I. Announcements

Chancellor Advisory Committee Meeting. Neufeld requested volunteers for the Chancellor Advisory Committee meeting scheduled for April 6 at 10:00 a.m.

II. Old Business

A. Awards Committee. The Committee on Committees submitted an amended statement regarding the composition of the Awards Committee.

VOTE 1 19 yes 0 no 0 abstain The motion passed.

AWARDS COMMITTEE
a. Members on Committee: 17 - 13 faculty: 3 from Arts and Sciences, 2 from Business, 2 from Fine and Applied Arts, 2 from Education, 2 from the School of Music, 2 from the Library; 2 staff; and 2 students (one undergraduate and one graduate). Faculty composition can be any faculty, including adjunct and part-time. In the event a member of the Committee wishes to seek an award, an alternate from his/her area will be recommended to the Faculty Senate by the Committee on Committees to serve for the duration of the awards process.

B. Faculty Handbook changes. The Ad Hoc Committee on Faculty Handbook Revisions moved to remove from the table motion #4 from their report of March 8, 1999. The Committee then moved to change motion #4 from the Report to read: Faculty Senate recommends moving the section 3.6.5.1 to another chapter in the faculty Handbook with the addition of a reference that Part-time faculty have full access to all grievance procedures available to tenure track faculty. Further, in section 3.6.5.1.G correct the spelling of payroll and in the line beginning, To be eligible for payroll deduction, change you to part-time faculty.

Discussion followed on whether to include part-time faculty with full-time faculty sections or to establish a separate section for part-time faculty.

The Committee’s motion was tabled until April.

The Committee moved to remove from the table motion #5 from the Report of the Ad Hoc Committee on Faculty Handbook Revision of March 8, 1999.

VOTE 2 19 yes 0 no 0 abstain The motion passed.

The Committee then moved to change motion #5 from the Report to read: Part-time faculty salaries are paid in five equal installments for the Fall and Spring semesters, unless the processing of a late contract will not allow time for the first payment in either semester, in which case the salary will be paid in four equal installments.

VOTE 3 19 yes 0 no 0 abstain The motion passed.
The Senate then continued where it left off (motion #10) at the March 8 meeting dealing with the Ad Hoc Committee's motions.

MOTION #10
--Subhead 18 of the DRAFT proposes a significant change by requiring the departmental EOA be selected from among non-DPC members. We understand the ideal sensibility of an "objective" observer guaranteeing that DPC proceedings are conducted appropriately within the law. While we accept the ideal of the highest possible impartiality, and appreciate any concern to protect against legal liability, we believe that scarce faculty resources are a reality that constrain this proposal. We know of no convincing reason that the present practice of the EOA being a sitting member of a DPC is fatally flawed or otherwise so inadequate that faculty rights have been jeopardized as a result. We think it is counter-productive for this administrative requirement of service to be imposed on faculty time, especially in view of the recently increased time requirements for faculty assessment. The proposed procedure could too easily fall apart should non-DPC members refuse the nomination of their colleagues to be EOA with responsibility to watchdog the DPC and search procedures. Only if it is demonstrable either that law requires this proposed procedure or that it is practiced at most other universities that are constituents of the UNC, would we recommend adding at the end of section 4.8.2.C: " , if the size of a department makes this possible."

Absent any proof that this ideal procedure is required by law, or by flaw(s) in the present practice,

(10) Faculty Senate recommends rejection of the changes proposed in subhead 18 of the DRAFT.

Debate ensued as to whether or not to table motion #10 until after the Senate discussed the upcoming motion from the Academic Policy Committee dealing with DPCs. A call for the question was made on motion #10.

VOTE 4 18 yes 1 no 0 abstain The motion passed.

MOTION #11
--We propose a substantial amendment in the grievance hearing process that we think has positive benefits for all, because it builds on shared governance in ways that mutuality and respect are fostered between administrators and faculty, specifically between the Chancellor, who depends upon the Faculty Grievance Hearing Committee, and the committee whose committed and diligent work has sometimes been felt to have been underappreciated, even questioned. There is no doubt that there has been friction between faculty and senior administrators over recent personnel decisions and we hope that they will not reappear. However, since there is no guarantee of a future absent friction, maybe a structural change can alleviate problems. So, we are proposing that the grievance process include a means by which the Chancellor or the Provost and the Hearing Committee can discuss forthrightly together and with respect and understanding avoid misunderstanding when there is disagreement about decisions ultimately reached. It is better to work together than to remain apart in ignorance and suspicion, and we believe the following proposal aims at that spirit:
Our proposal mimics one passed by the Faculty Senate at UNC-CH and approved by its Board of Trustees.

(11) Faculty Senate recommends inserting at the beginning of section 4.5.4: "If the Chancellor intends to reject the recommendation of the Faculty Grievance Hearing Committee, the Chancellor shall communicate that intention to the committee along with her or his reasons and provide an opportunity for committee response before taking final action. In such a case, the committee shall reconsider its recommendation, taking account of the Chancellor's stated objections and receiving new evidence if the committee deems it necessary. The committee shall transmit its response to the Chancellor within ten working days of the committee's receipt of the Chancellor's communication. After considering the committee response, the Chancellor shall issue a decision either concurring in or declining to accept the committee's recommendation. The Chancellor's decision shall be conveyed in writing to the affected faculty member and to the committee."

We also recommend that section 4.6.6. be amended as follows: insert immediately before the words "Within five working days..." this text: "If the Provost intends to reject the recommendation of the Faculty Grievance Mediation Committee, the Provost shall communicate that intention to the committee along with her or his reasons and provide an opportunity for committee response before taking final action. In such a case, the committee shall reconsider its recommendation, taking account of the Provost's stated objections and receiving new evidence if the committee deems it necessary. The committee shall transmit its response to the Provost within ten working days of the committee's receipt of the Provost's communication. After considering the committee response, the Provost shall issue a decision either concurring in or declining to accept the committee's recommendation."

VOTE 5 19 yes 0 no 0 abstain The motion passed.

MOTION #12
--Subhead 26 proposes modifications of a policy adopted by Faculty Senate over two years ago and which has fueled hard feelings between faculty and administration over the latter's slowness to implement a policy it has said publicly it would like to implement. Clearly, the policy on chairperson terms also got caught in the GA review net. Yet, this has also allowed the opportunity to develop and adapt local policy in areas such as chairperson terms, because this section will be moved to Appendix E, which is controlled by the Board of Trustees (see the DRAFT’s subhead 21).

It seems that nearly all would like to see what they believe are improving modifications to the chairperson terms policy: the DRAFT shows that, as does the debate of the chairperson term limit motion offered by the Academic Policies Committee at the February senate meeting. However, there is concern that if the policy passed by the Faculty Senate in May 1996 is not implemented now, we might end up with no policy at all--again! We think this is a crucial time for administration and faculty to work together within a process that respects the autonomy and roles of both. This was clearly the spirit of the original Senate committee proposal, and it seems no less valid today--indeed, it seems much more urgent because of the delay. We also believe that the climate at this university has shifted somewhat about chair terms in the last three years,
as shown by a discussion growing in intensity. Finally, chairperson Neufeld specifically asked this committee to make a recommendation about chairperson terms as part of his charge that we review the DRAFT's recommendations.

After careful consideration of the process implied in the Amended Handbook, we found it quite possible for some to think that it was mostly a challenge for power if another faculty member put his or her name up for chairperson after the incumbent chairperson has said he or she will seek another term. The result of having made such a challenge that did not ultimately succeed might be feared, and inhibit open and free action on behalf of faculty. However, we thought it less likely that another candidacy would run the risk of being thought so if there were a mandatory department meeting to discuss the opening where possible candidates might be discussed. So we have recommended inserting a sentence about such a meeting, which would be followed by the decision of the chairperson to say whether he or she would seek a renewed term (see below).

We emphasize that the process recommended in 1996 and approved by the Board of Trustees was specifically designed to be one operated by the department faculty and not by a dean. In essence, the department's process is to be initiated by the dean announcing the reopening. It is clear that the dean will be informed regularly of the process, and that it all ends with a recommendation to the dean. Deans, we are told, agreed to the policy, because it relieved them of an onerous burden of sitting on numerous chair search committees while retaining their ultimate responsibility for the process. These are reasons why the language "the department will" was purposefully chosen by the Mediation Committee. The DRAFT specifically negates that agreed purpose by changing those words to "the dean may." Finally, there has been much confusion about the so-called "grandfather clause" determining the impact of the policy on incumbent chairs. It is not clear that everyone understands the procedures recommended by the Mediation Committee for implementing the terms-for-chairs policy. We have added them as part of the operating procedures for the policy. For all these reasons we are making the proposal outlined below.

We have talked with members of both previous Senate committees concerned with chair terms. The first committee, which reported in March 1995 and was chaired by Peter Petschauer, was unable to get Council of Chairs approval of its recommendation for a five-year initial term to be followed by three-year terms. The Senate then appointed a Terms-for-Chairs Mediation Committee chaired by Joan Woodworth, on which sat then Dean Don Sink, to find some compromise acceptable to faculty senate, administration, and the council of chairs. That committee's report of April 16, 1996 (see attachment) was essentially incorporated in the Amended Handbook. These were changes approved by the Provost, Chancellor, and the Board of Trustees and sent on to the Board of Governors.

(12) Faculty Senate recommends the following replacement text for section 4.13.2 with the understanding that the mechanism for applying the chairperson terms policy to incumbent chairpersons be deleted from the Faculty Handbook when the schedule is completed:

"A person is appointed as a chairperson for a period of one year (July 1-June 30). If an individual receives appointment to the position of chairperson in five consecutive years from the date of the initial appointment, the position will be reopened for nominations automatically in
September of the fifth year of that individual's service as chairperson and every three years thereafter. The purpose of the periodic reopening of the position is to provide opportunity for the chair to return to faculty status and/or for the department to signal interest in positive change; that is, change not necessarily linked to the regular annual review of the chairperson. At the designated time the dean will inform the faculty and the chairperson that the periodic reopening of the position is taking place. The faculty will then hold a meeting to discuss the opening. After this meeting, the chairperson will then inform the faculty and the dean of the college in a timely fashion if she or he wishes to be considered for appointment to an additional three-year term. Depending on the result of the reopening, the department will:
- Recommend to the dean reappointment of the current chairperson, if that individual wishes to continue in the position beyond the fifth year and no other department member expresses to the faculty and the dean interest in serving as chairperson; or
- Ensure that there is established a nominating committee (as provided for in section 4.13.1.A) to begin a chairperson search.

If a position is available, the nominating committee may request of the dean an external search. A request for an external search does not preclude the dean from limiting a search to department members; however, a department is not required to initiate an external search just because availability of a faculty position happens to coincide with the reopening of the chairperson position."

In order to institute the reopening of the chairperson position in an orderly way so that all chairperson positions will not be reopened at the same time, the following schedule is to be implemented:

Beginning with the first academic year in which the new policy is adopted, if a chairperson has served in her or his position for:
- (a) 1-2 years, the first reopening would occur 5 years later.
- (b) 3-5 years, the first reopening would occur 3 years later.
- (c) 6 or more years, the first reopening would occur 2 years later.

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Moore noted that the Committee's proposal was derived from the Terms for Chairs Ad-hoc Committee's original proposal, but with a slight modification. Bortz noted that he thought that this proposal is not in compliance with section 4.14.1.C.4 of the current Faculty Handbook. Anderson moved to change the wording of the first sentence of section 4.14.1.C.4 to read, "Nomination will be made by the Committee to the Provost and Executive Vice Chancellor for Academic Affairs of one or more qualified persons to fill the vacancy." McGarry seconded. Discussion followed.

The Senate took a break at 4:45 and resumed at 5:00.

Barber offered an amendment to Anderson's motion (which Anderson and McGarry accepted) so that section 4.14.1.C.4 read, "Nomination will be made by the Committee to the Provost and Executive Vice Chancellor for Academic Affairs names of all acceptable candidates to fill the vacancy." A vote was taken on this motion.
A vote was taken on motion #12.

VOTE 7 21 yes 0 no 0 abstain The motion passed.

MOTION #13
(13) we recommend that all approved text for the Faculty Handbook be saved as text or other word processor files and as HTML files, so that they can easily be loaded on the web.

VOTE 8 21 yes 0 no 0 abstain The motion passed.

Campbell noted that she wanted to see what the administration was going to do with the new chapter of the Faculty Handbook dealing with part-time faculty (that is to see the actual changes that would be made before a vote was taken) to make sure that part-time faculty rights were covered in exactly the same way they are now and to check that there would be no legal repercussions for them by being removed or separated from the full-time faculty in the Handbook under this particular section.

Neufeld talked about the fact that the Faculty Assembly is discussing the issue of outside binding arbitration. It is rumored that the Board of Governors looks favorably on this issue because it would save money in legal fees while providing a more fair grievance process, since the arbitrator would not have a vest interest in the outcome.

Bortz moved that discussion be reopened on Motion #9. His reasoning is that Appalachian currently has a grievance process interpreted and written by one side of the grievance party process and that there are some issues that are very important for faculty who may be disciplined or fired. Bortz suggested that the Ad Hoc Committee on Faculty Handbook Revision talk with the attorney for the Board of Governors and the President of AAUP to get their input about the process. Moore noted that he has already spoken to AAUP about the contents of Appalachian’s Faculty Handbook and that the recommendations AAUP made have already been put forth.

Bortz moved and Koch seconded that Moore discuss with the General Administration the critical points of Motion #9 and report back to the Senate.

VOTE 9 20 yes 0 no 0 abstain The motion passed.

III. New Business

Motion Regarding DPCs. Biddle spoke about the history of the motion, which stems from when the idea was presented to the faculty as a whole to vote on in January of 1997. The proposed idea to separate search committees from promotion committees did not pass, but Biddle felt that the faculty voted on something they knew little about. Neufeld suggested meeting with individual departments to explain to faculty what the idea would mean.

Bortz explained the reasons why the Academic Policy Committee made the motion. Each Department Personnel Committee will consist of all tenured and tenure-track faculty. Each department will be free to organize the functioning of its DPC as it wishes (subcommittees for specific tasks) as long as it follows university policy and state and federal law. The Committee
of the Whole, the entire DPC, can therefore always meet as a committee of the whole or can assign its work to subcommittees that report to the entire DPC. Each department will choose how the DPC is to function with the constraints of university policy and state and federal law. The reasons for this change are: 1) this is standard policy at many major universities; 2) DPCs are normative; it is necessary to include all the regular faculty in the department’s ongoing normative meetings; 3) it is healthy to include all the faculty in discussions of promotion and tenure; 4) it eliminates the separation between search and personnel committees so that all areas of knowledge are represented; 5) it will minimize hearsay and innuendo; 6) it will not increase the workload as the DPC can assign specific tasks to subcommittees; and, 7) it allows each department the freedom to adapt the specific functioning of the DPC to the department’s wishes within a broad framework of inclusiveness and openness.

Neufeld suggested that the Committee reword the motion so that it reflects the reasons why the Committee made their recommendation and to bring it back at April’s meeting.

Moore moved to adjourn and Anderson seconded.

VOTE 10 20 yes 0 no 0 abstain The motion passed.

The meeting adjourned at 6:00 p.m.

Respectfully submitted,

Mike Moore

/msh

FACULTY PRESENT AND VOTING SHEET
MARCH 22, 1999

VOTING SYMBOLS: Y=YES N=NO A=ABSTAIN ABSENCE: EXC=EXCUSED UNEX=UNEXCUSED

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VOTE 1: Committee on Committees amendment to the Awards Committee
VOTE 2: Motion to remove from the table motion #5 of the March 8 Report of the Ad Hoc Committee on Faculty Handbook Revision
VOTE 3: Motion to change the wording of motion #5 of the Report
VOTE 4: A call for the question on motion #10 of the Report
VOTE 5: Vote on motion #11 of the Report
VOTE 6: Motion to reword section 4.14.1.C.4. of the Faculty Handbook
VOTE 7: Vote on motion #12 of the Report
VOTE 8: Vote on motion #13 of the Report
VOTE 9: Motion that the Ad Hoc Committee discuss with the General Administration the critical points of Motion #9
VOTE 10: Adjournment

VISITORS: Tom McLaughlin, English; Clinton Parker, Academic Affairs; Peter Petschauer, History