The faculty senate meeting was called to order by Chair Moore at 3:20 p.m. in the I.G. Greer Conference Room 224 on Monday, November 14, 2005. Senator Ehnenn, Senator Jones, Senator Marking, and Senator McKinney were not in attendance.

I.  Announcements

Chair Moore welcomed senators and visitors to the meeting. Visitors were Dr. Robert Johnson, Mr. David Larry, Dr. Steven Breiner, Dr. Tim Burwell, and Dr. Wilber Ward.

II.  Visitors’ Reports

None

III.  Minutes

The minutes from the October 17, 2005 faculty senate meeting were amended to reflect Senator Arnold’s attendance at the October 31, 2005 Chancellor’s Advisory Committee meeting. Senator Malloy moved and Senator Arnold seconded. Motion passed. (See Vote #1).

IV.  Nominations

None

V.  Provost’s Report

None

VI.  Committee Reports

Academic Policies Committee (HUELSMAN, Butts, Ehnenn, Mamlin) reported their concerns about the Policies and Procedures on Intellectual Property Transfer document. Dr. Johnson, Dr. Breiner, and Mr. Larry answered senators’ questions and provided clarification regarding each of the eight items presented by the faculty senate as listed below.

1.  The document should include some specific definition of Traditional Works and Non-Directed Works, particularly those Involving Exceptional Use of Institutional Resources. The term “Exceptional Use of Institutional Resources” should also be defined.

2.  The document should include some specific definition of Patents. Such a statement should include, but not be limited to, information regarding “Software as Patentable Subject Matter,” with language such as, “The US Patent & Trademark Office has determined that software which meets certain technical and legal criteria may be patentable. In the event that software originally disclosed as a Copyrightable Work is subsequently determined to be patentable subject matter, and ASU chooses to seek patent
protection for the software, then such software shall be managed under this policy as patentable Intellectual Property.”

3. The document should include some overall time limitation language, such as “If no patent application is filed within eight (8) months following the creator(s)’s disclosure, all patent rights revert to the creator(s).”

4. The document should include some language regarding future rights of creators, such as, “If a creator dies, the creator’s share of net revenues will be distributed to the creator’s heirs. If a creator leaves ASU, the creator is still entitled to receive her/his share of net revenues.”

5. The document should include some specific language limiting ASU ownership of instructional materials, such as, “Unless the creation or invention of Intellectual Property is university-assisted, sponsor-assisted, or university-assigned, ASU does not claim ownership to any pedagogical, scholarly, or artistic works by ASU faculty, staff or students, regardless of their form of expression. Such works include but are not limited to faculty-prepared works such as textbooks, course materials and refereed literature. Such works also include those of students created in the course of their education, such as theses, dissertations, papers and journal articles. Furthermore, ASU claims no ownership in nonfiction, novels, poems, musical compositions, choreography, or other works of artistic imagination.”

6. Though there is considerable variation regarding the distribution of revenues across a sample of universities, the modal value assigned to the creator is 50% across all revenue levels. Thus, the document should be changed so that the inventor receives 50% of all net revenues.

7. Under §XIV Dispute Resolution, the Chancellor is the final decision-maker. The document should instead include some description of an impartial arbitration or mediation process.

8. Since these policies will become, in effect, part of the Faculty Handbook, they should be identified clearly in the Web version of the Faculty Handbook for new and continuing faculty.
Discussion ended with a general conclusion that the Academic Policies Committee and the Technology Transfer Committee members were able to work out acceptable resolutions, which resulted in the following motion to postpone the Academic Policies Committee’s motion that the above-cited eight items be passed. Senator Ramsey moved and Senator Kaenzig seconded. (See Vote #2).

Senator Rardin made a motion to adjourn the meeting. The motion failed. (See Vote #3).

Chair Moore asked for a motion to change the order of the agenda in order to consider New Business Item A: The Removal of the Appalachian Cultural Museum from University Hall. Senator Marland moved and Senator Felkel seconded. Motion passed. (See Vote #4).

Chair Moore asked for a vote on resolution FS05-06/11-01.

**FS05-06/11-01 - Resolution Concerning the Removal of the Appalachian Cultural Museum from University Hall.**

Whereas, it was recently announced that the Appalachian Cultural Museum will be removed from its location in University Hall, where it has been situated since its opening in 1989, and

Whereas, the Appalachian Cultural Museum has been recognized as the leading regional institution dedicated to the display and preservation of Appalachian culture and thus brings great credit and recognition to our university, and

Whereas, the museum plays an important role in the academic programs of the Center for Appalachian Studies, the Department of Anthropology, and the Public History Graduate Program in the Department of History, and

Whereas, the museum has become a tangible connection between the university and the local community through its outreach programs to local and regional schoolchildren as well as through its reputation as a leading attraction for both Boone citizens and visitors to our region (it was headlined in a *New York Times* article on Boone in October of this year), and

Whereas, many local and regional supporters of the museum have donated to the university both items for display and money for support with the expectation that their donations would be respected and maintained in optimal conditions, and

Whereas the university’s continued support for the museum was a significant part of the university’s application for a $400,000 challenge grant from the National Endowment for the Humanities, and

Whereas, Appalachian State University’s Expanded Mission Statement (approved by the Board of Trustees in 1995) states: “The University is committed to fostering an understanding of Appalachian regional culture and the protection of the natural environment,”

Be it resolved that the Administration clearly acknowledge its responsibility to the Appalachian Cultural Museum by immediately securing and announcing an appropriate and befitting location for this institution and by providing the necessary financial support for its move and continuation as an important resource to the university, the town, and the region.

**Motion 05-06/11-01** passed unanimously. (See Vote #5).

Chair Moore asked for a motion to adjourn the meeting. The motion was moved and seconded. (See Vote #6)

The meeting was adjourned at 4:00 pm.

Appalachian State University
FACULTY PRESENT AND VOTING SHEET for November 14, 2005

Y = Yes  N = No  A = Abstain

SENATORS  1  2  3  4  5  6
Arnold, Edwin          Y     Y     N     Y     Y
Butts, Jeff            Y     Y     N     Y     Y
Cramer, Beth           Y     Y     Y     A     A     Y
Ehnenn, Jill           Y     Y     N     Y     Y
Felkel, Brian          Y     Y     N     Y     Y
Harris, Tim            Y     Y     N     Y     Y
Horton, Julie          Y     Y     N     Y     Y
Huelsman, Tim          Y     Y     N     Y     Y
Jamison, Tom           Y     Y     Y     Y     Y
Jones, Bill            Y     Y     Y     Y     Y
Kaenzig, Rebecca       Y     Y     N     Y     Y
Lambert, Monica        Y     Y     N     Y     Y
Malloy, Mark           Y     Y     N     Y     Y
Mamlin, Nancy          Y     Y     N     Y     Y
Marking, Martha        Y     Y     N     Y     Y
Marland, Eric          Y     Y     N     Y     Y
McBride, Jeff          Y     Y     N     Y     A     Y
McCaughey, Martha      -     Y     N     Y     Y
McKinney, Harold       Y     Y     N     Y     Y
Pier, Chuck            Y     Y     N     Y     A
Ramsey, Colin          Y     Y     N     Y     A
Rardin, Patrick        Y     Y     Y     N     N     Y
Scherlen, Allan        Y     Y     Y     A     Y
Smith, Steve           Y     Y     N     Y     Y
Staub, Susan           Y     Y     N     Y     Y
Strazicich, Mark       Y     Y     N     Y     Y

Vote #1:  To approve Faculty Senate October 17, 2005 minutes as corrected.
Vote #2:  Motion to postpone the Academic Policies Committee’s motion to accept the eight items related to the
Vote #3:  To adjourn the meeting.
Vote #4:  Motion to change the order of the agenda in order to consider New Business Item A: The Removal of the
          Appalachian Cultural Museum from University Hall.
Vote #5:  Resolution for the removal of the Appalachian Cultural Museum from University Hall.
Vote #6:  To adjourn the meeting.