The Faculty Senate meeting was called to order by Chair Gates at 3:15pm, in the William Strickland Conference Room in I.G. Greer on Monday, April 11, 2016. Senators Madritch, Ortiz, Peterson-Sparks, Rice, Stallworth, and Stanovsky were not in attendance.

I. Announcements
   A. Chair Gates welcomed Senators and asked visitors to introduce themselves. Visitors were Heather Langdon (IRAP), Joyce Ogburn (Library), Allan Scherlen (Library), Paul Orkiszewski (Library), and Lee Ball (Office of Sustainabili

II. Minutes
   A. Chair Gates asked for a motion to approve the minutes for March 14, 2016. Senator Osinsky moved and Senator Morehouse seconded to approve the minutes. Motion to approve the March 14, 2016 minutes passed. (Vote #1)

III. Visitors’ Reports
   A. Lee Ball from the Office of Sustainability brought an update on the Library Discards Book Sale. They have received 10 loads of unorganized books, about 30,000 books. They have recycled about 3,500 books that were old or obscure, about 4,000 books have been purchased, and about 20,000 books are left that can be purchased. Some books are being sent to Africa, China and prisons.

   Books are for sale for 1 cent each, in the Office of Sustainability in the basement of East Hall, Monday –Friday from 8:30am-5pm. They are hoping more people will come and buy books. This sale is open to anyone, including members of the community. They are considering being open on a Saturday as well to make it easier for community members to park and buy books. The office hopes for larger donations for the books that are sold.

   There were questions about why the books are unorganized and if they could be organized to make it easier for people to find books to purchase. However, the process the library uses to remove and process old books for discard makes them unorganized. Once they are delivered to the Office of Sustainability for sale, they are unorganized and they don’t have enough time or volunteers to organize them all.

   B. Visitors Allan Scherlen, Paul Orkiszewski, and Lee Ball discussed the need for and use of Open Access for Scholarly and Scientific Research. The documents they provided can be seen in Appendix H.

   Open Access is the free, immediate, online availability of research articles, coupled with the rights to use these articles fully in the digital environment. They discussed benefits of making scholarly work available to everyone, while retaining ownership. Some benefits of using Open Access are: increasing the visibility of your work,
archiving your work, providing easier access for those looking for scholarly research, and some grant funders now require that resulting research is published in Open Access.

Some Open Access Journals are not free and charge a fee to upload documents and information. Other Open Access Journals are free. There are many different ones and new ones are coming out all the time.

Some Senators brought up the issue that in their field the Open Access journals are not as reputable as certain other journals that they use. Visitors brought up the points that faculty can continue publishing in top tier journals and also publish in open access. There are places where you can look up the reputation of various journals and it is recommended that faculty look into that to find the best options.

Senators brought up the issue of publishing rights. Often, publishers retain the rights to the formatting of a published piece, but the author(s) are able to retain ownership of the words and information. However, sometimes the publisher owns all of a published work. It is best to check on your publishing rights before publishing in a repository, Open Access journal or any other journal. Sometimes your publishing rights can be negotiated.

Faculty can use the university’s repository, NC Digital Online Collection of Knowledge and Scholarship (NCDOCKS), for archiving and open access publishing. NCDOCKS is the open access repository used by ASU and other organizations in NC, and it is searchable through Google. The repository can be used to store data, research, articles, and other types of scholarly work.

Open Access is also important to the Office of Sustainability because it allows greater accessibility, equity, diversity and for people around the world to be able to have access to scholarly work without paying for expensive journals. They hope the faculty will support Open Access and that the Faculty Senate will encourage the use of Open Access.

IV. Provost’s Report

A. Sue Edwards provided an update on the three current Dean Searches. Twelve candidates (four candidates for each search), are in the final stage of the search, wherein they visit campus. Four candidates have already visited campus, the first on March 30, 2016, and the last will be here the week of April 25th. They anticipate a start date of no later than July 1, 2016 for each position.

B. Chief of Staff and Vice Chancellor Randy Edwards, and Provost Executive Vice-Chancellor Darrell Kruger are co-chairing eight listening sessions this spring regarding the Campus Master Plan. Four of these sessions have already been held and were well attended. Friday April 15, 2016 at 3pm in I.G. Greer Rm. 224, there will be a special listening session held for Faculty Senate, and Sue Edwards encourages all Senators to attend.

C. Campus Budget Presentations and Discussions are being held Friday April 22, 2016 from 8am-2pm in the Blue Ridge Ballroom, and are open to faculty, staff and students. It will also be live streamed for the convenience of anyone not in attendance. Details
and further information about these discussions can be found on the Academic Affairs website. The goal of this discussion is to provide budget transparency, and to provide input to the Chancellor and leadership team for resource allocation and planning. A senator asked whether the video of this discussion would be archived so it could be watched later (rather than just streaming online at the time of the event). Sue Edwards isn’t certain if that will be the case, but thinks it is a good idea and will recommend that it be archived.

D. Coffee and Conversation: This academic year four one-hour long sessions have been held of “Coffee and Conversation” with the Provost and Vice Provost. They have received positive feedback on these sessions, and would like to host more in the next academic year. The last conversation was on Friday April 1, 2016, and they discussed the Equity, Diversity, and Compliance Chancellor’s 14 Diversity Initiatives. These initiatives can be seen on the EDC website.

V. Chair’s Report

A. Voting is underway for university committees and at-large senate seats. Anyone having technical issues with the voting website should notify Beth Frye or Beth Weaver. A Senator brought up a question regarding nominees on the ballot that don’t match the requested college designations for that committee’s vacancies. It was explained that all nominees are offered on the ballot regardless of their college since there is often a discrepancy between those that are nominated and the needs of committees. There is an effort to follow committee guidelines and to provide diversity on committees. However, there aren’t always nominees from the necessary colleges for each committee and any faculty nominated will be shown on the ballot. Other issues raised were technical issues including the website only allowing one choice when it requests faculty choose several, and ranks not being listed when appropriate. These issues will be addressed.

B. Faculty Assembly from April 8, 2016:

1. House Bill 2 was a major topic of discussion. The Faculty Assembly passed a resolution opposing HB2.

2. NC GAP: General Administration has had a group working on it for the past 4 months and they have produced a very detailed report that they provided at the Faculty Assembly. It encourages the administration to postpone till at least 2018. Faculty Assembly passed a motion encouraging the adoption of the report. However, after the meeting, it was found out that some political forces have questioned the report’s methodology and conclusions, so the report may not be accepted.

3. General Education Committee has been working on a report regarding general education for the system. Faculty Assembly passed a resolution in support of their report.
Faculty Assembly also passed a resolution in support of the Staff Assembly Resolution on staff and faculty salaries.

Chair Gates would like to refer the Open Access information presented earlier to the Campus Technology Committee to see what can be done about increasing the use of Open Access in the future.

VI. Committee Reports (Committee Chair’s name is in bold.)

A. Academic Policies (Campbell, Crepeau, Ortiz, Osinsky, Waldroup, Wheeler)
   No report.

B. Agenda Committee (Aycock, Frye, Gates, Spaulding, Provost Kruger)
   No report.

C. Budget Committee (Dunston, Madrich, Mohr, Stallworth, Szeto)
   No report.

D. Campus Planning Committee (Doll, Marshall, Hartley, Salinas, Stanovsky)
   No report.

E. Campus Technology Committee (Cook, Fenwick, Reed, Rice, Shulstad, Spaulding)
   No report.

F. Committee on Committees (Frye, Morehouse, Villanova, Weddell)
   No report.

G. Faculty Governance Committee (Frye, Gates, Howard, Koch, Rardin)

   The Faculty Governance Committee with the assistance of the Campus Technology Committee has proposed the changes that can be seen in Appendix C, regarding electronic voting. Since this is a constitutional change, the Faculty Senate would have to approve the proposal to be presented at the next Faculty meeting. The faculty would then be able to vote on this before the faculty constitution would be changed to allow electronic voting. A question arose about the security of electronic voting. Chair Gates explained that if this proposal is approved, then safe methods of conducting electronic voting would be determined. Moved to a vote by the Faculty Governance Committee, no second needed. **Motion FS 15-16/04-01 to support moving to a full faculty vote on changes to the faculty constitution as outline in Appendix C passed. (Vote #2)**

Parliamentarian Aycock pointed out that, Bylaws for Article II (Appendix C)
regarding emergency meetings, has to be treated separately. The main concerns brought up by senators are that: there isn’t a requirement listed for notifying faculty about emergency meetings, no mention of meeting minutes for emergency meetings, and the possibility of these emergency meetings being improperly used or over-used. Senator Koch responded that the proposed changes are an extension of the changes made to Article VII. Some of the changes made to Article VII made parts of Article II moot, redundant or inconsistent. The only portion that wasn’t covered in Article VII concerned emergency meetings, which is covered by Article II. Also, that he hasn’t seen any indication that emergency meetings would be used improperly. Notification of faculty in advance of the meeting is a major concern among Senators. It is determined that the policies governing regular faculty meetings would apply to emergency faculty meetings as well, including notification, and meeting minutes. The only policy different between emergency meetings and regular meetings would be the number needed for a quorum as described in Article II. Moved to a vote by the Faculty Governance Committee, no second needed. **Motion FS 15-16/04-07 to approve the Bylaws for Article II as shown in Appendix C** passed. (Vote #9)

2. Faculty Handbook Changes – AP&P – Appendix B
Handbook Changes proposed by AP&P, and approved by the Faculty Governance Committee, can be seen in Appendix B. A question arose about why the council of chairs has been added to 3.4.2. Chair Gates explains it is beneficial to have another set of eyes on this. Moved to a vote by the Faculty Governance Committee, no second needed. **Motion FS 15-16/04-02 to recommend the changes to the handbook as described in Appendix B (from the Academic Policy Committee)** passed. (Vote #3)

Some senators are concerned about that electronic meetings would not be secure and confidential. Also, there is a desire to have paper ballots for voting because they provide a paper trail that can be referred to. Other senators think the current language is too restrictive, because it requires face-to-face meetings. Some meetings don’t involve confidential information or personnel voting.

Senator Reed, proposes an amendment to include the language, “all meetings of a search committee that result in a personnel decision”, which was seconded by Koch. It is brought up that, some search committee meetings don’t come to a decision, but might still be discussing confidential information such as an applicant’s credentials. A senator brought up the point that if face-to-face meetings are required, it would be a burden on department members that have very little time for meetings. Also, if there is bad weather and meeting members can’t make it to campus safely, someone might take undue risk to be present, or they could lose an applicant to a different job offer if it takes too long to meet. Another senator thinks that if the rules are too restrictive, people are less likely to follow them and that could invalidate the process of a search committee and create legal problems in the future. It was pointed out that if the Faculty Senate approves wording for digital meetings that a latter portion of section 4.1.9.3.a, requiring documentation of the meeting place and time, would also have to be
changed. A question arose as to whether there is a secure way for meetings to occur online. There isn’t yet anything approved as secure. Senator Koch says that the issue should be handled by first determining when meetings need to be face-to-face for confidentiality and then a distinction can be made between formal and informal meetings of a search committee. Then official meetings can be face-to-face, but informal meetings wouldn’t need to be.

An immediate solution was not forthcoming, so Senator West moved that this be sent back to committee. Senator Zrull seconds the motion. **Motion FS 15-16/04-03 to send the committee motion, Faculty Handbook changes as described in Appendix F on search committee meetings along with Senator Reed’s amendment back to committee passed. (Vote #4)**

4. Combining Tuition Surcharge Appeals Board & Tuition Refund Appeals Board – Appendix E
   It is proposed that these two committees should be combined into one committee. Instead of having two faculty members serving on each, there would be four faculty members serving on the combined committee. Questions arose as to whether a committee member could be present to speak about the reasons for this change. Chair Gates comments that he has looked into the reasons behind this proposal and found that, the current committees meet infrequently. It would be more efficient for there to be one combined committee handling these requests, and that a committee of four members would allow more faculty input on these issues. Senator Zrull brought up that he is the Chair of the Admissions Committee, and previously Faculty Senate changed the structure of that committee so that they could hear admissions appeals and be more efficient. He thinks this proposed change is similar and will assist the committee in its functioning. Senator Koch moves to send this back to the Faculty Governance Committee, and Senator Aycock seconds. **Motion FS 15-16/04-04 to send the proposal on the Tuition Appeals Committee back to the Faculty Governance Committee to finalize Handbook language and to confer with Susan Davies passed. (Vote #5)**

H. Faculty Welfare and Morale Committee (Albinson, Erickson, Hester, McGaha, Peterson-Sparks, Pitofsky, Phillips)
   No report.

I. Welfare of Students Committee (Alexander-Eitzman, Fiske, Fitts, West, Westerman, Zrull)

1. University Scholarship Selection Committee - Appendix A
   On Scholar’s Day there are many interviews that must take place for certain scholarship opportunities. The requested proposal would create a University Scholarship Selection Committee and increase the number of interviewers. Several Senators brought up that in years past there have been problems with the scholarship/interview process which showed a real need for a set committee to handle the interviews.
Questions arose about the number of faculty members on the committee and how they are determined; whether they would be elected or nominated; whether the committee on committees would be involved in the process. They would like faculty from various departments for a diversity of representation. The committee would seek nominations, and the Faculty Senate would confirm them. A Senator asked about the dates listed in Appendix A and was told that those dates would not go into the Handbook since they would change annually.

There were also questions about having graduate students on this committee. The main concerns were whether it is normal to have graduate students on this type of committee, and if it is a good idea to have students involved in making decisions about other students’ scholarships. Senator Zrull pointed out that they would not allow undergraduate students on this committee, only graduate students. Also, certain other scholarships have their own committees at ASU, and graduate students are represented on those committees. It is also very important to them to have student representation and voices on this committee. Another concern was that most graduate students are here for a two-year program, but the term on this committee is three-years long. It was explained that graduate students on this committee would only serve one-year terms.

Moved to a vote by the Welfare of Students Committee, no second is needed. **Motion FS 15-16/04-05 to recommend the changes to the Handbook as described in Appendix A regarding the University Scholarships Selection Committee passed.** (Vote #6)

### VII. Unfinished Business

### VIII. New Business

**A. Resolution Regarding HB2 - Appendix D**

Senators Waldroup & Peterson-Sparks have created a resolution in response to House Bill 2. Senator Waldroup moved that we the Faculty Senate consider the resolution, and Senator Reed seconded.

A Senator brought up a concern that was voiced to him by a student, that an unintended consequence of allowing anyone into any bathroom could allow predators access to bathrooms, and that some people might be uncomfortable and stop using public restrooms. In response, Senators brought up that there is no evidence of that in other states facing similar issues. It was also discussed by other senators that HB2 is problematic on issues besides bathroom use, such as minimum wage, job discrimination, employment, and child welfare. That bathroom use is only a small portion of the bill and other issues, such as: eliminating the rights of individuals to sue due to job discrimination in NC may be even more problematic and concerning. Another point raised was that, since trans people now have to use the public bathroom for a gender they don’t identify with, it could cause even more confusion and fear of predation in bathrooms, since they won’t look as though they belong in that bathroom. There was discussion that HB2 may violate the 14th Amendment of the Constitution and Title IX, which could cause it to be appealed and rejected. A Senator mentioned that since this bill was rushed to a vote, no one was able to contact their state representatives to give their opinion, and this is an opportunity to voice their opinion on the bill.
A Senator thinks the wording of the resolution is too narrow, since HB2 affects everyone in the state, with its policies regarding employment discrimination and the inability to file a law suit about employment discrimination. Senator Shulstad moved to amend it to state, “places severe limits on the civil rights of all people in our state including”. The amendment is seconded by Senator West. **Motion to amend resolution to say, “places severe limits on the civil rights of all people in our state including” passed. (Vote #7)**

Senator Waldroup moved to support the resolution on HB2 as amended, and was seconded by Senator Reed. **Motion FS 15-16/04-06 to support the resolution on HB2 as amended passed. (Vote #8)**

**B. University Research Council Resolution - Appendix G**
The University Research Council Resolution in Appendix G, concerns the representation arts faculty members on the URC. There is concern within the Arts, that there isn’t adequate representation on the URC for the various types of art programs at ASU. Senator Waldroup moved to consider this resolution and was seconded by Senator Szeto.

A Senator was concerned that if you increase representation for the Arts on the University Research Council, that other departments could feel disenfranchised and request more of their own representatives on the Council as well. It was recommended that the Arts make certain to always nominate people for URC positions.

There is concern about bias towards the arts and that their work is measured differently than other studies, making it difficult to get funding. It was stated that changing the make-up of the committee may not be the correct approach. Other solutions could be more beneficial such as, changing the policies for funding, changing the metrics of how things are ranked, or changing other ways the URC operates.

There was discussion about whether to move to a vote or refer back to committee. If it goes to a vote, it may not pass, but if it goes back to committee, they can look at this in more detail and find a way to make it more amenable to the Faculty Senate. Senator Waldroup agrees that more research should be done on this. Senator Reed moves that this resolution be sent to the appropriate committee, and is seconded by Senator Spaulding. **Motion FS 15-16/04-08 to send the University Research Resolution to the Academic Policies Committee passed. (Vote #10)**

**C.** Senator Erickson brought up a question about the full faculty meeting in the Fall and what needs to be done in preparation for that. Chair Gates agrees that yes, Faculty Senate members should solicit topics from faculty members for the meeting. Senator Koch brought up the point that there are many constitutional changes that need to be made. It is most important that they are fully prepared for a vote on electronic voting, because if that gets approved, voting on all other matters can be done much faster.

**D.** Senator Shulstad mentioned that when the Faculty Senate drafted a resolution about the hiring of Margaret Spellings, a discussion of the process that the Board of Governors uses for hiring was postponed. She was wondering if that discussion would be resumed.
Chair Gates took a straw poll as to whether the Faculty Senate would be interested in following up on, and found that they do not want to resume that discussion.

IX. Adjournment at 5:24pm

A. Chair Gates moved to adjourn and was seconded by Senator Aycock. Motion to adjourn passed. (Vote #11)

Faculty Senate Voting and Attendance Record for April 11, 2016

Y for Yes; N for No; A for Abstain

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<td>1</td>
<td><strong>Motion to approve the March 14, 2016 minutes passed.</strong></td>
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<td>2</td>
<td><strong>Motion FS 15-16/04-01 to support moving to a full faculty vote on changes to the faculty constitution as outlined in Appendix C passed.</strong></td>
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<td>3</td>
<td><strong>Motion FS 15-16/04-02 to recommend the changes to the handbook as described in Appendix B (from the Academic Policy Committee) passed.</strong></td>
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<td>4</td>
<td><strong>Motion FS 15-16/04-03 to send the committee motion, Faculty Handbook changes as described in Appendix F on search committee meetings (and Senator Reed’s amendment), back to committee passed.</strong></td>
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<td>5</td>
<td><strong>Motion FS 15-16/04-04 to send the proposal on the Tuition Appeals Committee back to the Faculty Governance Committee to finalize Handbook language and confer with Susan Davies passed.</strong></td>
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<td>6</td>
<td><strong>Motion FS 15-16/04-05 to recommend the changes to the Handbook as described in Appendix A regarding the University Scholarships Selection Committee passed.</strong></td>
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<td><strong>Motion to amend the HB 2 resolution to say, “places severe limits on the civil rights of all people in our state including” passed.</strong></td>
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<td>8</td>
<td><strong>Motion FS 15-16/04-06 to support the resolution on HB 2 as amended passed.</strong></td>
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<td>9</td>
<td><strong>Motion FS 15-16/04-07 to approve the Bylaws for Article II as shown in Appendix C passed.</strong></td>
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<td>10</td>
<td><strong>Motion FS 15-16/04-08 to send the URC Resolution to the Academic Policies Committee passed.</strong></td>
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<td><strong>Motion to adjourn passed.</strong></td>
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PROPOSED ADDITION TO THE FACULTY HANDBOOK:

University Scholarships Selection Committee (USSC)

• Members on Committee: 22 members consisting of 14 faculty (at least two from each of the five degree-granting colleges and at least one each from the School of Music and the Library), 4 staff (engaged in student development) and 4 graduate students. Each member will serve a three year term. The Director of University Scholarships shall serve as ex officio non-voting member. The Associate Vice Chancellor for Enrollment Management will convene the first meeting and facilitate the selection of a chair, or co-chairs, from among the voting members of the committee.

• Report to: The Provost and Executive Vice Chancellor
• Areas of Responsibility: Define assessment criteria, review scholarship applications and identify award recipients for selected academic scholarships administered by the office of the Associate Vice Chancellor for Enrollment Management.

Rationale for the addition: Per a discussion with Faculty Senate leadership on 5/14/15, a need exists for a new University Scholarships Selection Committee. The University Scholarship Selection Committee would be a University Committee appointed by Faculty Senate. It will review the scholarship applications for selected scholarships administered by the office of the Associate Vice Chancellor for Enrollment Management. These scholarships currently include the following, and there may be more added in the future:

1. Academic Excellence (Freshman) - requires interviewing students at Scholars Day
2. Jack & Julie Allen (Freshman) - requires interviewing students at Scholars Day
3. Stick Boy Bread Company (Preference to Employees)
4. Nancy H. Jolly (Sophomore)
5. Academic Excellence (Transfer)
6. Josephus Daniels (Transfer)
7. Herbert W. Wey (Phi Theta Kappans/Transfer)
8. Warrior Fund
9. Firefighter
10. Blowing Rock Country Club (Employees) - requires summer (July) review

Additional Notes: Members should be appointed such that the first meeting could occur no later than December 1, 2015 as there will be planning responsibilities (i.e. review of scholarship application, creation of interview questions and rubrics, etc.). The committee members appointed will need to agree to interview students at Scholars Day (Saturday, February 20, 2015). A minimum of 20 committee members are needed to interview students at Scholars Day. And, at least 2 committee members should be available in the summer (July). Ideally faculty representation would include at least two from each of the five degree-granting colleges and at least one each from the School of Music and the Library. Staff members (4) would include those engaged in student development. For example, staff members from CSIL, ACT, OIED, MSD, Dean of Students, LAP, or Academic Advising. Graduate students (4) would be appointed by the Graduate Student Association Senate.
Proposed Faculty Handbook Changes (from Academic Policy Committee)

The following proposed Faculty Handbook changes are coming at the request of the Academic Policies and Procedures Committee (AP&P). In the process of revising their governing document (The Academic Governance Handbook), AP&P have identified language that they feel is more appropriate in other university documents/handbooks/manuals.

The Senate’s Academic Policy Committee reviewed the proposed language and amended where appropriate. Additional changes occurred in the Governance Committee. Text in yellow highlight reflects language added by the Academic Policy Committee or the Governance Committee.

[Existing Language]

3.4.2 Recommendations for changes in general academic policies or academic programs must be submitted to the Undergraduate Academic Policies and Procedures Committee and/or the Graduate Academic Policies and Procedures Committee by any of the following:

   a. department, college or school
   b. Faculty Senate
   c. Student Government Association
   d. Council of Deans
   e.

[Proposed Language]

3.4.2 Recommendations for changes in general academic policies or academic programs must be submitted to the Undergraduate Academic Policies and Procedures Committee and/or the Graduate Academic Policies and Procedures Committee by any of the following:

   a. Department, program, college or school
   b. Faculty Senate
   c. Student Government Association
   d. Graduate Student Association Senate
   e. Council of Deans
   f. Council of Chairs
Faculty members should exercise extreme care in evaluating students and in reporting grades. A faculty member must secure the form for changing a grade in the departmental office. All grade changes are subject to review by the dean of the college/school. A legitimate reason for all grade changes is required. Except for changes for I (incomplete), the only permissible reason for a grade change is an error on the part of the faculty member in computing or in reporting the student’s grade.

Faculty members should exercise extreme care in evaluating students and in reporting grades. All grade changes are subject to review by the dean of the college/school. A legitimate reason for all grade changes is required. Except for changes for I (incomplete), the only permissible reason for a grade change is an error on the part of the faculty member in computing or in reporting the student’s grade.

In all circumstances, except those stipulated below, the grades recorded shall be those assigned by the faculty member (instructor of record). Any action taken by the university to withhold transcripts for any reason shall not involve any changes in the recorded grade.

In the event that a faculty member has not turned in a grade or grades on time, and if the faculty member cannot be located, an interim grade of "NR" (Grade Not Reported) will be assigned by the Registrar's Office. If a graduating student is involved, the departmental chair may, with the concurrence of two other departmental faculty members, assign a grade.

In the event that a faculty member becomes incapacitated prior to the time grades should have been assigned, the departmental chair, along with two other departmental faculty members, shall jointly decide the action to be taken.
6.2.3.4 Independent study

Independent study is the term applied to the study of a subject not listed in the regular curricular offerings. Under the independent study program, a student designs a project and then individually pursues the study under the auspices of qualified faculty member who serves as a consultant for the student during the course of the study. The student must be either degree seeking, working toward teacher licensure or have special permission from the dean. In all cases, permission from the departmental chair (in which the course is offered) will need to be secured. The vehicles for this are course numbers 2500, 3500, 4500, 5500, 6500 and 7500 depending on the level of the student. For information on independent study, students should consult the chair of the department in which the independent study is to be done.

Each student seeking approval for an independent study will petition the appropriate faculty member and seek their consent to supervise the independent study, typically through an oral prospectus. If the faculty member agrees to supervise the student, a written prospectus will be drawn up by the student and presented to the departmental chair. If the chair approves, she/he will determine the amount of credit and authorize the registration for the independent study. The dean of the college involved must endorse the chair's authorization. Registration for the course will be done during the registration period, and grades will be reported in the regular way at the end of the semester in which the project is completed.

The faculty member who supervises an independent study receives teaching hour credit on the following basis: for each semester hour of undergraduate independent study supervised by a faculty member, the faculty member will receive one-twelfth teaching hour credit; for each semester hour of graduate independent study supervised by a faculty member, the faculty member will receive one-sixth teaching hour credit.

The departmental chair will maintain a record of the work done by faculty members in the chair's department in supervising students in this category and when the faculty member has accumulated sufficient credits for a teaching load reduction, such a reduction will be given in some term of the regular academic year. It must be understood that the needs of students come first, and it may not always be possible to arrange for the reduced load in the term which the faculty member requests it. Also, it must be understood that the reduction in load can only be claimed during one of the regular terms of the academic year and cannot be claimed during the summer term.

With the approval of the instructor, the departmental chair, the dean of the college, and the Dean of Graduate Studies and Research, graduate students who have been admitted to candidacy and who have filed their Program of Study may register for independent study in their major field.

Students registered for independent study must be scheduled for regular conference periods at least weekly. No more than six semester hours of independent study may be applied toward a graduate degree, and no more than twenty-five percent of the student's degree program may be taken in a combination of selected topics and independent studies.
Proposed new section 6.2.3.5 - AP&P suggests moving this language from the Academic Governance Handbook to the Faculty Handbook

6.2.3.5 Individual study

Individual study is the pursuit of a regularly listed course by a student without attending classes on a regular basis. The student must be either degree seeking, working toward teacher licensure or have special permission from the dean. In all cases, permission from the departmental chair (in which the course is offered) will need to be secured. The student seeking approval for an individual study will petition the appropriate faculty member and seek their consent to supervise the individual study, typically through an oral prospectus. If the faculty member agrees to supervise the student, the student and faculty member will work out the method of study, then permission from the departmental chair is secured. The grade for the course will be submitted to the Registrar in the regular way at the end of the semester in which the project is completed.

The usual limitations on academic load apply to the student's total load, including the load in regular classes and work taken individually.

If a faculty member supervises a student in individual study of a course at a time when the faculty member is teaching that course as a part of her/his regular assignment, then the faculty member will receive one-twenty-fourth teaching hour credit for that supervision. If a faculty member supervises a student in individual study of a course at a time when she or he is not teaching that course, then for each semester hour of individual study supervised by the faculty member, the faculty member will receive one-twelfth teaching hour credit.

The departmental chair will maintain a record of the work done by the faculty members in the chair's department in supervising students in this category and when the faculty member has accumulated sufficient credits for a teaching load reduction, such a reduction will be given during one term of the regular academic year. It must be understood that the needs of the student come first, and it may not always be possible to arrange for the reduced load in the semester in which the faculty member requests it. Also, it must be understood that the reduction in load can only be claimed during one of the regular semesters of the academic year and cannot be claimed during the summer term.
Proposed Handbook Changes – Electronic Voting

I. Faculty Constitution

(Replace existing language with new language)

Article VII. Amendments

Section 1. Any section of the Faculty Constitution may be amended. Amendments to the constitution shall first be considered by the Faculty Senate in a regularly scheduled or called meeting with a quorum present. The proposed amendment(s) shall require a two-thirds vote to pass.

An amendment may refer to multiple sections of the Constitution, but an amendment must refer only to a single theme or topic. If a second theme or topic is to be considered, it shall be treated as a second amendment. More than one amendment may be considered at each meeting.

Section 2. The Faculty Senate shall determine whether a faculty vote on the amendment be carried out electronically or through a general meeting of the faculty. The decision will require a majority vote of the Senators.

Section 3. If voting is to be carried out electronically, a forum to discuss the proposed amendment(s) must be held prior to a vote by the faculty. The forum will be organized by the Faculty Senate. The proposed changes and written notice of the forum shall be sent to voting-eligible faculty by the Faculty Senate Chair at least ten (10) working days prior to the event. Voting on the proposed amendment(s) shall begin within 24 hours of the forum’s completion and will remain open for five (5) working days. An affirmation of the proposed amendment(s) will require approval by two-thirds of the faculty voting. A quorum for voting purposes shall consist of a simple majority (50% + 1) of the voting-eligible faculty.

Section 4. If the voting on proposed changes to the Constitution are to be carried out by a general meeting of the faculty, the Faculty Senate will notify the faculty at least ten (10) days prior to the scheduled meeting. The Faculty Senate Chair will distribute to the faculty a copy of the proposed amendment(s) and the rationale for the proposed changes. A quorum for the meeting shall consist of a simple majority (50% + 1) of the voting-eligible faculty. The meeting shall be conducted according to Robert’s Rules of Order. Passage of the proposed amendment will require approval by a two-thirds of the faculty present.
(Recommendation: eliminate entire section)

Reasoning:

Section a. is redundant. Already included in Article II, section 1.

Section b. is covered and explained by proposed new Article VII.

Section c. is not relevant because the Senate as a whole prepares constitutional amendments

Section d. is covered under the proposed new Article VII.

Replace with:

Article IX. Emergency Meetings of the Faculty

During the course of the year it may be necessary to respond to unexpected events, or new opportunities that are of a pressing nature. In such cases it may be necessary to call emergency or unscheduled meetings of the faculty.

Section 1. Emergency meetings of the faculty may be called by the Chancellor, Provost and Executive Vice Chancellor, or the Chair of the Faculty Senate.

Section 2. A quorum for an emergency meeting of the faculty shall consist of the faculty present at the meeting.

Section 3. Emergency or unscheduled meetings of the faculty may consider resolutions. However, such meetings are prohibited from considering changes to the Faculty Handbook or the Faculty Constitution.
Resolution on HB2

Whereas, the North Carolina Legislature recently passed House Bill 2, the Public Facilities Privacy and Security Act, and this bill was signed into law on March 23, 2016, by Governor Pat McCrory;

Whereas, this bill discriminates against, and places severe limits on the civil rights of, lesbian, gay, bisexual, and transgender people in our state; and

Whereas, Appalachian State University values diversity and supports making our campus a safe, inclusive space for all, regardless of sexual orientation or gender identity;

Whereas, this bill clearly creates more safety issues than it addresses;

Be it resolved, that the Appalachian State Faculty Senate does not support the discriminatory intent of House Bill 2, and will continue to make our campus as safe and inclusive as possible for all faculty, staff, and students.
Proposal for the Tuition Appeals Committee

Offered by Susan Davies, Associate Vice Chancellor for Enrollment Management

March 25, 2016

Since 2010 a Tuition Surcharge Appeals Board (TSAB) has existed to review the student appeals of tuition surcharge. This TSAB is a required component of the North Carolina state law on tuition surcharge. The TSAB has been chaired by the Associate Vice Chancellor for Enrollment Management and has included one Associate Dean, two faculty (appointed by Deans) and three staff representatives – one each from the Learning Assistance Program, Office of Financial Aid, and Office of Transfer Services.

Beginning in 2014, UNC FIT required that each university have a refund appeals process. This process had not previously existed at Appalachian. A form was created and students began to appeal; however, no formal committee was created. During the 2015-2016 academic year, an ad hoc appeals board was formed that includes the Registrar, University Treasurer, Controller, Dean of Students, and Director of the Office of Disability Services.

This proposal is to combine the two appeals boards into one, which will meet once/month to review any student appeal of tuition charges.

Committee members shall serve a three-year term.

Proposed text in the Faculty Handbook:

TUITION APPEALS COMMITTEE

- **Members on Committee**: 7 members consisting of 4 faculty and 3 staff. Four faculty shall represent four different colleges. The three staff shall represent the Learning Assistance Program, Office of Financial Aid, and Office of Transfer Services. Five representatives shall serve as ex officio non-voting members, one each from the following offices: Registrar’s Office, Student Accounts, Office of Disability Services, Health Services, and the Office of the Dean of Students. The Associate Vice Chancellor for Enrollment Management and Associate Vice Chancellor for Business Affairs will convene the first meeting and facilitate the selection of a chair, or co-chairs, from among the voting members of the committee.

- **Report to**: The Provost and Executive Vice Chancellor.

- **Areas of Responsibility**: Review and make decisions on appeals for tuition surcharge and tuition and fee refunds based upon evidence of “Other extraordinary hardship—“Hardship of any kind which, despite responsible handling, resulted in the substantial disruption or interruption of the student’s pursuit of a degree.”
10) Changes to 4.1.9.3 under 4.1.9 Search Committees to clarify procedures of search committees.

Proposed language:

**4.1.9.3.a** All meetings of search committees shall be held face-to-face on campus. Every member of an academic department must be notified in writing of all meetings and agenda items of the search committee. The announcement should clearly state the time and place of the meeting and it should become a part of the search committee’s records. All department members who so desire may present their views before the committee. (present 4.1.9.2)

**4.1.9.3.b** The minutes of the search committee should record all persons in attendance at the meeting and all members absent. A record should be kept of each personnel action considered; however, this should not include individual comments. All personnel actions shall be determined by anonymous paper ballot votes. The written record should state that the search committee formally considered the personnel action. The minutes should show the vote (the number of affirmative and negative votes) on each action, but not the votes of individual members of the committee. All motions must be phrased in the affirmative. (present 4.1.9.3)

**4.1.9.3.c** A file of all minutes of the search committee shall be maintained with the search committee file (see ASU Policy Manual 601.8, Section 4.10.) In addition, the paper ballots for each vote should be kept in sealed, labeled and dated envelopes with the search committee file. Nothing in these guidelines shall violate the confidentiality of the search committee minutes. (present 4.1.9.5)

**4.1.9.3.d** All minutes of search committee action must be approved and, if necessary, modified by a majority of the assembled committee. Such action will normally take place at the next meeting of the committee except that, following the last meeting of the committee in a given academic year, the recorder shall be responsible for gaining the approval of the minutes from the voting members of the committee. (present 4.1.9.4)

**Current language:**

**4.1.9.3** The minutes of the search committee should record all persons in attendance at the meeting and all members absent. A record should be kept of each personnel action considered; however, this should not include individual comments. The written record should state that the search committee formally considered the personnel action. The minutes should show the vote (the number of affirmative and negative votes) on each action, but not the votes of individual members of the committee.
Resolution of support for a revised configuration of the University Research Council membership

Whereas, the current configuration of the University Research Council includes specific membership for all schools of the university;

Whereas, the creative practices that are the work of the faculty within the Departments of Art, Theater and Dance, and Applied Design represent practices that are fundamentally different in reception, practice, and external scrutiny from scientific and scholarly research;

Whereas, the Department of Art, the Department of Theater and Dance, and the Department of Applied Design consistently lack representation by creative practitioners on the University Research Council;

Whereas, the understanding of these creative endeavors is essential for a fair and equitable distribution of grants;

Therefore, Be It Resolved that, the Art Department recommends that the University Research Council be reconfigured to include representation from creative practitioners from the faculty of the departments of Art, Theater & Dance, and Applied Design.
Open Access to Scholarly and Scientific Research Articles

Why is Open Access important?

We engage and invest in research in order to accelerate the pace of scientific discovery, encourage innovation, enrich education, and stimulate the economy — to improve the public good. *Communication of the results of research is an essential component of the research process;* research can only advance by sharing the results, and the value of an investment in research is only maximized through wide use of its results.

Yet, too often, because of cost barriers or use restrictions, research results are not available to the full community of potential users. The Internet gives us the opportunity to bring this crucial information to a worldwide audience at virtually no marginal cost, and allows us to use it in new, innovative ways. This has resulted in a call for a new framework to allow research results to be more easily accessed and used — the call for Open Access.

Over the past decade, Open Access has become central to advancing the interests of researchers, scholars, students, businesses, and the public — as well as librarians. Increasingly, institutions that support research — from public and private research funders to higher education institutions — are implementing policies that require researchers to make articles that report on research generated from their funding openly accessible to and fully usable by the public.

**Number of articles published with CC-BY licenses 2000–2012 [i]**

Open Access is the *free, immediate, online availability of research articles, coupled with the rights to use these articles fully in the digital environment.*

81,780 articles in 2012 were published in Open Access journals [i]

252,418 articles were published in Open Access Journals during 2000–2012 [i].

9,745 Open Access journals A comprehensive list of Open Access journals is provided by the Directory of Open Access Journals (DOAJ) [i].

2,500 repositories are available for authors to digitally deposit their work [3]. A comprehensive list of these is available through the Directory of Open Access Repositories (OpenDOAR).
How Does Open Access Work?

SPARC considers the terms outlined by the Creative Commons Attribution-Only license (CC-BY) to be the standard terms for Open Access. Four primary mechanisms can be used to enable Open Access:

- Open Access publishing
- Digital repositories
- Effectively managed author rights
- Local, national and international Open Access policies

Open Access publishing Authors can choose to publish their research articles in a growing number of journals that meet the full definition of Open Access. Articles are free to all interested readers, and the publisher places no financial or copyright barriers between the readers and the article. Open Access publishing is the fastest growing segment of the scholarly publishing market, and journal options are now available for nearly every area of research.

Digital repositories Authors can choose to deposit their research articles in digital archives (often called Digital Repositories or Institutional Repositories) which conform to the standards of the Open Archives Initiative (OAI), and enable readers to freely access and fully reuse the article text. This allows any author to make their work available under Open Access conditions regardless of the journal out the article is published in.

Effectively managed author rights As the author of a research paper, you have the ability to ensure that your article can be accessed and used by the widest possible audience. Tools such as Addenda to traditional Copyright Transfer Forms are readily available, proven resources that can help you understand open licenses and publish your articles under full Open Access conditions.

Local, national and international Open Access policies Institutions that support research, from public and private research funders to higher education institutions, can implement effective policies that that support making Open Access to scholarly research articles the default mode for their researchers.

How Can You Advance Open Access?

Raise awareness Engage your campus community on the topic of Open Access. In conversations with faculty and students, explain how Open Access can raise the visibility and impact of their of research. Encourage authors to publish their work in Open Access journal, and to place their work your campus institutional repository.

Set an example Choose Open Access outlets to publish your own work whenever possible.

Host an event on campus During International Open Access Week or any other time of year, events help identify and educate colleagues, identify champions on campus and dispel common misconceptions

Advocate for an institutional policy More than 300 institutions around the world now have institutional open access policies. SPARC has resources to help you build a successful on-campus campaign and can connect you with colleagues who have passed policies themselves through the Coalition of Open Access Policy Institutions (COAPI).

Engage your elected representatives The library community and SPARC have led the charge in working with policymakers to ensure that the results of publicly funded research are made freely available. Use SPARC’s legislative advocacy platform to contact your elected representatives in Congress and in your state.

BENEFITS OF OPEN ACCESS (OA):
1. Increased visibility and accessibility which translates into increased citations and impact;
2. Benefit researchers around the world who do not have access to the journal;
3. Provide a convenient open access place to refer colleagues and students to all your work;
4. Fulfill grant funding requirements to link your data and/or make your article open access.

YOUR OPEN ACCESS OPTION IN THE E-JOURNAL WORLD

1. Publishing in a Traditional Journal:
Carefully consider potential journals in terms of their author self-archiving rights. Then archive it OA.
   a) Check the author’s rights section of the journal’s website
   b) Check the Sherpa-Romeo online database -- http://www.sherpa.ac.uk/romeo/
   c) If you are unsatisfied with terms of your publishing contract - Consider appending the SPARC Addendum - http://www.sparc.arl.org/resources/authors/addendum
   d) Then archive a copy in AppState’s open access repository, NC DOCKS

2. Publishing in an Open Access Journal:
Consider submitting your paper to a reputable open access journal.
   a) Check Directory of Open Access Journals (DOAJ), an online directory that indexes and provides access to quality open access, peer-reviewed journals. http://doaj.org/

3. Make All Your Scholarship and Data Open Access:
Submit all your scholarly work to NC DOCKS (NC Digital Online Collection of Knowledge and Scholarship), our open access institutional repository - http://libres.uncg.edu/ir/asu
   a) To begin the process, send an updated list of your scholarship
      (We will then verify which publishers allow self-archiving and let you know which items we need from you.)
   b) IN THE FUTURE: Immediately, upon acceptance of your paper for publication, send the final Word version for immediate archiving in NC DOCKS.

To make your scholarship and data open access in NC DOCKS contact:
Health Sciences: John Wiswell, wiswellj@appstate.edu, 828-262-7853
Humanities: Alex McAllister, mcallisterad@appstate.edu, 828-262-8472
Social Sciences & other areas: Allan Scherlen, scherlng@appstate.edu, 828-262-2285

See the Library Guide for Scholarly Communications at:
http://guides.library.appstate.edu/scholarly_communication
Appalachian State University
Open-Access Policy for Library Faculty

Whereas the Library Faculty at Appalachian State University recognize the vital importance of open-access publishing and archiving for the enrichment and expansion of scholarly communication, we adopt the following policy in order to make our research and scholarly works freely available to the widest possible audience. We, the Library Faculty at Appalachian State University, make the following resolutions:

- We encourage library faculty to publish in scholarly outlets that are open access or allow open access archiving.
- Before we sign a publisher’s copyright agreement, we will verify our right to archive the work in the University’s open access repository or other appropriate open access archive, or attempt to retain that right by adding an author addendum.
- We will submit our scholarship to the University’s open access repository as soon as possible after acceptance for publication.
- We will promote open access to all faculty on campus and encourage them to archive their scholarly works in the University’s open access repository.
- We grant to Appalachian State University Libraries a non-exclusive, perpetual license to archive our submitted works in the University’s open access repository.
- We grant to the Appalachian State University Libraries the right to migrate one or more copies of our submissions to another medium or format for security and preservation purposes.
- Although library faculty are encouraged to archive all of their scholarly works in the University’s open access repository, this policy will apply only to scholarship created after approval of the policy by a vote of the library faculty.
- Librarians may submit their work to a publication that does not follow open access principles and will not allow self-archiving if, in their judgment, it is clearly the best option at the time.

For examples of open access policies and mandates approved at other libraries and universities, see ROARMAP

If you have questions about this policy, please contact Paul Orkiszewski, Scholarly Communications Librarian, 828-262-6588.
University of Arizona Open Access Policy

The University of Arizona Faculty Senate passed an open access policy on April 4, 2016.

Policy text

Preamble

The Faculty of the University of Arizona is committed to disseminating its research and scholarship as widely as possible. As part of a public, land grant university, the Faculty is dedicated to making its scholarship available to the people of Arizona and the world to maximize its impact. Furthermore, the Faculty recognizes the benefits that accrue to themselves as individual scholars and the scholarly enterprise from such wide dissemination, including greater recognition, more thorough consideration and critique, and a general increase in the exchange and creation of knowledge. In keeping with these considerations, and for the primary purpose of making our scholarly articles widely and freely accessible, the Faculty adopts the following policy:

Grant of Permission and Limitations

Each faculty member grants the University of Arizona permission to make their articles freely available in an Open Access repository. Such permission and the associated deposit of articles in a repository are consistent with the existing University of Arizona Intellectual Property Policy. This provision does not transfer copyright ownership of faculty articles, which remains with Faculty authors under the existing University of Arizona Intellectual Property Policy.

Scope and Waivers

The policy applies to all scholarly articles authored or co-authored while the person is a member of the University of Arizona Faculty except for articles published before the adoption of this policy. Upon request by a faculty member, the University of Arizona will waive the deposit requirement for a particular article by that faculty member or delay access to the article for a
specified period of time unless the waiver or delay is prohibited by applicable law, regulation, grant, or contract associated with the creation of the article in question.

**Deposit of Articles**

To assist the University of Arizona in archiving and disseminating scholarly articles, the Faculty commit to helping the University obtain copies of its articles. Specifically, each Faculty member who does not obtain a waiver to deposit in the university’s Open Access repository will provide an electronic copy of the final accepted (post-peer review) manuscripts of his or her articles to the University of Arizona, by the date of publication, for inclusion in an Open Access repository. When appropriate, a Faculty member may instead notify the University of Arizona if the article will be freely available as an Open Access publication. Faculty members who have waived the deposit requirement may nonetheless choose to submit a copy with the University of Arizona for preservation purposes.

This policy does not in any way prescribe or limit the venue of publication for faculty members, who retain the right to publish articles in the journals or other venues of their choice. This policy neither requires nor prohibits the payment of fees or publication costs by authors.

**Oversight of Policy**

The University Libraries, in consultation with Faculty Senate leadership and the Office of the Provost, will be responsible for implementing this policy, resolving disputes concerning its interpretation and application, and recommending any changes to the policy. Changes to the text of the policy will require approval by the Faculty Senate. The University Libraries will provide a report to Faculty Senate on the impact of the policy within three years.

The Faculty Senate calls upon university units to develop and monitor mechanisms that would render implementation and compliance with the policy as convenient as possible for the Faculty.
A MODEL OPEN-ACCESS POLICY

STUART M. SHIEBER

The following is a model open-access policy in the Harvard style — with a freely waivable rights-retaining license and a deposit requirement. This language is based on and informed by the policies voted by several Harvard faculties, as well as MIT, Stanford University School of Education, Duke University, and others. I have added some annotations explaining why the wording is chosen as it is.

Further information explaining the motivation for and implementation of the Harvard open-access policies is available at the web site of Harvard’s Office for Scholarly Communication (http://osc.hul.harvard.edu/). Extensive information about good practices for university open-access policies is provided in a widely endorsed guide from the Harvard Open Access Project (http://bit.ly/gooodoa). Inquiries about the policy and this model language can be made to osc@harvard.edu.

We would greatly appreciate your help in assessing how institutions are using the model open-access policy and how it could be improved. Please let us know how you are using the model policy at http://bit.ly/modelfb.

This document will be updated over time as further refinements are made to the policy. This is revision 1.12 of December 18, 2015, 18:49:36. This work is licensed under a Creative Commons Attribution 4.0 International License.

1 The Faculty of (university name) is committed to disseminating the fruits of its research and scholarship as widely as possible. In keeping with that commitment, the Faculty adopts the following policy: Each Faculty member grants to (university name) permission to make available his or her scholarly articles and to exercise the copyright in those articles. More specifically, each Faculty member grants to (university name) a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, provided that the articles are not sold for a profit, and to authorize others
to do the same. The policy applies to all scholarly articles authored or co-authored while the person is a member of the Faculty except for any articles completed before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy. The Provost or Provost’s designate will waive application of the license for a particular article or delay access for a specified period of time upon express direction by a Faculty member.

Each Faculty member will provide an electronic copy of the author’s final version of each article no later than the date of its publication at no charge to the appropriate representative of the Provost’s Office in an appropriate format (such as PDF) specified by the Provost’s Office.

The Provost’s Office may make the article available to the public in an open-access repository. The Office of the Provost will be responsible for interpreting this policy, resolving disputes concerning its interpretation and application, and recommending changes to the Faculty from time to time. The policy will be reviewed after three years and a report presented to the Faculty.

EXPLANATORY NOTES

line 1, disseminating the fruits of its research and scholarship as widely as possible: The intention of the policy is to promote the broadest possible access to the university’s research. The preamble emphasizes that the issue is access, not finances.

line 4, grants: The wording here is crucial. The policy causes the grant of the license directly. An alternative wording, such as “each faculty member shall grant”, places a requirement on faculty members, but does not actually cause the grant itself.

line 5, scholarly articles: The scope of the policy is scholarly articles. What constitutes a scholarly article is purposefully left vague. Clearly falling within the scope of the term are (using terms from the Budapest Open Access Initiative) articles that describe the fruits of scholars’ research and that they give to the world for the sake of inquiry and knowledge without expectation of payment. Such articles are typically presented in peer-reviewed scholarly journals and conference proceedings. Clearly falling outside of the scope are a wide variety of other scholarly writings such as books and commissioned articles, as well as popular writings, fiction and poetry, and pedagogical materials (lecture notes, lecture videos, case studies).

Often, faculty express concern that the term is not (and cannot be) precisely defined. The
EXPLANATORY NOTES

concern is typically about whether one or another particular case falls within the scope of the term or not. However, the exact delineation of every case is neither possible nor necessary. In particular, if the concern is that a particular article inappropriately falls within the purview of the policy, a waiver can always be obtained.

One tempting clarification is to refer to scholarly articles more specifically as “articles published in peer-reviewed journals or conference proceedings” or some such specification. Doing so may have an especially pernicious unintended consequence: With such a definition, a “scholarly article” doesn’t become covered by the policy until it is published, by which time a publication agreement covering its disposition is likely to already have been signed. Thus the entire benefit of the policy’s nonexclusive license preceding a later transfer of rights may be vitiating. If clarifying language along these lines is required, simultaneously weaker and more accurate language can be used, for instance, this language from Harvard’s explanatory material (also used above): “Using terms from the Budapest Open Access Initiative, faculty’s scholarly articles are articles that describe the fruits of their research and that they give to the world for the sake of inquiry and knowledge without expectation of payment. Such articles are typically presented in peer-reviewed scholarly journals and conference proceedings.”

line 6, grants: Again, not “shall grant”.

line 7, exercise any and all rights under copyright: The license is quite broad, for two reasons. First, the breadth allows flexibility in using the articles. Since new uses of scholarly articles are always being invented — text mining uses being a prime example — retaining a broad set of rights maximizes the flexibility in using the materials. Second, a broad set of rights allows the university to grant back to an author these rights providing an alternative method for acquiring them rather than requesting them from a publisher.

Even though the university is being allowed to exercise a broad set of rights, it is not required to exercise them. Universities are free to set up policies about which rights it will use and how, for instance, in making blanket agreements with publishers. For example, a university may agree to certain restrictions on its behavior in return for a publisher’s acknowledgement of the prior license and agreement not to require addenda or waivers. Harvard has provided a model agreement of this type as well: http://osc.hul.harvard.edu/docs/model-pub-agreement-090430.pdf.

line 9, not sold for a profit: This term may be preferable to the vaguer term “noncommercial”. The intention is to allow uses that involve recouping of direct costs, such as use in coursepacks for which photocopying costs are recovered. Given that open access availability allows seamless distribution using a medium with essentially zero marginal cost, even this level of commercial activity may not be needed. Indeed, Harvard has
stipulated in agreements with publishers that it will refrain even from cost-recouping sales: “When Harvard displays or distributes the Article, Harvard will not charge for it and will not sell advertising on the same page without permission of Publisher. Even charges that merely recoup reproduction or other costs, and involve no profit, will be forbidden.” Allowing cost recovery does provide an additional set of rights that can be negotiated in this way. Alternatively, the policy can eschew all sales if deemed preferable, in which case, the phrase “for a profit” can be dropped.

**line 9, authorize others:** The transferability provision allows the university to authorize others to make use of the articles. For instance, researchers can be authorized to use the articles for data mining. The terms of use of the institution’s repository can take advantage of transferability to make available an appropriately scoped set of rights automatically for articles covered by the policy. The Harvard DASH terms of use (http://osc.hul.harvard.edu/dash/termsofuse) provides an example.

Most importantly, the transferability provision allows the university to transfer the broad rights in the policy **back to the author**, so that authors can legally distribute their articles from their own web sites (as they often do illicitly now), to use them for their classes, to develop derivative works, and the like. In that sense, the policy leads to authors retaining rights, not just universities obtaining rights.

**line 10, do the same:** This ordering of phraseology, introduced in the MIT policy, makes clear that the transferability provision applies both to the retained rights and the noncommercial limitation.

**line 11, articles completed before the adoption:** Application of the license retroactively is problematic, and in any case suspect. This clause makes clear that the license applies only prospectively.

**line 14, Provost:** The model language is envisioned as a university policy, where the university academic arrangements are overseen by a Provost. For a school-wide policy within a university, with oversight by a Dean, some occurrences of “Provost” may be replaced by “Dean” where appropriate, as was done in the Harvard policies.

**line 15, will waive:** Not “may waive”. The waiver is at the sole discretion of the author. This broad waiver policy is important for the palatability of the policy. It is perhaps the most important aspect of this approach to open-access policies. The ability to waive the license means that the policy is not a mandate for rights retention, but merely a change in the default rights retention from opt-in to opt-out.

Many of the concerns that faculty have about such policies are assuaged by this broad waiver. These include concerns about academic freedom, unintended effects on junior
faculty, principled libertarian objections, freedom to accommodate publisher policies, and the like. Some may think that the policy would be “stronger” without the broad waiver provision, for instance, if waivers were vetted on some basis or other. In fact, regardless of what restrictions are made on waivers (including eliminating them entirely) there is always a de facto possibility of a waiver by virtue of individual faculty member action demanding an exception to the policy. It is far better to build a safety valve into the policy, and offer the solution in advance, than to offer the same solution only under the pressure of a morale-draining confrontation in which one or more piqued faculty members demand an exception to a putatively exceptionless policy.

In any case, with several years of experience with these policies, it has become clear that waiver rates are exceptionally low even with this completely open waiver provision.

**line 15, license:** The waiver applies to the license, not the policy as a whole. The distinction is not crucial in a pragmatic sense, as it is generally the license that leads to waiver requests, not the deposit aspect of the policy, and in any case, an author has a de facto waiver possibility for the deposit aspect by merely refraining from making a manuscript available. Nonetheless, if it is possible to use this more limited formulation, it is preferable in reinforcing the idea that all articles should be deposited, whether or not a waiver is granted and whether or not they can be distributed.

**line 15, delay access:** Duke University pioneered the incorporation of an author-directed embargo period for particular articles as a way of adhering to publisher wishes without requiring a full waiver. This allows the full range of rights to be taken advantage of after the embargo period ends, rather than having to fall back on what the publisher may happen to allow. Since this is still an opt-out option, it does not materially weaken the policy. An explicit mention of embargoes in this way may appeal to faculty members as an acknowledgement of the prevalence of embargoes in journals they are familiar with.

**line 16, express:** An author must direct that a waiver be granted in a concrete way, but the term “express” is preferred to “written” in allowing, e.g., use of a web form for directing a waiver.

**line 16, direction:** This term replaced an earlier term “request” so as to make clear that the request cannot be denied.

**line 18, author’s final version:** The author’s final version—the version after the article has gone through peer review and the revisions responsive thereto and any further copyediting in which the author has participated—is the appropriate version to request for distribution. Authors may legitimately not want to provide versions earlier than the final version, and insofar as there are additional rights in the publisher’s definitive version beyond the
author's final version, that version would not fall within the license that the author grants.

**line 19, no later than the date of its publication:** The distribution of articles pursuant to this policy is not intended to preempt journal publication but to supplement it. This also makes the policy consistent with the small set of journals that still follow the Ingelfinger rule. An alternative is to require submission at the time of acceptance for publication, with a statement that distribution can be postponed until the date of publication.

**line 26, reviewed:** Specifying a review makes clear that there will be a clear opportunity for adjusting the policy in light of any problems that may arise.
Open Data

What is Open Data?

Open Data is research data that can be freely used, reused and redistributed by anyone—subject at most to the requirement to attribute and share alike.

Why is Open Data important?

During the past several years, Open Data has become a field of urgent interest to researchers, scholars, and librarians. With the amount of scientific data doubling every year, issues surrounding the access, use, and curation of data sets are increasing in importance. The data-rich, researcher-driven environment that is evolving poses new challenges and provides new opportunities in the sharing, review, and publication of research results. Ensuring access to primary research data will play a key role in seeing that the scholarly communication system evolves in a way that supports the needs of scholars and the academic enterprise as a whole.

Increasingly, institutions that support research—from public and private research funders to higher education institutions—are exploring policies that require researchers to produce data management plans that explicitly cover how they will make their data available, and under what terms.

Broadly communicating results and making research data broadly accessible and fully available for reuse encourages new research through the reanalysis of existing data, further leveraging the value of a research investment. Providing access to data that is made accessible in formats and under terms that enable full reuse promotes interoperability, and allows the data to be mined using cutting-edge computational tools across huge amounts of data to find connections, trends and patterns that can’t be uncovered when data is closed or siloed.

How does Open Data work?

The process of making data truly open can seem overwhelming, but it doesn’t have to be. To help simplify the process, it may be helpful to think about enabling Open Data through two basic routes:

Making Data Technically Open Ensuring that data are made available as a complete set in a machine-readable format on an easily accessible platform is key to enabling Open Data.

Making Data Legally Open Ensuring that data are made available under legal terms that allow users to redistribute and fully reuse the data is the second key step to ensuring Open Data. The only way to be sure that data are adequately covered is to put a license on it that conforms to the full Open Definition of Open Data. Many options for such licenses are available, such as those produced by Creative Commons.

Key requirements for Open Data

Availability Data should be made available in whole, and at no more than a reasonable reproduction cost.

Access Data should be available for downloading on the open Internet in a form that is both convenient and modifiable.

Redistribution & Reuse Data must be provided in a format and under terms that permit full redistribution and full reuse of the data.

While we recognize that the principles of Open Data can be applied to many types of data, SPARC’s primary focus is on data produced as a result of the scholarly and scientific research process.

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