The Faculty Senate meeting was called to order by Chair Moore at 3:18 pm in the William Strickland Conference Room in I.G. Greer on Monday, April 24, 2006. Senator Kaenzig and Senator Felkel were not in attendance.

I. Announcements

A. Chair Moore welcomed senators and visitors to the meeting. Visitors were Dr. David Haney, Dr. Wilber Ward, Dr. Bobby Sharp, Dr. Tim Burwell, Dr. Harry Williams, Dr. Paul Gates, Dr. Gayle Weitz, Dr. Michael Ramey (Chemistry), Dr. Ellen Carpenter (FCS), Dr. Diane Mines (Anthropology), Mrs. Elizabeth Williams (Library), Dr. Beth Davison (Sociology), Mr. Michael Coston (Bookstore), Ms. Suzette Patterson (CSIL), Mr. Aaron Sperling (App Allies), Dr. Glenn Ellen Starr Stilling (Library), and Dr. Terry Cole (Communication).

B. Chair Moore asked Senators to submit their annual committee reports by Friday, May 5, 2006.

C. Chair Moore reported that Chancellor Peacock and the Board of Trustees approved the changes in faculty office hours noting that SGA opposed this change.

D. Chair Moore presented Dr. Paul Gates, Dr. Gayle Weitz, Ms. Beth Cramer, Dr. Tom Jamison, Dr. Martha McCaughey, Dr. Susan Staub, and Dr. Patrick Rardin with framed Certificates of Appreciation for their service to the Faculty Senate.

E. Dr. Bill Ward presented Chair Moore with a plaque in recognition of Dr. Moore’s leadership as Faculty Senate Chair and his service to Appalachian State University.

F. Vice Chair Marking presented Chair Moore with gifts from the Faculty Senators and office staff in appreciation for his service as Faculty Senate Chair.

II. Visitors’ Reports

A. Ms. Suzette Patterson (CSIL) and Mr. Arron Sperling (College of Business undergraduate student) shared with the Faculty Senate information about the Appalachian Allies initiative on campus, which was developed in 2003 by the BGLAD Task Force, as an advocacy and educational outreach program. Ms. Patterson noted that there are opportunities for faculty involvement as Appalachian Allies. On May 22, 2006 from 1:00 – 4:00 pm, a three-hour mandatory training session will be conducted for individuals who are interested in participating.

III. Minutes

A. Chair Moore asked for a motion to approve the April 10, 2006 minutes. Senator Marking moved and Senator McBride seconded. Motion passed. (See Vote #1).

IV. Nominations
A. Chair Moore opened the floor for nominations for Faculty Senate Chair, Vice Chair, and Secretary. Senator Malloy nominated Senator Marking for Chair. Senator Ramsey nominated Senator Butts for Vice Chair who respectfully declined, noting his involvement as Chair of the AP&P committee as his reason for not accepting the nomination. Senator McCaughey nominated Senator Arnold as Vice Chair. Senator Marking nominated Senator Harris for Secretary. Chair Moore closed the nominations, noting that nominations can be reopened in the second session immediately following this Faculty Senate meeting.

B. Chair Moore presented the nominations for University Committee Service from the Committee on Committees noting changes, deletions, and additions as follows:

**Academic Integrity Board**
Julie Horton (C&I)
Steve Smith (Communication)
Heather Waldroup (Art)

**Admissions Committee**
Betsey Williams (Library)
Sunghoon Roh (Political Science)

**Awards Committee**
Jose Sanqui (Math)

**Core Curriculum Committee**
James Ivory (English)
Margot Olson (Tech)

**Cultural Affairs Advisory Committee**
Alecia Jackson (C&I)

**Faculty Grievance Assistance Committee**
Ray Russell (CS)
Sandie Gravett (P&R)
Stella Anderson (MGT)

**Faculty Staff Benefits Committee**
John Quindry (HLE)

**Library Services**
Billy Irwin (LRS)
Erik Rabinowitz (HLE)
Frank Barry (CS)

**Non-Tenure Track Faculty Committee**
Erik Rabinowitz (HLE)

**Registration and Calendar Committee**
David DeHart (Library)

**Traffic Policy**
Carol Truett (LES)
Thomas Reeves (Tech)

Nominations were approved. (See Vote #2).

V. Provost’s Report
A. Dr. Aeschleman thanked Dr. Moore for his service as the Faculty Senate Chair. The Provost updated the Faculty Senate on three outstanding motions as follows:

**Motion 05-06/03-04 regarding Honoring Our Faculty Proposal.** Motion was approved.

Whereas, tenure and/or promotion in rank mark major achievements in the professional life of a faculty member, being the culmination of years of work and representing excellence in teaching, research, and service to the University and to the wider community;

And Whereas, the interdependence of faculty and the University Library are crucial to the academic life of the University and of the wider community, and that the strongest bonds of mutual respect for contributions that advance human knowledge should be encouraged always;

And Whereas, the Library Services Committee and the University Librarian have given formal support to this proposal;

Therefore, The Faculty Senate requests the Chancellor to have the University Library establish a program called “Honoring Our Faculty” to begin in the fall semester 2006 that is described herein below.

The “Honoring Our Faculty” program invites promoted and/or tenured faculty members to choose a book for the University Library collection and to have a bookplate placed in the book to commemorate their success. Honored faculty members would be encouraged to select a book representing something personally or professionally meaningful to them. The books selected would then be purchased for the library collection and provided with a bookplate with the faculty member’s name, department or school, year and promotion/tenure information. Honored faculty members would be invited to provide a brief statement describing why they chose that book.

Annually, there would be a display in the University Library of the books and their selector’s statements for a period of time. The names of honored faculty, the titles of their chosen books, and their personal statements will be collected, maintained together, and be made available to the public.

The program would be annually conducted in fall semesters, by honoring faculty promoted or tenured in the previous year. It would be administered by the University Library with assistance from Academic Affairs.

Dr. Aeschleman reported that the resolution supporting the Traffic Policy Committee’s motion to have a percentage of ticket sales earmarked for ongoing maintenance of parking facilities was not approved. The Provost stated that this would be too cumbersome to implement and that there is no centralized process to accommodate such a process.

**Motion FS 05-06/02-01 regarding the Proposed Supplemental Pay Policy, “tiered approach” (Report #2) was approved with one modification.** Under Tier 1, the minimum mileage was increased from 5 miles to 20 miles which has no affect on any existing distance education programs.

Report #2
Supplemental Pay Proposal #2.

<table>
<thead>
<tr>
<th>Tier 1 20 - 40 miles</th>
<th>Tier 2 41 - 60 miles</th>
<th>Tier 3 Over 60 miles</th>
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<tr>
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<td>30 / 1560 = 1.9% = 2%</td>
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<tr>
<td>Supplemental Pay Percentage</td>
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</table>
V. Committee Reports

A. Academic Policies (HUELSMAN, Butts, Ehenn, Mamlin)

Motion FS 05-06/04-24/01 to approve Educational Materials Course Development Agreement (See Appendix A). Motion passed. (See Vote #3).

B. Agenda Committee (MOORE, Marking, Harris, Aeschleman)

No Report.

C. Budget Committee (STRAZICICH, Kaenzig, Staub)

No Report.

D. Campus Planning Committee (MARLAND, Jamison, McKinney)

No Report.

E. Committee on Committees (MALLOY, Cramer, Jones, Lambert, McBride)

Motion FS 05-06/04-24/02

Whereas, the AP&P Committee has submitted new guidelines for its operation;

Therefore, the Committee on Committees recommends approval of the new guidelines (see below) as submitted to the Faculty Senate.

Proposed text to be stated in Chapter II of the Faculty Handbook, and in Section A. of the Academic Governance Handbook.

ACADEMIC GOVERNANCE

The basic mission of the University is instruction of students; therefore, the procedures for curriculum modification are most important and should be clear.

The basic and most important unit in determining curricula is the academic department. Departments recommend their own departmental courses and programs after careful consideration by the faculty of that department. Each department should have a representational curriculum committee involving faculty and undergraduate students (and graduate students, if there are graduate programs in that department).

Each college/school shall have a curriculum committee to carefully consider changes to courses, programs, policies, or structures within or affecting that college/school. This curriculum committee should include faculty, undergraduate students, and graduate students.

In addition, the Graduate Council, the Teacher Education Council, and the Core Curriculum Council shall each carefully consider changes to courses, programs, or structures within or affecting their programs. These curriculum committees shall include faculty, undergraduate students, and graduate students.

The Academic Policies and Procedures Committee is the final committee to carefully consider changes to the University’s curriculum, policies, and structures.

The Provost and the Chancellor shall communicate to the University in a timely fashion their decisions on proposals and motions involving changes in academic policies, programs, or structures.

GUIDELINE I

Any proposal for changes in a department’s courses or programs must first be acted upon by the department before being submitted to the college advisory council. Any proposal for changes (excluding course changes within existing programs) in a college’s or school’s programs or structures must first be acted upon by the faculty of the college or school concerned.
before being presented to the Academic Policies and Procedures Committee. After a proposal for curricular or structural change has been acted upon by a college or school and after the dean of that college or school has submitted the proposal to all other necessary groups, the dean may then present the proposal to the Academic Policies and Procedures Committee.

GUIDELINE II
Recommendations for changes in general academic policies or academic programs must be submitted to the 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. Deans’ Council
F. Council of Chairs
If the proposal does not originate from a specific academic department, it must go through one of the bodies listed above.

GUIDELINE III
The Academic Policies and Procedures Committee is, in most circumstances, the final recommending body to the Provost and Executive Vice Chancellor and the Chancellor. Faculty and student members on this committee serve as representatives for the faculty and students, respectively.

GUIDELINE IV
If a proposal for changes in a department’s curriculum is not approved by that department, the group initiating the proposal may appeal (within 90 days after rejection) first to the advisory council of the college to which that department belongs. If the proposal is rejected by the college or school, the group may appeal (within 90 days after rejection) to the Academic Policies and Procedures Committee.

When a department proposal is not recommended by other necessary groups, the department may appeal to the Academic Policies and Procedures Committee (within 90 days after rejection).

Proposed text to be stated in Chapter VII, Section 7.3.4.2 of the Faculty Handbook, and in Section B. of the Academic Governance Handbook.

ACADEMIC POLICIES AND PROCEDURES COMMITTEE
Members on Committee: The membership of AP&P shall not exceed fifteen and shall include at least one faculty member from each college or school with additional faculty members based on the current proportions of full-time equivalent (FTE) faculty in the colleges and school. The term for appointment of faculty is three years. The student membership (one-year terms) shall include one graduate and three undergraduate students as voting members and be representative of the five degree-granting colleges and school. The ex officio membership of the AP&P should include the Provost’s Office, and General Studies. Corrected Sentence reads: “The ex officio membership of the AP&P should include one person from each of the following areas: Deans’ office in each college or school, library, registrar, Provost’s office, and General Studies.”

The chair of AP&P shall be a tenure-track faculty member and shall be elected from the membership as a non-voting chair. The seat vacated by the chair shall be filled by a voting member from the same college or school. The term of the chair is three years and is renewable. The chair shall receive one-quarter reassigned time per semester.

Report to: The Provost and Executive Vice Chancellor

Areas of Responsibility: The major area of responsibility shall be the curriculum and academic policy. Other areas are: advanced placement; graduation requirements; appeals concerning academic matters from any college, school, department, member of the faculty or students, and matters referred to it by the Provost and Executive Vice Chancellor or the Chancellor.

Senator Malloy noted that the last sentence under section Academic Policies and Procedures Committee of Motion FS 05-06/04-24/02 was incomplete. It should read the following: “The ex officio membership of the AP&P should include
one person from each of the following areas: Deans’ office in each college or school, library, registrar, Provost’s office, and General Studies.”

Senator Butts stated that Academic Policies and Procedures Committee revised the guidelines, which were originally published in 1990, to bring policies into alignment with current practices. Senator Scherlen asked why faculty librarians could not be voting members as has been the practice in the past. Senator Butts stated that the library is consulted and included on the form; but, since the library does not offer degree-granting programs, the committee felt that consulting the library was sufficient. Senator Butts clarified that AP&P was not removing the library from the process. Chair Moore emphasized that this was a constitutional change and would need to be submitted to the Fall faculty meeting for approval. Senator Scherlen moved and Senator Marland seconded to amend Motion FS 05-06/04-24/02 to include faculty librarians as members of the AP&P Committee. Senator Butts moved to amend the main motion to include the words “and the library” in the first sentence under the section Academic Policies and Procedures Committee. The amended sentence should read: “Members on Committee: The membership of AP&P shall not exceed fifteen and shall include at least one faculty member from each college or school and the library with additional faculty members based on the current proportions of full-time equivalent (FTE) faculty in the colleges and school.” Motion passed. (See Vote #4).

Discussion related to the proposed guidelines included concerns regarding the vagueness of Guideline II, excluding opportunities for departments to review and consider proposed changes in general academic policies or academic programs, particularly those that directly relate to or impact their department or unit, and the potential for SGA to appeal directly to the AP&P committee bypassing departmental involvement.

Senator Ehnen moved and Senator McBride seconded a motion to separate Guidelines I - IV section of Motion FS 05-06/04-24/02. Motion passed. (See Vote #5). Senator Ehnen moved and Senator McBride seconded a motion to refer the guidelines back to the AP&P committee for clarification. Chair Moore stated that the proper course of action would be to refer the guidelines to the Committee on Committees who would then refer them to the AP&P Committee. Motion passed. (See Vote #6).

Senator Rardin moved and Senator Ehnen seconded to amend the motion to include “Ex officio members of AP&P do not vote,” as the last sentence in paragraph 1, under section Academic Policies and Procedures Committee. Motion passed. (See Vote #7). Chair Moore called for a vote on the motion as amended. Motion passed. (See Vote #8).

Senator Malloy moved and Senator Arnold seconded to refer the entire Motion FS 05-06/04-24/02 to an ad hoc faculty senate committee. Motion failed. (See Vote #9).

Chair Moore presented Motion FS 05-06/04-24/03 to the Faculty Senate for discussion and vote. Chair Moore noted that Academic Computing will be proposing in the fall that university websites, in particular those related to university committees, councils, and task forces, utilize a singular template when updating their site for consistency and uniformity. Senator Ramsey stated his concerns about workload issues for committee members who will be responsible for updating their respective committee, council, or task force sites. Motion passed. (See Vote #10).

FS 05-06/04-24/03
Whereas, the basic guidelines for all University committees/ councils is chapter 7 of the Faculty Handbook, and as Chapter 7 is currently not in compliance with recent amendments passed by Faculty Senate and approved by the chancellor, and contains anachronistic and incorrect information;

And Whereas, committee charges and memberships are not in all cases up-to-date, which makes committee work confusing, and burdens the Senate secretary with trying to keep information up-to-date on the Senate’s website;

And Whereas, not all University Committees develop and maintain a continuity file (to contain a full description of the committee’s duties and authority, its current membership, its policies and procedures, and its actions and recommendations) and deliver that file to that chair’s successor, as required by FH 7.3.3.2, and that current committee reporting procedures, compliance, recordkeeping, etc. are inconsistent and inadequate, so that some have not made annual reports to the proper authority and none have made reports to the Faculty Senate;

Therefore, the Faculty Handbook Committee of the Faculty Senate should review and update information regarding University Committees and Councils in Chapter 7 of the Faculty Handbook, and provide clear procedures to be followed by all University Committees, especially in FH 7.3.1 – 7.3.3.4;
And Therefore further, that every University Committee, Council, Board, Task Force, etc. must have a website whose basic features adhere to a university adopted template, which can easily be filled up and which lists information such as committee charge, membership, meeting dates, agenda, minutes (including a history of minutes for at least one year), annual reports (including a history for at least two years), links to documents and working materials, and listing a continuity file, all to be done in timely fashion.

F. Faculty Handbook Committee (Moore, Gates, Arnold, MARKING)

FS 05-06/04-24/04
Whereas, The Faculty Senate Handbook Committee submitted a proposed amendment to the Faculty Constitution for presentation at the Fall 2006 Faculty meeting regarding section 2 of the Constitution that was passed by Senate (see March 20, 2006 Faculty Senate minutes FS05-06/03-02);
And Whereas, subsequent consideration by Committee members resulted in the need to more precisely state the voting eligibility of faculty so that part-time, phased retirement, and other similarly situated faculty would be eligible to vote only for a full academic year;
And Whereas, faculty workloads no longer reflect that faculty will only be teaching;

And Whereas, the text proposed to be changed by this motion stated that:

Section 2.
All members of the faculty, excluding emeriti faculty, adjunct faculty, and part-time faculty teaching less more than six (6) hours per semester, have the right to hold faculty offices and to vote in faculty meetings and faculty elections and in departmental and college committees on which they serve except as noted in Article II, Section 3.

Therefore, the following amendment to the Faculty Constitution is to be substituted for Section 2 (above) of the Senate motion 05-06/03-02:

Proposed Section 2.
All members of the faculty, excluding emeriti faculty, adjunct faculty, and part-time faculty teaching less whose workload is more than twelve (12) hours per academic year six (6) hours per semester, have the right to hold faculty offices and to vote in faculty meetings and faculty elections and in departmental and college committees on which they serve except as noted in Article II, Section 3.

Discussion on Motion FS 05-06/04-24/04 included questions pertaining to the definitions of teaching, workload, instructor, lecturer, part-time, and short-term contact, who is eligible to vote, and the implications inherent in the wording “teaching more than 6 hours per semester” in comparison to “whose workload is more than 12 hours per academic year”. Senator Butts moved and Senator Ehnenn seconded to refer Motion FS 05-06/04-24/04, Proposed Section 2 back to the Faculty Handbook Committee. Motion failed. (See Vote #11). Senator Rardin called a point of order concerning Motion FS 05-06/04-24/04, Proposed Section 2. Motion passed. (See Vote #12).

G. Faculty Welfare and Morale Committee (FELKEL, Harris, Horton, McCaughey)

FS 05-06/04-24/05
Whereas the Faculty Welfare and Morale Committee, responding to Faculty Senate direction, has some ongoing concerns about the rather frequent rescheduling of Fall Break over the past few years;
And Whereas, the Faculty Welfare and Morale Committee has had some very encouraging and productive discussions, with the chairperson of the University Registration and Calendar Committee, regarding the scheduling of Fall Commencement;
And Whereas, the primary responsibility for protecting dates for planned events rests with the unit(s) planning the events,

Therefore, the Faculty Welfare and Morale Committee recommends:

1. All units of the university (academic and non-academic) should inform the University Registration and Calendar Committee, at least 6 months in advance, of the dates for events that are being planned. Academic Departments should take special pains to inform the committee of all conferences and/or faculty/student academic trips, which are to take place
during university breaks. All units of the university are to be notified at least annually to provide this sort of information to the committee. Units that do not provide such information to the committee assume the risk that their planned events may be disrupted by necessary changes in the university calendar.

2. The University Registration and Calendar Committee, when considering changes to an established university calendar must consult all units of the university that have informed the committee of planned events that could be in conflict with the proposed calendar changes. In addition, academic events should take precedence over non-academic events. Academic events may include, but are not limited to, commencement and other academic ceremonies, as well as on-campus conferences and faculty/student academic trips, which have been scheduled at least six months in advance, and which have been intentionally scheduled during a university break. For example, if a calendar change, requested in relation to a non-academic event, would create problems for or result in the cancellation of a planned academic event, the committee’s recommendation must be to deny the requested calendar change.

3. That Faculty Senate support the University Registration and Calendar Committee’s decision to hold commencements after final exams are completed.

Motion FS 05-06/04-24/05 passed. (See Vote #13).

FS 05-06/04-24/06
Whereas according to an approved Faculty Senate resolution from April, 2001 (http://www.facsen.appstate.edu/Minutes/apr92001.html#attachment%20#2), Dean evaluations are to be conducted every other year;

And Whereas, the UNC Faculty Assembly’s document on Faculty Governance recommends faculty review of upper administration;

And Whereas, the last dean evaluation was done in 2001;

And Whereas, FS02-03/04-04 (Recommend quantitative, advocacy and narrative questions be used in faculty evaluation of the Deans Fall 2003 (as amended)) (http://www.facsen.appstate.edu/Minutes/april142003min.html) was approved;

And Whereas, the Deans of Arts and Sciences, Business, and the Graduate School have been in their positions less than one year;

Therefore, the Faculty Senate is responsible for implementing Dean evaluations in the Fall 2006 semester for the Deans of Education, Fine and Applied Arts, and the School of Music.

Per FS 02-03/04-04 the questions should be:

QUANTITATIVE QUESTIONS: (answers can be: "don't know" OR ranging from "strongly agree to strongly disagree")

1. The Dean's office functions effectively and efficiently.

2. The Dean makes fair decisions in regard to hiring, reappointment, promotion, and tenure.

3. Allocation or resources, space, and workload:
   a. The Dean allocates resources fairly among departments.
   b. The Dean allocates space fairly among departments.
   c. The Dean works to improve the facilities of the college.
   d. The Dean allocates workload fairly among departments.

4. Leadership qualities:
   a. The Dean effectively articulates a vision for the college that is in accord with the university mission.
   b. The Dean effectively communicates policies and procedures, and the rationale for decisions.
   c. The Dean supports faculty self-established professional goals that are in accord with the university mission.
d. The Dean is accessible and effectively interacts with the faculty.
e. I trust my Dean.

5. Advocacy:
a. The Dean is an effective advocate for teaching.
b. The Dean is an effective advocate for scholarship/creative activity.
c. The Dean is an effective advocate for service.
d. The Dean is an effective advocate for needed space.
e. The Dean is an effective advocate for equal opportunity.
f. The Dean is an effective fundraiser.

NARRATIVE QUESTIONS:

6. Comment on your Dean's strengths.

7. Comment on your Dean's weaknesses.

8. Provide suggestions for improvement.

9. Other comments.

Per Faculty Senate recommendation made May 6, 2002, the Faculty Senate will need to form a Reading Committee for each Dean. As a reminder, the recommendations are printed below:

1. Faculty members who are eligible to vote in department, college, and university elections will be eligible to complete the survey instrument.
2. The Faculty Senate will approve a Reading Committee for each Dean. Each Reading Committee will be composed of one senator and one department chair from outside the college/school, and one faculty member and one chair from within the college/school. The Senator will serve as chair of the committee.
3. The Faculty Senate Chair will work with Academic Computing for statistical analysis of the structured questions. To provide year-to-year continuity, there will be a rotation of membership on the Reading Committee so that half of the Reading Committee serves another year on the Committee for that dean.
4. The responses to the survey will be given to the Faculty Senate Chair who will distribute the results to the specific Reading Committee.
5. Each Reading Committee will examine the responses and then meet with the Provost and the Dean to discuss the evaluation. The results of the survey (both structured and open-ended data) will be shared with the Provost and the Dean.
6. The chair of each Reading Committee will collect all materials and give them to the Faculty Senate Chair when the process is completed.

New Recommendations:

1. Rather than Academic Computing, the senate should work with the Office of Institutional Research, Assessment, and Planning to administer the evaluations and for statistical analysis of the structured questions. The evaluations should be ready for faculty use by September 30, 2006.

2. The Faculty Welfare and Morale Committee should recommend members of the Reading Committee for each dean, with advice from the Faculty Senate Chair, to the Senate. These committees should be formed by October 15, 2006.

Dr. Sharp (Institutional Research and Assessment) commented that his office is willing to work with the faculty senate chair or designee in regards to administering and analyzing deans’ evaluations and that the September 30, 2006 deadline was reasonable.

Motion FS 05-06/04-24/06 passed. (See Vote #14).

H. Welfare of Students Committee (RARDIN, Ramsey, Scherlen, Smith)
The chair of the Faculty Senate asked the Welfare of Students committee to look into the following matter: Varsity athletes are required to take two P.E. courses whereas students in Marching Band and four-year ROTC students are exempt from this graduation requirement.

The Chair of the committee contacted the Director of Athletics regarding this matter, who replied: “After discussing [this matter] with Jean Roberts and Jay Sutton, we would like to request the 2-hour exemption [of P.E. courses for the graduation requirement]. Our rationale is that our student-athletes are getting benefits, knowledge and exposure to physical activity through their sports participation. This does not preclude [them] from taking any PE course as an elective.

FS05-06/04-24/07
Motion to request that the AP&P Committee review and implement an exemption for students who have completed at least two years as varsity athletes from the 2-hour P.E. graduation requirement.

Chair Moore clarified that varsity athletes would still be required to take two hours in another elective course(s). Chair Moore remarked that the Athletic’s Council reviewed and supports this motion. Motion passed. (See Vote #15).

I. Ad Hoc Committee on Faculty Retirement (MOORE, Terry Cole (CMU), Marvin Hoffman (PS/CJ), Len Johnson (HRS), Harold McKinney (MUS), Susan Keefe (ANT), Fred Webb (Emeritus)

No Report

J. Ad Hoc Committee on the Role of the Faculty Senate (ARNOLD, Gates, Lambert, McBride, Rardin, Scherlen)

Senator Arnold withdrew the committee’s report until the Faculty Senate meeting in the fall 2006 semester. (See Report and Motions in Appendix B.)

VII. Unfinished Business:

None.

VIII. New Business:

A. Request for feedback by the Chancellor about the Report of the University Bookstore Committee concerning Textbook Rentals at Appalachian.

The Report has been circulated to all faculty and the Chancellor has requested feedback from Faculty Senate, Council of Chairs, SGA, and Deans Council. The Chancellor’s Office website has a specific email address for all faculty and university community responses: www.chancellor.appstate.edu

The Committee Report and supporting documents are available at this URL: http://www.library.appstate.edu/ubc

Following are the main recommendations of the Committee regarding textbook rental (pp. 24-25).

The following recommendations were approved by majority vote.

1. We recommend that Appalachian keep the textbook rental system, as modified by the following recommendations. Committee vote: In favor—3. Opposed—1.

2. Modify the textbook rental program so that the rental cycle is a minimum of two years. To keep costs down, faculty are encouraged to use the same book as long as possible.

3. Each course can use two rental texts. To keep costs down, faculty are encouraged to use one rental book per course if possible.

4. The rental fee may be increased if necessary.

5. All course materials should be selected by the faculty member teaching the course.
6. If a course using a rental textbook has a large number of sections, it will be possible to adopt more than one rental textbook.

7. The University Bookstore Committee will work with the bookstore manager to edit statements about the textbook rental program in all public documents, so that the statements are consistent and clear. In particular, the brochure distributed to all faculty will be revised, made clearer, and redistributed. The statement of policy will appear in the University Resource Manual, Faculty Handbook, the General Bulletin, and the University Bookstore’s Web page.

8. If the Administration’s decision is to keep the textbook rental system, The University Bookstore Committee, in cooperation with the University Bookstore, will conduct an annual survey of faculty and students to determine their satisfaction with the University Bookstore, with the understanding that the textbook rental system will be assessed every five years.

9. The University Bookstore will assist the faculty in negotiating with publishers to allow use of online supplements included with rental textbooks for the full rental cycle of the book.

10. If a student feels a rental book is overly highlighted or in poor condition, the student should inform the professor. The professor will then ask the bookstore to replace the book if a copy in better condition is available.

11. Make it clear that faculty are not required to use a textbook, whether rental, purchase, or supplemental. They may, instead, use reserved readings and/or full text journal articles from Library databases or Web sites. No approval from chairs or deans is required.

12. The University Bookstore Committee may write guidelines for exceptions to the textbook rental policy. These guidelines will be regularly promoted and available on the University Bookstore Web page.

13. Faculty are encouraged to use the Library’s reserved readings system for printed books, its e-reserve system for articles and book chapters, and its full-text journals and other electronic sources as alternatives to materials that students must purchase.

14. The University’s Chief of Staff should urge the Board of Governors to use the UNC System’s combined purchasing power for negotiating lower prices with textbook publishers.

15. The University’s Chief of Staff should urge support for U. S. Representative Timothy J. Ryan’s bill, H.R. 495, “College Textbook Tax Credit Act,” which would allow up to $1,000 per year in textbook expenditures to be tax deductible. Other bills pending in Congress that would help defray textbook costs should also be supported.

16. Each department should review with its faculty the textbook selection process used in the department, including mechanics, time limits, criteria, cost, utility, and faculty autonomy.

17. If the University administration’s decision is to eliminate the rental system, we recommend that it be phased out gradually in accordance with the educational mission of the University.

Discussion related to the University Bookstore Committee’s recommendations included issues and concerns related to the physical condition of textbooks (on the one hand, excessive highlighting of text and, on the other hand, active reading that encourages highlighting text), aversion to placing the burden on professors to be involved in the process of allowing students to return textbooks in poor condition, whether supplemental books are allowed, whether data from annual surveys of faculty and students will be retained for the five year reassessment of the textbook rental system, the financial disparity in the textbook rental system wherein textbooks for particular academic disciplines are more expensive than others, faculty members having individual choice in selecting textbooks is crucial to academic freedom, and the inherent benefits of utilizing the same textbook for foundational courses, particularly those with many sections, provides reassurance to professors teaching upper-level classes that students have been exposed to the same foundational subject matter.

Senator Rardin moved to support the University Bookstore Committee’s recommendations. Senator Marland seconded. Senator Ehnenn moved to amend recommendation number 11 to include wording that would ensure that faculty “may instead select another book(s) or no book at all”. Senator Smith seconded. Amended motion failed. (See Vote #16). Chair Moore called for a vote on the main motion to support the bookstore committee’s recommendations. Motion failed. (See Vote #17).
Chair Moore asked for a motion to adjourn the meeting. Motion passed. (See Vote #18). The meeting was adjourned at 6:40 pm.

Appalachian State University

FACULTY PRESENT AND VOTING SHEET for April 24, 2006 (First Session)

Y = Yes N = No A = Abstain

Senators
Arnold, Edwin  Y Y Y Y N N N N Y N Y Y Y N Y
Butts, Jeff  Y Y Y Y N N Y N Y Y Y N Y
Cramer, Beth P E N D I N G
Ehnenn, Jill Y Y Y Y Y Y Y N Y N A Y Y Y N Y
Felkel, Brian E X C U S E D
Harris, Tim  Y Y Y Y Y Y Y Y Y N Y Y N N Y
Horton, Julie Y Y Y Y Y
Huelsman, Tim Y Y Y Y N Y Y N Y Y Y Y N A Y
Jamison, Tom Y Y Y Y Y Y Y Y Y Y Y N Y Y Y
Kaenzig, Rebecca
Lambert, Monica Y Y Y Y Y N N Y Y Y N Y Y A N Y
Malloy, Mark Y Y Y Y Y N N Y Y Y Y Y Y
Mamlin, Nancy A Y N N N Y Y Y Y Y Y N Y
Marking, Martha Y Y Y Y Y Y Y N Y N Y Y N Y
Marland, Eric Y Y Y Y Y A Y A N Y N Y Y Y Y Y Y
McBride, Jeff Y Y Y Y Y Y Y N Y N Y N Y N Y
McCaughey, Martha Y Y Y Y Y Y Y Y - - - - N Y Y Y Y
McGuire, Sam Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y N N Y
McKinney, Harold Y Y Y Y A N N Y Y Y A A Y Y Y A N Y
Ramsey, Colin Y Y A A Y Y N N Y N N Y Y Y Y A A Y
Rardin, Patrick Y Y Y Y N N Y Y Y N Y Y Y Y Y Y Y
Scherlen, Allan Y Y Y Y Y N Y N Y Y Y Y A A Y
Smith, Steve Y Y Y Y Y N Y N Y N Y N Y Y Y Y Y
Staub, Susan Y Y Y Y Y Y N N A Y N Y Y Y Y
Strazicich, Mark E X C U S E D

Vote #1: A motion to approve the April 10, 2006 Faculty Senate minutes.
Vote #2: To approve the nominations for University Committee Service from the Committee on Committees.
Vote #3: To approve Motion FS 05-06/04-24/01 Educational Materials Course Development Agreement.
Vote #4: A motion to amend Motion FS 05-06/04-24/02 to include the words “and the library” as members on the AP&P committee.
Vote #5: A motion to separate the guideline portion of Motion FS 05-06/04-24/02 from the membership section.
Vote #6: A motion to to refer the guideline portion of Motion FS 05-06/04-24/02 to the AP&P committee.
Vote #7: A motion to amend Motion FS 05-06/04-24/02 to include “Ex officio members of AP&P do not vote” as the last sentence in paragraph 1, under section Academic Policies and Procedures committee.
Vote #8: To approve Motion FS 05-06/04-24/02 as amended.
Vote #9: To refer Motion FS 05-06/04-24/02 to an ad hoc faculty senate committee.
Vote #10: To approve Motion FS 05-06/04-24/03.
Vote #11: To refer Motion FS 05-06/04/24/04 Proposed Section 2 back to Faculty Handbook Committee.
Vote #12: To approve Motion FS 05-06/04-24/04.
Vote #13: To approve Motion FS 05-06/04-24/05.
Vote #14: To approve Motion FS 05-06/04-24/06.
Vote #15: To approve Motion FS 05-06/04-24/07.
Vote #16: A motion to amend the University Bookstore Committee’s recommendation number 11.
Vote #17: To approve the main motion to support the University Bookstore Committee’s recommendations.
Vote #18: To adjourn the meeting.

Appendix A

EDUCATIONAL COURSE MATERIALS DEVELOPMENT AGREEMENT

This Agreement is made the ___ day of ______________, 200_, by and between __________________ [name of author(s)] ("Author," and if there is more than one author, then all of them collectively) and Appalachian State University ("University") for development of specially-commissioned instructional materials identified on Exhibit A (detailed description) in any media designated by University for a course identified as __________________________.

For and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. Title and Copyright Assignment

   (a) Work Made for Hire Acknowledgment

   The parties acknowledge and confirm that, in this Agreement, the University has specially ordered or commissioned from Author the designs, graphics, artwork, recordings, manuscripts, or other expressions generally described as instructional materials (said works, together with all other works prepared or contributed to by Author in connection with this agreement being referred to hereinafter collectively as the "Work"), and that, upon full payment for Author's services in accordance with the terms and conditions specified in this Agreement, no party other than the University shall have any rights, titles or interests in the Work. The parties further acknowledge and confirm that the term "Work" includes, but is not limited to, all intellectual property rights of every kind and character associated with the Work, including but not limited to trade secrets, U.S. and international copyrights, patentable inventions, moral rights, rights of publicity and privacy, and trademarks, service marks, and trade dress. Author acknowledges that Author's services, including work on and contributions to the Work, are rendered and made by Author for and at the instigation of the University; and all of Author's work and contributions, as well as the Work, are and at all times shall be regarded as "work made for hire" (as that term is used, understood and interpreted in and under the U.S. Copyright Act, 17 U.S.C. § 101, et seq.) by Author for the University.

   (b) Assignment

   (i) Without curtailing or limiting the aforesaid acknowledgment that the Work is to be deemed "work made for hire," Author hereby assigns, grants and delivers, and upon creation of the Work automatically assigns, grants and delivers, without further consideration, exclusively to University, all rights, titles and interests of every kind and nature whatsoever in and to the Work, and all copies, versions, and derivatives thereof, including: (a) all copyrights, copyright applications and/or registrations and any extensions or renewals thereof; (b) all trademark rights, trademark applications and/or registrations and any extensions or renewals thereof; (c) any and all rights related to and necessary for licensing and merchandising the Work, or any articles of property in which the Work or a part thereof is incorporated, including moral rights and rights of privacy and publicity; and (d) all rights, titles, and interests in and to all income, royalties, damages,
claims and payments now or hereafter due or payable with respect thereto, and in and to all causes of action, either in law or in equity for past, present, or future infringement based on the copyrights, and in and to all rights corresponding to the foregoing throughout the world. Author further agrees to execute and deliver to the University, its successors and assigns, such other and further assignments, instruments, and documents as the University from time to time reasonably may request for the purpose of establishing, evidencing, enforcing, or defending its complete, exclusive, perpetual, and universal ownership of all rights, titles, and interests of every kind and nature whatsoever in and to the Work.

(ii) Author hereby constitutes and appoints the University as its agent and attorney_in_fact, with full power of substitution, to execute and to deliver such assignments, instruments or documents as Author may fail or refuse to execute and deliver. If the Work is one to which the provisions of 17 U.S.C. 106A apply, the Author hereby waives and appoints University as its agent and attorney_in_fact, with full power of substitution, to assert on the Author's behalf the Author's moral rights or any equivalent rights regarding the form or extent of any alteration to the Work (including, without limitation, removal or destruction) or the making of any derivative works based on the Work, including, without limitation, photographs, drawings or other visual reproductions of the Work, in any medium, for university purposes. The agency appointments made and powers granted herein are coupled with an interest and irrevocable.

2. Work on or Contribution to the Work

Author represents and warrants that Author has not and will not order, commission or otherwise obtain or receive from any other person (other than an "employee" of the University working "within scope of employment" as those terms are used, understood and interpreted in and under the U.S. Copyright Act, 17 U.S.C. § 101, et seq.) any work on or contribution to the Work. With the exception of short excerpts from others' works, which constitute fair use, the Work will contain no material from other copyrighted works without a written consent of the copyright holder. The Author will obtain such consents after consultation with the University and will file them with the University at the time the Work is delivered.

3. Author's Warranty and Indemnification

The Author warrants that the Author has full power and authority to make this agreement; that the Author shall be the sole creator of the Work; and that the Work shall not infringe any copyright, violate any property rights, or contain any scandalous, libelous, or unlawful matter. Author agrees that if the University receives any legitimate demand from any third party claiming that the Work or any part thereof infringes or otherwise violates its rights, and the validity of the said demand is confirmed by the opinion of legal counsel for the University; or a court, arbitration panel or other authority determines that the Work or any part thereof is confusingly similar to marks or images of any third party or otherwise infringes or violates the rights of any third party, then Author will, at the University's election, and in a reasonable manner acceptable to the University, modify or alter the Work in a manner that cures any claimed infringement or violation, or undertake to create a comparable replacement or substitute for the Work. Author hereby warrants that the Work does not, and the University's use of the Work will not, in any way violate any law or conflict with any prior or remaining obligations Author may have to any other party.

4. Delivery of the Work

(a) The Author will deliver to the University on or before _________________________ the completed Work (with all illustrations, charts, graphs, and other material, including syllabi, handouts, reference lists, etc., in the medium designated by University, and in form and content satisfactory to the University.

(b) If the Author fails to deliver the Work on time, the University will have the right to terminate this agreement and to recover from the Author any sums advanced and expenses incurred in connection with the Work. Upon such termination, the Author may not have the Work published elsewhere until such advances have been repaid.

5. Consideration

In consideration for delivery of the Work in accordance with the provisions of this Agreement, University shall pay Author _________________________ ($___________) or, in the alternative, grant to Author reassigned time equivalent to a _____ semester credit hour teaching load. Such consideration constitutes full payment for Author's
services in creating and delivering the Work, and such consideration gives rise to an "ownership" interest in the University within the meaning of The UNC Policy Manual, 500.2, the University of North Carolina Patent and Copyright Policies, Section XII, Copyrightable Works, 1.c. The Work, a "work made for hire," constitutes a "Directed Work" within the meaning of Section 500.2, XII, Copyrightable Works, 1.c. See Appendix A to this Agreement for the relevant text from The UNC Policy Manual and the parallel provisions of the Appalachian State University "Policies and Procedures on Intellectual Property Transfer."

6. Revisions

The Author shall retain the right to revise the Work between semesters or summer sessions during the term of this agreement in accordance with academic standards. The Author further agrees to update the Work within _____ days following receipt of a written request from the University. The provisions of this agreement shall apply to each revision of the Work by the Author as though that revision were the Work being published for the first time under this agreement. In the event that the Author is unable or unwilling to provide a revision within a reasonable time after the University has requested it, or should the Author be deceased, the University may have the revision made and charge the cost against sums due the Author under Section 5 above, if any, and may display, in the revised Work and in advertising, the name of the person or persons who perform the revision. The University shall not request a significant update or revision without providing the Author compensation or reassigned time in addition to that provided under this agreement.

7. Term and Termination

(a) This agreement shall remain in effect for ___________ (____) years unless terminated earlier in accordance with this Section 7.

(b) In the event that either party shall be in default of its material obligations under this agreement and shall fail to remedy such default within sixty (60) days after receipt of written notice thereof, this agreement shall terminate upon expiration of the sixty (60) day period.

(c) Upon the expiration of the term of this agreement, the parties may agree to renew this agreement for an additional ___________ (____) year term, upon the same terms and conditions as set forth herein.

8. Options/Contracts with Third Parties

(a) The University shall have the right, but no obligation, to license use of the Work or grant other rights in the Work to third parties in its sole discretion, with or without compensation. Nothing contained in Section 7 shall affect any license or other grant of rights, options, or agreements made with third parties prior to the termination date or the rights of the University in the income resulting from such agreements. If the University enters into a royalty-producing agreement with another institution or organization for use of the Work, the University shall distribute to each Author a pro rata share of such royalty which, when aggregated with shares paid to all other Authors of the Work, will equal (choose one)

_____ amounts specified in current university policies.

_____ fifty percent (50%) of the gross royalty received by the University.

(b) If the Author receives any offers from third parties to license the work for commercial exploitation, the Author shall refer such offers to designated University personnel for consideration. If the University chooses not to accept an offer and otherwise does not pursue commercial exploitation with potential licensees referred to it by the Author, the University shall assign to the Author the right to license the work to any third party, so long as responsible University officials do not make an affirmative finding that a royalty-producing license would be inconsistent with the University's institutional mission or interests.

9. Amendments

The written provisions contained in this agreement constitute the sole and entire agreement made between the Author and the University concerning this Work, and any amendments to this agreement shall not be valid unless made in writing and signed by Author and an authorized official of the University.

10. Severability of Terms
Rights and restrictions in this agreement may be exercised and shall be applicable only to the extent they do not violate any applicable laws, and are intended to be limited to the extent necessary so they will not render this Agreement illegal, invalid or unenforceable. If any term or provision hereof shall be held illegal, invalid or unenforceable by a court of competent jurisdiction, the remaining terms shall remain in full force and effect.

11.  Construction, Binding Effect, and Assignment

This agreement shall be construed and interpreted according to the laws of the State of North Carolina and in consonance with policies, rules and regulations adopted by The University of North Carolina and Appalachian State University. This agreement shall be binding upon the parties hereto, their heirs, successors, assigns, and personal representatives. References to the Author and to the University shall include their heirs, successors, assigns, and personal representatives.

IN WITNESS WHEREOF, the parties have duly executed this agreement as of the date first written above.

(END OF TEXT; SIGNATURES ON FOLLOWING PAGE)

Appendix B

Proposals from the Ad Hoc Committee on the Role of the Faculty Senate
(Edwin Arnold, Paul Gates, Monica Lambert, Jeff McBride, Patrick Rardin, Allan Scherlen)

FS 05-06/04-24/08
Motion 1: The Faculty Senate shall consist of one member from each of the departments/units that make up the university. For purposes of election, each department/unit shall nominate 2 candidates, selected by faculty vote as prescribed in the Faculty Handbook. These names will be placed on a ballot, listed under the appropriate department/unit. The university faculty at large shall then vote for 1 candidate from each pair nominated. The candidate with a simple majority shall be elected for a 3-year term. Elections shall therefore take place every three years. Newly elected senators shall be seated during the last meeting of each third academic year.

Rationale: The motion provides for more complete representation, greater involvement of faculty in university governance, and an identifiable place of residence for each senator. Although department/unit faculty will make the initial nominations, the elected senators will be chosen by the university faculty. Thus, each department/unit will be represented by a voice on the Senate, but each senator will also represent the faculty as a whole.

FS 05-06/04-24/09
Motion 2: The transition to the larger Faculty Senate shall proceed as follows: In Spring Semester of 2007, positions being vacated shall be filled by 2-year “at large” positions; in the Spring Semester of 2008, positions being vacated shall be filled by 1-year “at large” positions; and in the Spring Semester of 2009, all positions shall be filled according to the procedure of the new Faculty Senate.

Rationale: This method of transition will respect the tenure of senators recently elected to 3-year terms.

FS 05-06/04-24/10
Motion 3: Faculty senators shall not serve consecutive 3-year terms. At the end of every 3-year cycle, a completely new slate of senators shall take office.

Rationale: The motion prevents career membership on the Senate and encourages a wider representation. A new Senate every 3 years also brings new ideas and approaches to the business of representing the faculty.

FS 05-06/04-24/11
Motion 4: At the last meeting of each academic year, the Senate shall elect the executive officers for the following year, chosen from a minimum of two names for each position nominated from the floor. Candidates must give permission before their names are placed in nomination. Officers may be re-elected each year for the duration of their tenure on the Senate.

Rationale: The motion provides for the possibility for new leadership on a yearly basis but also recognizes that the Senate might wish to work under the same officers for more than one year.
Motion 5: The Chancellor of the University shall meet with the Faculty Senate at its first and last sessions of the academic year. At the first meeting, the Chancellor shall review administrative plans and goals for the upcoming year. At the last meeting, the Chancellor shall review administrative accomplishments and on-going initiatives.

Rationale: The Chancellor should share with the Senate her/his plans at the beginning of the year so that the Senate will be more aware of and engaged in the business of the university. The last meeting should provide an opportunity for the Senate and Administration to discuss and evaluate the direction of the university.

Motion 6: The Faculty Senate Executive Committee, consisting of the elected officers and the committee chairs, shall meet with the Provost at least once during each semester to discuss mutual concerns.

Rationale: Although it is important for the Provost and the Chair of the Senate to work together, it is also important that the Provost regularly hear a variety of voices from the Faculty Senate.

Motion 7: The Agenda Committee shall be defined as the Faculty Senate Executive Committee and shall meet at least once prior to each regularly scheduled Senate meeting to formulate and approve (by a vote of the members in attendance) the agenda for each upcoming Senate meeting.

Rationale: The agenda should be set by group consensus rather than by the Chair alone.

Motion 8: The Faculty Senate shall disband the Welfare of Students Committee.

Rationale: The Welfare of Students Committee can be seen as both paternalistic and redundant. The Student Government Association provides students with a strong voice on campus. Any concerns that involve both faculty and students can be brought to the appropriate Senate committees on an official basis.

Motion 9: The secretary position allotted to the Faculty Senate shall be made a full-time position.

Rationale: The Faculty Senate Office should be open and available to faculty at all times during the regular work week. A full-time position also recognizes that faculty governance is important and respected by the university.