Policy Revision, 4.6.4P, Promotion and Tenure

In the absence of Dr. Janna Vice, Provost and Vice President of Academic Affairs, Dr. Sheila Pressley, Chair of the Faculty Senate, was designated by President Whitlock and Dr. Vice to present a set of revisions to Policy 4.6.4P to the Board for consideration and approval. Dr. Pressley noted the policy revisions reflect the current needs of faculty and academic departments regarding the promotion and tenure process. Dr. Pressley was available for questions and discussion. Mr. House made a motion to approve; Mr. Tandy seconded. The motion passed by voice vote. A copy of approved Policy 4.6.4P is included with the Official Minutes of the EKU Board of Regents.

Policy Revision, 4.7.1P, Use of Self-Authored Textbooks and Educational Materials

In the absence of Dr. Janna Vice, Provost and Vice President of Academic Affairs, Dr. Sheila Pressley, Chair of the Faculty Senate, was designated by President Whitlock and Dr. Vice to present a set of revisions to Policy 4.7.1P, Use of Self-Authored Textbooks and Educational Materials to the Board for consideration and approval. Mr. Turner made a motion to approve; Dr. Frisbie seconded. The motion passed by voice vote. A copy of approved Policy 4.7.1P, Use of Self-Authored Textbooks and Educational Materials, is included with the Official Minutes of the EKU Board of Regents.

Confirmation of Ohio Valley Conference Governing Board Certification

President Whitlock provided the Board with a brief overview of the purpose of the Ohio Valley Conference (OVC) Governing Board Certification, noting that EKU will submit the certification as required. Mr. Abney thanked President Whitlock for summary. Mr. House made a motion to approve the certification; Mr. Turner seconded. The motion was approved by voice vote.

Approval of Candidates for Fall 2012 Commencement

President Whitlock advised the Board candidates who have completed degree requirements for fall 2012 require Board approval for their degrees. Ms. Street made a motion to approve candidates for fall 2012 commencement, Mr. Turner seconded. The motion passed by voice vote.

Action Agenda

New Business

Mr. Abney advised the Board of the need for authorization to be granted to the Chair of the Board for the purpose of appointing members to the Presidential search committee. Mr. Turner made a motion to the effect requested by Mr. Abney; Mr. House seconded. The motion passed by voice vote.
TO:       Dr. Doug Whitlock  
          President

FROM:     Sherry Robinson, Executive Assistant to the Provost for Policy and Process

DATE:     September 5, 2012

RE:       The Use of Self-Aauthored Textbooks and Educational Materials Policy

Executive Summary

A revision of Policy 4.7.1, The Use of Self-Aauthored Textbooks and Educational Materials, is submitted for your consideration. The policy revision was approved by the Faculty Senate, the Chairs Association, and the Provost Council. The Provost Council removed the following language from the draft approved by the Senate and the Chairs:

Royalties generated by faculty author(s) cannot be paid, directed, or donated directly to a department/unit or to the University by the faculty author(s) or by the publisher. Faculty author(s) may choose to make a donation to the EKU Foundation for the amount of the royalties. In such a case, the author is responsible for reporting royalty income to the IRS and may be able to deduct the donation based on the individual’s own personal tax situation.

The Provost Council determined that this language was not relevant to the approval of using self-authored texts and only identified one of multiple options regarding royalties and taxes. A separate document explaining these various options will be created and made available to faculty and departments. A 30-day comment period for this policy has also been completed.

In light of the support of the Faculty Senate, the Chairs Association, and the Provost Council, Policy 4.7.1, The Use of Self-Aauthored Textbooks and Educational Materials, is therefore submitted for your consideration.

Please let me know if you have any questions or need any additional information.

Presidential Action:
☐ Recommend approval and submission to the Board of Regents for adoption
☐ Approve (no Board of Regents approval is required)
☐ Submit to President’s Cabinet for advisement
☐ Submit to __________________________ for further review, drafting, or stakeholder feedback
☐ Not approved/ not recommended for submission to the Board of Regents
☐ Other action recommended __________________________

[Signature]  9/5/12  [Date]
University Policy/Regulation Impact Statement

Date Oct 18, 2011

Check One: Revision of Existing Policy/Regulation

Policy/Regulation Name 4.7.1P

Policy/Regulation Number Academic Affairs, University Counsel, Financial Affairs

The Use of Self-Authored Textbooks and Educational Materials

Originator(s) University Affiliation

Email for primary contact sherry.robinson@eku.edu

Justification for Proposed Changes or for New Policy/Regulation (Attach additional sheet if necessary)

Policy 4.7.1P was adopted by the Board of Regents in January 1987 and has not been revised since. A great deal has changed in textbook publishing and dissemination of educational materials in the last 24 years, thus necessitating a revision to the existing policy. Further, a practice that has developed over time (i.e., departments customizing textbooks for multi-section courses) was determined to put faculty authors at risk with the IRS.

Consistency with EKU’s Mission and Strategic Plan, Other Policies/Regulations, and Related External Documents

Cite relevant official statements from EKU or external sources.

Policy 1.2.1P Code of Ethics
Policy 4.4.1P Conflict of Interest and Financial Disclosures
Policy 4.4.2P Intellectual Property

Impact on the University

(1) Identify resources (human, financial, physical, operational, technological, other) needed to implement and maintain compliance; (2) Identify changes to EKU’s culture and/or behaviors that may be involved.

This policy revision will require a greater diligence on the part of departments and deans to ensure compliance. Additionally, some departments that have been customizing texts for multi-section courses and some faculty who have been using non-traditional publishing opportunities will have to alter their past practices to come into compliance with the policy as revised.

List stakeholders who have been or will be consulted. Indicate action taken and the date it was taken. Attach additional page if necessary. To begin the policy process, at least one university-recognized group must have indicated support.

<table>
<thead>
<tr>
<th>Stakeholder</th>
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<th>Date</th>
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<tr>
<td>Faculty Senate</td>
<td>Approved</td>
<td>Mar 12, 2012</td>
</tr>
<tr>
<td>Chairs Association</td>
<td>Approved but with questions</td>
<td>Apr 4, 2012</td>
</tr>
<tr>
<td>Provost Council</td>
<td>Approved</td>
<td>Sep 5, 2012</td>
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<tr>
<td>President</td>
<td></td>
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Stakeholder Actions continued on Page 2

Additional Pages Attached  # of additional pages 1
Stakeholder Actions, continued

List stakeholders who have been or will be consulted. Indicate action taken and the date it was taken. Attach additional page if necessary. To begin the policy process, at least one university-recognized group must have indicated support.

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</tbody>
</table>
b. Existing policies that are under review by drafting teams or new policies that will be drafted include:

<table>
<thead>
<tr>
<th>Lectureship, 4.6.10</th>
<th>The Faculty Rights and Responsibilities Committee is reviewing the policy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation of Non-Tenured Tenure-Track Faculty, 4.6.5</td>
<td>A drafting team is reviewing the policy.</td>
</tr>
<tr>
<td>Evaluation of Non Tenure-Track Full-Time Faculty</td>
<td>The Faculty Rights and Responsibilities Committee is reviewing a new draft policy.</td>
</tr>
<tr>
<td>Tenure for Model</td>
<td>A drafting team of Model faculty is working on a draft policy.</td>
</tr>
<tr>
<td>Post-Tenure Review, 4.6.7</td>
<td>A drafting team will begin reviewing the policy.</td>
</tr>
<tr>
<td>Evaluation of Academic Administrators, 4.8.1</td>
<td>A drafting team will be reviewing procedural</td>
</tr>
<tr>
<td>Student Absence from Class, 4.6.1</td>
<td>A drafting team is reviewing the policy.</td>
</tr>
<tr>
<td>Termination of Faculty</td>
<td>A drafting team will be developing a draft policy.</td>
</tr>
<tr>
<td>Prior Learning</td>
<td>CPE has encouraged universities to establish clear guidelines to address transferability issues. A drafting team will be developing a draft policy.</td>
</tr>
</tbody>
</table>

IV. Action Items

1. Faculty Authored Texts, 4.7.1P: At the request of Provost’s Council on May 2, Policy 4.7.1P was sent for an outside review to address questions related to how royalties are handled. The draft policy was found to be in compliance by the reviewers. Following Council discussion, a motion was made to revise the policy by removing the final paragraph under Statement, page 1:

Contracts/agreements for publishing textbooks or educational materials are personal agreements between publishers and faculty author(s). Royalties are payable to the faculty author(s), who are responsible for related income taxes as required under the United States Internal Revenue Code. Royalties generated by faculty author(s) cannot be paid, directed, or donated directly to a department/unit or to the University by the faculty author(s) or by the publisher. Faculty author(s) may choose to make a donation to the EKU Foundation for the amount of the royalties. In such a case, the author is responsible for reporting royalty income to the IRS and may be able to deduct the donation based on the individual’s own personal tax situation.
An amendment was made to retain the first sentence, only. A friendly amendment was made to retain the first and second sentences, only.

Contracts/agreements for publishing textbooks or educational materials are personal agreements between publishers and faculty author(s). Royalties are payable to the faculty author(s), who are responsible for related income taxes as required under the United States Internal Revenue Code.

A motion was made to approve the policy, as amended. The motion was approved, unanimously. The policy will be forwarded to President Whitlock for approval. Upon the President’s approval it will be submitted to the Board of Regents, September 28. The revised policy will be presented to Faculty Senate as an informational item.

V. **Good of the Order/Announcements**
1. Diversity Workshops for administrative faculty and staff have been well attended and completed. Workshops will begin for academic faculty and staff.
2. New online program proposals from the Colleges of Health Sciences and Education will be submitted to the deans for approval today.
3. A visitation team from The Association to Advance Collegiate Schools of Business (AASCB) will be on campus for reaffirmation in the College of Business and Technology, November 11-13.
4. Dr. Christiane Taylor thanked the deans for their participation in the Chairs’ and Deans’ Retreat. The chairs are looking at retention practices which can be posted on Blackboard for input and feedback.

VI. **Adjournment**
The meeting adjourned at 9:15 a.m.
This approach would allow students to access a much broader array of career-oriented programs than would otherwise be available. The loan forgiveness aspect would encourage individuals to stay or return to these counties, and the economic development initiative would be the most effective way to grow jobs attractive to college graduates.

To this point, there has been no serious discussion at the state level of what tuition increases might be considered for the coming year. The simple fact of the matter is that the 2012-13 budget cuts cannot be made up through increased tuition.

Every possibility is being examined as next year's budget is developed. The combined strategic and financial planning councils are meeting regularly and will have options to share with President Whitlock soon.

UNFINISHED BUSINESS:

Faculty Authored Texts Policy. The motion, as moved and seconded at last month's meeting, carried.

NEW BUSINESS:

Posthumous Degree. Senator Wray, seconded by Senator Jackson, moved to approve awarding a posthumous degree for Tiare Obenauer. Motion carried.

Developmental Math Summary. Senator Noblitt announced that developmental 090, 095, and 098 math courses will be changing structure beginning in Fall 2012. Questions or comments on the new program should be directed to Senator Pat Coen or the Mathematics Department Chair, Daniel Mundfrom.

Promotion and Tenure Policy. Senator Thieme moved, seconded by Senator Hensley, to approve the proposed promotion and tenure policy. Senator Noblitt opened the floor for discussion only and announced that the policy would not be voted on until the April or May Senate meeting.

In the early stages of the P&T revision process, AAUP was invited to review the document and provide feedback. All of their concerns have been fully addressed in the latest draft which was included in the Senate packets.

In the ensuing discussion, the main concern raised by the Senators was whether or not to include “collegiality” in the policy. Prior to the meeting, Dr. Doris Pierce shared with the senators her arguments against including “collegiality” in the policy. Former Senator Nancy McKenney shared a copy of AAUP’s current definition of collegiality. AAUP’s basic point is that if “collegiality” is mentioned, it should be included in the P&T policy within the accepted criteria (teaching, scholarship, and service) but should not be listed as a separate criterion. Dr. Sherry Robinson mentioned that in tenure-related court cases, the courts have ruled in favor of institutions saying that collegiality is an implicit part of an employment agreement and therefore it is acceptable for universities to use it, even if it is not mentioned explicitly in faculty handbooks and/or policies. While “collegiality” is implied in the current P&T policy, the drafting team felt it might help reduce lawsuits if it was clearly stated in the revised policy.
Faculty Authored Texts

Policy Statement

Faculty are encouraged to develop texts and other materials for classroom use. To avoid a potential conflict of interest, faculty may receive profits or royalties for such materials used at Eastern Kentucky University only if the use of the material is approved by a department committee elected by the full-time faculty in the department. The faculty member involved may not serve on the committee.

Entities Affected by the Policy

- Colleges
- Departments
- Faculty

Interpreting Authority

Provost and Vice President of Academic Affairs

Relevant Links

Intellectual Property Policy

Policy Adoption Review and Approval

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<td>Faculty Senate</td>
<td>Recommended Support</td>
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<td>Board of Regents</td>
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Entities Affected by the Policy

- Colleges
- Departments
- Faculty

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Provost and Vice President of Academic Affairs

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Entities Affected by the Policy

- Colleges
- Departments
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Interpreting Authority

Provost and Vice President of Academic Affairs

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B. Department of Police Administration
   1. proposed change of name of the Department from Department of Police Administration to Department of Police Studies

IV. COLLEGE OF NATURAL AND MATHEMATICAL SCIENCES
   A. Department of Biological Sciences
      1. proposed option in Biotechnology to existing B.S. program in Microbiology
   B. Department of Chemistry
      1. proposed option in Biochemistry to existing B.S. program in Chemistry
   C. Department of Geology
      1. proposed suspension of three options in the M.S. program in Geology
         a) Mining
         b) Petroleum Geology
         c) Hydrogeology

V. COLLEGE OF SOCIAL AND BEHAVIORAL SCIENCES
   A. Department of Geography and Planning
      1. proposed suspension of M.A. in Geography

VI. GRADUATE STUDIES AND RESEARCH
    A. proposed revision of policies

VII. PROPOSED ADDITION TO THE SCHEDULE CHANGE POLICY

VIII. PROPOSED POLICY REGARDING FACULTY AUTHORED TEXTS

President Funderburk recommended that the Board approve the recommendations indicated in items I-V, above. Dr. Gray made a motion for such approval. The motion was seconded by Mr. Harper, and was passed.

It was then recommended that the Board approve the proposed revision of graduate school policies noted in item VI. Mrs. Moore made a motion for this approval, and it was seconded by Mr. Cox and passed.

The Board was then asked to approve the revision to the schedule change policy (item VII). Mr. Schilffarth made a motion to grant this approval, the motion was seconded by Dr. Gray, and passed.

Approval was recommended for the policy on faculty authored texts (item VIII), and a motion to grant that approval was made by Mrs. Moore. Dr. Gray seconded the motion, and it was passed.

Approval of Candidates Completing Degree Requirements in December, 1986

It was recommended by President Funderburk that the Board give post approval to those individuals who met the requirements for degrees in December, 1986, as determined by the appropriate chairpersons, deans, Registrar, and the Vice President for Academic Affairs and Research. The official listing of the candidates is on file in the Office of the Registrar. Mr. Schilffarth moved for approval of the December degrees, and the motion was seconded by Dr. Gray. It was passed unanimously.
so the members of the committee would have the proper input from the faculty. Senator Holland seconded the motion. The motion was adopted.

NEW BUSINESS

1. REPORT FROM THE COUNCIL ON ACADEMIC AFFAIRS

Senator Rowlett, seconded by Senator Barr, moved for approval of the proposal for the Developmental Suspension Policy. Following discussion, during which several Senators spoke against the proposal, Senator Costello moved to postpone action on the proposal. Senator Nayle seconded. The motion was adopted.

Senator Rowlett, seconded by Senator Heberle, moved for approval of the proposed policy on Faculty Authored Texts. The motion was adopted. (See ATTACHMENT III)

Senator Rowlett, seconded by Senator Barr, moved for approval of a proposal to establish a new certificate program titled Certificate for Interpreting for Deaf Children and Youth.

Senator Rowlett's motion included the following stipulation:

Eastern will offer the Certificate Program for Interpreting for Deaf Children and Youth only as long as federal funds are available to support it or, with the expiration of federal funds, a special allocation of funds from the Council on Higher Education or other agency that will pay for the direct costs. Students admitted to the Certificate Program are to be informed, in writing, that the continuation of the program (and the special courses associated with it) is contingent upon special outside funding.

The motion was adopted.

Senator Ellis, seconded by Senator Hale, moved for an amendment to Senator Long's motion to refer Senator Ellis' document to the Student Evaluation of Instruction Oversight Committee which would instruct the Committee to administer a questionnaire to the faculty. The motion was adopted.

Senator Rowlett, seconded by Senator Reed, moved for adjournment at 5:25 p.m.

Submitted,

[Signature]
Kenneth D. Tunnell
Secretary
TO: Council on Academic Affairs

FROM: Russell F. Enzie

SUBJECT: Policy on Faculty Authored Texts

DATE: September 4, 1986

The Council of Deans recommends the following policy:

Use of Faculty Authored Materials

Faculty are encouraged to develop texts and other materials for classroom use. In order to avoid a potential conflict of interest, faculty may receive profits or royalties for such materials used at Eastern Kentucky University only if the use of the material is approved by a departmental committee elected by the full-time faculty in the department. The faculty member involved may not serve on the committee.

cla