I. Announcements

A. Welcome and Introduction of Visitors.

II. Visitors’ Reports

A. Mr. Dayton Cole (University Attorney) and Ms. Linda Foulsham (Director, Office of Equity, Diversity and Compliance): Online Harassment Training. (Appendix A).

III. Provost’s Report

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

A. Academic Policies (Brown, Gonzales, Hoffman, Lillian, McBride, Ramey, Winn)
   No Report.

B. Agenda Committee (Ehnenn, Mercer-Ballard, Rardin, Ramey, Reesman, Baumhover).
   No Report.

C. Budget Committee (Susan Anderson, Botts, Evans, Frindethie, Geary, Rice, Strazicich)
   No Report.

D. Campus Planning Committee (Aycock, C. Jackson, McCaughey, Robinson, Salinas, Scharer)
   No Report.

E. Committee on Committees (Coffey, Rardin, Stephenson, Stoddard)
   1. Motion to approve Dr. Michael Evans (MGT) to replace Senator Stella Anderson on the Faculty Senate for Spring 2011.
2. Motion to approve Dr. Denise Levy (SW) to replace Senator Alexander-Eitzman on the Faculty Senate for Spring 2011.

F. Faculty Handbook Committee (Stella Anderson, Ehnenn, Reesman, Lee, Baumhover)

1. A motion to delete Section 7.3.4.11 (Teaching Enhancement Committee) in the Faculty Handbook per approval of the Faculty Senate on October 11, 2010 (Motion FS 10-11/10-01) to abolish this committee and to renumber the rest of Section 7.3.4 accordingly.

Current Section 7.3.4.11 Teaching Enhancement Committee: (Delete in its entirety).

a. Members on Committee: 14 – 11 faculty (3 from Arts and Sciences, 2 from Business, 2 from Education, 2 from Fine and Applied Arts, 1 from Music, and 1 from the Library), 2 undergraduate students (chosen by the Student Government Association), and 1 graduate student (chosen by the Graduate Student Association Senate). The Coordinator of the Faculty and Academic Development program of the Hubbard Center will be an ex-officio member of the committee, will convene the first meeting, and will facilitate the selection of a chair, or co-chairs, from among the members of the committee. The faculty will be elected by the faculty in the unit that they represent. Faculty terms will be three years.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: 1) to work both in cooperation with the Hubbard Center and on its own to consider issues and make recommendations regarding the enhancement, evaluation, and recognition of teaching at Appalachian; and 2) to share among the faculty ways that teaching is being improved both at Appalachian and elsewhere.

2. A motion to revise Faculty Handbook, Section 7.5.22 (University Research Council) by adding Sections 7.5.22.1, 7.5.22.2, and 7.5.22.3 per approval of the Faculty Senate on October 11, 2010 (Motion FS 10-11/10-02), which describe the elected members on the University Research Committee and the method of their nomination and election.

Current Section 7.5.22 University Research Council:

The University Research Council formulates and recommends policies governing research administration at Appalachian State University to the Dean of Graduate Studies and Research. The council will also: seek and
recommend ways to secure internal and external financial support for faculty engaged in research and creative activities; work to create an environment (e.g., reduced teaching load, recognition of work done, etc.) in which the faculty may be encouraged to do research within their specialties; support faculty publications; and develop and recommend University policy related to such research issues as the use of human subjects, care and protection of research animals, and scholarly ethics. Specific duties may include: serve as liaison between Graduate Studies and Research and the academic colleges/schools for the purpose of encouraging research and grants activity; recommend the University’s competitive research awards (elected members of the council will serve as the committee to recommend these awards to the full council); review and monitor, as needed, research involving human and animal subjects, as well as issues of scholarly ethics; insure that University research policy is consistent with state and federal regulations; and develop incentive programs for research and grants activity. (Dean of Graduate Studies and Research)

Addition of Section 7.5.22.1:

The University Research Council shall consist of both appointed and elected members. The Chairperson of the University Research Council shall be responsible for choosing the appointed members. The Faculty Senate Elections officer will conduct an annual election for the elected members of the University Research Council at the same time as other university elections, such as the election of members to Faculty Senate, to the Faculty Grievance Committee, etc. All members of the URC must understand external funding and research compliance.

Addition of Section 7.5.22.2:

The nomination process is open to faculty who are eligible to vote.

Addition of Section 7.5.22.3:

The elected members of the University Research Council shall be composed of thirteen (13) faculty members:

College of Arts and Sciences: 1 Arts and Humanities member; 1 Social Sciences member; 1 STEM member.

College of Business: 1 member.

College of Education: 2 members representing different departments.
College of Fine and Applied Arts: 2 members representing different departments.

College of Health Sciences: 2 members representing different departments.

School of Music: 1 member.

University College: 1 member.

University Library: 1 member.

G. Faculty Welfare and Morale Committee (Atkins, Galloway, A. Jackson, Koch, Mercer-Ballard, Miller, Wangler)

1. A motion to adopt the “Hear Our Public Employees” (HOPE) resolution which instructs Appalachian State’s delegates to the UNC Faculty Assembly to introduce a resolution in favor of the repeal of North Carolina General Statute § 95-98, which prohibits collective bargaining by public institutions with their employees.

Hear Our Public Employees Resolution:

Whereas, The Faculty Senate at Appalachian State University views faculty collective bargaining as an additional means of advancing professional standards, protecting academic freedom and tenure, promoting economic and professional interests, and supporting collegial governance, and

Whereas, North Carolina General Statute §95-98 unfairly prohibits collective bargaining by public institutions with their employees, including but not limited to faculty, academic professionals, and graduate students, and

Whereas, The Faculty at Appalachian State University maintain a concern for principles of human rights, fairness, and justice with respect to public employees, and

Whereas, the International Labor Organization (ILO) has held that §95-98 violates a Core Principle of international labor rights, viz. freedom of assembly, and

Whereas, Hear Our Public Employees (NC HOPE Coalition) is a group of organizations that support the goal of securing collective bargaining rights for public employees by repealing NCGS §95-98, and
**Whereas**, NC-AAUP has already endorsed repeal of §95-98 and is currently a Supporting Member of Hear Our Public Employees (NC HOPE Coalition), and

**Whereas**, The Faculty Assembly represents the interests and concerns of faculty, academic professionals, and graduate students at North Carolina's colleges and universities; therefore, be it

*Resolved*, That the Faculty Senate at Appalachian State University supports the efforts of the HOPE coalition and the repeal of NCGS §95-98; therefore, be it

*Further Resolved*, That the Faculty Senate at Appalachian State University instructs its delegation to the Faculty Assembly to introduce a resolution in favor of the repeal of NCGS §95-98.

H. Welfare of Students Committee (Gross, Horst, Jennings, Napiorski, Pollard, Sanders)

No Report.

V. **Unfinished Business**

A. There is no unfinished business.

VI. **New Business**

VII. **Adjournment**
On-line Harassment Training for Employees and Students

- The University has entered into a three-year contract with New Media Learning to provide on-line harassment training for employees and students. New Media Learning provides on-line harassment and discrimination training to over 500 colleges and universities, including UNC-Chapel Hill, East Carolina University, Winston-Salem State University, and many of Appalachian’s peer institutions.

- The training will be offered on a voluntary basis with separate modules for faculty, supervisors, non-supervisory employees, and students. While the training will be customized to reflect Appalachian policies and procedures, the general format is similar for all New Media Learning on-line harassment trainings. The training takes approximately 45 minutes to complete. A sample New Media Learning harassment training can be found at the following link: http://training.newmedialearning.com/pwh/unihall/

- By providing on-line harassment training to employees and students, the University seeks to:
  - Educate employees and students regarding behavior that may constitute impermissible harassment;
  - Provide employees and students with resources to prevent and/or address incidents of impermissible harassment;
  - Explain University complaint policies and procedures;
  - Warn employees and students of behavior that may subject them to personal liability and/or disciplinary action if those behaviors constitute impermissible harassment; and
  - Maintain a positive learning and working environment for the University community.

- Since 1998, federal courts have placed increasing emphasis on an employer’s good faith prevention efforts, including training programs, when evaluating claims of impermissible harassment and discrimination in the workplace under Title VII of the Civil Rights Act of 1964, as amended.¹ Employers may avoid liability for claims of harassment and discrimination if they have an effective equal opportunity compliance program that includes the following: 1) development, implementation and publication of comprehensive anti-harassment and discrimination policies and procedures; 2) development, implementation and publication of effective complaint, investigation and appeal procedures; and 3) effective training of all employees with respect to the policies and procedures.² Equally important, individuals may avoid personal liability through training that identifies harassing behavior which may be grounds for common law tort claims such as intentional infliction of emotional distress or negligence.

- Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX applies to all areas of the University including, but not limited to, admissions, recruitment, employment, financial aid, athletics, housing, educational opportunities, and activities offered by the University. Many federal agencies require institutions of higher education to implement effective harassment and discrimination training programs for students and employees to ensure that they understand the mandates of Title IX.

¹ See Burlington Industries v. Ellerth, 524 U.S. 742, 765 (1998) (holding employer has complete affirmative defense to hostile environment harassment claim if, and only if, 1) employer exercised reasonable care to prevent and correct promptly harassing behavior and 2) employee unreasonably failed to take advantage of preventive or corrective opportunities); Faragher v. City of Boca Raton, 524 U.S. 775, 807 (1998) (same); Kolstad v. American Dental Association, 527 U.S. 526, 544 (1999) (finding employer may not be held liable for discriminatory employment decisions of managers where decisions are contrary to employer’s good faith efforts to comply with Title VII); Anderson v. G.D.C., Inc., 281 F.3d 452, 461 (4th Cir. 2002) (upholding punitive damages award where employer failed to adopt anti-discrimination policy and failed to provide EEO training to employees); Hatley v. Hilton Hotels Corp., 308 F.3d 473, 477 (5th Cir. 2002) (stating punitive damages unavailable where employer had well publicized policy, trained all new employees, and promptly investigated complaints).