The Faculty Senate meeting was called to order by Chair Koch at 3:15 pm in the William Strickland Conference Room in I.G. Greer on Monday, March 18, 2013. Senator Coffey was excused.

I. Announcements
   A. Chair Koch welcomed senators and asked visitors to introduce themselves. Visitors were Dr. Bobby Sharp (IRAP), Dr. Lorin Baumhover (Chief of Staff), Dr. James Sherman (PHY), Dr. Paulette Marty (Gen Ed), Dr. Renee Scherlen (GJS), Ms. Terry Lockwood (QEP), Ms. Anna Oakes (Watauga Democrat), Ms. Stephanie Sansoucy (The Appalachian), and Mr. Kevin Snook (Staff Senate)

II. Minutes
   A. Chair Koch asked for a motion to approve the February 11, 2013 Faculty Senate minutes. Senator Nash moved and Senator Miller seconded to approve the minutes. Motion passed. (Vote #1).

III. Visitors’ Reports
   A. Dr. Tony Carey presented an update on the QEP for Global Learning.
   B. Dr. Alan Hauser, Athletics Council, and Mr. Jonathan Reeder, Assistant to the Chancellor for Athletics, provided information about our student athletes’ academic performance, graduation rates, academic progress rate, and NCAA rules pertaining to faculty interaction with prospective and currently enrolled student-athletes.

IV. Provost’s Report
   A. Provost Gonzalez gave a PowerPoint presentation on Strategic Planning at Appalachian and shared the results of the recent survey about the strategic direction of the university.

V. Chair’s Report
   A. Chair Koch discussed the February 22, 2013 UNC Faculty Assembly meeting. Appalachian State has been selected as one of five UNC campuses to conduct a pilot project beginning with the Fall 2013 incoming freshmen using College Learning Assessment (CLA) which the UNC Faculty Assembly opposes.
B. The UNC Faculty Assembly passed a resolution on Academic Freedom and Due Process on February 22, 2013. (Appendix A).

C. UNC President Ross will be attending our April 8, 2013 Faculty Senate meeting. President Ross has been visiting other UNC campuses.

D. Chair Koch is serving on the Smoking Policy Committee which is considering creating designated smoking zones because the current 50 foot restriction has been ineffective. Students expressed interest in having enclosed structures built and they would be willing to find external sources for funding these enclosures. Chair Koch asked the Senate if they support the idea of creating smoking zones and Senator Ehnenn seconded the motion. Senators voiced their concerns about smoking on campus. Motion FS 12-13/03-18-01 failed. (Vote #2). Senator Rardin moved and Senator Gates seconded to ban smoking from campus. Motion FS 12-13/03-18-02 failed (Chair Koch broke the tie by voting against a ban on smoking). (Vote #3).

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 (Anderson, Aycock, Ehnenn, Koch, 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, Smith, Stokes)

No Report.

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

1. A motion to approve 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). Motion FS 12-13/03-18-03 passed. (Vote #4).

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

1. Motion FS 12-13/03-18-04 passed to approve changing the phrases
“one working day” to “three working days” and “working day” to
“working days” in Section 4.2.6.2 of the Faculty Handbook. (Vote #5).

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.

Senator Gates moved and Senator Campbell seconded to suspend the
remainder of the agenda and move into Executive Session. Motion FS 12-
13/03-18-05 failed. (Vote #6).

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

Senator McBride moved and Senator Lillian seconded to delete the word
“all” in Section 4.2.2 and insert the phrase “at least four” in the sentence:
“Each departmental unit with tenure lines shall have one Promotion and
Tenure Committee consisting of all at least four tenured faculty members,
excluding the department chair and excluding those who must recuse
themselves (see Section 4.2.6.6).” Motion FS 12-13/03-18-06 failed.
(Vote #7).

Senator Pollitt commented that the Nursing Department does not have any tenured
faculty and there appears to be no provision in the proposed language to handle
this type of situation. Senator Smith stated his interest in knowing the response
rate of faculty who completed the recent survey regarding this issue. Chair Koch
replied that 62% of faculty completed the survey and 59% were in favor of the
change. Motion FS 12-13/03-18-07 to approve Faculty Handbook Section 4 regarding Departmental Personnel Committees and Departmental Promotion and Tenure Committees passed. (Vote #8).

3. Motion to approve Faculty Handbook Section 4 regarding College Level Promotion and Tenure Committees. Appendix C: http://facsen.appstate.edu/sites/facsen.appstate.edu/files/College-Level%20Changes%20PT.pdf

Senator Lillian expressed her concern that the proposed changes do not provide consistency in lieu of Section 4.3.4. which indicates that the policies and procedures will be determined by the tenure-track faculty in each respective college. Senator Lillian commented that she would prefer having university-level committees for promotion and tenure. Senator Rardin noted that 56% of the faculty are opposed to this based on the recent survey results.

Senator Ehnnenn moved and Senator Lillian seconded to postpone voting on this until such time that faculty can be surveyed as to whether or not they would prefer college-level committees, a university-wide committee, or neither. Motion FS 12-13/03-18-08 failed. (Vote #9).

Senator Stoddard moved and Senator Aycock seconded to call the question. Motion FS 12-13/03-18-09 passed. (Vote #10).

Motion FS 12-13/03-18-10 to approve the Faculty Handbook Section 4 language regarding College-Level Promotion and Tenure Committees failed. Motion FS 12-13/03-18-10 failed. (Vote #11).

Senator Stoddard moved and Senator Gates seconded to move to Executive Session. Motion FS 12-13/03-18-11 failed. (Vote #12).

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. Senator Gosky shared the results of the committee’s discussions with focused groups regarding the Sexual Misconduct Addendum proposed by the Interpersonal Violence Taskforce. (Appendix D).
VII. Unfinished Business

None.

VIII. New Business

A. The Faculty Senate Executive Board received a petition entitled “Tenured Faculty Call for Accountability for Administrative Failures” (Appendix E). In response to this petition, the Faculty Senate held an Executive Session during the Senate’s March 18, 2013 meeting. Chair Koch stated that, per Robert’s Rules of Order, Executive Sessions are used to facilitate discussions regarding confidential information and sensitive issues. Chair Koch stated that there will not be any audio-recording of the discussions and all attendees are bound by confidentiality. Senator Stoddard moved and Senator Gates seconded to move into Executive Session. Motion FS 12-13/03-18-12 passed. (Vote #13). Chair Koch asked visitors to leave as only Senators and invited guests are permitted to remain during the closed session. Executive Session began at 4:50 pm.

B. Senator Rardin moved and Senator Napiorski seconded to move back into Open Session. Motion FS 12-13/03-18-13 passed. (Vote #14). Open Session began at 6:40 pm.

C. Senator Anderson moved and Senator Stoddard seconded the following motion: The Faculty Senate at Appalachian State University expresses confidence in the leadership of Provost Lori Gonzalez and Vice Provost Tony Carey. Senator Ehnenn moved and Senator Stoddard seconded to divide the motion. Motion FS 12-13/03-18-14 to divide the original motion passed. (Vote #15).

Motion #1: The Faculty Senate at Appalachian State University expresses confidence in the leadership of Provost Lori Gonzalez. Senator Aycock moved and Senator McGrady seconded to postpone voting on this motion until the Faculty Senate’s April 8, 2013 meeting to allow time to talk with faculty members in our respective departments. Motion FS 12-13/03-18-15 passed. (Vote #16). Senator Campbell moved and Senator Gates seconded to rescind the previous motion (regarding Vote #16). Motion FS 12-13/03-18-16 passed to rescind Motion FS 12-13/03-18-15. (Vote #17). Senator Campbell moved and Senator Gates seconded to hold a Special Session of the Faculty Senate on Monday, March 25, 2013 at 3:15 pm to vote on the motion regarding confidence in the leadership of Provost Gonzalez. Motion FS 12-13/03-18-17 passed. (Vote #18).

Motion #2: The Faculty Senate at Appalachian State University Expresses confidence in the leadership of Vice Provost Tony Carey. Senator Flanders
moved and Senator Aycock seconded to postpone voting on the motion regarding confidence in the leadership of Vice Provost Carey until the Special Session of the Faculty Senate scheduled for Monday, March 25, 2013 passed. Motion FS 12-13/03-18-18 passed. (Vote #19).

IX. Adjournment

Senator Aycock moved and Senator Liutkus-Pierce seconded to adjourn the meeting. Motion to adjourn passed. (Vote #20). Meeting adjourned at 7:15 pm.
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<td>1</td>
<td>Motion to approve the February 11, 2013 Faculty Senate minutes. Motion passed.</td>
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<td>2</td>
<td>Motion FS 12-13/3-18-01 to support the idea of creating smoking zones. Motion failed.</td>
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<td>3</td>
<td>Motion FS 12-13/3-18-02 to ban smoking from campus. Motion failed.</td>
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<td>4</td>
<td>Motion FS 12-13/3-18-03 to approve Dr. Doll, Dr. Yu, and Dr. F. Berry to serve on the Appalachian State Renewable Energy Initiative. Motion passed.</td>
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<td>5</td>
<td>Motion FS 12-13/3-18-04 to approve changing the phrases “one working day” to “three working days” and “working day” to “working days” in Section 4.2.6. of the Faculty Handbook. Motion passed.</td>
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<td>6</td>
<td>Motion FS 12-13/3-18-05 to suspend the remainder of the agenda and move into Executive Session. Motion failed.</td>
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<td>7</td>
<td>Motion FS 12-13/3-18-06 to delete the word “all” in Section 4.2.2 and insert the phrase “at least four” in the sentence: “Each departmental unit with tenure lines shall have one Promotion and Tenure Committee consisting of at least four tenured faculty members, excluding the department chair and excluding those who must recuse themselves…” Motion failed.</td>
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<td>8</td>
<td>Motion FS 12-13/3-18-07 to approve Section 4 in the Faculty Handbook regarding Departmental Personnel Committees and Departmental Promotion and Tenure Committees. Motion passed.</td>
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<td>9</td>
<td>Motion FS 12-13/3-18-08 to postpone voting on College-Level Promotion and Tenure Committees until faculty can be surveyed as to whether or not they would prefer college-level committees, a university-wide committee, or neither. Motion failed.</td>
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<td>Motion FS 12-13/3-18-09 to call the question. Motion passed.</td>
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<td>11</td>
<td>Motion FS 12-13/3-18-10 to approve the Faculty Handbook Section 4 language regarding College-Level Promotion and Tenure Committees. Motion failed.</td>
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<td>Motion FS 12-13/3-18-11 to move into Executive Session. Motion failed.</td>
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<td>13</td>
<td>Motion FS 12-13/3-18-12 to move into Executive Session. Motion passed.</td>
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<td>14</td>
<td>Motion FS 12-13/3-18-13 to move back into Open Session. Motion passed.</td>
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<td>Motion FS 12-13/3-18-14. A motion to consider a petition, which the Faculty Senate received, which indicated a lack of confidence in Provost Gonzalez and Vice Provost Carey leadership, a motion to divide the original motion passed.</td>
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<td>16</td>
<td>Motion FS 12-13/3-18-15 to postpone voting on the motion which stated “The Faculty Senate at Appalachian State University expresses confidence in the leadership of Provost Lori Gonzalez” until the Senate’s April 8, 2103 meeting to allow time to talk with faculty members passed.</td>
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<td>Motion FS 12-13/3-18-16 to rescind the previous motion passed.</td>
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<td>18</td>
<td>Motion FS 12-13/3-18-17 to hold a Special Session of the Faculty Senate on March 25, 2013 to vote on the motion regarding Provost Gonzalez passed.</td>
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<td>19</td>
<td>Motion FS 12-13/3-18-18 to postpone voting on the motion regarding confidence in the leadership of Vice Provost Carey until the Special Session meeting on March 25, 2013 passed.</td>
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<td>Motion to adjourn passed.</td>
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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: 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

Appendix C: Section 4 regarding College Level Promotion and Tenure Committees

http://facsen.appstate.edu/sites/facsen.appstate.edu/files/College-Level%20Changes%20PT.pdf
Appendix D:

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?
Appendix E:

Petition: Tenured Faculty Call for Accountability for Administrative Failures

Whereas academic freedom is vital to the mission of the university and required by our accreditation body (Faculty Handbook 3.2, 3.3, 3.7; SACS Principles of Accreditation 3.7.4), and

Whereas due process rights are enshrined in the law as well as university policy (Faculty Handbook 4.10.2, 7.4.2), and

Whereas faculty governance expressed through meaningful participation in university decision-making is essential to the proper functioning of an excellent university and required by our accreditation institution (Faculty Handbook 3.4, 5.3, 6.1; SACS Principles of Accreditation 3.4.10, 3.7.5); and

Whereas there has been a pattern of disregard for academic freedom by the members of the Appalachian State University administration named below, (a) in the case of actions pertaining to specific individual faculty members, and (b) forcing strict adherence to syllabi, forbidding criticism of the administration in the classroom and the expression of personal opinions, and failing to support instructors under fire from unfair allegations; and

Whereas the due process rights of faculty members have been ignored by these same administrators, (a) in the case of actions pertaining to specific individual faculty members, and (b) the adoption of a commercial service (EthicsPoint) which establishes procedures contrary to the Faculty Handbook; and

Whereas faculty governance has been denied by these same administrators in multiple instances regarding (a) the content and structure of the curriculum, including the General Education curriculum, and (b) the use of Faculty Handbook designated faculty-led structures for the resolution of grievances and review of due process violations; and

Whereas these same administrators have been nonresponsive to and dismissive of questions and concerns of faculty members concerning these actions, all of which constitutes a dereliction of duty on the part of administration members tasked with upholding the Faculty Handbook,

Therefore, be it now resolved that we the undersigned—all tenured faculty at Appalachian State University—do hereby call for a vote of no confidence by the Faculty Senate in Associate Provost Dr. Tony Carey and Provost Dr. Lori Gonzalez.