

# The University of North Carolina At Pembroke

## Faculty Senate

### Agenda

Meeting of the Faculty Senate  
Wednesday, March 1, 2006 @ 3:30pm  
213 Chavis University Center

**Kay McClanahan, Chair**  
**Holden Hansen, Secretary**

Members:

Allen C. Meadors, Chancellor, Ph.D., FACHE

Charles F. Harrington, Provost & Vice Chancellor for Academic Affairs

| To 2008                   | To 2007                     | To 2006                 |
|---------------------------|-----------------------------|-------------------------|
| ART Cindy Saylor          | ART Holden Hansen           | ART Jean Sexton         |
| EDN Irene Aiken           | EDN Jane Huffman            | EDN Sara Simmons        |
| LET Charles Beem          | LET Liliana Wendorff        | LET Robert Brown        |
| NSM David Zeigler         | NSM Andy Ash                | NSM Deok-Hyun Hwang     |
| SBS Ottis Murray          | SBS Elizabeth Denny         | SBS Elizabeth Normandy  |
| At-Large Susan Cannata    | At-Large Lillian Brewington | At-Large Paul Flowers   |
| At-Large Ann Horton-Lopez | At-Large Betty Brown        | At-Large Kay McClanahan |
| At-Large Lee Phillips     | At-Large Bonnie Kelley      | At-Large Richard Vela   |

### Order of Business

A. Roll Call

B. Adoption of Agenda

C. Approval of Minutes of February 1, 2006 Meeting (*Agenda Attachment #1*) and  
February 17, 2006 Meeting (*Agenda Attachment #2*)

D. Reports from Administrators

1. The Chancellor
2. The Provost and Vice Chancellor for Academic Affairs

E. Reports of Committees

1. Operations Committees

- a. Executive Committee
- b. Committee on Committees and Elections
- c. Faculty Governance Committee

**Proposal re timing of Senate elections** (*Agenda Attachment #3*)

- d. Health, Safety and Environment Committee

## 2. Standing Committees

### a. Academic Affairs (*Agenda Attachment #4*)

- **Proposal re Honors/Chancellor's List**
- **Proposed curriculum changes**
  - Art
  - Social Work
  - Health, PE, and Recreation
  - Music
  - School of Education
  - School of Business
  - School of Business -- MBA Program

### b. Faculty and Institutional Affairs

- **Proposed policy re Criminal Background Checks** (*Agenda Attachment #5*)
- **Proposed UNCP Copyright Policy** (*Agenda Attachment #6*)
- **Proposed Policy re Online Course Management** (*Agenda Attachment #7*)

### c. Student Affairs and Campus Life

- **Proposal re Child Care** (*Agenda Attachment #8*)

## 3. Special Committees

- a. Promotion and Tenure Review Committee
- b. Plagiarism Committee

F. UNC Faculty Assembly Report

G. Teacher Education Committee

H. Graduate Council

I. Other Committees

J. Unfinished Business

K. New Business

L. Announcements

M. Adjournment

# The University of North Carolina at Pembroke

**Faculty Senate Minutes**  
**Wednesday, February 1, 2006**  
**213 Chavis Center**

The meeting was called to order at 3:31 p.m. by Kay McClanahan, Chair of the Faculty Senate. Liliana Wendorff was welcomed to the Faculty Senate.

**Members Present:**

Chancellor Meadors  
Provost Harrington

|               |                  |                    |                   |
|---------------|------------------|--------------------|-------------------|
| Andy Ash      | Charles Beem     | Lillian Brewington | Betty Wells Brown |
| Robert Brown  | Susan Cannata    | Elizabeth Denny    | Paul Flowers      |
| Holden Hansen | Ann Horton-Lopez | Jane Huffman       | Deok-Hyun Hwang   |
| Bonnie Kelley | Kay McClanahan   | Elizabeth Normandy | Lee Phillips      |
| Cindy Saylor  | Jean Sexton      | Sara Simmons       | Liliana Wendorff  |
| David Zeigler |                  |                    |                   |

**Members Excused:**

Ottis Murray, Irene Aiken, Richard Vela

**Adoption of the Agenda:** The agenda was adopted with a minor change: Enrollment Management's proposal was moved to first on the list of Academic Affairs proposals.

**Approval of the Minutes:** The minutes of 12/07/05 were approved.

**Report from Administrators:**

Provost Harrington reported the following: (1) An Ad-Hoc Committee of the Board of Trustees will meet about the Domestic Partners matter; (2) Three grant programs have been launched, including two Directed Leaves of Absence, nine Summer Research Fellowships, and three Teaching Enhancement Awards; (3) A two day retreat was conducted with Chairs and Deans. A Council of Chairs will be constituted to enhance communication and collaboration between departments and administration as the University grows; (4) The University has responded to a final report on UNCP's Optometry School proposal. A final vote on the proposal will be convened shortly; (5) Apple Computer representatives will be on campus to integrate technology into teaching, research and service. UNCP will receive some equipment, and a grant program may emerge to facilitate the use of technology; (6) The early stages of construction of the new classroom building has begun. Two trees had to come down. The project is expected to last 14 months; (7) Laura Godwin, a Mike McIntyre staff member, recently shared items

of importance with UNCP, including support for Biotechnology and Teacher Education; (8) The Budget development process for Academic Affairs is being formalized. Input is encouraged on budget priorities.

The Chancellor reported increases in a number of statistical categories, including: (1) Spring enrollment and a variety of enrollment sub-categories; (2) students living on campus; (3) number of graduate and undergraduate courses offered; (4) number of tenure and non-tenure track faculty positions, and full-time staff positions created; and (5) retention rate, which was the highest since the fall of 1990. However, the goal of a 75 to 78% retention rate remains to be achieved, and improvement has to take place over more than one year. The Chancellor also reported on the need to continue to seek amenities through continued business development in order to make UNCP more of a typical college town.

### **Reports from Operations Committees:**

#### **Executive Committee**

Kay McClanahan reported that 16 Senators emailed approval of the concept of closing the University on the Wednesday before Thanksgiving. There were no Senators who disapproved. Eight Senators did not reply.

#### **Committee on Committees and Elections**

Cindy Saylor presented the following Senate Committee appointments for approval:

Faculty Governance: Susan Edkins, HPER  
Lisa Kelly, Biology  
Cindy Saylor, Library

Curriculum Subcommittee: Jonathan Lewis, ETL

The proposal carried unanimously.

Cindy Saylor announced that Weston Cook has been elected to the Promotion and Tenure Committee and Liliana Wendorff to the Faculty Senate.

#### **Faculty Governance Committee**

Tom Dooling brought forward the following proposal to include a list of duties for the Senate Chair in the Faculty Handbook:

Chapter 11-1  
ARTICLE V. OFFICERS

Section 1. The Chancellor of the University shall have the right to preside over the deliberations of any legislative bodies of the Faculties of The University of North Carolina at Pembroke.

Section 2. The Senate shall elect from its voting membership a Chair of the General Faculty who shall also serve as Chair of the Faculty Senate, to serve for one year. The

Chair shall serve as Chair of the Executive Committee, and shall preside at meetings of the Faculty Senate and of the General Faculty subject to the right of the Chancellor to preside over such deliberations as provided in Article V. Section 1, above. The Chair shall not serve for more than two successive years; the filling of an unexpired term shall be deemed as one of the two successive years. The Chair of the Faculty Senate is entitled to a ~~reduced~~ course load reduction (six hours per semester) while serving as Chair.

**Section 3. The duties of the Faculty Senate Chair shall include:**

1. Attend the Board of Trustee Meetings when invited.
2. Meet with Chancellor and Provost once a month.
3. Attend at least one Faculty Assembly meeting.
4. Email the general faculty a Senate Newsletter highlighting noteworthy topics from the Faculty Senate meeting.
5. Serve as the Student Appeals Board Chair
6. Select a designee, from the General Faculty, to serve on special committees formed by the administration.
7. Ensure the Faculty Handbook is revised to reflect changes during the Academic year.
8. And other duties as the Senate may direct.

The proposal carried unanimously.

Tom Dooling announced that another proposal to schedule the vote for the Senate Chair to earlier in the year was being reworked.

**Health Safety and Environment Committee**

Kay McClanahan reported for Richard Vela that the Committee will meet on February 15 and the agenda is forthcoming.

**Reports from Standing Committees:**

**Academic Affairs**

Susan Cannata brought forth the following proposals from the Department of American Indian Studies and the Department of Computer Science:

Proposed Curriculum Changes:

1. Proposal from the Department of American Indian Studies:
  - 1.1 Create a new 3 credit hour elective course AIS 101 Introduction to American Indian Studies. Prerequisites—None. This course is also proposed for Gen Ed as an elective and has been approved by the Gen Ed Subcommittee.
2. Proposal from Department of Computer Science
  - 2.1 Create a new 3 credit-hour elective course CSCS 4XX Special Topics (Variable Title) Prerequisite—Permission of the Instructor.

The proposals were taken separately and carried unanimously.

Susan Cannata announced that departments should use current curriculum proposals forms (revised in 2004) and that they are available online both on the Academic Affairs and Curriculum web pages.

**Faculty and Institutional Affairs**

Elizabeth Denny reported that the Committee is continuing to address issues previously reported upon.

**Student Affairs and Campus Life**

No report.

**Special Committees:****Promotion and Tenure Review Committee**

Elizabeth Normandy presented the final draft of the proposal for Promotion and Tenure Criteria. After discussion, Sara Simmons presented an amendment to the proposal. After discussion, a motion was made and seconded to extend the meeting by fifteen minutes. The motion carried: 15 Aye, 5 Nay. A motion was made and seconded to call a special meeting for further consideration of the final draft of the proposal for Promotion and Tenure. The motion carried unanimously.

**Plagiarism Committee**

Betty Wells Brown reported that the Committee will meet February 8.

**UNC Faculty Assembly Report**

No report.

**Teacher Education Committee**

Jane Huffman reported that changes in Teacher Education requirements from the State will be sent out soon

**Graduate Council**

No report.

**Other Committees**

No report.

**Unfinished Business**

None.

**New Business**

None.

**Announcements**

None.

**Adjournment:**

The meeting was adjourned at 5:13 p.m.

# The University of North Carolina at Pembroke

**Faculty Senate Minutes  
Friday, February 17, 2006  
225 Dial Building**

The meeting was called to order at 1:39 p.m. by Kay McClanahan, Chair of the Faculty Senate.

**Members Present:**

|                  |                |                    |                    |
|------------------|----------------|--------------------|--------------------|
| Irene Aiken      | Andy Ash       | Lillian Brewington | Betty Wells Brown  |
| Robert Brown     | Susan Cannata  | Holden Hansen      | Ann Horton-Lopez   |
| Jane Huffman     | Kay McClanahan | Ottis Murray       | Elizabeth Normandy |
| Lee Phillips     | Cindy Saylor   | Jean Sexton        | Richard Vela       |
| Liliana Wendorff | David Zeigler  |                    |                    |

**Members Excused:**

Chancellor Meadors, Provost Harrington, Paul Flowers, Sara Simmons, Deok-Hyun Hwang, Elizabeth Denny, Charles Beem, Bonnie Kelley

**Consideration of the Draft Document Proposal on Tenure and Promotion Criteria**

Kay McClanahan gave the floor to Elizabeth Normandy, who reiterated the charge assigned to the Faculty Senate by the Board of Trustees and the Chancellor. She summarized the steps taken by the Promotion and Tenure Review Committee to create the draft document Proposal on Tenure and Promotion Criteria.

The floor was opened for discussion of the document.

A motion to call the question was made and seconded. There were no objections. A motion was made and seconded to accept the document in principle with the provision that further discussion on amendments would continue if the motion carried. The motion carried as follows: 15 aye, 2 nay.

The floor was opened for discussion of amendments to the document. A total of four minor changes were made involving deletions and additions of language, all of which are noted in parenthetically and in bold in the attachment to the minutes below. A motion was made and seconded to accept the changes. The motion carried as follows: 15 aye, 1 No, 1 Abstention.

The quorum was lost at 3:23 p.m.

**Adjournment:**

The meeting was adjourned at 3:27 p.m.

**DRAFT DOCUMENT**

**5-11 TENURE AND PROMOTION CRITERIA**

Current Wording

**5-11.B.1 Scholarship and Service to the Profession**

University professors are, ideally, teacher-scholars who engage in research to advance knowledge and to keep themselves current in their disciplines. Scholarly, professional activity includes research, publications, professional memberships and activities, grant acquisitions, recitals, shows, exhibitions, consulting, and other related activities.

Proposed Wording

**5-11.B.1 Scholarship and Professional Growth**

All faculty are expected to engage in forms of scholarship appropriate to their discipline, their continuing professional growth, and the mission of the university. Scholarship is a valuable component in the makeup of a good teacher. Evaluation of scholarship and creative activity considers the contributions to the field or discipline, the quality of the work, and its significance or impact, with particular emphasis on accomplishments since the last appointment or promotion. It also includes consideration of the continuity, range, focus and aggregation of productive work in the field.

Reflection on scholarship in the evaluation process ideally moves it beyond a (**DELETE: “mere.”** **ADD: “simple.”**) listing of accomplishments or compilation of documents. Evidence of scholarship includes activities, artifacts documenting those activities and a narrative containing reflective discussion from the candidate. The reflective narrative should demonstrate the pattern of scholarly activity and link it to the mission of the university that emphasizes excellence in research in a balanced manner with teaching and service.

Faculty members are encouraged to continue to pursue opportunities for growth and development throughout their professional lives. Faculty members should engage in appropriate activities that will enhance their teaching effectiveness, keep them abreast of developments in their academic fields, and/or add new areas of expertise to the existing programs of the university.



## 5-11.C PROMOTION STANDARDS

### *5-11.C.2 Associate Professor*

#### Current Wording

It is generally recognized that promotion to the rank of Associate Professor is based upon both demonstrated performance and potential.

1. Unless there are extenuating circumstances, a terminal degree in the appropriate field;
2. Evidence of superior teaching;
3. Evidence of scholarship and professional growth
4. Evidence of university and community service;
5. Essentially positive evaluations;
6. A minimum of seven years experience in higher education, unless cumulative achievement deemed equivalent
7. A minimum of four years in rank of Assistant Professor at The University of North Carolina at Pembroke, unless cumulative achievement deemed equivalent.

#### Proposed Wording

1. Unless there are extenuating circumstances, a terminal degree in the appropriate field;
2. Evidence of superior teaching;
3. Evidence of scholarship and professional growth

Each faculty member should pursue an appropriate balance among the different types of scholarship essential to the implementation of the mission of the institution. Faculty are advised that the Faculty Evaluation Model requires that at least 10% of a faculty member's effort be devoted to scholarship during the time period since appointment or promotion to the rank of Assistant Professor. The candidate should provide evidence of quality scholarship from the indicators/categories of scholarship accomplishment identified in Section 5-11.D. Evidence from peer-reviewed categories is expected for promotion to Associate Professor.

4. Evidence of university and community service;
5. Essentially positive evaluations;
6. A minimum of seven years experience in higher education, unless cumulative achievement deemed equivalent
7. A minimum of four years in rank of Assistant Professor at The University of North Carolina at Pembroke, unless cumulative achievement deemed equivalent.

### 5-11.C.3 Professor

#### Current Wording

It is generally recognized that promotion to the rank of Professor is based upon one's having achieved professional and scholarly distinction.

1. Unless there are extenuating circumstances, a terminal degree in the appropriate field;
2. Evidence of outstanding teaching;
3. Evidence of significant scholarship and professional growth
4. Evidence of university and community service;
5. Positive evaluations;
6. A minimum of ten years experience in higher education, unless cumulative achievement deemed equivalent
7. Five years in rank of Associate Professor at The University of North Carolina at Pembroke, unless cumulative achievement deemed equivalent.
8. Evidence of leadership in fulfilling collegiate responsibilities.

#### Proposed Wording

It is generally recognized that promotion to the rank of Professor is based upon one's having achieved professional and scholarly distinction.

1. Unless there are extenuating circumstances, a terminal degree in the appropriate field;
2. Evidence of outstanding teaching;
3. Evidence of significant scholarship and professional growth

Each faculty member should pursue an appropriate balance among the different types of scholarship essential to the implementation of the mission of the institution. Evidence of consistent scholarly contributions to the profession should be demonstrated over the course of the candidate's career. The candidate should provide evidence of quality scholarship from the indicators/categories of scholarship accomplishment as identified in Sections 5-11.D. Evidence of peer-reviewed scholarship is required for promotion to full professor.

4. Evidence of university and community service;
5. Positive evaluations;
6. A minimum of ten years experience in higher education, unless cumulative achievement deemed equivalent
7. Five years in rank of Associate Professor at The University of North Carolina at Pembroke, unless cumulative achievement deemed equivalent.
8. Evidence of leadership in fulfilling collegiate responsibilities.

## 5-11.D Indicators/Categories of Scholarship Accomplishment

While this listing is not meant to include all possible examples of scholarship accomplishment, it does likely cover the great majority of works that could validly be claimed as scholarship. It is recommended that all faculty members use this list, along with guidance from their chairs and peers, to direct them into appropriate projects that will result in acceptable scholarship accomplishments. One should keep in mind that a few minor accomplishments typically will not be sufficient for promotion, especially the promotion to full professor.

**A. (DELETE: “Scholarly Writing and Publication.” ADD: “Dissemination of Scholarship”)** (Identify the project as peer-reviewed or not peer-reviewed. More weight will be given to peer-reviewed works published by major professional organizations or presses of acknowledged quality.)

- Publication of a book

- Published monograph

- Book chapters

- Articles in scholarly journals

- (Delete: “Proceedings/papers presented” ADD “Presentations” in scholarly forums (ADD: “Conference Proceedings”)**

- Textbooks

### **Translations of scholarly/literary works**

- Reviews of scholarly works; abstracts

- Workbooks/Study guide(ADD “s”)

- Articles published in educational magazines

- Other papers and reports (trade, in-house publications, and encyclopedias)

- Instructor’s Manuals

## **B. Creative Activities**

- Composition (with more weight given to departmentally sponsored, outside peer-reviewed performances of compositions or to peer-reviewed compositions published by organizations of acknowledged quality)

- Public Performances exhibits (with more weight given to departmentally sponsored peer reviewed performances in venues of acknowledged quality)

- Exhibits (with more weight given to juried art exhibits in venues of acknowledged quality)

- Demonstrating professional competence through employment by reputable professional companies

Commissions (with more weight given to commissions from prestigious public or professional institutions)

Invited presentations, lectures, master classes, workshops, and performances (with more weight given to reputable professional organizations or venues of acknowledged quality or to peer-reviewed activities where appropriate)

**C. Editing**

Editor, book of readings (published by a professional organization or nationally recognized publishing house)

Editorial Board, international, national, regional or state journal

**D. Grants and Contracts**

Funded research/program grants

Grants proposals (not funded)

Grants for professional development

Grant reviewer

**E. Classroom based research projects--Scholarship of Teaching and Learning**

(When defined as scholarship, teaching both educates and entices future scholars.

Faculty as scholars are also learners, transforming and extending knowledge as well as transmitting it.)

Development of software and other course materials (professionally disseminated)

Articles on pedagogy or curriculum design

Reports based on program and service grants devoted to innovative pedagogy

Contracts devoted to developing and disseminating innovative pedagogy

**F. Scholarship related to service or the use of professional expertise—Scholarship of Engagement or Application (To be considered scholarship, service activities must be directly tied to one's special field of knowledge and relate to and flow directly out of professional activity related to one's special field of knowledge.)**

Commissioned research reports

Articles in the popular or regional press

Editorial, curatorial, or community education projects

Accreditation reports (In exceptional cases, the individual responsible for compiling the accreditation report can make a case for the scholarship component of the document being submitted for consideration.)

Course materials designed for professional development seminars

**G. Other**

Honors/awards for research and artistic efforts

Significant citations of work in professional literature

Membership in professional societies

Attendance at professional meetings

Supervision of graduate or undergraduate theses or extensive projects that involve research or artistic efforts

Special research or artistic efforts

Special initiatives in on-campus scholarly or professional development

Continuing education, workshops, symposia, or other specialized training programs attended or completed

Professional consultancies resulting in professional development

### 3/1/06 Agenda Attachment #3

#### **\*Proposal to change time of election for Senators:**

11-2 By-Laws

Article V

Section 2. Committee on Committees and Elections

A. The Committee on Committees and Elections shall conduct elections to fill positions that will expire in August, except for UNC Faculty Delegates and Alternates, whose terms expire on July 1.

1. Starting in October, ballots will be distributed by campus mail to elect:

- a. Divisional Senators; [See Article III of the UNCP Faculty Constitution; Section 13-2 and Section 9-2 of the UNCP Faculty Handbook; and Article V, Section 5 and Article VII of the Bylaws of the Faculty Senate for nomination guidelines for these positions];
- b. Senators-at-Large, immediately following the completion of the election for Divisional Senators; [See Article III, Sections 6 and 7 of the UNCP Faculty Constitution for nomination guidelines];

2. Starting in February, ballots will be distributed by campus mail to elect:

- a. ~~Divisional Senators~~; Members of the Promotion and Tenure Committee, divisional members of the Faculty Awards Committee, and the Delegate and then the Alternate to the UNC Faculty Assembly [See Article III of the UNCP Faculty Constitution; Section 13-2 and Section 9-2 of the UNCP Faculty Handbook; and Article V, Section 5 and Article VII of the Bylaws of the Faculty Senate for nomination guidelines for these positions];
- b. ~~Senators at Large, immediately following the completion of the election for Divisional Senators [See Article III, Sections 6 and 7 of the UNCP Faculty Constitution for nomination guidelines];~~-At-large members of the Faculty Awards Committee immediately following completion of the election for divisional members;
- c. Faculty Hearing Committee immediately following the completion of the election of members of the Promotion and Tenure Committee [See Section 13-3 in the UNCP Faculty Handbook for nomination guidelines];

d. Faculty Grievance Committee immediately following the completion of the election of the Faculty Hearing Committee [See Section 13-3 in the UNCP Faculty Handbook for nomination guidelines];

3. The Committee on Committees and Elections shall conduct elections for unexpired terms of office as the need arises to fill any such vacancy.

4. The Committee on Committees and Elections shall conduct elections in accordance with the following procedures:

- a. Poll faculty during the fall semester to determine individual preferences for faculty governance positions;
- b. Determine eligibility of candidates [See Article III, Sections 3 through 8 of the UNCP Faculty Constitution];
- c. One week before distributing ballots for any election, post a notice on the faculty e-mail listserv to inform faculty of ballots that will be distributed in one week. Additions and deletions will be accepted up to one day before ballots are due to be printed.

#### **\*Proposal to change time of election for Senate Chair:**

11-2 (by laws)

Article. V

Section 2- B.2

2. At least one Faculty Senator as Chair-Elect of the Senate and at least one Faculty Senator as Secretary-Elect. The Faculty Senate will elect these officers at its ~~last meeting of the academic year~~ ~~first meeting of the Spring Semester~~. The newly elected officers will take office immediately following the first General Faculty meeting of the next academic year. [See Article V, Sections 2 and 3 of the UNCP Faculty Constitution for nomination guidelines.]

*3/1/06 Agenda Attachment #4*

**1. Proposal from Enrollment Management Subcommittee**

- 1.1 To lower the number of semester hours of coursework required for eligibility for the Honors List and the Chancellor's List from 15 hours to 12 hours. See Catalog p. 45 for current policy.

If approved the catalogue will read:

Students are eligible for Honors List if they achieve a minimum semester quality point average of 3.2 while passing at least 12 semester hours of course work, of which none must be Pass/Fail.

Students are eligible for Chancellor's List if they achieve a minimum semester quality point average of 3.7 while passing at least 12 semester hours of course work, of which none must be Pass/Fail.

**2. Proposals from the Department of Art**

- 2.1 Modify the 3 credit-hour required course, ART 308 Art Education Field Experience for the BA in Art Education by requiring Admission to the Teacher Education Program as a new Prerequisite. Current Prerequisites—Art 305 & 306.
- 2.2 Modify the BA in Art Education (K-12) Program by allowing majors to select either ART 102 Three Dimensional Design or ART 105 Introduction to Sculpture as a required course. Currently, only ART 105 is permitted. No change in total hours.

**3. Proposals from the Social Work Department**

- 3.1 Modify the 1 credit-hour required course, SWK 491, Integrative Seminar for Field Work, by requiring that SWK 480 Social Work Practice III be taken concurrently rather than as a prerequisite.
- 3.2 Modify the 2 credit-hour required course, SWK 448, Economic and Social Justice, by requiring that SWK 490, Field Work, and SWK 491, Integrative Seminar for Field Work must be taken concurrently. The following prerequisites are added—SWK 245, 345, 380, 391, 445, 450, 480, and permission of the instructor.
- 3.3 Modify the 3 credit-hour required course SWK 480, Social Work Practice III, by adding the following Prerequisites—SWK 245, 345, and 348.
- 3.4 Modify the 9 credit-hour required course SWK 490, Field Work, by requiring that SWK 448 also be taken concurrently and by changing the prerequisites to include SWK 445 and 450.
- 3.5 Create a new 3 credit-hour elective course, SWK 389 Sexual Minorities. Prerequisites—None.
- 3.6 Create a new 3 credit-hour elective course, SWK 370 Practice with Children and Adolescents. Prerequisites—Recommend SWK 200.
- 3.7 Create a new 3 credit-hour required course, SWK 371 Writing for the Social Sciences. Pre or Corequisite—SWK 200.

- 3.8 Modify the Social Work Program (BSW) by adding a required 3 hour course SWK 371 Writing for the Social Sciences and reducing the number of university-wide electives hours from 24 to 21. Total Number of hours remains unchanged.

#### **4. Proposal from Health, PE, and Recreation Department**

- 4.1 Create a new 3 credit-hour required course ATH 307 Pharmacology. The course description will read “This course is designed to give the upper level student a background in basic pharmacodynamics and pharmacokinetics. Emphasis will be placed on the prescription and over-the-counter drugs commonly used in athletic training. Commonly abused drugs in sport will be discussed as well.” Prerequisites – PED 349 or CHM 140 or permission of instructor. Total hours for the Major will stay the same.

#### **5. Proposals from the Music Department**

- 5.1 Create the following 1 credit-hour elective graduate courses:
- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| MUSP 600, 601 Private Voice       | MUSP 602, 603 Private Piano       |
| MUSP 604, 605 Private Organ       | MUSP 606, 607 Private Flute       |
| MUSP 608, 609 Private Oboe        | MUSP 610, 611 Private Clarinet    |
| MUSP 612, 613 Private Bassoon     | MUSP 614, 615 Private Saxophone   |
| MUSP 616, 617 Private Trumpet     | MUSP 618, 619 Private French Horn |
| MUSP 620, 621 Private Trombone    | MUSP 622, 623 Private Euphonium   |
| MUSP 624, 625 Private Tuba        | MUSP 626, 627 Private Percussion  |
| MUSP 628, 629 Private Violin      | MUSP 630, 631 Private Viola       |
| MUSP 632, 633 Private Violoncello | MUSP 634, 635, Private Bass Viol  |
| MUSP 636, 637 Private Guitar      |                                   |

#### **6. Proposals from the School of Education**

- 6.1 Modify the 3 credit-hour required course ECE 320, Curriculum & Environments in Infant/Toddler Programs, by adding the prerequisite EDN 306, Psychology of Early Childhood.
- 6.2 Modify the 3 credit-hour required course ECE 321, Curriculum & Environments in Preschool Programs, 3-5 years, by adding the prerequisite EDN 306, Psychology of Early Childhood.
- 6.3 Modify the 3 credit-hour required course SED 322, Curriculum & Environments for Children with Special Needs, B-5 years, by adding the prerequisite EDN 306, Psychology of Early Childhood.
- 6.4 Modify the 3 credit-hour required course ECE 340, Creative Experiences in the Early Years, by adding the prerequisite EDN 306, Psychology of Early Childhood.
- 6.5 Modify the 9 credit hour required course ECE 446, by changing the title from Internship in Child and Family Development to Internship in Birth-Kindergarten Programs.



- 6.6 Modify the 3 credit-hour required ECE 450, Practicum for Practicing Professionals in Preschool Settings by adding the prerequisite “Completion of all coursework in the student’s education plan.”
- 6.7 Create a new 3 credit-hour required graduate course EDN 561, Diagnosis, Assessment, & Instruction in Reading. The course description will read: “This course will assist the literacy specialist in locating causes of reading difficulties, diagnosing, and prescribing corrective procedures. It is designed to give the literacy specialist practical application of methods in solving reading problems. Published case studies are analyzed and original case studies developed which include observations, use of evaluation methods proposed correction strategies, implementation plans, and critical reflection on the planned intervention. Review and critique sessions with colleagues are conducted at spaced intervals during the course. Teachers work one-on-one or in small groups of children in a practicum setting. The prerequisite will be Completion of Strand II.
- 6.8 Create a new 1 credit hour required graduate course EDN 523, Professional Seminar in Reading I. Course description “The seminar is focused on the self-direction and professional development of literacy specialists, with an increasing emphasis on becoming instructional leaders, as students plan to meet their own learning needs in instructional expertise; expand their awareness of the role of the literacy specialist; design, develop, and present their basic program portfolio and their Master’s Research Project or Comprehensive Portfolio. (Taken for 1 credit in Strand I) Prerequisites—None.
- 6.9 Create a 1 credit-hour required graduate course EDN 543, Professional Seminar in Reading II. Course description “The seminar is focused on the self-direction and professional development of literacy specialists, with an increasing emphasis on becoming instructional leaders, as students plan to meet their own learning needs in instructional expertise; expand their awareness of the role of the literacy specialist; design, develop, and present their basic program portfolio and their Master’s Research Project or Comprehensive Portfolio. (Taken for 1 credit in Strand II) Prerequisites—Completion of Strand I.
- 6.10 Create a 1 credit-hour required graduate course EDN 563, Professional Seminar in Reading III. Course description “The seminar is focused on the self-direction and professional development of literacy specialists, with an increasing emphasis on becoming instructional leaders, as students plan to meet their own learning needs in instructional expertise; expand their awareness of the role of the literacy specialist; design, develop, and present their basic program portfolio and their Master’s Research Project or Comprehensive Portfolio. (Taken for 1 credit in Strand III) Prerequisites—Completion of Strands I & II and 18 hours of reading courses.
- 6.11 Create a 3 credit-hour course EDN 231, Race, Culture and the Lumbee Experience. This class will be cross-listed as AIS 231. Course description will read: This course will examine and explore the

fundamental psychosocial elements that constitute race, prejudice, and discrimination. Many aspects of culture including gender, sexual orientation, politics, and the role of religion and socioeconomic status will also be examined as they intersect race and culture. This course is not about being Lumbee but rather uses Lumbee ethnicity and community as a model for examination. Prerequisites—none.

## **7. Proposals from the School of Business**

- 7.1 Modify the BS in Business Administration Program by adding the following graduation requirement: “In addition to having at least a 2.0 QPA in the major, a student must have at least a 2.0 QPA in his/her chosen track in order to graduate.”
- 7.2 Modify the BS in Accounting Program by adding the following graduation requirement: “The candidate for the BS in Accounting must attain at least a 2.0 QPA in the courses designated “Accounting Requirements.”

## **8. Proposals from the School of Business—MBA Program**

- 8.1 Change the MBA program to require calculus for those MBA candidates that have not had in their undergraduate/graduate programs similar to the MAT 215 courses offered at UNCP. The calculus course must be for a minimum of three (3) semester credits.
- 8.2 Create a 3 credit-hour graduate course MGT 529 Entrepreneurship. “The course description will read “The course provides students with the competency to identify and implement opportunities and overcome business obstacles in forming a new venture, leading a new corporate venture, or advancing current business careers. This course will identify and explain how Initiation and Entrepreneurship is a way of thinking, reasoning, and acting that is opportunity obsessed, holistic in approach, and leadership balanced to advance the entrepreneurial venture. Prerequisites—None.

*3/1/06 Agenda Attachment #5*

**Draft Policy re Criminal Background Checks  
Revised 2/16/06**

**A. Purpose**

The purpose of this policy is to further the University's commitment to providing a safe learning and workplace environment for our students, staff and faculty. In implementing this policy, the University is guided by the Federal Occupational Safety and Health Act of 1970 that requires employers to provide their employees with a safe and healthy work environment. Section I of this policy provides definitions that are helpful in gaining a better understanding of this policy.

**B. Scope**

A Criminal Background Check is required for any final candidate for employment, including UNCP employees changing jobs, at the University in a "security sensitive" position or in any position for which a check is required by law.

**C. Policy**

It is the policy of The University of North Carolina at Pembroke (UNCP) to conduct criminal background checks on final candidates who are selected for employment into any position designated as "security sensitive."

**D. Responsibilities**

The **Chancellor and Vice Chancellors** are responsible for ensuring a safe learning and workplace environment for our students, staff and faculty by evaluating criminal conviction reports when issues arise and making the final hiring decisions.

**Financial Managers (FM)** are responsible for submitting the Criminal Background Check Authorization form of the final candidate to Human Resources prior to making a verbal conditional offer of employment. A conditional offer of employment may be extended to a final candidate prior to Human Resources' completion of the check. However, the FM is responsible for ensuring the candidate's first day of work in the position is not prior to the satisfactory completion of the check. Every job offer extended for a position subject to this policy will be conditional until the appropriate University official reviews the criminal background check report and determines how to proceed based upon information contained in that report.

**Candidates** are responsible to submit the Criminal Background Check Authorization form at the time of interview to the FM or to the Search Committee Chair.

The **Human Resources Director or designee** is responsible for ensuring that the policy is administered on a non-discriminatory basis and that all necessary components are in place for conducting an effective criminal background check program.

**Human Resources** will ensure that all employment materials, including job postings (advertisements, website and bulletin board) advise applicants that a criminal background check will be completed on any individual who is selected as the final candidate for “security sensitive” positions. Human Resources will maintain records and periodically will report to the Chancellor on the operation of this policy.

#### **E. Employment Eligibility**

A previous conviction does not automatically disqualify a candidate from consideration from employment with the University. The candidate may still be eligible for employment with the University depending on a variety of factors (for example, the relevance of the conviction to the duties and responsibilities that would be assigned to the candidate if hired, the date(s) of the convictions, and the candidate’s record since the date(s) of the convictions(s)). However, if a candidate fails to reveal any previous conviction on the Criminal Background Check Authorization form or employment application, he/she will be disqualified from employment in that or any other position at the University for a period of one year because of falsification of his or her application. The conviction(s) may remain relevant to and be considered in any hiring, promotion, or transfer decision made subsequent to such a year of disqualification from employment. If a candidate is hired after failing to disclose a conviction, falsification of an employment application will be grounds for dismissal from employment. Additional penalties for falsification of an application may apply if required by law.

#### **F. Procedure**

1. The FM or Search Committee Chair will have candidates complete the Criminal Background Check Authorization form during the interview process.
2. Once the interview process is completed and a final candidate is recommended, the FM or Search Committee Chair is to forward the completed Criminal Background Check Authorization form for the final candidate to Human Resources.

3. Human Resources will be responsible for coordinating the criminal background check process. It is expected that the investigation of an applicant will not take longer than five business days to complete.

Note: Applicant information is confidential personnel information, and all parties having access to this information will maintain it as confidential.

## **G. Cost**

Hiring departments are responsible for the service fee per form submitted requesting a criminal background check. Human Resources will process the forms for payment. (Pending identification of a vendor and procedure development, it may be that it can be billed directly to the department.)

## **H. Candidates for Employment**

- a. When a hiring department reaches the final selection stage in the hiring process for EPA Faculty, Non-Faculty, SPA and Temporary (Personal Service and Certified Services Contracts), in positions covered under this policy the department must forward a copy of the selected candidate's employment application and the completed Criminal Background Check Authorization form to Human Resources (HR).

HR will contact a vendor to conduct an investigation in all North Carolina counties in which the applicant has lived and/or worked to the extent known to the University to determine whether there is any criminal conviction that may affect the hiring decision. Criminal background checks will also be made for other states as listed on the form.

When the investigation is complete, HR will request the vendor to complete a report on the candidate. In the event that a criminal conviction record is discovered, HR will review it further with the hiring FM. The FM will discuss the record with the candidate and will allow for a written explanation.

As appropriate, concerns will be elevated to the appropriate Vice Chancellor or Chancellor. Convictions not shown on the application but discovered during the investigation will be considered as indicated in this policy. Employment into positions covered under this policy cannot begin until HR completes the criminal background check and provides written verification to the department.

## **I. Definitions**

**Criminal Background Check** means verifying that the final candidate for a position or contract does not have any undisclosed criminal history in any jurisdiction where

the candidate and/or employee discloses he or she currently resides or has resided during the previous seven (7) years.

**Employee** is defined as any person currently employed by UNC Pembroke, whether full or part time.

**Financial Manager (FM)** is defined as any person currently employed by UNC Pembroke who as part of his or her position has budgetary responsibilities for hiring recommendations or decisions for permanent hires or temporary contract employees.

**Security Sensitive Positions** include, but are not limited to: positions within the police department, athletic coaching positions, positions requiring work directly with children under the age of 13 years on campus or within the University's custody or control, positions identified by a Vice Chancellor or Chancellor as being security sensitive, and any positions for which a criminal background check is required by law.

## CRIMINAL BACKGROUND CHECK AUTHORIZATION

TO BE COMPLETED BY THE APPLICANT FOR EMPLOYMENT:

DATE: \_\_\_\_\_

|   |              |        |      |
|---|--------------|--------|------|
| FIRST   | GIVEN MIDDLE | MAIDEN | LAST |
|   |              |        |      |
| All other name(s) by which you have been known: |              |        |      |

|                   |               |     |      |
|-------------------|---------------|-----|------|
| SOCIAL SECURITY # | DATE OF BIRTH | SEX | RACE |
|                   |               |     |      |

|   |  |
|---|--|
| CURRENT RESIDENCE (street, city, state, zip):   |  |
| PERMANENT RESIDENCE (street, city, state, zip): |  |

Have you ever been convicted of any unlawful offense, other than a minor traffic violation?  YES  NO

If yes, list below the county, state, and date of the conviction and crime for which you were convicted. Prayers for Judgment Continued (PJC) and non-contested charges must be included, unless you have acted to expunge your record. **If more space is needed, check here  and attach additional pages.**

| DATE | LOCATION (county and state) | CRIME |
|------|-----------------------------|-------|
|      |                             |       |
|      |                             |       |
|      |                             |       |
|      |                             |       |

I hereby certify that all information I have provided on this Authorization is true and complete to the best of my knowledge and belief. I hereby consent to the University's verification of any information contained in this Authorization, understanding that under University policy verification will be made only if I am selected as the final candidate for the position for which I am applying. I understand that by admitting to a conviction for any unlawful offense, I will not be disqualified automatically from consideration for employment, but I also understand the date and nature of the crimes for which I have been convicted will be taken into consideration in the hiring process to the extent allowed by law if relevant to the position. I understand that false or misleading information or documentation, or an omission or failure to include all relevant information, may result in rejection of my application for this position and may disqualify me from any other position at the University for a period of one year. I may also be subject to termination if employed by the University, and/or criminal prosecution. If hired, I understand the University complies with State law and will terminate me if false or misleading information is given in order to meet the requirements for the position involved.

\_\_\_\_\_  
Candidate's Signature

\_\_\_\_\_  
Date

**3/1/06 Agenda Attachment #6**

**UNCP Copyright Policy**

**I. Introduction.**

The University of North Carolina at Pembroke is dedicated to its mission of instruction, research, and service. It is the policy of this University that its faculty, staff, and students carry out their scholarly work in an open and free atmosphere, and that consistent with applicable laws and policy they publish the results of such work without restraint. To those ends, and in order to effectuate provisions of the *Copyright Use and Ownership Policy* of the University of North Carolina, this Copyright Policy is adopted.

**II. Scope and Coverage.**

This Policy applies to the faculty, staff, and students of the University.

Compliance with the terms of this Policy is a condition of employment for University faculty and staff, and of enrollment for University students. This Policy is supplemental to the *Copyright Use and Ownership Policy* of the University of North Carolina, and is subject to any applicable laws and regulations and to specific provisions in grants or contracts that govern rights in copyrighted works created in connection with sponsored research.

**III. Creation and Duties of the Faculty Copyright Education and Policy Committee and the University Copyright Dispute Resolution Panels; Consultation to the Chancellor.**

**A. Faculty Copyright Education and Policy Committee.**

**(1) Composition.**

The Chancellor and the Chair of the Faculty shall jointly appoint a standing committee of the faculty, designated as the Faculty Copyright Education and Policy Committee, to serve as the faculty's consultative committee to the Chancellor on copyright education and policy and to carry out the duties in Section III(A)(2) below.

**(2) Duties.**

The Faculty Copyright Education and Policy Committee shall have such responsibilities as the Chancellor may specify, including but not limited to the following duties:

- (a) Assistance in the provision of resources to and education of faculty, staff and students about the Fair Use Doctrine and other copyright matters.
- (b) Advising the Chancellor regarding implementation of the *Copyright Use and Ownership Policy* of the University of North Carolina and this Policy, including proposal of such amendments to this Policy as the Committee may consider necessary.



## **B. University Copyright Dispute Resolution Panels**

### **(1) Composition.**

The University Copyright Dispute Resolution Panels shall be authorized by the Chancellor on an ad hoc, case-by-case basis, and shall be composed of current full-time members of the UNC Pembroke faculty or staff as follows:

- (a) One member of the Panel shall be selected by each party involved in the copyright dispute.
- (b) An additional member of the Panel shall be selected by the members of the Panel selected under III(B)(1)(a) above and shall be deemed the Chair of the Panel.

### **(2) Duties.**

Under procedures specified in Section VII below, the University Copyright Dispute Resolution Panels shall have the duties of hearing and resolving:

- (a) Disputes between or among members of the faculty or staff involving copyright ownership;
- (b) Disputes between or among members of the faculty or staff and a department chair or director of an administrative unit involving determinations of exceptional use of University resources or Directed Works (as defined in Section V(A)(3)(a) below); and
- (c) Such other disputes related to copyright matters as may be authorized by the Chancellor.

### **C. Consultation to the Chancellor.**

In addition to the Faculty Copyright Education and Policy Committee serving as the consultative committee to the Chancellor as set forth in Section III(A) above, the UNC Pembroke Staff Council shall serve as the consultative group to the Chancellor on copyright education and policy as they relate to SPA staff and EPA non-faculty employees.

## **IV. Use of Copyrighted Works by Faculty, Staff and Students**

### **A. Infringement.**

Except as allowed by law, it is a violation of this Policy and law for University faculty, staff, or students to reproduce, distribute, display publicly, perform, digitally transmit, or prepare derivative works based upon a copyrighted work without permission of the copyright owner.

## **B. Fair Use.**

### **(1) Permissible Use.**

Under United States Copyright law, the “fair use doctrine” allows certain specified uses of a copyrighted work without requiring prior permission of the copyright owner under certain circumstances. As stated in the *Copyright Use and Ownership Policy* of the University of North Carolina, the University supports “the responsible, good faith exercise of full fair use rights, as codified in 17 U.S.C. § 107, by faculty, librarians, and staff in furtherance of their teaching, research and service activities.”

### **(2) Elements of Fair Use; Good Faith Consideration Required.**

University faculty or staff who propose to make fair use of a copyrighted work must consider in advance the applicability of four statutory factors to be weighed in making a fair use analysis. These factors are:

- (a) The purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes;
- (b) The nature of the copyrighted work;
- (c) The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (d) The effect of the use upon the potential market for or value of the copyrighted work.

University faculty and staff must apply these four factors and make a good faith reasonable fair use determination before using a copyrighted work without permission.

### **(3) Assistance in Making Fair Use Determinations.**

The Faculty Copyright Education and Policy Committee, together with the Office of the University Counsel, shall issue and as necessary revise guidelines to assist University faculty, staff, and students in making fair use evaluations. Faculty, staff or students who require assistance with fair use questions related to their University work should consult the Office of the University Counsel. Upon request, the Office of the University Counsel will make a determination whether a specific proposed use constitutes fair use, and the University will defend such determinations to the extent allowed by North Carolina.

## **V. Copyright Ownership.**

Ownership of copyright in copyrighted works by faculty, staff, or students shall depend on the category of the work in question and on the status of its creator(s). Categories of work defined under this policy include:

1. Traditional Works or Non-Directed Works;
2. Traditional Works or Non-Directed Works Involving Exceptional Use of University Resources;
3. Directed Works;
4. Sponsored or Externally Contracted Works;

5. Works Made for Hire;
6. Works by Independent Contractors; and
7. Student Works.

**A. Works Created by Faculty or EPA Non-Faculty Employees.**

**(1) Traditional Works or Non-Directed Works.**

(a) Definition.

Traditional Works or Non-Directed Works are pedagogical, scholarly, literary, or aesthetic works by faculty or EPA non-faculty employees resulting from non-directed effort.

(b) Ownership.

(i) The creator of such a work shall own the work unless it is a Traditional Work or Non-Directed Work Involving Exceptional Use of University Resources, a Directed Work, a Sponsored or Externally Contracted Work requiring University ownership of copyright, or a Work for Hire (as those terms are defined below). As a condition of employment, faculty and EPA non-faculty creators of a Traditional or Non-Directed Work shall be deemed to have granted the University a perpetual, non-exclusive, non-transferable, royalty-free license (“shop right”) to use the work for the University’s own non-commercial educational or research use, unless the deemed granting of such a license will impede scholarly publication or similar activities *and the creator has given the Vice Chancellor for Academic Affairs written notice of such proposed or actual scholarly publication or similar activity*. For the purposes of this Policy, “educational” use means use for the purpose of offering regular academic course credit through a UNC Pembroke academic department. Such license includes the right to make derivative works. The original or a derivative work will credit the creator as author unless the creator requests that he or she not be credited upon timely written notice to the Chancellor.

(ii) Traditional Works or Non-Directed Works for which authorship cannot be attributed to one or a discrete number of authors but instead result from simultaneous/sequential contributions over time by multiple authors who are faculty or EPA non-faculty employees shall be owned by the University.

(c) Commercialization; assignment to University.

The University may, at the discretion of the Chancellor, agree to accept a Traditional or Non-Directed Work for commercialization. If the University is to be involved in commercializing a Traditional or Non-Directed Work, the creator shall assign the work to the University under an Assignment Agreement, which shall include provisions outlining the commercialization responsibilities of the University and a mechanism for the sharing of commercial proceeds with the creator.

(d) Allocation of Commercialization proceeds.

Where the University agrees to accept the work for commercialization, the creator's share of proceeds shall be negotiated between the creator and the University on a case-by-case basis, taking into account the nature of the work and the creator's contribution, the prospective market conditions for the work, the anticipated level of effort and resources required for commercialization, and other commercially reasonable factors. Unless otherwise directed by the Chancellor or his or her designee, two-thirds of the University's share of the proceeds from commercialization of the work shall be allocated to the creator's department, and one-third to the University.

## **(2) Traditional Works or Non-Directed Works Involving Exceptional Use of University Resources.**

(a) Definition

Exceptional use of University resources occurs when the University provides support for the creation of the work with resources of a degree or nature not routinely made available to faculty or EPA non-faculty employees in a given academic department or administrative unit. Examples of exceptional use may include but are not limited to: (i) Waiver of fees normally required to use specialized facilities such as equipment, production facilities, service laboratories, specialized computing resources, and studios; (ii) Institutional funding or gifts in support of the work's creation; and (iii) Reduction in levels of teaching, service or other typical university activities (e.g., course load, student advising responsibilities division/departamental meetings, office hours, administrative responsibilities) specifically to facilitate creation of the work. Ordinary or limited use of computers, laboratory space, libraries, office space or equipment, routine secretarial services at routine levels, telephones, and other informational resources shall not be considered exceptional use of University resources.

Use of University resources is presumed **not** to be exceptional unless a department chair or director of an administrative unit informs the faculty member in writing before such resources are allocated that such use is exceptional. If the creator of the work disagrees with the determination that the use of University resources is exceptional, he or she may submit a request to the Chancellor that

the matter be referred to a Copyright Dispute Resolution Panel as set forth in Section VII below. It shall be the obligation of the department chair or head of an administrative unit to establish that a proposed use of resources is exceptional by reference to the practices of the department or unit.

(b) Ownership.

Traditional Works or Non-Directed Works Involving Exceptional Use of University Resources shall be owned by the University.

(c) Release to Creator.

With agreement of the department chair or director of the administrative unit as defined above, the University may release or transfer the University's rights in a Traditional Work or Non-Directed Work created through exceptional use of University resources to the work's creator through an appropriate written agreement.

(d) Release Agreement.

Any agreement for release to a creator of a Traditional Work or Non-Directed Work created through exceptional use of University resources shall include provisions that:

- (i) The University shall have a perpetual, non-exclusive, non-transferable, royalty-free license to use the work for the University's own non-commercial educational or research use, including the right to make derivative works, provided that "educational" use means use for the purpose of offering regular academic course credit through a UNC Pembroke academic department, and that the original or a derivative work will credit the creator as author unless the creator requests that he or she not be credited upon timely written notice to the Chancellor; and
- (ii) Upon commercialization of the work either (a) the creator shall reimburse the University for the exceptional resources provided the creator, or (b) the creator shall share income from such commercialization with the University, in an amount to be negotiated between the creator and the University. Proceeds from commercialization shall be allocated as provided in Section V(A)(1)(d) above.

(e) Selection of release options; appeal.

The Vice Chancellor for Academic Affairs, in consultation with the creator's department chair or unit head and the University Counsel, shall determine which of the options available under Section V(A)(2)(d)(ii) above to be selected in conjunction with the release of such a work to its creator. Disputes regarding whether a work has been created through exceptional use of University resources shall constitute disputes regarding ownership to be resolved under the dispute resolution procedures specified below. However,

decisions regarding financial terms made under Section V(A)(2)(d)(ii) above shall not be subject to appeal under this Policy. In the event that the creator and the University are unable to reach agreement regarding such financial terms, ownership of the work at issue shall remain with the University.

(f) Joint ownership.

In addition to the foregoing provisions for release to the creator of a Traditional or Non-Directed Work involving exceptional use of University resources, the University through the Vice Chancellor for Academic Affairs in consultation with the creator's chair, and the creator may alternatively negotiate for joint ownership of the work. In such case either party will be allowed to use and exploit the work without accounting to the other, unless otherwise agreed in writing.

**(3) Directed Works.**

(a) Definition.

Directed Works are works that are specifically funded or created at the direction of the University. For a work to be considered a Directed Work under this Policy, a department chair or head of an administrative unit must inform the faculty or staff member in writing in advance of its creation that the work is a "Directed Work." Such funding need not constitute exceptional use of University resources in order for the work to be considered a Directed Work. Directed Works shall also include works created by faculty, staff, or students in an institute, center, department, or other unit that, with approval of the Chancellor, has adopted rules providing that copyright in materials prepared by such faculty, staff, or students in the course of their professional work or in the course of study with that unit vests in the University and not in its creator.

(b) Ownership.

The University shall own Directed Works. Where practicable in the estimation of the creator's chair in consultation with the Vice Chancellor for Academic Affairs, and subject to any additional terms or limitations made necessary by University licensing agreements, the creator shall be granted a perpetual, non-exclusive, non-transferable, royalty-free license to the work for the creator's own non-commercial educational or research use.

(c) Release.

The University may release or transfer ownership in a Directed Work to the creator.

(d) Release Agreement.

Any agreement for release to a creator of a Directed Work shall include provisions that:

- (i) The University shall have a perpetual, non-exclusive, non-transferable, royalty-free license to use the work for the University's own non-commercial educational or research use, including the right to make derivative

works, provided that “educational” use means use for the purpose of offering regular academic course credit through a UNC Pembroke academic department, and that the original or a derivative work will credit the creator as author unless the creator requests that he or she not be credited upon timely written notice to the Chancellor; and/or

- (ii) Upon commercialization of the work either (a) the creator shall reimburse the University for the resources provided the creator in conjunction with creation of the work, or (b) the creator shall share income from such commercialization with the University, in an amount to be negotiated between the creator and the Vice Chancellor for Academic Affairs. Unless otherwise directed by the Chancellor or his designee, two-thirds of the University’s proceeds from commercialization of the work shall be allocated to the creator’s department, and one-third to the University.

(e) Selection of release options; appeal.

The Vice Chancellor for Academic Affairs, in consultation with the creator’s chair, shall determine which of the options available under Section V(A)(3)(d)(ii) above will be selected in conjunction with the release of such a work to its creator. Disputes regarding whether a work is a Directed Work shall constitute disputes regarding ownership to be resolved under the dispute resolution procedures specified below. However, decisions regarding financial terms made under Section V(A)(3)(d)(ii) above shall not be subject to appeal under this Policy. In the event that the creator and the University are unable to reach agreement regarding such financial terms, ownership of the work at issue shall remain with the University.

(f) Joint Ownership.

In addition to the foregoing provisions for release to the creator of a Directed Work, the University through the Vice Chancellor for Academic Affairs in consultation with the creator’s chair and the creator may alternatively negotiate for joint ownership of the work under the terms of a written agreement. In such case either party will be allowed to use and exploit the work without accounting to the other, unless otherwise agreed in writing.

#### **(4) Sponsored or Externally Contracted Works.**

(a) Definition.

A Sponsored or Externally Contracted Work shall be any copyrighted work developed using funds supplied under a contract, grant, or other arrangement between the University and a third party, including a sponsored research agreement.

(b) Ownership.

- (i) Unless the agreement (i.e., the contract, grant, or sponsored research agreement) expressly requires copyright ownership by the University or conveyance of rights to a third party, the creator of a Sponsored or Externally Contracted Work shall own the work. As a condition of employment, faculty and EPA non-faculty creator-owners of a Sponsored or Externally Contracted work shall be deemed to have granted the University a perpetual, non-exclusive, non-transferable, royalty-free license to use the work for the University's own non-commercial educational or research use. For the purposes of this Policy, "educational" use means use for the purpose of offering regular academic course credit through a UNC Pembroke academic department. Such license includes the right to make derivative works. The original or a derivative work will credit the creator as author unless the creator requests that he or she not be credited upon timely written notice to the Chancellor.
- (ii) The University will own a Sponsored or Externally Contracted Work where the relevant agreement requires copyright ownership by the University or conveyance of rights to a third party, in which case the University will convey rights to the third party as required. In such cases the creator of the copyrighted work shall be required to report the work to the Vice Chancellor for Academic Affairs, using such forms and procedures as that Office develops. Where a proposed sponsored research agreement or research grant will require that copyrighted works be owned by the University or a third party, the Vice Chancellor for Academic Affairs should inform the relevant Principal Investigator of the copyright provisions and secure his or her consent to such provisions before the agreement is signed or the grant accepted.

(c) Release.

Sponsored or Externally Contracted Works owned by the University may be released to the creator or jointly assigned to the creator and the University, through the procedures mandated for Directed Works, where the University has ascertained that such release will not conflict with the terms of the relevant agreement or grant, or with written consent of the other party to the agreement or grant.

(d) Disclosure.

If an agreement under which a Sponsored or Externally Contracted Work is created addresses copyright ownership, then the disclosure



terms of that agreement control. If an agreement under which a Sponsored or Externally Contracted Work is created is silent on copyright ownership, then the creator must disclose the existence of the work prior to any commercialization of that work. Disclosure shall be made in writing to the creator's department head and dean (or other supervisor, if applicable). Any questions on commercialization may be addressed to the Vice Chancellor for Academic Affairs.

## **B. Works Created by SPA Staff Employees Considered Works Made for Hire.**

### **(1) Definition.**

For purposes of this Policy, a "work made for hire" is:

- (a) A work prepared by an employee within the scope of his or her employment; or
- (b) A work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

### **(2) Ownership.**

Works made for hire by SPA staff shall be owned by the University.

Exceptions to University ownership may occur where

- (a) The University with written approval of the Chancellor or his or her designee enters into an agreement with an SPA employee in advance of creation of the copyrighted work specifying that the work shall be owned in whole or in part by the employee;
- (b) University ownership is waived in writing by the Chancellor or his or her designee; or
- (c) The SPA Staff creator is an author or co-author of a Traditional or Non-Directed Work, but only to the extent necessary to allow the SPA Staff creator to assign rights to academic publishers for publication made with no more than nominal consideration to the creators.

## **C. Works by Independent Contractors.**

Each University unit or department entering into arrangements for work to be produced by an independent contractor must execute a written contract, signed by an authorized University official, which includes a provision that the University shall own copyrighted works produced by the independent contractor. Any exceptions must be approved by the vice chancellor with supervisory responsibility over the unit or department or his or her designee.

## **D. Student Works.**

### **(1) Definition.**

Student Works are papers, computer programs, theses, dissertations, artistic and musical works, and other creative works made by University students.

**(2) Ownership and Use.**

- (a) Students retain ownership of copyright in their Student Works; provided however, that as a condition of enrollment the student shall be deemed to have granted the University a non-exclusive, perpetual, world-wide, royalty-free right and license to reproduce and publicly or privately display, distribute or perform each Student Work for the University's own non-commercial educational purposes. The University's right and license in this paragraph is subject to the student's privacy rights under federal law. Other exceptions may be granted when the student offers the work to the University for commercialization.
- (b) Student Works created in the course of the student's employment by the University shall be considered Works Made for Hire, and ownership and use of such works shall be as specified in Section V(B) above.
- (c) As a condition of enrollment at UNC Pembroke, Student Works that constitute notes of classroom and laboratory lectures and exercises shall not be used for commercial purposes by the student generating such notes, the student's assignees, heirs, or successors in interest.

**VI. Works Subject to Both Copyright and Patent Protection.**

Where an invention is subject to protection under both patent law and copyright law, if the University through the Vice Chancellor for Academic Affairs determines to retain title to its patent rights, the inventor/creator shall assign copyright to the University. On commercialization of such works, the inventor/creator shall be compensated only in accordance with the provisions of the University of North Carolina Patent Policy and the UNC Pembroke Patent Policy and such procedures as may be developed thereunder. The Vice Chancellor for Academic Affairs may on his or her own initiative investigate whether a copyrighted work reported to it may also be subject to patent protection.

**VII. Dispute Resolution.**

**A. Jurisdiction.**

Any University faculty or staff employee or student may seek resolution of a dispute regarding ownership of a copyrighted work governed by this Policy, including a dispute over whether use of University resources is an exceptional use, by filing a written request with the Chancellor. Upon receipt of such a request, the Chancellor shall authorize the creation of an ad hoc Copyright Dispute Resolution Panel, composed pursuant to Section III(B)(1) above.

**B. Conduct of Hearing.**

The Copyright Dispute Resolution Panel shall conduct a hearing into the matter or may make a decision based upon the written record, provided that all parties to the dispute are given an opportunity to present evidence and arguments in support of their respective positions. Each party shall provide the other party with a copy of any written materials submitted to the Panel simultaneously with submission of such materials to the Panel. Any hearing will be conducted following procedures set forth by the Panel or promulgated by the Faculty Copyright Education and Policy Committee. No party shall have the right to be represented by counsel before the Panel, but any party may be accompanied at a Panel hearing by an adviser of his or her choosing, who shall not participate in the hearing, but who may provide advice and assistance to the party he or she accompanies.

The decision of the Copyright Dispute Resolution Panel may be reviewed and amended by the Chancellor on appeal from a party to the dispute or on the Chancellor's own motion, pursuant to procedures promulgated by the Faculty Copyright Education and Policy Committee. The Chancellor's decision shall be final.

SOURCES: Nearly this entire policy was copied with permission from the policy of the University of North Carolina at Charlotte. Additions have been included from the policy of the University of North Carolina at Chapel Hill.

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## **Policies and Procedures Related to Use of Online Course Management Environments**

### **Introduction**

This document is intended to serve as a set of guidelines for decision-making related to the use of the online course management environments by the University of North Carolina at Pembroke. These policies apply to all UNCP courses that are presented whole or in part in an online course/learning/content management system, whether they reside on UNCP servers or offsite servers.

Included are statements related to Access, Course Management, Information Security, Copyright, and Intellectual Property Rights. These policy statements have been reviewed and approved by the Provost and the Associate Vice Chancellor for Information Resources. For further information or clarification, contact University Computing and Information Services at <http://www.uncp.edu/ucis/>.

This document is intended to reside solely online for ease in usability and access, as well as to ensure its currency. Do not rely on printed copies of this document without first verifying their accuracy against subsequent updates. Changes to these policies will be reflected in the “Last Updated” date listed at the end of the document.

- 1) **Access** –Access to online course management software, materials, and affiliated online tools will be granted as follows:
  - a. *One User Account* -- All UNCP students, faculty, and staff are entitled, subject to compliance with UNCP policies, to one online account each that will be used for all of their online activities. Access to the online software will be attained using the UNCP Online ID (username and password).
  - b. *Exceptions* -- A limited number of users who are not officially affiliated with UNCP (guest discussants or mentors, for example) may each be provided an account that is an online course management environments-only username and password, at the request of a “sponsor” (faculty or staff member). These accounts (referred to as “exceptions”) are considered temporary, but are renewable on an annual basis, with the approval of the UNCP sponsor. Such accounts are assigned only to individuals who are working with UNCP faculty/staff on officially recognized activities on the online system (i.e., those included under the institution’s license).
  - c. *Guests* – The online system will allow an individual without an account (known as a “guest” in online terminology) to gain access to specific areas of course sites, not including course rosters, user tools (e.g., user directory), or communication tools. Course sites may, at the discretion of the instructor, be made entirely or partially available to guests. The default setting (determined by local system administrators) for access to course sites locks each site entirely, to facilitate Fair Use posting of course materials and may only be made accessible to guests by the instructor or system administrator at instructor’s request.

- d. *Academic Review* -- Being instructor-of-record for a course comes with the institutional policy that an immediate academic chair can "sit-in" on a course for the purposes of performance reviews. In the event of a course review, the instructor should be notified of the anticipated timeframe for the review.

Deans, chairs, program directors, program coordinators, and members of committees evaluating the work of faculty teaching on-line courses have the automatic, on-going right of access to all on-line course materials used in on-line courses offered under their supervision.

Other faculty and administrators conducting university-approved inquiries involving grade appeals and/or other officially approved reviews of specific courses may request permission from the supervising dean or chair for more limited access.

Since the online course falls under the University's Appropriate Use Policy (AUP)[<http://www.uncp.edu/ucis/policies/AUP.htm>], only the Chancellor or appropriate Vice Chancellor can authorize persons other than those named above to have access to the online course.

*Student Access* -- Students who are registered for classes (and have paid their fees) with online components will be given full access to those course sites not later than the first official day of classes for each term based upon the availability of staff resources. As students add courses to their schedule, after classes begin, they will be automatically added to the appropriate online rosters ("enrolled"), typically within 48 hours.

*f. Length of Access to Course Site* – At the end of a given term, course sites will remain available to the instructor and to the students for not less than ten calendar days after the last day of final exams. Faculty members may request that individual students continue to have to a course site beyond these dates. Reasons for extending course access might include providing access for students who are finishing "Incompletes" or the continuation of an online discussion. A student who is finishing an "Incomplete" but who is not currently enrolled may be subject to loss of his/her UNCP Online ID. In this case, an exception account may be established for that student at the request of the instructor, with access not to extend beyond the University's deadline for completion of work required to receive a course grade. In general, retaining courses beyond the usual cut-off will be discouraged, however, due to the potential confusion for students, increased work created for UCIS staff, and possible copyright concerns.

- 2) **Course Management** – Sites on the online servers are managed with the goals of reducing faculty time and effort needed to utilize online tools and materials, and improving server performance by eliminating redundant or unnecessary demands on the database.
- a. *Courses Kept on the Online Server* -- To meet the goal of using server space efficiently, the only course sites that will be maintained on the online server are those in use during the current term, and course sites that will be used in a

- future term. These could include previously used course sites that will be “recycled” for use with another group of students, or course sites that are in development.
- b. *Course Size Limitations* – At this time, there is no limitation on the size of course sites. UCIS will work with faculty whose online sites contain extremely large files (video clips, for example) to provide advice and assistance to help them compress files in order to utilize space as efficiently as possible. In the event that a content management system is available for faculty instructional use, faculty will be advised to store their course content on that system so that it can be efficiently called from any course site.
  - c. *End of Term Notification* -- At the end of each term, all online faculty will receive an e-mail message detailing their options for re-using or deleting course sites. Based upon system resource requirements, courses not recycled for re-use (see section d below) will be deleted no sooner than ten calendar days after the last day of final exams.
  - d. *Course Archives* – Instructors have the option of creating an archive copy of their course offering(s). These copies can be retained for later retrieval, if this becomes necessary, but instructors will be reminded to print out the gradebook and any other documentation of student work in the event of a future grade dispute. Retrieving these records from the archive is a time-consuming and imperfect process, and should be considered a last resort for retroactive grade information. Once a course site has been archived, it will only be retrieved upon request of the original instructor who created/offered it (usually the instructor of record), when directed by the Chancellor or Provost, or when required by law or UNCP policy. The exception to this would be if UCIS received permission, if such permission is required by law or UNCP policy, from the original instructor to make the archived course materials available to another instructor/staff member.
  - e. *Recycling Courses for Future Use* – Each term, instructors will be given the option to retain their online course sites for re-use in a later term. UCIS staff will copy these course sites, rename them with [GENERIC] in the course title. For example, Adolescent Development EDN-308-01-So4 would become [GENERIC] Adolescent Development-EDN-308-(instructor). The roster will be emptied, the gradebook cleared of names and scores, and the messages and replies in the discussion boards deleted. Until the term when the course returns to active use, the instructor(s) and/or their designee will be the only individual(s) with continued access to the site.
  - f. *Transferring Course Sites* – Instructors may elect to transfer their course site and its materials to another faculty member, or give other faculty members access to their course site. Course sites will not be re-assigned to a new instructor for re-use, however, without written permission from the original instructor to the extent such permission is required by law or UNCP policy. If faculty members leave UNCP for other employment, they may request a copy of their course site(s) to take along or request that a copy of their site be transferred electronically to their new institution, where it may be usable (within technological limits).

- g. *Requesting an Online Course Site* – Any faculty or instructional staff member may request that an online course site be established for their use by submitting the form found at [http://www.uncp.edu/blackboard/forms/request\\_site.htm](http://www.uncp.edu/blackboard/forms/request_site.htm). Course name and number, instructor name, and course line number are required to set up a course site. Before the site will be made available, however, the instructor must attend an orientation workshop to become familiar with the online software. This is done to reduce the number of support calls made to UCIS and IDS, as well as to provide constructive teaching ideas for using Internet resources and instructional development advice for online teaching. Individuals who have experience working with online systems at other institutions may have this prerequisite waived, although it is recommended that they meet with a UCIS staff member to discuss the course management protocols that are specific to UNCP.
  - h. *Non-instructional Uses* -- The online system is maintained for instructional use (i.e., to support courses offered by UNCP). Questions regarding the establishment of non-instructional Websites may be directed to UCIS client Services.
  - i. *Gradebook Information* – The online grade book is a tool designed for the convenience of students and faculty. Thus, it is not an official record of student grades, nor should it be considered a legally binding record of student scores. Faculty are strongly encouraged to periodically print out a copy of the Online Gradebook, and to print a final copy for their records after the term ends. The Gradebook can also be downloaded as a comma separated value file (.csv) and opened in Excel or another program.
- 3) **Information Security** – The online user database is fed directly from the UNCP online ID system, thus allowing users to login with an already-familiar username and password. The security of these systems is of paramount importance in maintaining a reliable and trusted resource for virtually available instructional materials and tools.
- a. *Controlling Access to Student Information* – As with other university records, faculty are cautioned to take care that student information (including, but not limited to, grades, test scores, usernames, or ID numbers) is closely guarded. As noted in the Gradebook Information section above, grades should not be posted so that students may see scores belonging to anyone but themselves (for example, in a spreadsheet uploaded to the course site).
  - b. *E-mail Address Display* – All online users have the option to disable the display of their e-mail address within our online system. (Due to system design, the one exception to this is the Discussion Forum areas, where the user's e-mail address will appear unless messages are posted anonymously. It is anticipated that this disparity will be rectified in later software releases.) Instructions for disabling this, or for enabling the display of other directory information within the online system are included in the "Tools" section, "Personal Information," of each course site.
- 4) **Copyright Issues** -- Faculty are strongly encouraged to respect the property of others by obeying copyright law and requesting permission, when appropriate, before using the work of others.

- a. *Posting Copyrighted Materials* – Copyright law and Fair Use Guidelines allow faculty to provide access to copyrighted materials using the online system under certain circumstances. Instructors are advised to consider the use of online reserves through Sampson-Livermore Library, or online course packs to avoid infringement.
- b. *Linking to External Sites from the online system* – The online software provides an easy-to-use interface for integrating links to other Websites into course materials. Instructors are encouraged to link to other sites, rather than attempting to integrate the desired materials directly into the online course site. This alleviates copyright concerns and also retains the integrity of the materials (and associated links) in their original environment. It is the responsibility of the instructor to confirm that links from online to external sites are viable.
- c. *Linking to the Online System from External Sites* – It is possible to link to an online course site directly from Websites external to the online system. Users will, however, be prompted to log in with their recognized UNCP online ID to prevent unauthorized access to materials.

5) **Intellectual Property** – The University of North Carolina at Pembroke recognizes the intellectual property rights of faculty, staff, and students. The following sections are in force unless superseded by overriding institutional policy.

- a. **Ownership of Course Sites** – Ownership of on-line course materials, including the University’s retention of a perpetual, non-exclusive, non-transferable, royalty-free license (“shop right”) to use the work for the University’s own non-commercial educational or research use, shall be governed by the provisions of the UNC Pembroke Copyright Policy, which is based on a determination of whether the materials at issue meets the definition of Traditional Works or Non-Directed Works; Traditional Works or Non-Directed Works Involving Exceptional Use of University Resources; Directed Works; Sponsored or Externally Contracted Works; Works Made for Hire; Works by Independent Contractors; or Student Works. Instructors who create online courses shall have the right to request and receive an archived copy of the site in digital format. During the semester a course is taught, use of the site and access to its materials and tools are determined by the instructor assigned responsibility for teaching the course, and these rights may be reassigned by that individual; provided, however, the Chancellor or his designee may access, alter, or limit use of the site and access to it when required by law or whenever the Chancellor determines such action to be in the best interest of the University.
- b. *Student-created Materials on the online system* – Instructors may require students to post their own work or, with the student’s permission, may post a student’s work on the online course site. Students must be informed of this (in the syllabus or in some other written format) at the beginning of the course. They must also be told if their work will be retained in the course site beyond the duration of the term and whether others will have access to it. No evaluative commentary or grade information from the instructor may be included with student work if the work includes information identifying its creator. Students’ copyrights in their work shall be governed by the UNC Pembroke



Copyright Policy. This policy also applies to student-posted messages in a Discussion Forum.

c. *System Management Data* – Information regarding online system performance or usage is considered the property of the University of North Carolina at Pembroke. To the extent allowed by law, information regarding specific online sites or individual accounts will be held in confidence, although data may be gathered and presented in aggregated form by university staff members (e.g., UCIS, IDS, Library, etc.) so that personally identifiable information is not disclosed, for professional development activities, such as conference presentations and/or scholarly/industry publication.

**Acknowledgement:**

Parts of this document are taken from “Policies and Procedures Related to Use of Blackboard”, University of Kansas, and used with permission.

**Last Updated:** 2/19/06

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Child Care Proposal

Based on overwhelmingly positive Child Care survey data\* from the UNC-Pembroke community suggesting the need for a UNC-Pembroke child care center, the Student Affairs & Campus Life Committee and the Ad hoc Child Care Committee recommend the following to the Faculty Senate:

1. that the Faculty Senate approve of an in-depth, feasibility study concerning a university child care facility
2. that the feasibility study be conducted by contracted experts in the field
3. that the Faculty Senate appoint an ad hoc committee to review and advise regarding the findings of the feasibility study
4. that the ad hoc committee include representation from departments that are best able to review and advise regarding the findings. These departments may include, but are not necessarily limited to, the Departments of Education and Business.

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\* Survey was conducted March, 2005 and survey participants included undergraduate and graduate students, faculty, staff and administrators.