA, only one \$2.73 administrative fee will be deducted. **The administrative fee applies only to the “SEGIP” HRA accounts provided by the state in 2009 and 2011, and does not apply to your IFO negotiated HRA account into which MnSCU contributes \$800 each January pursuant to Article 10, Section G.** The MnSCU IFO contract specifies that the employer pays the administrative fees on the MnSCU HRA accounts.

To facilitate spending down the 2009 and 2011 HRA accounts provided by SEGIP, Eide Bailly will be changing the order in which reimbursements will be drawn from accounts. Beginning in January 2013, reimbursements will first be drawn from active 2009 and 2011 SEGIP HRAs, and then from the MDEA, and finally from your MnSCU HRA.

If you have any questions on this, please contact me at blake@ifo.org.

NEGATIVE COURT RULING REGARDING FACULTY SYLLABI APPEALED Faculty Urged to Take Steps to Protect Their Intellectual Property

by [Connie Howard](#), IFO General Counsel

In May 2012, the National Council on Teacher Quality (NCTQ) brought a lawsuit against the Minnesota State Colleges and Universities (MnSCU) to compel the seven MnSCU universities to provide copies of faculty syllabi for Education courses. NCTQ represented to the court that it intends to use the syllabi in connection with its nationwide research on teacher training programs. The IFO intervened in order to protect faculty intellectual property rights. The IFO and MnSCU argued that the universities should not be required to provide copies of faculty syllabi without the consent of faculty creators. Under the IFO Master Agreement, faculty -- rather than their universities -- own the syllabi they create. Under both the Federal Copyright Act (FCA) and the collective bargaining agreement, faculty, as the copyright holders of the syllabi, are entitled to control reproduction and distribution of their own syllabi.

Unfortunately, in a decision issued November 9, 2012, the judge sided with the NCTQ. He ordered MnSCU to provide copies of the requested syllabi in the employer's possession to NCTQ for "fair use" purposes. The ruling could have significant consequences for faculty and others whose copyrighted intellectual property -- including faculty syllabi -- are in MnSCU's possession. The ruling would apply not just to hard copies of materials, but to all materials in any format, including electronic copies.

Since the MGDPA prohibits government entities from inquiring into the purposes for which government data are being requested, if the ruling is upheld, faculty face the prospect of having their personal intellectual property distributed to any requester who claims "fair use" regardless of whether the use would actually qualify as "fair use". MnSCU could not make any inquiries about the use to which requested document would be put and would have no control over the uses made of documents produced. Neither the IFO, nor MnSCU want to see that happen.

On November 13, 2012, after consultations with the IFO, MnSCU appealed the ruling and sought a stay of the order compelling production of faculty syllabi. A stay would excuse MnSCU from complying with Judge Guthmann's order to produce the syllabi until after the Minnesota Court of Appeals rules. The IFO is working with MnSCU to

overturn Judge Guthmann's order.

Meanwhile, some MnSCU universities are assembling copies of the syllabi for the 2010-2011 academic year. In some cases, universities already have copies of the relevant syllabi. In others, faculty are being asked to provide copies of their syllabi now. **Faculty should be aware that under the IFO Master Agreement and MnSCU Board policies and procedures, they are not obligated to provide copies of syllabi to the administration for any courses other than their current courses. Faculty may choose to provide other syllabi or may decline to do so.** If MnSCU does not have possession of your personal intellectual property, those materials would not qualify as government data.

The NCTQ lawsuit highlights the need for faculty to be aware of intellectual property issues and to take steps to protect their right to control distribution and use of their work. Even in cases where faculty are comfortable sharing their work with others, it is important to clearly identify the scope of permission being granted. Failure to assert your copyright rights over syllabi, curriculum materials and other personal intellectual property could result in your work being claimed by others and used for commercial purposes.

To protect your intellectual property, faculty are encouraged:

- To include this copyright notice on all syllabi and other intellectual property:

© [date] [name] All Rights Reserved. No reproduction or distribution permitted without written permission of the author.

- To use the consent form found at this [sample consent form link](#) whenever they choose to share their syllabi. For example, a faculty member who is willing to let a colleague use his syllabus for a particular course should consider limiting the scope of consent to the particular individual to prevent wholesale reproduction and distribution of the syllabus by others. Similarly, a faculty member who agrees to provide a copy of her syllabus for accreditation purposes should restrict the scope of their consent to that purposes. In all cases, include an expiration date on the consent form to avoid having your work used repeatedly without your knowledge or permission.

BEING AWARE OF YOUR INTELLECTUAL PROPERTY RIGHTS AND STATING THEM CLEARLY ON YOUR MATERIALS PROTECTS ALL FACULTY AND HELPS ENSURE OUR RIGHTS FOR THE FUTURE.

LAST CHANCE! IFO SURVEY ENDS NOVEMBER 20TH

by [Patrice Arseneault](#), *IFO Director of Grievances & Equity Issues*

The IFO's online survey of the campus climate for faculty will be winding to a close next Tuesday. The IFO is conducting the study to help us understand the climate for faculty teaching at the seven Minnesota state university campuses. Information learned from this survey will help influence the direction the IFO takes in our interactions with the Minnesota State College and University (MnSCU) system office and the executive and legislative branches of state government. The chancellor has requested a copy of the final report from the study.

Close to one thousand faculty have already responded to the IFO's questionnaire - we hope to include you! If you have not taken this 15 minute online survey, click on the following link to access the IFO's survey: <https://www.surveymonkey.com/s/V3F8Y62>. You only have until Tuesday, November 20 at 11:45 p.m. to participate.

All responses to the survey are anonymous; the questionnaire will not ask faculty to identify themselves, and IP

address tracking will be disengaged. We will not know which faculty members are providing any given responses. In addition, any interim report(s) and the final report will release information only in summary, aggregate form.

ACADEMIC AFFAIRS UPDATE – POLICY REVIEW

by [Donna Brauer](#) & [Cindy Phillips](#), *IFO Academic Affairs Coordinators*

Nondiscrimination, codes of conduct, intercollegiate athletics, academic standing, student conduct, course credit transfer, intellectual property, nepotism, military service, alcoholic and controlled substances, driver's license checks, firearms, common start dates, accounting and payroll, and university foundations: what do these all have in common? They are among the many topics included in the formal MnSCU Board Policies and Chancellor's Procedures. You can view the entire list of at <http://www.mnscu.edu/board/policy/index.html>.

Board policy also requires that each of these policies be reviewed at least once every five years. The following are scheduled for review during the current fiscal year by the Academic and Student Affairs segment of MnSCU:

- 2.2 State Residency Requirements
- 2.8 Student Life
- 3.35 Credit for Prior Learning
- 3.37 Minnesota Transfer Curriculum

We will keep the campus Faculty Associations informed as each is brought forward.

Questions or comments to Donna Brauer at Brauer@ifo.org and Cindy Phillips at Phillips@ifo.org.

SAVE THE DATES!

Two Opportunities to Support the Nellie Stone Johnson Scholarship Fund

by [Nancy Black](#), *IFO State President*

Over the last two decades the Nellie Stone Johnson Scholarship Fund has provided financial assistance to racial minority union members and their families who attend Minnesota State College and Universities' institutions. This scholarship honors Nellie Stone Johnson (1905-2002) for her many contributions to organized labor, civil rights, and equal opportunity for all Minnesotans. She has been recognized by numerous organizations, and was awarded an Honorary Doctor of Letters from St. Cloud State University and the Distinguished Minnesotan Award from Bemidji State University. Many state university students have been able to complete their educations because of this scholarship fund.

We are gratified that the History Theater in St. Paul is celebrating her remarkable life in a play, *Nellie*, which runs from January 26 to February 17, 2012. We encourage you to attend performances on Friday, February 1st (two shows, 10:30 a.m. and 8 p.m.) or the evening performance on Saturday, February 9th (8 p.m.), because the History Theater is generously donating Five Dollars (\$5) from each ticket sale to the Nellie Stone Johnson Scholarship Fund at these times. Before the evening performances, a short reception in the lobby with beverages, snack, and specials guests will be held. Tickets are available by contacting 651-292-4232 or <http://historytheatre.com/>. It is appropriate for all ages, and has been enthusiastically received in the previews.

On Thursday, March 21, 2013, the annual Nellie Stone Johnson Scholarship Dinner and Silent Auction will honor this year's recipients at the Prom Center in Oakdale, Minnesota. I hope to see you at both events.

CONTACT US

The IFO Faculty Update is published and distributed by the [Inter Faculty Organization](#). If you need to contact the Inter Faculty Organization, our mailing address is 490 Concordia Avenue, Suite 125, Saint Paul, MN 55103, or you can reach us by phone at 800/325-9644 or 651/227-8442. You can also send us an email by clicking [HERE](#).