

**Appalachian State University Faculty Senate Agenda**  
**November 12, 2007, 3:15 p.m.**

William C. Strickland Conference Room - 224 I.G. Greer

NOTE: All Faculty Senate meetings are being recorded.

I. Announcements

- A. Welcome and Introduction of Faculty Senators and Visitors.
- B. Webpage [www.assessmentresults.appstate.edu](http://www.assessmentresults.appstate.edu)
- C. Voting Eligibility Committee Update (Tony Calamai (PHY&AST), Jill Ehnenn (ENG), Tim Harris (LRE), Paul Gaskill (Chair, HLES), Hugh Hindman (MGT), Robert Lyman (Dean, A&S), Randall Outland (MUS), Michael Ramey (CHE), Diane Sides (FLL, NTTF), Alexandra Hellenbrand (Chair, FLL), Elizabeth Williams (LIB), and Martha Marking (Chair, TD, Faculty Senate Chair).
- D. Senator Davison, Reading Committees for Deans' Evaluations.

II. Visitors Reports

- A. Dr. Tim Burwell, Vice Provost for Resource Management, Tuition Committee. (**Appendix A:** Campus-Initiated Tuition: Recommendation of Sources and Uses).

III. Minutes

- A. Approval of October 8, 2007 Faculty Senate Minutes.  
Available online at:  
<http://www.acs.appstate.edu/orgs/facsen/Minutes/FacultySenateMinutesOctober82007.htm>

IV. Provost's Report

- A. Vice Provost for Faculty Affairs

V. Committee Reports (Chairs' Name in capital letters)

- A. Academic Policies (ARNOLD, Butts, LAMBERT, Stallworth)  
No Report.
- B. Agenda Committee (MARKING, Butts, Marland, Scherlen)  
No Report.

- C. Budget Committee (STRAZICICH, Malloy, McBride, Price, Werts)  
No Report.
- D. Campus Planning Committee (W. WILLIAMS, Mitchem, Rardin, Tiller)  
No Report.
- E. Committee on Committees (MAMLIN, Marland, Ramey, B. Williams)  
No Report.
- F. Faculty Handbook Committee (MARKING, Arnold, Marland, Weitz)  
No Report.
- G. Faculty Welfare and Morale Committee (DAVISON, Carpenter, Fischer, Grube, Scherlen)  
No Report.
- H. Welfare of Students Committee (ULMER, McKinney, Mines, Winn)  
No Report.
- I. Chancellor's Advisory Committee  
  
Senator Betsy Williams (**Appendix B**: Chancellor's Advisory Meeting with Faculty Senate on October 22, 2007).

VI. Unfinished Business

- A. Senator Arnold, UNC Codes 603 and 604 Revisions (**Appendix C**: Draft Faculty Assembly Resolution On Proposed Changes in University Code; **Appendix D**: Comparison: Faculty Assembly Text Proposal, Existing UNC Code Provisions, and 603/604 Committee Proposals Key Points; and Memorandum, dated September 13, 2007, from Faculty Assembly Executive Committee distributed previously as **Appendix F** of Faculty Senate Agenda for October 8, 2007).
- B. Faculty Grievance Procedures Committee: MARKING, John Abbott, Chip Arnold, Paul Gates, and Katie Mawhinney. (**Appendix E**: Faculty Grievance Procedures Revised September 24, 2007 and **Appendix G**: Grievance Revisions Comparison Dated November 5, 2007).

1. Add Section 3.9.3.5.1 to the *Faculty Handbook* to reflect proposed procedure:

#### **3.9.3.5.1 *The Grievance Procedure***

***The first step in the grievance procedure is to meet with representative of the Grievance Assistance Committee (GAC). The GAC representative will notify the chair of the Faculty Grievance Hearing Committee (FGHC) of this initial contact. Before any grievance petition is submitted, the grievant must show evidence that she or he has met with the respondent(s) in an attempt to reach resolution, as specified in the paragraph below. All documents generated pursuant to the initiation of a grievance and by any person at any subsequent stage of the grievance process become confidential personnel records and are protected as such under the applicable state statute(s).***

***The grievance procedure stops at this point unless the respondent(s) fails to abide by the terms specified in the resolution. Under this circumstance, if the grievant has performed (or was ready and willing to perform) those of his or her obligations under the resolution that were preconditions to respondent's performance, the grievant may include the resolution attempt as part of his or her petition to the FGHC for redress. If there is no agreement, the non-resolution will be noted in writing, signed by the parties, and distributed as above.***

2. Revise Section 3.9.3.5 of the *Faculty Handbook* as proposed and renumber:

Current:

3.9.3.5 A faculty member who believes that she or he has a grievance within the committee's jurisdiction shall initiate the inquiry with a written submission to the chair of the committee that:

Proposed:

***3.9.3.5.2 If resolution of the matter is not achieved through informal discussion as required in 3.9.3.5.1, above, the grievant will submit her or his written petition for redress to the chair of the FGHC, accompanied by a copy of the document indicating that the initial meeting required by 3.9.3.5.1, above, was held.***

***The petition will specifically name the respondent(s) against whom the grievance is directed and will set forth in full detail the nature of the grievance. It is essential that the grievant, at this stage, state her or his case as completely as possible, since this document will establish the issues to be considered by the FGHC and may not be altered or amended at a later date, except to add specific claims based on events that had not occurred or evidence that was not available on the date of the original filing.***

3. Change Section number 3.9.3.5 (a) to 3.9.3.5.2 (a) in the *Faculty Handbook*.
4. Change Section number 3.9.3.5 (b) to 3.9.3.5.2 (b) in the *Faculty Handbook*.

5. Change Section number 3.9.3.5 (c) to 3.9.3.5.2 (c) in the *Faculty Handbook* and revise as proposed:

Current:

(c) identifies the University policy or state or federal law that allegedly was violated, to the grievant's detriment;

Proposed:

(c) *identify* the University policy *or practice*, or state or federal law that allegedly was violated to the grievant's detriment;

6. Change Section number 3.9.3.5 (d) to 3.9.3.5.2 (d) in the *Faculty Handbook*.
7. Change Section number 3.9.3.5 ( e) to 3.9.3.5.2 (e) in the *Faculty Handbook*.
8. Revise Section 3.9.3.6 in the *Faculty Handbook* as proposed:

Current:

The committee shall consider the request and grant a hearing if it determines:

Proposed:

***The FGHC will review the petition and, by a vote of the majority of the committee membership, decide whether the petition sets forth sufficient grounds to warrant acceptance of the matter on the facts alleged. The FGHC shall*** grant a hearing if it determines:

9. Revise Section 3.9.3.6 and Section 3.9.3.6 (a) in the *Faculty Handbook* as proposed:

Current:

(a) that the request does contain a contention that a right or entitlement of the faculty member, conferred by University policy or state or federal law, has been abridged; and

Proposed:

(a) that the request does contain a contention that a right or entitlement of the faculty member, conferred by University policy *or practice*, has been abridged; and

***If the committee votes not to consider the grievance, the matter is closed.***

10. Add Section 3.9.3.7 to the *Faculty Handbook* as proposed:

*If a majority of the FGHC votes to accept the petition, the chair of the FGHC is responsible for providing a copy to the respondent(s) within 5 working days of its receipt. At this point, the parties to the grievance are required to take part in formal mediation arranged on their behalf by the FGHC chair and the Associate Vice-Chancellor for Academic Affairs.*

*Appalachian State University will pay the costs of bringing a mediator to campus to conduct the mediation sessions in an effort to find a mutually agreeable resolution to the conflict. The mediator must have completed specialized mediation training and be certified by the North Carolina Office of State Personnel, the UNC General Administration, or the North Carolina Administrative Office of the Courts. The mediator, found acceptable and agreed to by both parties, should not be a member of the Appalachian State University community, although outside mediators from the community or other UNC campuses may be considered.*

*Mediation does not entail findings of fact or involve other evidentiary procedures. Attorneys are prohibited from participating in the process or acting as observers, although they may play an advisory role, similar to that provided for by UNC Policy Manual 300.3.2. The mediation is to be limited to the grievant, the respondent(s) and the mediator, although the parties have the right to consult with others during recesses and before committing to any agreement. Any time limit adopted by a UNC constituent institution or prescribed by Board of Governors Policy concerning the formal resolution of UNC Code Section 607 grievances will be suspended for the duration of a mediation process being conducted pursuant to this policy. However, the parties are encouraged to use their best efforts to complete mediation within 20 days.*

*Mediation procedure described above modified from <http://www.northcarolina.edu/content.php/hr/policies/SPADis/Appeals.htm>. See also *Inside North Carolina: a guide to state employment*, p. 24, NC Office of State Personnel (June 2007); *UNC Office of the President, Employee Mediation and Grievance Policy and Procedure*, Ann W. Lemmon (January 2005).*

11. Add Section 3.9.3.7.1 to the *Faculty Handbook* as proposed:

*If a mutually agreeable resolution is reached through mediation, a written statement will be produced by the mediator detailing the agreement and will be signed and dated by all parties to the mediation. Any agreement proposing to obligate Appalachian State University must also be signed by an appropriate and properly authorized university official. Copies will be provided to the parties specified in 3.9.3.5.1, above. At this point, the FGHC chair will be notified by the mediator by an unelaborated written statement that the mediation was successful, and the grievance will come to an end.*

12. Delete Section 3.9.3.7, add Section 3.9.3.7.2 as proposed:

Current 3.9.3.7:

If a hearing is granted, the person or persons named by the faculty member as responsible for the detriment suffered (the respondent) shall be notified by the chair of the committee. The parties to the hearing process shall be accorded twenty working days following the date of such notification to prepare for the hearing; provided, that the committee may, upon request either from the faculty member or the respondent and for good cause, extend the time for preparation. The hearing shall be closed to the public, unless the faculty member, the respondent and the committee agree that it may be open.

Proposed 3.9.3.7.2:

*If mediation fails, no record of the mediation will be released other than an unelaborated written statement from the mediator to the chair of the FGHC that mediation was attempted and was unsuccessful. Copies of the unelaborated written statement will be provided to the parties specified in 3.9.3.5.1, above. Under no circumstances may the mediator be called as a witness in any subsequent proceeding, nor may any statements made during mediation be used against either party in a formal grievance hearing or any other forum. The mediator will dispose of any documents used in the process.*

*At this point, the grievant must decide whether to pursue a formal grievance hearing. Since the FGHC has already determined that the grievant's petition merits the committee's consideration, the grievant's written notification to the FGHC chair of a desire to proceed to a formal grievance hearing will be automatically granted. The grievant may end the process at any time from this point forward.*

13. Add Section 3.9.3.8 as proposed:

*The FGHC, as a committee constituted solely of faculty and charged with hearing disputes arising out of a faculty member's relationship with the university, shall determine any and all policies and procedures, not inconsistent with any restrictions in Section 607 of the UNC Code and Article VI, Sections 1 and 3 of the Faculty Constitution, necessary to carry out its responsibilities in the conduct of a grievance hearing.*

*The FGHC will be composed of nine (9) members elected by the faculty at-large: three (3) members from each of the ranks of Professor, Associate Professor and Assistant Professor. Five (5) members of the FGHC, with each rank represented on the hearing panel, will conduct hearings. At least two (2) members must be of the same rank as the grievant; the other members of the hearing panel may be apportioned in any manner consistent with the foregoing requirements of this section. If the grievant is from any rank other than those specified by 3.4.2.5, 3.4.2.6 and 3.4.2.7, or holds a part-time faculty appointment, all professorial ranks must be represented on the hearing panel.*

*Nomination and election shall follow procedures for other at-large faculty elections.*

***The term of office of a member of the FGHC shall be three years; with the exception that the first election shall be for staggered terms, with three persons, one from each rank, to be elected to three-year terms, three persons, one from each rank, to be elected to two-year terms, and three persons, one from each rank, to be elected to a one-year term. As the respective terms of the first group of committee members expire, their successors shall be elected to regular three-year terms.***

14. Revise content of Section 3.9.3.7, change number to 3.9.3.9 as proposed:

Current 3.9.3.7:

The hearing shall begin with presentation by the faculty member or the faculty member's representative of evidence designed to support the faculty member's contentions. The presentation shall be limited to those matters specified in the request for a hearing on which the committee based its agreement to conduct the hearing. When the faculty member has completed the presentation, the committee shall recess to determine whether the evidence presented by the faculty member is sufficient, alone and without rebuttal, to sustain a prima facie case that some right or entitlement, conferred by University policy or state or federal laws, was abridged to the faculty member's detriment by the policy or action of the respondent. If the committee determines that no such prima facie case has been established, it shall so notify the parties to the hearing and thereupon terminate the proceedings. If it determines that a prima facie case has been established, and that explanation or rebuttal is therefore necessary, it shall so notify the parties, and the hearing shall proceed with presentation of evidence by the respondent. All witnesses presented by any party may be questioned by committee members, the faculty member or the faculty member's representative, and the respondent or the respondent's representative. At the conclusion of the hearing, the committee shall meet in closed session to consider the matter. The committee may consider only such evidence as was presented at the hearing and need consider only the evidence offered that it considers fair and reliable. The burden is on the aggrieved faculty member to satisfy the committee, by a preponderance of the evidence, that her or his contention is true. The committee shall complete its deliberations and produce its decision within ten calendar days after the hearing is concluded.

Proposed:

***While both grievant and respondent(s) may consult with attorneys at any stage of the process, attorneys may not participate as advocates or advisors during the grievance hearing, although an attorney may serve as a party's observer. The respondent's attorney(s) may observe only if the grievant chooses to have her/his attorney observe. Presence at the hearing is limited to the members of the FGHC, the grievant, the respondent(s) and one observer each for the grievant and all respondents. Before the hearing begins the grievant may consult with a member of the GAC who may also act as the grievant's observer and advisor during recesses.***

***The hearing shall begin with presentation by the faculty member of evidence designed to support the faculty member's contentions. The presentation shall be limited to those***

*matters specified in the request for a hearing on which the FGHC based its agreement to conduct the hearing or to such other matters specified in 3.9.3.5.2. FGHC members may question all witnesses presented by any party, the grievant and the respondent(s). At the conclusion of the hearing, the FGHC shall meet in closed session to consider the matter. The FGHC may consider only such evidence as was presented at the hearing and need consider only the evidence offered that it considers fair and reliable. The burden is on the aggrieved faculty member to satisfy the FGHC, by a preponderance of the evidence, that her or his contention is true. After the conclusion of the hearing, the FGHC shall complete its deliberations and produce its decision within twenty (20) working days.*

15. Revise contents of Section 3.9.3.9, change number to 3.9.3.10.

Current:

If the committee determines that the faculty member's contention has not been established, it shall, by a written statement explaining the committee's reason(s), so notify the faculty member, the respondent, and the Provost and Executive Vice Chancellor. If the committee concludes that the faculty member's contention has been established, it shall provide notice and its recommendations for corrective action to the faculty member, the respondent, and the Provost and Executive Vice Chancellor. If the Provost and Executive Vice Chancellor intends to reject the recommendation of the Faculty Grievance Committee, the Provost and Executive Vice Chancellor shall communicate that intention to the committee along with her or his reasons and provide an opportunity for committee response before taking final action. In such a case, the committee shall reconsider its recommendation, taking account of the Provost's stated objections. The committee shall transmit its response to the Provost within ten working days of the committee's receipt of the Provost's communication. After considering the committee response, the Provost shall issue a decision either concurring in or declining to accept the committee's recommendation. Within five working days after receiving such a recommendation, the Provost and Executive Vice Chancellor shall notify the faculty member and the respondent concerning what corrective action, if any, will be taken. If the Provost and Executive Vice Chancellor declines to take a recommended corrective action, the committee shall submit its report to the Chancellor, with a statement of what it considers to be appropriate action by the Chancellor to resolve the matter.

Proposed:

If the **FGHC** determines that the **grievant's** contention has not been established, it shall, by a written statement explaining the **FGHC's** reason(s), so notify the faculty member, the respondent(s), and the Provost and Executive Vice Chancellor. **The FGHC's decision, as a determination of a body of the grievant's peers, shall be final.**

16. Add Section 3.9.3.11 as proposed:

***If the FGHC concludes that the grievant's contention has been established; it shall provide notice and its recommendations for corrective action to the faculty member, the respondent(s), and the Provost and Executive Vice Chancellor.***

17. Add Section 3.9.3.12 as proposed:

***If the Provost and Executive Vice Chancellor intends to reject the recommendation of the FGHC, the Provost and Executive Vice Chancellor shall communicate in writing that intention to the grievant and to the FGHC chair along with her or his written reasons and provide an opportunity for written response before taking final action. The grievant may consult with the GAC regarding the Provost and Executive Vice Chancellor's decision.***

18. Add Section 3.9.3.13 as proposed:

***If the Chancellor concurs in a recommendation of the FGHC that is favorable to the grievant, the decision shall be final. If the Chancellor declines to accept a committee recommendation that is favorable to the faculty member, the faculty member may appeal the Chancellor's decision.***

19. Add 3.9.4.1 as proposed:

***In the case of a decision adverse to the faculty member, the line of appeal is as prescribed by Section 607 of The Code, and shall be guided by the following procedure:***

20. Revise content of 3.9.4 (a) and renumber as 3.9.4.1 (a) as proposed:

Current:

( a ) A grievant dissatisfied with the Chancellor's disposition of a grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, within ten working days after the grievant's receipt of the decision by certified mail, return receipt requested. If the Board of Trustees agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions received from the Board of Trustees or from a committee of the Board of Trustees which has jurisdiction of the subject matter of the grievance. The Board of Trustees will issue its decision within 120 calendar days after receipt of the notice of appeal; provided, that if the grievant fails to comply with the schedule established for perfecting and processing the appeal and thereby precludes a decision within 120 calendar days, the Board of Trustees in its discretion may extend the period for decision or it may dismiss the appeal. This appeal shall be transmitted through the Chancellor and be addressed to the chair of the Board of Trustees. The appeal to the Board of Trustees shall be decided by the full Board of Trustees. However, the Board of Trustees may delegate the duty of conducting a hearing to a standing or ad hoc committee of at least three members. The Board of Trustees, or its committee, shall base its consideration of the appeal upon the written transcript of hearings held by the Faculty Grievance Committee; but it may, at its discretion, hear such other evidence as it deems necessary.

Proposed:

(a) A grievant dissatisfied with the Chancellor's disposition of a grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, within ten (10) working days after the grievant's receipt of the decision by certified mail, return receipt requested. ***The appeal to the Board of Trustees shall be to a standing committee of five (5) members to be selected and agreed upon by the Chair of the Board of Trustees and the Chair of the Faculty Senate. The immediate Past Chair of the Faculty Senate may advise the current Chair if the Chair feels that it is necessary.*** The appeal shall be transmitted through the Chancellor and be addressed to the Chair of the Board of Trustees. ***The Board of Trustees Appeals Committee shall base its consideration of the appeal upon the written record of the grievance. The Board of Trustees Appeals Committee will issue its decision within 120 calendar days after receipt by the Chancellor of the notice of appeal. The decision of the Board of Trustees Appeals Committee is final.***

21. Delete Section 3.9.4 (b) in the *Faculty Handbook*:

(b) A grievant dissatisfied with a decision of the Board of Trustees must file written notice of appeal with the Board of Governors, by submitting such notice to the President, within ten working days after the grievant's receipt of the decision by certified mail, return receipt requested. If the Board of Governors agrees to consider the appeal, it will do so on a schedule established by the President, subject to any instructions received from the committee of the Board of Governors which has jurisdiction of the subject matter of the grievance. The Board of Governors will issue its decision within 90 calendar days after receipt of the notice of appeal; provided, that if the grievant fails to comply with the schedule established for perfecting and processing the appeal and thereby precludes a decision within 90 calendar days, the Board of Governors in its discretion may extend the period for decision or it may dismiss the appeal.

22. Delete Section 3.9.4.3 in the *Faculty Handbook*:

If the line of appeal as prescribed by section 501 C (4) of The Code of The University of North Carolina is from the Chancellor to the President, and thereafter from the President to the Board of Governors:

23. Delete Section 3.9.4.3 (a) in the *Faculty Handbook*:

(a) A grievant dissatisfied with the Chancellor's disposition of a grievance must file written notice of appeal with the President, with a copy to the Chancellor, within ten working days after the grievant's receipt of the decision by certified mail, return receipt requested. The schedule for perfecting and processing the appeal will be established by the President. The President will issue a decision within 60 calendar days after receipt of

the notice of appeal; provided, that if the grievant fails to comply with the schedule established by the President and thereby precludes a decision within 60 calendar days, the President may exercise discretion to extend the period for decision or to dismiss the appeal.

24. Delete Section 3.9.4.3.b in the *Faculty Handbook*:

(b) A grievant dissatisfied with the President's disposition of an appeal must file written notice of appeal with the Board of Governors, by submitting such notice to the President, within ten working days after the grievant's receipt of the decision by certified mail, return receipt requested. If the Board of Governors agrees to consider the appeal, it will do so on a schedule established by the President, subject to any instructions received from the committee of the Board of Governors which has jurisdiction of the subject matter of the grievance. The Board of Governors will issue its decision within 90 calendar days after receipt of the notice of appeal; provided, that if the grievant fails to comply with the schedule established for perfecting and processing the appeal and thereby precludes a decision within 90 calendar days, the Board of Governors in its discretion may extend the period for decision or it may dismiss the appeal.

- C. Constitutional changes regarding Faculty Senate restructuring, MARKING, Arnold, Butts, Marland, McBride, and Scherlen. (**Appendix H**: Proposed Constitution Changes for Faculty Senate Restructuring).

1. Article II Bylaws B (Inconsistent with Article VII Amendments Section 1).  
“Amendments to this Constitution shall be presented by the Faculty Senate. After Senate deliberations, it shall be the responsibility of the chair of the Faculty Senate to circulate written copies of each proposed amendment, together with its recommendation as to action, to all members of the faculty. Notification of the proposed amendment and the Senate recommendation shall be made not later than six days prior to the faculty meeting at which the proposed amendment is to be acted upon.”

Current:

Written notice of the meetings, with agenda and the text of any proposals then in the hands of the **recorder** upon which the faculty will be asked to take action attached, shall be sent to each member of the faculty by the **recorder** at least six days prior to the meeting. In emergency situations, the period of notice may be shorter.

Proposed:

Written notice of the meetings, with agenda and the text of any proposals then in the hands of the **Faculty Senate Chair** upon which the faculty will be asked to take action attached, shall be sent to each member of the faculty by the **Faculty Senate Chair** at least six days prior to the meeting. In emergency situations, the period of notice may be shorter.

2. Article III Section 4 (Change to reflect current practice and clarify job responsibilities).

Current:

The secretary of the Faculty Senate shall be the recorder. The recorder shall keep minutes of all meetings of the faculty and shall enter them in a permanent file of Official Minutes of Meetings, which shall be kept up to date and available in the University Library to members of the faculty, the administration, and the Board of Trustees.

Proposed:

The secretary of the Faculty Senate *is responsible for the accuracy of the motions, resolutions, voting results and major discussion points during the Faculty Senate meetings. All Faculty Senate meetings are recorded electronically and transcribed by the Office Assistant. The secretary is responsible for reviewing the accuracy of the transcribed minutes prior to being submitted to the Faculty Senate for approval. The Faculty Senate minutes are posted on the Faculty Senate website* and distributed to all members of the faculty, administration, the Board of Trustees. The Faculty Senate minutes are also submitted to the University *Archives to assure preservation and long-term access.*

3. Article IV Section 3 (Change to reflect Motion FS 06-07/03-11).

Current:

The Senate shall be composed of twenty-seven faculty members elected by the faculty. The twenty-seven members shall be elected as follows:

Approved:

The Faculty Senate shall consist of one member from each academic department, school, the Library, and five at large representatives. Any unit listed above may choose not to fill its senate seat, in which case the seat will remain empty. Members of the senate will be chosen as follows:

Amended:

The Faculty Senate shall consist of one member from each academic department, school, the Library, and five at large representatives. Any unit listed above may choose not to fill its senate seat, in which case the seat will remain empty *for that academic year*. Members of the senate will be chosen as follows:

4. Article IV Section 3a (Change to reflect portions of Motion FS 06-07/03-11 and address specifics of election procedures).

Current:

Nine senators shall be elected at large.

Amended:

By February 1 each academic department, school and the Library will elect, as per established department/unit procedures, one faculty member for any open Senate seat in their respective department/unit (Please refer to Article IV Section 6c regarding vacant positions). If a vacancy has occurred during a senator's three year term a department/unit may choose not to be represented by not electing a representative. This choice applies for the entire academic year following the election.

5. Article IV Section 3b (Change to reflect portions of Motion FS 06-07/03-11, address specifics of election procedures, revise and combine 3b and 3b (1)).

Current:

The eighteen faculty seats shall be apportioned among the degree-granting colleges, schools and the Library. Each degree-granting college or school and the Library faculty shall be apportioned at least one Senate seat. (Hereafter, the degree-granting colleges, schools and the Library shall be referred to as the colleges.) For purposes of apportioning representation to the Appalachian State University Faculty Senate, a faculty member is here defined as anyone holding one of the following ranks: Lecturer, instructor, assistant professor, associate professor, and professor. Excluded from this operational definition are emeriti faculty and adjunct faculty. For purposes of apportioning representation to the Appalachian State University Faculty Senate the following factors shall not be deemed

relevant: duration of appointment, magnitude of teaching responsibilities, geographical location of the teaching activity, or leave status. Persons holding joint appointments shall be counted as faculty members in only one department.

In the fall semester of each academic year (but prior to November 1) the Director of Institutional Research, Assessment and Planning will forward to the faculty elections officer a count of the number of faculty (using the definition of faculty outlined in the preceding paragraph) in each college.

Proposed:

***The five at large seats will be filled by election of faculty from across the university. Representation to the Appalachian State University Faculty Senate **requires that** a faculty member **hold** one of the following ranks: Lecturer, instructor, assistant professor, associate professor, and professor. Excluded are emeriti faculty and adjunct faculty. **In addition, a faculty member must, according to Section 4.9.3.3 Faculty Handbook, be eligible to serve for the entire academic year.** In the fall semester of each academic year (but prior to November 1) the Director of Institutional Research, Assessment and Planning will **determine the** faculty **eligible to represent and vote in each department and forward that information to the faculty elections officer.*****

6. Article IV Section 3b (1) (Addressed in IV Section 3b above).

Current:

In the fall semester of each academic year (but prior to November 1) the Director of Institutional Research, Assessment and Planning will forward to the faculty elections officer a count of the number of faculty (using the definition of faculty outlined in the preceding paragraph) in each college.

Proposed:

Delete: Combined with Article IV Section 3b.

7. Article IV Section 3b (2) (Change to reflect Motion FS 06-07/03-11).

Current:

The percentage of faculty in each college is to be computed to five decimal places (e.g., .41095 or 41.095%).

Proposed:

Delete: No longer relevant.

~~The percentage of faculty in each college is to be computed to five decimal places (e.g., .41095 or 41.095%).~~

8. Article IV Section 3b (3) (Change to reflect Motion FS 06-07/03-11).

Current:

The number of seats to be allocated to each college is computed by multiplying the percentage found in (2) above by eighteen (e.g.,  $.41095 \times 18 = 7.40$ ); this calculation is to be rounded to the nearest one hundredth. Each college receives the number of seats given by this calculation (fractions of a seat are ignored). If this sum totals less than eighteen, the remaining seats will be allocated using the fractions of a seat. The college with the highest fraction receives an additional seat; the college with the second highest fraction receives an additional seat. This process continues until exactly eighteen seats are allocated.

The faculty elections officer shall communicate each allocation to the deans of the various colleges and their respective elections chairs by December 1.

Proposed:

Delete: No longer relevant.

~~The number of seats to be allocated to each college is computed by multiplying the percentage found in (2) above by eighteen (e.g.,  $.41095 \times 18 = 7.40$ ); this calculation is to be rounded to the nearest one hundredth. Each college receives the number of seats given by this calculation (fractions of a seat are ignored). If this sum totals less than eighteen, the remaining seats will be allocated using the fractions of a seat. The college with the highest fraction receives an additional seat; the college with the second highest fraction receives an additional seat. This process continues until exactly eighteen seats are allocated.~~

~~The faculty elections officer shall communicate each allocation to the deans of the various colleges and their respective elections chairs by December 1.~~

9. Article IV Section 5 (No change needed to reflect Motion FS 06-07/03-12, clarification of staggered terms).

Current:

The normally designated term of office for Faculty Senate members is three years. Terms of members will be staggered so that six vacancies occur each year among senators elected from the individual colleges. Three members at large shall be elected annually.

Proposed:

The normally designated term of office for Faculty Senate members is three years. Terms of members will be staggered so that *1/3 of the senate is elected* each year. The at large seats will be elected *accordingly with two openings each year for two years and the fifth vacancy elected in the third year.*

10. Article IV Section 6a (1) (Change to reflect proposed election timeline and process).

Current:

By August 15, the vice chair of the Faculty Senate, who is the senate elections officer, shall name an elections chair for each college, school and Library for the entire academic year.

Proposed:

By ***November 1***, the vice chair of the Faculty Senate, who is the senate elections officer, shall contact the ***department chair who will, according to departmental guidelines, put the senate elections officer in touch with the departmental elections officer.***

11. Article IV Section 6a (2) (Change to reflect proposed election process).

Current:

The senate elections officer shall request that the elections chair of each college, school and Library provide a mechanism for the nomination of candidates for the college elections.

Proposed:

The senate elections officer shall request that the election chair of each ***department/unit*** provide a mechanism for the nomination of candidates ***for senate*** elections.

12. Article IV Section 6a (3) (Change to reflect proposed election timeline and process).

Current:

Prior to March 1, the faculty members of each college shall vote to elect the number of Senate members allocated. All voting shall be by secret ballot. It shall be the responsibility of the elections chair to set the date, time, and place of voting; prepare the ballots; supervise the election; provide for the tabulation of votes; notify all nominees of the election results; and report the results of the election to the senate elections officer.

Proposed:

Prior to ***February 1***, the faculty members of each ***department, School and the Library,*** shall vote to elect the ***Senate representative for their department/unit.*** All voting shall be by secret ballot. It shall be the responsibility of the department elections chair to set the date, time, and place of voting; prepare the ballots; supervise the election; provide for the tabulation of votes; notify all nominees of the election results; and report the results of the election to the senate elections officer.

13. Article IV Section 6b (1) (Change to reflect Motion FS 06-07/03-11, proposed election timeline and process).

Current:

Membership at large in the Senate shall be determined by the faculty on the basis of an annual election to be held during the spring term prior to March 31. All voting shall be by secret ballot.

Proposed:

*The five at large seats* in the Senate shall be determined by the faculty on the basis of an annual election to be held during the spring term prior to March **I**. All voting shall be by secret ballot.

14. Article IV Section 8 (Change to reflect current practice and clarify job responsibilities).

Current:

The officers of the Faculty Senate shall consist of a chair, a vice chair, a secretary, and a parliamentarian. These officers, with the exception of the parliamentarian, shall be elected from the total membership of the Senate at the special Senate meeting in April called at the adjournment of the regular April meeting of the Senate. The chair of the faculty shall be an ex-officio member of the Senate and shall serve as liaison officer between the Senate and the Chancellor of the University. It shall be the responsibility of the chair of the Faculty Senate to appoint a parliamentarian. It shall be the responsibility of the vice chair to serve as the faculty elections officer. It shall be the responsibility of the secretary to preserve detailed records of the deliberations of the Senate. It shall be the responsibility of the University Librarian to preserve copies of all Faculty Senate minutes and the minutes of the general faculty meetings.

Proposed:

The officers of the Faculty Senate shall consist of a chair, a vice chair, a secretary, and a parliamentarian. These officers, with the exception of the parliamentarian, shall be elected from the total membership of the Senate at the special Senate meeting in April called at the adjournment of the regular April meeting of the Senate. The chair of the faculty shall be an ex-officio member of the Senate and shall serve as liaison officer between the Senate and the Chancellor of the University. It shall be the responsibility of the chair of the Faculty Senate to appoint a parliamentarian. It shall be the responsibility of the vice chair to serve as the faculty elections officer. ***It shall be the responsibility of the secretary to assist in the preparation of detailed records of the deliberations of the Senate.*** It shall be the responsibility of the University ***Archivist*** to preserve copies of all Faculty Senate minutes and the minutes of the general faculty meetings.

15. Article IV Bylaws A (Change to reflect current practice and proposed procedure).

Current:

A nominee for the Faculty Senate will be elected if the nominee receives a simple majority of the votes cast in any college or at large balloting. In the event that the number of nominees receiving a simple majority on the first ballot exceeds the number of vacancies to be filled, the election shall be awarded to those candidates receiving the most votes in a descending order. (In the event that the number of tied vote situations among the nominees receiving the most votes exceeds the number of vacancies to be filled, a special election shall be held to determine which of the nominees shall be elected. In this special election, the slate of nominees will be restricted to the tied nominees in the first election.) The number of elected senators shall not exceed the number of vacancies to be filled.

Proposed:

*At large* nominees for the Faculty Senate will be elected *by plurality* voting. ***Faculty will be allowed to vote for the number of at large seats that are vacant that year.*** In the event of a tied vote, a special election shall be held to determine which of the nominees shall be elected. In this special election, the slate of nominees will be restricted to the tied nominees in the first election.

16. Article IV Bylaws B (Change to reflect current practice and proposed procedure).

Current:

Any position(s) not filled in the first balloting will be filled in a single run-off election. The nominees in a run-off election will be those receiving the highest number of votes in the initial election. In the event of a tie vote for the last position, the nominees who have tied shall appear on the election ballot. All such nominees by virtue of a tie vote in the initial election are eligible for the last position on the run-off election ballot. The number of nominees in a run-off election will be equal (if that number is available) but will not exceed (except in instances where tie votes are involved) twice the number of positions remaining to be filled.

In a run-off election those nominees receiving the largest pluralities will be elected except that whenever a tie vote occurs with reference to the last position(s) to be filled, the Faculty Senate will by majority vote of its total membership determine the winner.

Proposed:

~~Any position(s) not filled in the first balloting will be filled in a single run-off election. The nominees in a run-off election will be those receiving the highest number of votes in the initial election. In the event of a tie vote for the last position, the nominees who have tied shall appear on the election ballot. All such nominees by virtue of a tie vote in the initial election are eligible for the last position on the run-off election ballot. The number~~

~~of nominees in a run-off election will be equal (if that number is available) but will not exceed (except in instances where tie votes are involved) twice the number of positions remaining to be filled.~~

In a run-off election those nominees receiving the largest pluralities will be elected except that whenever a tie vote occurs with reference to the last position(s) to be filled, the Faculty Senate will by majority vote of its total membership determine the winner.

17. Article IV Bylaws C (Change to reflect proposed procedure).

Current:

Write-in votes will be allowed in the initial Senate elections but not in run-offs. In either the initial or in a run-off election, a voter may vote for any number of nominees up to the total number of positions to be filled by that election. Provisions will be made for absentee ballots. If a nominee receives more than one vote on a single ballot such ballot will be declared invalid.

Proposed:

Delete: No longer relevant or combined with other proposed changes.

~~Write-in votes will be allowed in the initial Senate elections but not in run-offs. In either the initial or in a run-off election, a voter may vote for any number of nominees up to the total number of positions to be filled by that election. Provisions will be made for absentee ballots. If a nominee receives more than one vote on a single ballot such ballot will be declared invalid.~~

18. Article IV Bylaws D (Change to reflect omission of Article IV Bylaws C).

Current:

If a run-off election is required, the candidates for the position(s) to be filled in that election will be announced promptly after the initial election. A run-off election must be held within one calendar week of the initial election. The senate elections officer will furnish the faculty with the election results, including the number of votes received by each nominee, within three days of the final election.

Proposed:

***Article IV Bylaws C***

If a run-off election is required, the candidates for the position(s) to be filled in that election will be announced promptly after the initial election. A run-off election must be held within one calendar week of the initial election. The senate elections officer will furnish the faculty with the election results, including the number of votes received by each nominee, within three days of the final election.

19. Article IV Bylaws E (Change to reflect omission of Article IV Bylaws C).

Current:

Any faculty member may contest an election with the Faculty Senate by notifying the person responsible within forty-eight hours of the notification of results. All appeals must be heard before the proper body of the Senate. The disposition of all appeals must be reported to the Senate and published in the Senate minutes. No election will be considered final until all contested positions in that specific election have been acted upon and resolved.

Proposed:

***Article IV Bylaws D***

Any faculty member may contest an election with the Faculty Senate by notifying the person responsible within forty-eight hours of the notification of results. All appeals must be heard before the proper body of the Senate. The disposition of all appeals must be reported to the Senate and published in the Senate minutes. No election will be considered final until all contested positions in that specific election have been acted upon and resolved.

D. *Faculty Handbook* changes regarding Senate Restructuring.

1. Change Section 7.1.1 (Change to reflect Motion FS 06-07/03-11).

Current:

The Faculty Senate is composed of 27 faculty members elected by the faculty. For a description of the procedures relating to the election of Faculty Senate members, see Article IV, Section 3, of the Faculty Constitution (Chapter 1 in the Faculty Handbook).

Proposed:

***The Faculty Senate is composed of faculty elected by academic departments/units or by the faculty at large.*** For a description of the procedures relating to the election of Faculty Senate members, see Article IV, Section 3. of the Faculty Constitution (Chapter 1 in the *Faculty Handbook*).

2. Add Section 7.1.2 (Change to reflect Motion FS 06-07/03-15).

***The Chancellor of the University shall meet with the Faculty Senate at its first and last meetings 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.***

3. Add Section 7.1.3 (Change to reflect Motion FS 06-07/03-16 and reflect inclusion of parliamentarian, who is appointed (Article IV Section 8) not elected).

Current:

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.

Proposed:

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.

4. Add Section 7.1.4 (Change to reflect Motion FS 06-07/03-17 and to reflect inclusion of parliamentarian, who is appointed (Article IV Section 8) not elected).

Current:

The Agenda Committee shall be defined as the elected officers of the Faculty Senate 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.

Proposed:

The Agenda Committee shall be defined as the ***elected*** officers of the Faculty Senate 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.

5. Add Section 7.1.5 (Change to reflect Motion FS 06-07/03-14, Article IV Section 8 and clarify proposed responsibility of election of officers).

Current:

At the last Senate meeting of the academic year, the Senate shall elect the executive officers, with the exception of the parliamentarian, 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 reelected each year for the duration of their tenure on the Senate.

Proposed:

At the last Senate meeting of the academic year, the Senate shall elect the ***executive*** officers, ***with the exception of the parliamentarian***, 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 reelected each year for the duration of their tenure on the Senate. ***The Committee on Committees will solicit names; oversee the voting and the election process for the following year's nominations of***

*officers.*

6. Add Section 7.2.6 i (Change to reflect addition of Section 7.1.5 and reflect additional Committee on Committee responsibility).

i. *will solicit names; oversee the voting and the election process for the following year's nominations of senate officers.*

VII. New Business

**Appendix A – H and Memorandum from Chair Marking, dated November 8, 2007 entitled “Faculty Senate Restructuring Proposals” will be transmitted as attachments via separate emails.**

**NOTES:**

**November 8, 2007 Memorandum from Chair Marking distributed to Faculty Senators only.**

**September 13, 2007 Memorandum from Faculty Assembly Executive Committee distributed with October 8, 2007 Faculty Senate Agenda.**