Appalachian State University  
Faculty Senate Agenda  
March 18, 2013

AGENDA SUMMARY:  
(Full Agenda follows on next page)

3:15 pm  I.  Welcome and Announcements  INFORMATION

3:20 pm  II.  Approval of the February 11, 2013 Minutes.  ACTION

III. Visitors’ Reports

3:25 pm  A.  Dr. Tony Carey and Dr. Jesse Lutabingwa,  INFORMATION  
Update on QEP.

3:35 pm  B.  Dr. Alan Hauser, Athletics Council, and  INFORMATION  
Mr. Jonathan Reeder, Academic Services  
for Student Athletes: Annual Report on  
Student Athletes Academic Progress.

3:45 pm  IV.  Provost’s Report

3:55 pm  V.  Chair’s Report

A.  Faculty Assembly Report  INFORMATION  
Resolution on Academic Freedom and Due  
Process approved by UNC Faculty Assembly

4:05 pm  VI.  Committee Reports

A.  Committee on Committees  ACTION  
Approval of faculty members to serve on  
Renewable Energy Initiative.

B.  Faculty Handbook Committee  
1.  To approve changing the phrases “one  ACTION  
working day” to “three working days”  
and “working day” to “working days” in Section 4.2.6.2.

2.  Motion to approve Faculty Handbook  ACTION  
Section 4 regarding Departmental  
Personnel Committees and Departmental  
Promotion and Tenure Committees.

3.  Motion to approve Faculty Handbook  ACTION  
Section 4 regarding College Level Promotion  
and Tenure Committees.

C.  Welfare of Students Committee  INFORMATION  
Focus Group Findings on the proposed  
Sexual Misconduct Addendum

VII. Unfinished Business

4:25 pm  VIII.  New Business

A.  Executive Session: Consideration of Faculty  ACTION  
Petition. This is a closed session for Senators only.

5:30 pm  IX.  Adjourn (time approximated)
I. Announcements

A. Welcome and Introduction of Visitors.

II. Minutes

A. Approval of February 11, 2013 Faculty Senate minutes. Available online at:
   http://facsen.appstate.edu/sites/facsen.appstate.edu/files/FacultySenate%20Minutes%20February%202011%2C%202013%20Unapproved%20with%20Appendices.pdf

III. Visitors’ Reports

A. Dr. Tony Carey and Dr. Jesse Lutabingwa: Update on QEP.

B. Dr. Alan Hauser, Athletics Council, and Mr. Jonathan Reeder, Academic Services for Student Athletes: Annual Report on Student Athletes Academic Progress.

IV. Provost’s Report

V. Chair’s Report

A. Faculty Assembly Report: Resolution on Academic Freedom and Due Process approved by UNC Faculty Assembly. (Appendix A).

VI. Committee Reports (Committee Chair’s name is in bold print)

A. Academic Policies (Alexander-Eitzman, Campbell, Crepeau, Ehnenn, Gates, Martin, Shankland)

   No Report.

B. Agenda Committee (Koch, Anderson, Aycock, Ehnenn, Vannoy, Provost Gonzalez)

   No Report.

C. Budget Committee (Geary, McBride, McGrady, Murrell, Pollitt, Strazicich)
No Report.

D. Campus Planning Committee (Everhart, Fenwick, Flanders, Lillian, Osmond, Stokes, Smith)

No Report.

E. Committee on Committees (Anderson, Coffey, Holcomb, Morehouse, Oliver, Puckett)

1. Approval of the following faculty members to serve on the Appalachian State Renewable Energy Initiative since their bylaws require Faculty Senate approval: Dr. Susan Doll (TED), Dr. Ok-youn Yu (TED), and Dr. Frank Berry (CS).

F. Faculty Handbook Committee (Koch, Anderson, Aycock, Rardin, Vannoy, Provost Gonzalez)

1. To approve changing the phrases “one working day” to “three working days” and “working day” to “working days” in Section 4.2.6.2.

   4.2.6.2 Each member of the departmental PTC shall be encouraged to complete a university-wide vote justification form citing specific evidence of why the candidate does or does not meet departmental criteria for contract renewal, promotion, and/or tenure in the areas of teaching, research, and service as per the departmental guidelines. (See Appendix). Such vote justification letters, which may be anonymous, shall be submitted within three working days of the PTC meeting at which the vote is taken. These letters shall be given to the committee chair, who will then provide these to the departmental chair and the Dean at the end of aforementioned working days, and sent through the Dean to the College Promotion and Tenure Committee (if one exists) and to the Provost and Executive Vice Chancellor.

2. Motion to approve Faculty Handbook Section 4 regarding Departmental Personnel Committees and Departmental Promotion and Tenure Committees. 
   http://facsen.appstate.edu/sites/facsen.appstate.edu/files/Department%20Level%20Changes%20PT2.pdf

3. Motion to approve Faculty Handbook Section 4 regarding College Level Promotion and Tenure Committees. 
   http://facsen.appstate.edu/sites/facsen.appstate.edu/files/College-Level%20Changes%20PT.pdf
G. Faculty Welfare and Morale Committee (Crawford, Cremaldi, Gibbons, Liutkus-Pierce, Miller, Napiorski, Nash, Stoddard)

No Report.

H. Welfare of Students Committee (Cumbie, Gosky, Rice, Woods, Zrull)

1. Focus Group Findings regarding the proposed Sexual Misconduct Addendum. (Appendix B).

VII. Unfinished Business

A. None

(4:25 pm) VIII. New Business

A. Executive Session: Consideration of Faculty Petition. This is a closed session for Senators only.

(5:30 pm) IX. Adjournment
Appendix A:

2013-05
Resolution on Academic Freedom and Due Process
Approved by the UNC Faculty Assembly
February 22, 2013

Whereas, Academic freedom is an essential component to effective teaching, research and service in university and colleges, and

Whereas, Section 600 of the University of North Carolina Code acknowledges this in stating, “The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes,” and

Whereas, Academic freedom includes comments made in the classroom, intramural comments made within the university and college as well as extramural comments made outside of the university and college, and

Whereas, Academic freedom goes in tandem with tenure to assure that faculty can effectively perform their jobs without fear of retribution, and

Whereas, Section 601 (2) of the UNC Code states, “The University and its constituent institutions shall not penalize or discipline members of its faculties because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility,” and

Whereas, Faculty are entitled to due process when administration takes any actions that interfere with academic freedom and tenure, and

Whereas, Due process protects faculty members against discharge, demotions, failure to promote, and suspensions, and

Whereas, The safeguard afforded by due process includes protection against suspensions or involuntary “administrative leave,” with or without pay, in order to effectively protect academic freedom; therefore, be it

Resolved, That the UNC Faculty Assembly, reaffirms its commitment to academic freedom as essential to the mission of the UNC system; therefore, be it

Further Resolved, That the Faculty Assembly asserts the primary role of faculty in the determination of what constitutes appropriate or inappropriate material in the classroom as the best means of protecting academic freedom; therefore, be it

Further Resolved, That administrative interference with the content of faculty member’s course or course materials should be done rarely and with extreme caution due to the negative impact on academic freedom; therefore, be it

Further Resolved, That any administrative interference in course content or classroom activity sufficient to warrant the imposition of a suspension or “administrative leave” against a faculty member must be subject to immediate faculty oversight through a due process hearing.
Appendix B:

Faculty Senate Welfare of Students Committee Report

Focus Group Findings on the Sexual Misconduct Addendum proposed by the Interpersonal Violence Task Force

Background:

Our committee was asked to serve as a focus group within Faculty Senate to review the proposed Sexual Misconduct Addendum to the Code of Student Conduct. Several other groups across campus have participated in a similar process, independently of our committee. The focus group was guided by a series of questions, and so our report is presented in a Question and Answer format to these questions. Our answers are in bold font.

Focus Group Questions:

1. What is your immediate response to this document?

   Our primary reaction is that the document is very thorough and clearly involved a lot of thought. It is very long, at 29 pages in length. It is also very comprehensive, which is both a strength and a weakness of the document. We felt it could be organized more clearly with a Table of Contents and a Glossary. The document has considered the topic of sexual misconduct very thoroughly.

   The document is very procedural, but is not very action-oriented. If a faculty member were to refer to this document for steps to take if a student reported sexual misconduct to them, it would be difficult to locate.

   Additionally, the document is so thorough that sometimes it appears to define and use terms that are probably defined elsewhere in the Code of Student Conduct. For instance, many terms in the table in section 9.10 on page 15, and the definition of “crime of violence” on page 9, are terms that would be best defined and described elsewhere in the Code of Student Conduct. These terms are not, by themselves, about sexual misconduct, and don’t belong in this policy.

2. Is the language easy to understand?

   Yes. Our group found the language readable and simple enough to be comprehended easily.
3. What would make this document easier to comprehend?

The Purpose section, which begins the document, seems disparate and not unified. For example, the zero tolerance policy, and the definition of consent are not part of the document’s purpose. Yet they are included in that section.

As we mentioned previously, a table of contents and better organization, such as a glossary, would help comprehension.

The tables in the document, such as the one that begins on page 5, lack titles and a clear purpose in the document. The information in the Table on page 5 does not clearly require a table, and in fact, we felt the use of the table detracted from the content in that instance. This is true of other tables in the document as well.

Finally, we felt a flow chart for each different audience reading this document would be very helpful. For example, a portion of a flow chart could say something like “If you are a faculty member who needs to refer a student reporting a case of sexual misconduct, jump to page 8.” Then, the document could more effectively inform the necessary action of an individual depending upon their role at the university.

4. Is it well organized?

The content is relatively organized, but could benefit from clarification steps that we mentioned in our answer to question 3.

5. Is it user friendly?

As we mentioned in our answer to question 1, the document is very comprehensive and thorough. However, its length may discourage users who need to review it for a specific objective in its current form without some further organization.

6. What about the length?

It is long, but the content is necessary. We felt that improved document organization would reduce any criticisms about its length.

7. Do you know your responsibility as faculty or staff member in regard to sexual misconduct on campus?

We have some understanding of it based upon common sense, but it is not clearly stated in the document.
8. Are the definitions of sexual misconduct easy to understand?

The definitions are clear for the most part. But as mentioned previously, there are terms defined in this policy that should be defined elsewhere in the code. They should not be re-defined here.

9. Do you know how to assist a person making a complaint?

While it is stated that a complaint should be written, formalized, and sent to the office of student conduct in Section 9.13A, it is not clear if this applies in all cases, nor is it easy to find in the document.

10. Do you know how to assist a person accused of sexual misconduct?

No. We would rely on reporting the situation to a supervisor, such as a department chair, or the Office of Student Conduct. We believe the document would benefit from clearly explained, easy to remember steps to guide us in this situation.

11. Do the examples help you understand the definitions?

Yes. But there are fairly few of them, and a more extensive set may be helpful.

12. Where would you look first for this information?

If “this information” refers to information about sexual misconduct as it related to students at ASU, then the code of student conduct would be a first resource, and we would probably directly contact someone in a better situation to deal with any matter that arose.

13. What is the best way to distribute/promote/advertise and educate faculty and staff on this policy?

We believe a brief executive summary made available to faculty and staff is the best way to educate faculty and staff. As an example, the Early Intervention Team was effectively summarized and communicated in this fashion.

14. After reading this document, what is your understanding of consent?

Consent is explicit approval to engage in sexual activity as described in detail on page 1.

15. Are the sanctions or outcomes presented in the policy fair?

Many offenses described on page 15 seem to fall outside the scope of sexual misconduct. Whether these sanctions are fair is difficult to determine within this specific policy.
16. What are your suggestions when it comes to sanctioning for sexual misconduct allegations?

They should be as swift as possible, and proportional to the offense.

17. Does the sexual misconduct policy cover everything that it should? If not what is missing?

A clear definition of who this policy applies to is needed. For example, clarifying on-campus versus off-campus behavior, behavior that occurs in another part of the state, and situations where one person is a student and another is not would be helpful.

18. Do you have any other suggestions that you feel would be helpful in the development of this policy?

We have no other suggestions.

19. Do you have any questions in regard to this document?

We have the following questions:
   a. Is this intended to solely deal with sexual misconduct, or offenses in general?
   b. How will this fit into any larger revision of the code of student conduct?
   c. Does it fit clearly within the current code, and if so, how?