The April 12 Faculty Senate meeting was called to order by Chair Neufeld, 3:20 PM in the University Conference Room.

I. ANNOUNCEMENTS
   A. VISITORS. Neufeld welcomed visitors and asked that they introduce themselves. (See voting sheet for visitors' names.)
   B. ELECTIONS RESULTS. Weitz reported on the results of the college and at-large elections.
   C. RECOGNITION OF OUTGOING SENATORS. Neufeld thanked those senators who served on the Senate and whose last meeting was today. Those senators were Alan Arnholt, Dan Caton, Dave Domermuth, Patricia Gaynor, Howard Neufeld, Jon Winek, and Toni Wyatt. Rick McGarry's last meeting is the May meeting.
   D. BOARD OF TRUSTEES REPORT. Neufeld reported that at the last Board of Trustees meeting (in March), the BOT voted to do a market study on the feasibility of Appalachian's football team going Division I-A. Private funds will be used to do this study.
   E. FACULTY OFFICE HOURS. Neufeld reported that compared to other similar UNC institutions, Appalachian is not in the mainstream in regards to faculty office hours. Other UNC institutions do not require 10 hours per week; one suggested that faculty do, but it was not required. Durham noted that he spoke with some students from the College of Business. The students indicated that they did not want faculty office hours reduced.
   
   Discussion followed. Bortz suggested that the Academic Policy Committee meet with Drs. Borkowski and Durham. Durham suggested that since this change affected students, that the students be asked for their input. Bortz then suggested that the Committee meet with students in the fall and then with Borkowski and Durham.

   Gates moved to table sending the previously approved motion regarding faculty office hours to the Chancellor until the Committee had a chance to meet with students and Borkowski and Durham.

   VOTE 1 21 yes 1 no 1 abstain The motion passed.

II. MINUTES

   Edwards moved and Gaynor seconded to approve the March 8 minutes as written.

   VOTE 2 23 yes 0 no 0 abstain The motion passed.

   Gaynor moved and Gravett seconded to approve the minutes of the special March 22 meeting as written.

   VOTE 3 22 yes 0 no 1 abstain The motion passed.
III. GUEST SPEAKERS

A. S.A.V.E. Lee Echols, a student from Students Actively Volunteering for the Environment (SAVE), spoke to the Senate on why paper consumption was chosen by his organization to study. He noted that paper consumption is at an all time high right now and that some companies are timbering 10-11,000 acres per year. Echols reported that there is a rough draft of a bill in SGA concerning the use of recycled paper. SAVE asked the Faculty Senate to endorse the following motion, The Faculty Senate congratulates the members of S.A.V.E. for their efforts to upgrade recycled paper use and pledges to monitor Appalachian State University's compliance with the use of paper containing 50 percent or greater recycled content so long as that paper functions effectively.

Dobson asked about the effect the recycled paper has on copy machines. Echols said that they had tested it on several machines and it worked without problems. Biddle moved and McGarry seconded to remove from the table the motion regarding recycled paper.

VOTE 4  22 yes  0 no  1 abstain  The motion passed.

A vote was taken on the motion.

VOTE 5  23 yes  0 no  0 abstain  The motion passed.

B. FACULTY QUESTIONNAIRE FOR CROSS-DISCIPLINARY COMMUNICATION. Meredith Curcio, Stuart Turner, and Jae Murphy, all students in Jay Wentworth's class, spoke to the Senate about their efforts to help encourage cross-disciplinary communication among faculty and departments. They distributed a questionnaire that they asked for senators to fill out and return to the Senate secretary. They noted that they will be attending all departmental meetings to distribute the questionnaire so that it would be filled out and collected at that time. It was noted that some of the questions seemed personal. The students replied that the faculty member should complete only those questions they felt comfortable with. It was suggested that the group work with the Faculty Senate's Welfare of Students Committee.

C. ACADEMIC INTEGRITY COMMITTEE. Jake Parker, a student member of the Committee, reviewed the changes made to the final document being presented. There was discussion about the recommending of a grade of XF, which means failure due to academic dishonesty. This grade will be placed on a student's transcript after adjudication. XF grades can be changed to failure in the course through a written appeal to the Academic Integrity Board. Abbott moved and Dobson seconded to support the document as presented by the Committee.

Winek moved and Koch seconded to table. Winek withdrew his motion and then moved to table the motion until the May meeting. Arnholt noted that at the May meeting, there will be new senators who do not know the history of the document. Dobson called for the question. It was clarified that a no vote means to not table the motion until May and a yes vote means to table the motion until May.

VOTE 6  5 yes  19 no  0 abstain  The motion did not pass.

Discussion went back to the motion to support the document. Bortz asked the ACLU student members what they consider violations in the proposed document. ACLU distributed to senators
a list of their concerns regarding the document. McGarry suggested an amendment that the Academic Integrity Committee incorporate #s VI. and VII of the ACLU document. Bortz suggested that the Committee, ACLU, Biddle, and Koch meet during the break to work on rewording the document.

The Senate took a break at 5:10 and reconvened at 5:20. Those working on the rewording of the Academic Integrity document were not finished so the meeting proceeded with the agenda.

IV. STANDING COMMITTEE REPORTS
A. WELFARE AND MORALE COMMITTEE

1. Faculty lounge motion. After Barber briefed the Senate on the history of the faculty lounge survey, Helm noted that only a little over 100 faculty responded to the survey and that the positive response was low. Helm reported that the plan now is to take down the current Welborn Hall and rebuild. Part of the new building will be set aside for a faculty lounge but she needs to know what the faculty want in the way of a lounge. Do they want catering, etc.? Helm noted that if the faculty wanted such services, they should be willing to pay for them. The Welfare and Morale Committee was charged to continue investigating the lounge.

2. Faculty listserv usage. The Committee recommended three alternatives for governing the faculty listserv: 1) Any ASU approved organization may ask that items be placed on the listserv, as long as each item has a clear subject; 2) Any ASU approved organization may post one meeting notice per semester on the listserv, no other notices will be accepted; and, 3) The listserv can only be used for the business of the Faculty Senate (and is not available to any other organizations such as AAUP).

After some discussion and some senators noting that there are times when notices posted to the faculty listserv are informative and that it is easy to delete what you do not want to read, Domermuth moved and Winek seconded to adopt recommendation #1 as written.

VOTE 7 16 yes 5 no 0 abstain  The motion passed.

B. COMMITTEE ON COMMITTEES

1. University committee appointments. The Committee recommended the following replacements on Core Curriculum Council. All terms are for three years beginning fall semester 1999 and ending at the end of the second summer session 2002. Connie Ulmer will serve again on the Council and Randall Outland (Music) will replace Doug James (Music).

The Committee also recommended the following to serve on the newly formed Awards Committee:

Art & Sciences - Dee Parks, Emory Maiden, and Kathy Schroeder
Business - Lyle Schoenfeldt and Eva Hyatt
Education - Sally Atkins and Sara Zimmerman
Fine and Applied Arts - Marie Hoepfl and Eric Purves
Library - To be determined
Music - Robert Falvo and Priscilla Peebles

VOTE 8 21 yes 0 no 0 abstain  The motion passed.
C. ACADEMIC POLICY COMMITTEE
1. DPC Motion. The Committee recommended the following motion.
Each Department Personnel Committee will consist of all tenured and tenure-track faculty. Each department will be free to organize the responsibilities of the DPC as it wishes, creating subcommittees for specific tasks, while following University policy and state and federal law.
Domermuth called for the question.

VOTE 9 5 yes 15 no 0 abstain The motion did not pass.

After some discussion, Winek called for the question.

VOTE 10 21 yes 0 no 0 abstain The motion passed.

D. AGENDA COMMITTEE
A motion was made to table for the new senate.

VOTE 11 20 yes 1 no 0 abstain The motion passed.

E. CHANCELLOR ADVISORY COMMITTEE
A motion was made to table for the new senate.

VOTE 12 20 yes 0 no 0 abstain The motion passed.

F. CAMPUS PLANNING COMMITTEE
A motion was made to table for the new senate.

VOTE 13 20 yes 0 no 0 abstain The motion passed.

G. WELFARE OF STUDENTS COMMITTEE
No report.

H. BUDGET COMMITTEE
No report.

V. OLD BUSINESS
A. AD HOC COMMITTEE ON FACULTY HANDBOOK REVISION
   1. Motion #4 from the Report of the Committee. A motion was made to table for the new senate.

   VOTE 14 17 yes 3 no 0 abstain The motion passed.

   2. Report on feedback from the General Administration regarding critical points of Motion #9. The Committee reported it had not made contact with the appropriate people in the GA.

B. PRIVACY RIGHTS COMMITTEE
   Motions regarding electronic communications policy, Faculty Senate Privacy
Committee, and the use of social security numbers for identifiers. A motion was made to table for the new senate.

VOTE 15  20 yes   0 no   0 abstain   The motion passed.

C. MOTION TO CHARGE THE BUDGET COMMITTEE
A motion was made to table for the new senate.

VOTE 16  16 yes   4 no   0 abstain   The motion passed.

VI. NEW BUSINESS
A. FACULTY CONCERNS.
   Student advising. A motion was made to table for the new senate.

VOTE 17  17 yes   3 no   0 abstain   The motion passed.

VII. NOMINATIONS FOR FACULTY SENATE OFFICERS FOR 1999-2000
Neufeld announced the following slate of officers for 1999-2000:
Chair - Stella Anderson
Vice Chair - Andy Koch
Secretary - Mike Moore

Neufeld moved and Biddle seconded to vote by acclamation.

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

Those working on the reworded Academic Integrity proposal presented a final proposal and a vote was taken to endorse the reworded Academic Integrity proposal.

VOTE 19  12 yes   1 no   1 abstain   The motion passed.

A vote was taken on the slate of officers.

VOTE 20  13 yes   3 no   1 abstain   The motion passed.

Barber moved and Gates seconded to adjourn the meeting.

VOTE 21  13 yes   0 no   1 abstain   The motion passed.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,
Mike Moore
VOTING SYMBOLS:  Y=YES  N=NO  A=ABSTAIN  ABSENCE:
unex=unexcused  exc=excused

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Wyatt

VOTE 1: Motion to table sending the approved faculty office hours motion to the Chancellor until after the Academic Policy Committee meets with students and Drs. Borkowski and Durham.

VOTE 2: Approve the March 8 minutes as written.

VOTE 3: Approve the March 22 minutes as written.

VOTE 4: Motion to remove from the table the motion regarding recycled paper.

VOTE 5: Vote on motion regarding recycled paper.

VOTE 6: Motion to table until the May meeting a vote on the Academic Integrity proposal.

VOTE 7: Motion to adopt recommendation #1 of the Welfare & Morale Committee regarding faculty listserv.

VOTE 8: Committee on Committees recommendations.

VOTE 9: Call for the question regarding the DPC motion.

VOTE 10: Call for the question to vote on the DPC motion.

VOTE 11: Call for the question.

VOTE 12: Motion to table for the new senate a report on the Chancellor Advisory meeting.

VOTE 13: Motion to table for the new senate a report from the Campus Planning Committee.

VOTE 14: Motion to table for the new senate the Ad Hoc Committee on Faculty Handbook revision report.

VOTE 15: Motion to table for the new senate the Privacy Rights Committee report.

VOTE 16: Motion to table for the new senate a charge to the Budget Committee.

VOTE 17: Motion to table for the new senate faculty concerns.

VOTE 18: Vote by acclamation for the new senate officers (vote taken out of order).

VOTE 19: Vote to endorse the reworded Academic Integrity proposal.

VOTE 20: Vote by acclamation for the new senate officers (vote taken out of order).

VOTE 21: Adjournment.

VISITORS: Megan Allee, student ACLU; Christy Barrick, SGA; Lindsy Boyd, student; Tamara Cardinal, student; Meredith Curcio, IDS student; Lee Echols, student; Jacqueline Gjurgevich, SGA; Stephani Lilly, student; Jessica Miller, student; Jae Murphy, IDS student; Lara Murphy, student ACLU; Chris Nelson, student ACLU; Jake Parker, Student Academic Integrity Committee; Peter Petschauer, History; Aaron Pollack, student ACLU; William Purcell, Public Affairs; Stuart Turner, IDS student; Bill Ward, Academic Affairs.

APPALACHIAN STATE UNIVERSITY
FACULTY SENATE MINUTES
APRIL 12, 1999

The April 12 Faculty Senate meeting was called to order by Chair Neufeld, 7:05 PM in the University Conference Room.
Neufeld reviewed the slate of officers and asked if anyone wished to nominate anyone else. With no further nominations being heard, the Senate voted by acclamation on the proposed slate of officers.

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

At this point in the meeting, Anderson took over as chair and appointed Paul Gates as Parliamentarian.

Moore moved to take off of the table Motion #4 of the Report of the Ad Hoc Committee on Faculty Handbook Revision.

VOTE 2 18 yes 0 no 0 abstain The motion passed.

Moore reviewed the motion and discussion followed. A vote was taken on the motion as written:

- That the section in the Faculty Handbook concerning part-time faculty not be moved to another chapter or section and that the following subsections be added to the Part-time faculty definitions, which will require readjusting the numbers of the sections subsequent to the additions.

3.6.5.1 Part-time Faculty

Keep A, B, C the same.

Add:

D. Part-time faculty will share with full-time faculty all rights guaranteed under the concept of Academic Freedom as defined in Section 3.3, Academic Freedom and Responsibility of Faculty.

E. Part-time faculty teaching more than six (6) hours per semester have the right to hold faculty offices and to vote in faculty meetings and faculty elections and in departmental and college committees on which they serve with the exception of elections of members to Departmental Personnel Committees, as stated in Article II, Sections 2 and 3 of the Constitution of the Faculty.

F. Part-time faculty are covered by the same protections and are eligible for the same procedures as are available to full-time faculty involved in Grievance Mediation and Grievance Hearings as stated in Section 43 and Sections 4.4–17 of the Faculty Handbook.

VOTE 3 18 yes 0 no 0 abstain The motion passed.

Moore moved and Weitz seconded to take off the table the Privacy Rights Issue.

VOTE 4 18 yes 0 no 0 abstain The motion passed.
After some discussion, there was a call for the question.

VOTE 5  16  yes  1  no  0  abstain  The motion passed.

A vote was taken on the document as written. (This can be found at the end of the minutes.)

VOTE 6  16  yes  1  no  0  abstain  The motion passed.

Biddle moved and Dobson seconded to take off the table the Motion to charge the Budget Committee, pursuant to their March report, to explore the impact of the above average salaries of administrators on the academic budget.

VOTE 7  17  yes  0  no  0  abstain  The motion passed.

Biddle suggested that the Senate needs to take action on this issue. Moore noted that at the last Chancellor Advisory meeting, the Chancellor noted that until about three years ago senior administrator salaries at Appalachian were low. Also, the Chancellor indicated that a consulting firm, Hay Associates, makes recommendations to the Board of Governors regarding administrative salaries based on national comparative data. Durham indicated that the salary for each of the deans is at or below the average salaries when compared to each of the respective college deans from other UNC system schools (UNC-C, UNC-W, UNC-G, and ECU). The result was a concern to raise those salaries at Appalachian, which has been done.

A vote was taken on the motion as written.

VOTE 8  17  yes  0  no  0  abstain  The motion passed.

New Business - Faculty Concerns - Koch stated that he was concerned with the early deadline of the International Programs grants. It was suggested that he talk with Marv Williamsen regarding his concern and report back to the Senate on his findings.

Campus Planning Committee - since there was not a quorum, the Committee will come back to the May meeting with their resolution regarding space utilization at Appalachian. The Committee distributed a status report of major capital projects as of April 5, 1999.

APPALACHIAN CONVOCATION CENTER - ($37,947,300) - Corley, Redfoot, Zack (Architects)/Metric Contractors. This project remains solidly on schedule for completion in the summer of 2000 and well within the budget. Structural Steel erection is now scheduled for the first part of April and when installed will begin to outline the total mass of this 200,840 square foot structure. HLES will occupy 48,830 s.f. Total seating capacity will be 9,313.

LIVING LEARNING CENTER (RESIDENTIAL) - ($10,748,300) - Little & Associates (Architects). The design development drawings for a 320 bed residential project have been tentatively approved and the architects have been authorized to proceed with the preparation of construction documents. Preliminary budget takeoffs indicate that additional funds will be required for site development to facilitate the eventual placement of the academic component. Site subsurface investigations revealed no substantial evidence of organic materials.
Construction is anticipated to start in the early spring of 2000.

D.D. DOUGHERTY RENOVATION - ($2,100,000) - CBSA (Architects)/Eaglewood Contractors. This renovation which is now in the asbestos abatement and demolition stage will provide approximately 24,000 s.f. of modern functional space for General Studies and associated academic programs. The areas currently occupied by Archives and ROTC are to be renovated at a later date. The contract completion date is March 2000, however the pace of construction may achieve a January completion. Budget restrictions prevented the incorporation of a chiller for the AC system, however the time of a proposed central chiller installation should be compatible with the needs of the facility.

CHAPELL WILSON HALL (PHASE I) RENOVATION - ($1,100,000) - TRP (Architects)/Eaglewood Contractors. This phase of the renovation of 41,690 s.f. of space for Theatre and Dance and Sociology and Social Work which concentrated on structural and architectural elements is essentially complete. A second phase proposed for engineering design of a new HVAC system is now scheduled to year 2000.

RANKIN SCIENCE ADDITION - ($5,476,500 building) - The FWA Group Architects. This project will provide approximately 30,000 s.f. of new space adjacent to the existing building on the North side and will primarily accommodate expansion laboratories for the Biology Department and shared facilities to be utilized by Geology, Geography and Planning. Modifications in Rankin Hall adjacent to a connecting bridge will improve space for the Geology Department and adjustments will be made within Rankin Hall to make the overall complex more accessible. Construction scheduled to start April 2000.

BOOKSTORE RENOVATION AND ADDITION - ($3,710,200) - Walter, Robbs, Callahan, (Architects). The recently developed program for this project anticipates a two phased approach with this first phase providing for the construction of a 14,000 s.f. addition to the south side of the existing structure and abutting the Student Union to provide for an indoor mall like connection. When completed, the existing bookstore would be closed and renovated (anticipated cost $2,065,725) to complement the new space and to provide a comprehensive facility for the 21st century. Construction scheduled to start May 2000.

WELBORN DINING FACILITY RENOVATION - ($6,159,700) - Wash, Hetem, Nelson (Architects). New design team, but with the same consulting engineers, and kitchen consultants has been selected to replace Lambert Associates who were, due to their work load, unable to meet University schedules for the several phases of this long postponed project. Major infrastructure replacements will be required along with the development of a new kitchen, serving center, dining space renovations, roof and window replacements and entrance facade improvements. The first phase is proposed to start in February 2000 with completion of the total project in 2001.

CENTRAL PARKING DECK - ($9,700,000) - O'Dell Associates/Murphy, Burnham, & Buttrick (Architects). Architects are proceeding with preliminary design considerations leading to a complete definition of project scope and terms of the design contract and the preparation of the schematic submittal to state Construction. Detailed site and utilities survey requested.

Construction of the proposed 720 space deck containing offices for Parking Operations purposed for start of construction by April 2000.

POLICE BUILDING - ($1,000,000) - Wash, Hatem, Nelson (Architects). The schematic and design development drawings for an 8,000 s.f. building to be located adjacent to the Annas Building are presently on hold pending a reevaluation of the program. The building, if constructed, will house police operations, a segment of the zone maintenance activity and a
central chiller room. A new architectural cap for the Carillon tower will be included with the construction of this building.

VISUAL ARTS CENTER - (Boone United Methodist Church Property). The Church is presently completing the new structure and will begin to relinquish the existing property within the next several months. Planning is underway to modify the sanctuary building for early use as a gallery, with longer range plans to expand the facility and renovate the classroom building. The adjacent residential structure is to be demolished to provide room for interim parking and the future expansion. The firm of Davidson Sash & Door is preparing estimated cost on window replacement. 16 week delivery after receipt of submittals in 3-4 weeks.

REPAIR & RENOVATION PROJECTS 1999-2000 - ($2,949,000). Include roof replacements, a HVAC system for Chapell Wilson, fire alarm upgrades for Duncan Hall, ceiling and light improvements for Duncan, Smith Wright, and Kerr-Scott, and various improvements to roads, walks, drives, utilities, signage and general campus landscaping.

SCIENCE BUILDING PARKING AREA - McGill Associates Engineers. Bids for this 45 space parking area to be located to the rear of the new Science Building will be opened on April 15, 1999. The pre-bid meeting will be held on April 7, 1999.

SELF LIQUIDATING & SPECIAL FUND PROJECTS - 1999-2000 include:
--Chancellor’s Residence - David Patrick Moses Architect - preliminary site and floor plan studies in progress. Site selected is in the vicinity of the Greenwood Parking Area.
--Hill Street Surface Parking Area - ($500,000). Advertised for architects 4/1/99.
--Child Care Center Addition - ($250,000). Open end contract Camille-Alberise
--Student Union Renovations - ($1,000,000). RDM Architects. Constructions digs in progress
--Intramural Playing Fields - ($300,000). Open end contract Site Solutions.
--Climbing Wall - ($203,400). Open end contract.
--Centennial, Veterans & Daniel Boone Monument sites - ($60,000). Bide date April 19 on Centennial Plaza.

CAMPUS MASTER PLAN UPDATE - ($100,000) - Lee, Nichols (Architects). Date collection is complete. Architects assembling data for charette presentations.

Chancellor Advisory Committee - Moore reported the meeting will be continued to April 28 since discussion did not cover the whole agenda. The major concern discussed was the financial uncertainty of funding for the upcoming year due to large demands on the state budget.

Gravett moved and Weitz seconded to adjourn the meeting.

VOTE 9 14 yes 0 no 0 abstain The motion passed.

The meeting adjourned at 7:50 p.m.
VOTING SYMBOLS: Y=YES  N=NO  A=ABSTAIN  ABSENCE

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VOTE  1: Vote by acclamation on the slate of officers
VOTE 2: Motion to take off of the table  Motion #4 of the Report of the Ad Hoc Committee on
Faculty Handbook  revision
VOTE 3: Vote on Motion #4 of the Report of the Ad Hoc Committee on Faculty Handbook revision
VOTE 4: Motion to remove from the table the Privacy Rights issues and motions
VOTE 5: Call for the question
VOTE 6: Vote on the Privacy Rights motions
VOTE 7: Motion to take off of the table the motion to charge the Budget Committee
VOTE 8: Vote on the motion to charge the Budget Committee to explore the impact of the above average salaries of administrators on the academic budget
VOTE 9: Adjournment

April 12, 1999

PRIVACY IN THE WORKPLACE AT APPALACHIAN STATE UNIVERSITY
Report of Ad Hoc Faculty Privacy Rights Committee

The Ad Hoc Faculty Privacy Rights Committee was established by the Faculty Senate on March 9, 1998. Six senators indicated their interest in serving on the committee, but through changing tenures of senators only Mike Moore, the chair, and Bill Dobson remained on the committee for its duration. After being unable to meet during the Fall Semester 1998, Nick Biddle was appointed to the committee in December 1998. It is these three senators who have created this report. On March 11, 1998, Chairperson Howie Neufeld charged the committee "to study, among other things, computer usage rights, computer privacy, faculty mail privacy, and related matters."

Among the reasons for the establishment of this committee was (is) a general awareness of the importance of retaining personal privacy in our information-laden society, which poses concerns that any prudent person should ponder and act upon. Recent developments in electronic commerce and communication have brought about significant concerns over the right to privacy in the electronic age. At the same time, many civil liberties issues and Federal law have begun to focus closely on the rights of workers and the rights of employers in the workplace environment. At Appalachian we have generally relied on customarily assumed manners and mutual respect to maintain traditions of privacy for faculty; however, in the past few years there has grown a technological revolution here that has changed much of the way in which we work and made that work more easily subject to scrutiny by superiors. There have been claims made by administrators in documents and verbal observations presented to Faculty Senate that because the University owns most of the computing machinery and all of the networks over which the machines work on campus it gives the University the legal right to access whatever is located on those machines, including operating programs and data stored on hard drives, etc., while performing their duties. Hence, it is important that faculty understand that privacy, while normally given and expected, still needs additional protection when no perverse motive could still compromise the privacy of faculty, and of others here at Appalachian.

The right of individual faculty to privacy, in such places as offices and labs, is often at odds with the administration's need to inspect the work environment and public places and investigate
improper conduct or improper or illegal use of university resources. However, current university policies (both written and unwritten) on the use of computers and university-owned property give the administration sweeping powers to invade the privacy of individuals within the university community. We assert that these policies are ripe for abuse and must now be changed to be in concert with the generally accepted rights of individuals and to prevent overreaching privacy invasions inherent in the new capabilities of the electronic age.

The administration's apparent position is that, for the most part, faculty lose their privacy rights when they are employed by the university. We disagree. Although we agree that there are instances where the administration may need to enter and/or inspect faculty offices and other university-owned property that is assigned for an individual's use, we feel that the potential for invasion of individuals' privacy through the intentional or inadvertent inspection of personal real and intellectual property during such inspections is too great to allow current policy to stand.

Therefore, we propose the following policies, rules, and procedures for investigations and or inspections made by administrators in the performance of their duties, but which may invade the privacy of individuals at A.S.U.

**General policy:**

Although the physical property which is a university office, lab, and/or computer may belong to the university, any personally owned physical and intellectual property wherever situated on or in university-owned property belongs to the individual and is exempt from any and all attempts to seize, inspect, and/or trespass on the property by any official of the university for any reason unless (1) legal due process as been followed, up to and including the acquisition of a duly executed search warrant; (2) there is a specific, executed contractual statement to the contrary between the individual and the university, wherein such contracts must stipulate specifically which personal property is subject to inspection and may not include general statements of exclusion relative to this policy; or (3) there is a clear, present, and continuing danger to the physical health of a human or of damage to a university-owned real property asset other than electronic digital or analog recordings.

Faculty have a right to actively attempt to preserve their privacy by refusing admission to or inspection of their personal property, computer files, paper documents, and similar materials. Specifically, faculty at Appalachian are to be allowed to pursue specific preemptive techniques such as physical barriers, encryption, cypher keying, passwording, and physical sequestration of real and intellectual property, using whatever electronic and or physical means that individual deems appropriate. Without an objective finding of probable cause and following an appropriate due process procedure as hereinafter described, the administration may not attempt to circumvent, defeat, or counter these measures, nor may they otherwise violate the privacy of an individual faculty member at Appalachian State University.

The University must adhere to the laws concerning the legally acceptable uses of social security numbers (42 USC 405, 42 USC 408, and others), the legally acceptable disclosure and non-disclosure of student educational records and student information which is not considered educational records but is often requested to be provided by faculty both within and beyond the University (20 USC 1232 and others), and the North Carolina laws concerning privacy of employee files (N.C. Gen. Stat. §126). Further, the University will not require any higher standard of maintenance of public records than specified in N.C. Gen Stat. § 132.
Electronic Communications Policy:
Policy on Electronic Mail, Computer Files and Privacy of Faculty Offices.

Introduction

Appalachian State University provides electronic communication resources to support its mission of teaching, scholarship, and public service. This statement sets forth a NEW University policy with regard to use of, access to and disclosure of electronic communications. It also addresses procedures for entering a faculty member's office under the circumstances of an administrative investigation for alleged misconduct.

The Electronic Communications Privacy Act of 1986 (ECPA), and its subsequent modifications (Computer Fraud and Abuse Act and Privacy Protection Act of 1994) are the only existing federal laws specifically governing e-mail. Under the ECPA there is privacy protection against both interception of electronic communications while in transmission and against unauthorized intrusion into e-mail stored on the system. Interception of electronic communication is prohibited (ECPA section 101-100 Stat 1850), and service providers of electronic communications cannot intentionally divulge communication contents, with certain exceptions (ECPA section 102). These provisions protect the privacy of electronic communications in general. Further, Federal copyright law covers all intellectual works not made for hire, which applies to most electronic communications such as email.

Permissible Uses of Electronic Communications
Electronic communications serve to provide information resources in order for faculty to create intellectual products, and to collaborate and communicate with colleagues. The University encourages access to knowledge and sharing of information in furtherance of the University's mission of instruction, research, and service. The information resources of the University are intended primarily for activities related to accessing, sharing, and creating information and collaborating with other members of this and other communities for scholarly and work-related communications. Secondarily, they are intended for use to enhance community.

Only faculty, staff, administrators, registered students, and other authorized persons may use the electronic communications systems and are to adhere to University policy on computer usage.

Impermissible Uses of Electronic Communications
1. Personal use that creates a direct cost for the University is prohibited.
2. The University's electronic communication resources shall not be used for personal or commercial purposes that are not a function of the University's mission.
3. Inclusion of the work of others into electronic communications without permission from the author, except as permitted under the fair use doctrine.
4. Use of electronic communications with an intent to intimidate others or to interfere with the ability of others to conduct University business.
5. The interception, inspection, diversion, or blocking of any electronic communications between any two or more participants whether or not they are members of the Appalachian State University community and for whatever purpose.
Policy relating to Procedures for Administrative Investigations

Appalachian State University is a rich and complex information technology environment. For the purposes of this policy statement, electronic communications includes, but is not limited to, electronic mail, internet services, voice mail, audio and video conferencing, and facsimile messages that are sent or received by faculty and other authorized users of University resources. At Appalachian State, electronic communications are considered private to the fullest extent permitted by law. Electronic communications are protected under the intellectual property regulations stipulated in the University of North Carolina copyright policy. It should be noted that copyright laws are federal and supersede state personal property laws. Ordinarily, access to electronic communications requires permission of the sender/recipient of a message or the owner of the file, a court order or other actions defined by law. In the event of alleged professional misconduct that may or may not involve electronic communications, the University Administration will contact the Faculty Senate Privacy Committee (see definition below). The Administration will demonstrate sufficient cause for investigation, whereupon appropriate administrators in consultation with the Faculty Senate Privacy Committee will establish the scope and method of investigation. In such a situation, computer files and/or e-mail communications may be locked or copied to prevent destruction and loss of information. If such an investigation warrants entrance into a faculty member’s office, that action will be taken only in the presence of at least one administrator and one member of the Faculty Senate Privacy Committee. Before making entry these persons shall particularly describe in writing the property of things sought or to be seized. Prior to such entry, an office may be closed with a glued seal and guarded if necessary, thereby, preventing any party tampering with potential evidence before a proper search occurs. Exceptions to the procedure may be made when there is probable cause to believe the occupant is engaged in a crime, in which case a search warrant will be obtained.

Faculty Senate Privacy Committee

The Faculty Senate will appoint on an annual basis a three-member committee to monitor and help coordinate all Administrative investigations into faculty misconduct that involve electronic communications and/or property and material held in a faculty office. The purpose of the committee is to guarantee administrative compliance with all applicable laws (i.e. state and federal copyright and personal property regulations) in the process of investigations that access electronic communications and/or property held in a faculty office.

Privacy and Use of Social Security Numbers as Identifiers at Appalachian

Concern that our information age threatens personal privacy grows daily, but the Orwellian implications of numbering people was addressed in the early 1970s when an Advisory Committee was appointed by then HEW Secretary Elliott Richardson to study the implications of an automated data processing system. Many of the committee's recommendations found their way into the Privacy of Act of 1974 (FERPA), which specifically addressed issues of student records privacy. The committee's report, "Record, Computers, and the Rights of Citizens," strongly opposed any system of national, standard PINs for everyone, because it would facilitate the cross-referencing of databanks to build detailed personal information. The Committee specifically addressed the use of a SSN, since obviously it was a likely candidate as a national PIN, and recommended that use of the SSN be limited to certain purposes of the Federal government having to do with financial records, that most federal agencies should not use the SSN, that individuals should be able to refuse to provide their SSNs without harm, and that any...
organization required by law to obtain the SSN must use the number only for those reporting purposes.

The Privacy Act of 1974 did not specifically prohibit government agencies from using the SSN as a means of identification; however, its Section 7 clearly makes it unlawful to deny any right, benefit or privilege as a result of an individual's refusal to provide his or her SSN. The Act is also clear that any government agency that requests a person's SSN must disclose whether it is or is not mandatory that the number be provided and what use will be made of the number if it is provided.

Protecting personal privacy is the central reason for this concern about using the SSN as an identification number, because with the SSN information can be compiled about people without their knowledge or consent. This erodes people's ability to control information about themselves and leads to the creation of detailed dossiers. Additionally, with SSN information easily available the fast growing crime of identity theft is flourishing. We are certain that Appalachian does not want intentionally or unintentionally to jeopardize its faculty, or its staff or students by using SSN's as identification numbers at this university, or, in other than tax-related capacities, in reports made beyond the university.

There has been rising concern about our identification practices, which can be seen in greater faculty and student complaints about practices that when one becomes aware of them, seem explainable only by persisting habit. For instance, prominent signs in the bookstore and at the university cashier's windows require all checks proffered to have a SSN printed on them. This is despite the widespread advice from every quarter in society that this should never, ever be done. But it does help the cashiers close their books more quickly, because they can identify accounts by number. In general, Appalachian makes too public knowledge of its employees' and students' SSNs. These are reasons why on February 9, 1999, Appalachian's Student Government Association passed a resolution (#032-009) requesting university administration to end as soon as possible the use of SSN's as a student's identification number. Over the past few years, as a result of Federal law requirements, the Registrar's Office and other student service areas associated with it have developed a system whereby no faculty member's SSN appears in any way in public, either on paper or screen. This is a complex process that has been overseen by Don Rankins (Registrar's Office), who, with Information Technology Services, appears to be ever more closely linked to a probable university effort to change its identification systems. The other administrators whose leadership is crucial to this effort seem to be Len Johnson, director of Human Resources and Bill Ward, Associate Vice-Chancellor for Academic Affairs. We have spoken with them all during our fact finding discussions and believe they need only orders and resources to begin the conversion.

We recommend that when the University implements a new identification numbering system that it begin with presently employed faculty and staff (and matriculating students) and later convert prior records as necessary.

To underline the importance of changing the identification numbering system at Appalachian, we offer the following resolution:
Whereas it is widely recognized at Appalachian that the use of a SSN for general identification purposes ought to be changed,

Be it resolved that Faculty Senate supports the Student Government Resolution of February 9, 1999 (#032-009) and requests the Chancellor make a first priority at Appalachian establishing a new identification system that does not use SSNs as identifiers for faculty, and which is to be completed as soon as possible.