

**FACULTY SENATE MINUTES
SAM HOUSTON STATE UNIVERSITY**

16 April 2015
3:30 p.m. – 5:00 p.m.
Austin Hall

Members Present (22):

Irfan Ahmed (COBA), Tracy Bilsing (CHSS), Nancy Baker (CHSS), Don Bumpass (COBA), James Crosby (CHSS), John Domino (CHSS), Diane Dowdey (CHSS), Karla Edison (COE), Mark Frank (COBA), Randy Garner (CJ), Deborah Hatton (COFAMC), Mark Klespis (COS), James Landa (COHS), Jeffrey Littlejohn (CHSS), Paul Loeffler (COS), Dennis Longmire (CJ), Sheryl Murphy-Manley (COFAMC), Diana Nabors (COE), Gary Oden (COHS), Lisa Shen (NGL), Stacy Ulbig (CHSS), Tony Watkins (COFAMC)

Members Not Present (9):

Helen Berg (COE), Jonathan Breazeale (COBA), Madhusudan Choudhary (COS), Donna Cox (COE), Richard Henriksen (COE), Joan Hudson (COS), David McTier (COFAMC), Dwayne Pavelock (COS), Douglas Ullrich (COS)

Called to Order: 3:35 pm in Austin Hall by Chair Nancy Baker

Minutes Approved: Minutes for the April 2nd meeting were approved unanimously

Special Guests:

Mike Matousek, CEO and Co-founder of FlashNotes
Frank Parker, Vice President for Student Services
Holly Tickner, Store Manager, SHSU University Bookstore
Lynn Clopton, Director of Student Services, Finance & Budget
Several Representatives from Barnes & Noble

FlashNotes Discussion

Background

FlashNotes is an online peer-to-peer notes sharing and tutoring service for college students (<http://www.flashnotes.com/>). Prospective sellers would post their class study notes or tutoring offers through the FlashNotes platform, and prospective buyers can browse the items for sale by university, course, and professor. Everything is self-priced by the seller, who retains 70% of the profit. In 2014, FlashNotes entered a partnership with Cengage Learning, one of the major textbook publishing companies. Barnes & Noble Inc. also became a FlashNotes investor in March 2015.

On April 12th, a mass email from the SHSU Barnes & Noble University Bookstore was sent to the general student body. The email was branded with the university logo and encouraged

students to “sell your notes and get paid.” The email also stated that the Bookstore has partnered with FlashNotes to create an “Academic Mentor Program” (see Appendix A).

This issue was brought to the Faculty Senate’s attention by a concerned student, who shared the email with a faculty member. Since faculty were not informed of the Bookstore’s partnership with FlashNotes, and Dr. Baker then contacted Mrs. Tickner and arranged for representatives from FlashNotes and the Barnes & Noble University Bookstore to visit Senate on April 16th.

Dr. Baker also contacted TSUS Attorney Rhonda Beassie for her legal opinion. Upon initial review of the bookstore email and the FlashNotes website, Ms. Beassie commented that:

- a. If the materials for sale were created by the student (e.g. notes in their own words from a lecture or the textbook), then it would not infringe upon intellectual or copyright laws.
- b. If the materials were created by the professor (e.g. study guides, direct transcriptions of a lecture), then the students would be violating the professors’ intellectual property rights.
- c. If the materials posted for sale were created by the professor using the publisher’s materials (e.g. test bank questions or publisher-provided lecture slides), then the material would be in violation of the publisher’s rights.

Discussion

Mrs. Tickner introduced the CEO of FlashNotes, Mike Matousek, who co-founded the company while studying at Kent State University in 2010. Mr. Matousek provided a brief overview of the service and stressed that the mission of FlashNotes is to provide high quality, student-created material to encourage peer-to-peer learning and academic success.

A senator inquired whether FlashNotes is not-for-profit, and how would its service differ from free resources offered by non-profit organizations such as Khan Academy. Mr. Matousek indicated FlashNotes is a for-profit company, and compared to resources from Khan Academy, the material and tutoring services offered through FlashNotes are much more tailored to students’ needs; FlashNotes buyers can achieve academic success by getting study material from peers taking exactly the same classes.

Other senators were troubled by Mr. Matousek’s assertion that the company has a learning-oriented mission and his statement equating academic success exclusively with higher grades. Improving one’s grades by using FlashNotes material to prepare for a specific test is not the same as achieving greater understanding of a topic. The Texas Higher Education Coordinating Board has tasked post-secondary institutions with teaching students the values of personal responsibility in the newly revised core curriculum, yet FlashNotes’ business model is encouraging students to pay for shortcuts to course work.

Senators also felt it is academically dishonest for students to write and sell study guides on exams they have already taken to their peers who will be taking the same courses. Mr. Matousek responded that FlashNotes aims for real-time learning and notes sharing, so ideally the study

guide seller will be a student studying the same course at the same time as the buyer, not someone who has already taken the course in a previous semester. However, a quick sampling of the popular study materials on FlashNotes suggested that real-time notes sharing is largely not the practice of actual sellers.

A senator inquired how and when the real-time knowledge sharing goal will be put into practice. Mr. Matousek said such practice is more of a long term vision and there is no timetable for implementation. A different senator suggested removing all the material at the end of each semester to encourage real-time notes sharing. Mr. Matousek was not enthusiastic about a site-wide implementation of this proposal, although he confirmed that the University can request for an end of semester “wipe” of all SHSU-affiliated material with FlashNotes. A third senator asked whether a faculty member or a department can “opt out” of FlashNotes, so study material on specific courses or professors would never be posted for sale. The answer was yes.

Mr. Matousek also said FlashNotes is in compliance with the Digital Millennium Copyright Act (DMCA) and only allows for selling of student-created notes and study guides. All the material posted on FlashNotes have been scanned by the plagiarism detection program TurnItIn. Items flagged with over 75% similarities to other already-published documents by TurnItIn are automatically removed, and those with 50-75% similarities are manually reviewed by FlashNotes employees. Documents in multiple choice or PowerPoint formats are also flagged for review. Dishonest sellers are automatically removed from the site.

However, senators pointed out that this practice is insufficient for identifying documents created by professors or publishers. As a plagiarism detection program for student papers, TurnItIn primarily compares a document to other published papers, articles, or websites. Since faculty-created course material, especially exams, are not published and thus largely not included in TurnItIn’s knowledge base, the program cannot effectively identify this particular type of intellectual property rights infringement.

Furthermore, the company’s webpage on Intellectual Property Rights states that “only the intellectual property rights owner can report potentially infringing content to Flashnotes” (<http://www.flashnotes.com/using-flashnotes/intellectual-property/>), which places the burden of monitoring for rights infringement solely on the faculty and not the company.

In addition, of the 12 items listed for sale by SHSU students on FlashNotes, two were faculty author-confirmed cases of intellectual property right infringements. Many of the other items for sale also included contents with questionable authorships that called for closer review. A glance of the Kent State study materials on FlashNotes also uncovered similarly questionable items, including a number of lecture transcripts.

Regardless of its stated intentions to uphold DMCA, in practice, FlashNotes is doing a poor job to ensure seller compliance of intellectual property rights regulations. A senator also felt such business practice is predatory towards students, since student sellers do not appear to be properly informed of the relevant rules and regulations, yet are solely liable for any infringements. Moreover, the company is creating a profit-driven learning environment, where the traditional

collegial practices of notes sharing and peer support are now only offered to those willing and able to pay.

Questions were then raised about the partnership between FlashNotes and the University Bookstore. Who sent the mass email and what are the rules for using the SHSU logo? VP Parker responded that the Barnes & Noble bookstore on campus is branded as the SHSU University Official Bookstore. Mrs. Tickner indicated the FlashNotes email was sent from her account, but only to students who have elected to receive correspondence from the University Bookstore. Although one senator pointed out that receiving Bookstore emails is a service students have to opt out of, not opt into.

A senator also inquired about the financial aspects of the partnership. Mr. Matousek said FlashNotes and Barnes & Noble would each receive 15% of the sales, although no SHSU-affiliated material have been sold to date. He did not comment on the financial details of the partnership agreement itself.

Conclusion

Lastly, Dr. Baker and senators thanked Mr. Matousek for visiting Faculty Senate. Senators also agreed that regardless of the legality and ethics of FlashNotes' business model and practices, it is objectionable for the University to enter a partnership with the company and send out an email encouraging students to use its service, all without any faculty input.

Dr. Baker will present outcomes of the meeting and senators' remarks to the Provost, and share his response at the next Senate meeting. Dr. Baker also wished to emphasize, as she noted in the Chair's report, that Ms. Beassie suggested the most effective remedy is to revise the University's policy regarding student conduct and student discipline. Senators are encouraged to share this issue with colleagues and gather their feedbacks.

Meeting adjourned at 5:00 pm



TEXTBOOKS | STUDENT OFFERS | APPAREL

Sell Your Notes and Get Paid

Join the Barnes & Noble College Academic Mentor Program

Your campus bookstore has partnered with Flashnotes.com to create the Academic Mentor program. With finals around the corner, this is your chance to help classmates and make some cash along the way.

Join today and...



Earn cash for selling your study materials



Receive your own digital branded storefront



Build your resumé while helping fellow classmates

Get Started Now



**Faculty Senate
Chair's Report
04-16-2015**

Flashnotes

A faculty member and a senator has brought to my attention that on April 12 the campus bookstore appears to have e-mailed the entire student body encouraging them to “sell your notes for upcoming finals” (as the subject line in the e-mail says). Barnes and Noble, the company that runs our campus bookstore, has recently partnered with Flashnotes (indeed, B&N appears to be an investor in Flashnotes). This e-mail encourages students to post their notes, study guides, etc. online on the Flashnotes website and to set a price. If someone buys the student’s notes, the student gets 70% of the asking price; Flashnotes (and B&N) gets 30% of the money. Once I had heard about this, I looked at Flashnotes and noticed an exam from a colleague in the History Dept. was for sale, as well as a set of entire semester’s worth of class notes for a member of Senate’s class; neither professor knew about this until I brought it to their attention. (The exam was later removed from the Flashnotes website.)

I contacted Holly Tickner of the campus bookstore. She contacted Flashnotes, and the creator of the company, Mike Matousek, offered to fly to meet with me within 24 hours. I asked that, instead, he attend our Senate meeting on April 16; he agreed.

I have consulted with the provost and with TSUS attorney Rhonda Beassie. To sum up what they have said, if a student posts his/her own notes online for sale, it is not a violation of copyright or intellectual property rights. If a student posts Powerpoint slides, hand-outs, or any materials created by the professor and/or the textbook publisher, then the student is violating copyright or intellectual property law.

As it turns out, some universities and colleges prohibit students from using such services as Flashnotes. For example, the Lone Star College System lists as a dishonest/unethical practice “selling or purchasing examinations, papers, notes, or other assignments.”

http://www.lonestar.edu/departments/libraries/academic_integrity_brochure.pdf

Ms. Beassie suggested that the most effective way to handle the situation, if a remedy is believed necessary, is to revise the university policies regarding student conduct and student discipline.

Changes Ahead in Parking on Campus

The provost shared with Lisa Shen and with me in our meeting with him on April 9 that there are changes coming in on-campus parking. Specifically, currently under consideration is an increase in the cost for parking permits of between 30%-50% of the current cost for everyone as of August 2015. (Members of the administration

would have an increase in cost of 100% for their parking permits.) One proposal being considered is the creation of a tiered-parking system with “premium” parking available for faculty and staff only in places such as the lot behind the Estill building, with “remote” parking available to all in locations such as the football stadium lot. Premium parking would cost more than remote parking, but all parking costs will increase from what they are now. Part of the reason behind these changes is a need for increased parking revenue, as some of the University Police Department officers’ salaries come directly out of parking revenue.

Senate Recommendation for Creation of Loading Zones on Campus

I forwarded to Matt McDaniel, Assistant Director of the Department of Public Safety Services and Chair of the Parking and Transportation Committee, the Senate resolution passed April 2, 2015. The resolution requests that his committee meet to discuss the Senate’s recommendation for the creation of 15-minute loading zones on campus for use by faculty, staff and students and then report back to Senate by May 8. Mr. McDaniel replied quickly to let me know that his committee had met last month. He said he would bring Senate’s resolution and recommendation to the committee and said they would assess the request based on current and past studies completed by Physical Plant. He cautioned: “Until that time, the main action to be aware of when loading/unloading is to not leave a vehicle unattended during any time along a curb that is not marked as a valid space.” He also offered to visit Senate to discuss the situation and answer any questions.

In addition, I shared with the provost the Senate resolution I sent to Mr. McDaniel, so that the provost would be informed.

IDEA Teaching Evaluation Short Form

On May 2, 2013, the Academic Affairs committee of Faculty Senate presented a report with recommendations on how to revise FES 1 and FES 2 of the Faculty Evaluation Process. One of the recommendations was for SHSU to switch to using the short form of the IDEA teaching evaluations, rather than the long form as standard. Recently, I received a request from former Chair of Faculty Senate, Renee James, as to what had become of this recommendation, as the most recent set of IDEA forms sent out to faculty appear to be the long form. I talked to the provost about this. The provost says that the FES policy revision will address which of the IDEA forms to use.

Policy Revisions Update: Tenure and Promotion, FES, Merit Pay

The provost estimates that the drafts of the revised policies regarding Tenure and Promotion, Merit Pay, and FES will be ready for review by Senate this summer. The provost hopes to distribute these policy revisions to Senate during the summer months so that when Senate starts meeting again in September, Senate can quickly take action on formally reviewing and approving these policies. The provost is hopeful that the policy revisions process will be wrapped up during Fall 2015, which would allow for a new FES system to be implemented starting in Spring 2016.

When I asked the provost how he envisioned the Town Hall meetings with faculty (to discuss changes to FES) fitting into this timeline, he explained that he wanted such meetings to deal with issues of substance on which there was disagreement. He did not want Town Hall meetings to deal with the trivial, such as editing. He said, for example, there could be disagreement on whether to change from the long form of IDEA to the short form of IDEA; this would be the sort of disagreement to be aired at a Town Hall meeting. At present, he anticipates that the Town Hall meetings will occur in Fall 2015.

Request for Information on Merit Pay Increases and Salaries

I reminded the provost that Faculty Senate has expressed interest in having data on merit pay increases and salaries for all faculty made available for some time now and asked him when this might happen. He explained that previously, such information was readily available because it was included in the annual budget report, which was a matter of public record. (The Texas Tribune used to print this information annually.) When SHSU switched to the Banner system, for some reason two columns of information (a faculty member's salary from the previous year and that person's merit pay increase) were no longer included in the budget; instead, only the current salary for all individual faculty was included. Therefore, the system needs to be changed to include those two columns again, something that is being worked on. In the meantime, the provost had asked Karen Whitney to put this information together for Senate. This will require Ms. Whitney to compile a spreadsheet with 750 separate individuals listed and to locate the information in separate budgets from several years, then do hand-calculations of merit pay increases for each person for each year. Ms. Whitney is currently working on more time-sensitive tasks but will get to this task as soon as possible. The provost cautioned that this would take some time and asked for Senate's patience.

Standard Pay Increase for Promotion

In response to a request for information from a senator, I contacted Karen Whitney to ascertain the current pay increase for faculty promotions. Ms. Whitney said that university-wide, faculty members receive \$3,006 for promotion from assistant to associate professor and \$4,014 for promotion to full professor. These amounts have remained the same for years. Faculty members who come to SHSU at the associate level without tenure and then come up for tenure do not receive a salary increase upon being granted tenure. Faculty members who come in at the associate level without tenure and then come up for tenure AND promotion to full professor receive a salary increase of \$4,014 only, upon being granted tenure and full professor status. Funds for promotion come from the budget of Finance and Operations, not the individual colleges.

New Grievance Process Policy

In the wake of the TSUS system-wide changes in the faculty grievance policies and process, the provost has been working on drafting a new grievance process policy to clarify how different kinds of grievances should be handled. The policy he is writing will offer one place to look for information on all kinds of grievances and which

other specific policies apply to which situations. The provost will be meeting with Vice Provost Dick Eglsaer, TSUS System Attorney Rhonda Beassie, Associate Vice President for Human Resources David Hammonds, on April 29 to review and discuss his drafted policy. The provost plans to visit Faculty Senate on April 30 to discuss this new grievance process policy.

Graduate Faculty Policy

We discussed with the provost his thoughts on the Graduate Faculty Policy he has asked Senate to review and to revise, if necessary. The provost suggested that the Senate might want to consider whether the three different levels of membership status for faculty teaching graduate students is still necessary; senators may wish to discuss with their department chairs whether the current policy cause unnecessary difficulties in staffing graduate courses.

Submitted respectfully,

Nancy E. Baker
Chair