At 3:20 p.m. on November 8, 1999, Chairperson Anderson convened the Faculty Senate meeting.

I. ANNOUNCEMENTS

A. VISITORS. Anderson welcomed visitors and asked that they introduce themselves. (See voting sheet for visitors' names.)

B. TIAA-CREF. Chairperson Anderson recognized Len Johnson who announced that Human Resource Services has available a videotape from TIAA-CREF regarding financial planning. All faculty are welcome to borrow it for their use. Johnson also reminded faculty that FLEX account elections are due within a week.

C. SENATOR REPLACEMENT. Anderson informed the Senate that finding a replacement for Dr. Nick Biddle, who has resigned from the university, is proceeding and should be in place for the next Senate meeting.

D. APPALACHIAN’S REACCREDITATION. Anderson recognized Holly Hirst, who is directing the self-study preparation for Appalachian's reaccreditation. Hirst reviewed the self-study process and structure (a copy of the committee structure, committee responsibilities, and timelines for completion of business can be obtained from the Faculty Senate office) and asked for faculty volunteers to serve on the various committees. She noted that committee service will probably involve considerable work, and that the self-study is proceeding along with other studies mandated by NCAA and NCATE.

E. NEW FACULTY CONTRACTS. Anderson recognized Provost Durham who said that new contracts will soon be sent to all faculty that will have added to them a sentence acknowledging that the Faculty Handbook, in its entirety, is incorporated as a part of the contract. Faculty will be asked to sign and return these contract letters.

F. FACULTY WORKLOAD. Anderson announced that Council of Chairs is concerned about faculty workload issues. However, in response to Anderson's request for a joint ad hoc Council of Chairs/Faculty Senate committee on workloads, the Council of Chairs said it prefers to remain independent of other campus agencies in addressing the issue.

II. MINUTES

Weitz noted that she and Renee Scherlen co-wrote the Maternity and Child-care Report and that the October minutes should have reported that this change was to have been a change to the September minutes, not an announcement.

Anderson said that the minutes were incorrect in stating Motion 9900-10-06 (VOTE #10). The minutes should have said that the motion regarding maternity and other family leave was amended to read: "Amend section 4.18 of the Faculty Handbook to read 'Upon request, a faculty member shall be granted up to twelve weeks or one academic semester of leave with pay....'"

Anderson also said the motion FS9900-10-08 regarding recycled paper was incorrectly stated, and included senatorial comment not part of the motion. The correct motion (VOTE #13) should have read: "Faculty Senate congratulates members of the Students Actively Volunteering for the Environment (SAVE) for their efforts to improve the university's use of recycled paper, and pledges to encourage Appalachian's use of paper containing 50% or greater recycled content."
Butts noted that the minutes incorrectly characterized the second of the five themes emerging from the Faculty Quality of Life survey (p. 4 line 5 of the printed minutes). The text should have read "faculty have a strong commitment to promoting student learning." Anderson noted a typographical error in the section concerning the report on the survey; in line 10 p. 4 "and" should be deleted and replaced with "an."

Another typo in section B on p. 4 line 2 wherein the word "parts" should be singular, and further on there is an incomplete sentence.

Anderson noted that the visitors’ listing should have noted the attendance of Deanna Gouge, SGA (Academic Affairs).

VOTE # 1 20 yes 0 no 0 abstain The minutes were approved as amended.

III. STANDING COMMITTEE REPORTS

A. WELFARE AND MORALE

Motion regarding part-time faculty (Motion FS9900-11-01). Bill Barber introduced motion FS9900-11-01 with the comment that it is intended to address part-time faculty feelings of being disenfranchised and underpaid. Barber was asked how many part-time faculty might be affected by the motion. He replied he did not know, which initiated discussion about the possible numbers, concluding with reference to information published by Institutional Research that showed 244 part-time faculty during the year 1998-99. Bortz asked whether health insurance costs might be addressed. Len Johnson and Bill Ward observed that part-time faculty who have a contract for a full academic year and are teaching 6 hours or more can pay both the state and individual shares (approximately $450 per month) for BCBS, but that the only other option would be to investigate whether a non-BCBS group policy could be offered.

MOTION 9900-11-01 - To partially compensate for the inadequate salary of part-time and non-tenure track faculty, the Faculty Senate moves that:

1. parking fees for part-time faculty be pro-rated according to the number of credit hours they are teaching (for example, 50% for teaching 6 credit hours per semester) unless they have reassigned time or are taking a tuition free course;
2. the benefit of taking one course tuition free be extended to faculty teaching 5 or more credit hours that semester; and
3. that dependents of part-time and non-tenure track faculty receive the same opportunities for use of the Quinn Center, reduced-cost admission to university and ASU athletic functions, and parking privileges as do the dependents of tenured and tenure-track faculty.

VOTE #2 20 yes 0 no 0 abstain The motion passed as written.

Anderson said that the balance of the Welfare and Morale committee report and recommendations would be taken up later in the meeting.

B. BUDGET COMMITTEE

Motion regarding faculty salary monies. Sandie Gravett introduced motion FS9900-11-02 requesting a long range plan to remove from faculty salary monies support for persons not teaching at least one-half time. She reviewed the committee report (attachment #1). Weitz asked where would the money come from to pay for the services provided by people whose salaries were proposed to be removed? Durham responded that it could not be found, unless, possibly, all travel and supplies monies were used, and that is why he desires the help of Faculty
Senate in developing a long-range strategy to address these issues. Barrett asked whether there was any reason to believe that achieving a 3/3 course load across the campus was unrealistic, and Durham responded that "we are one-half way there now," but he is not sure that the goal can be completely met. Koch observed that the intent of the motion is to encourage continued movement toward the goal of a 3/3 load by reducing the number of non-teaching positions being funded out of the faculty salary line. Gravett agreed with Koch and said the university needs regular reports on progress toward that end. Bortz asked whether the creation of an ad hoc committee of the Senate should be formed to help plan this process. Durham noted that student advising is normally a faculty function and that payment for advisors should continue to come from faculty salary monies. Barber proposed a friendly amendment to include advising as a part of the motion, which was accepted by Gravett. Durham observed that if the advisors were put at the bottom of any priority list for action that it would take care of the concern, because we would never find the money to move them out of the salary line, even if other salaries were addressed. Moore proposed a friendly amendment to strike the parenthetical remark since there may be other ways in which to reduce course loads. The amendment was accepted by Gravett.

FS9900-11-02 - The Faculty Senate moves that Appalachian State University develop a long range plan to gradually move all salaries of persons not spending at least one-half time teaching or advising from 101-1310 lines and into more appropriate categories. The position numbers and salary money that is recovered in this process should then be applied to reducing course loads of existing faculty to a maximum 3:3 load and to enhancing existing faculty salaries.

VOTE # 3 20 yes 0 no 1 abstain The motion passed as amended.

C. CHANCELLOR ADVISORY COMMITTEE

October 18 meeting. The Committee met with Chancellor Borkowski on October 18, 1999 wherein these points were discussed: Borkowski said that due to hurricane relief needs, all capital projects not under contract would not be funded at present, and that this included an addition to Rankin Science; that Renovation and Repair monies may not be allocated; that Appalachian will be asked to revert $795,000 to the state; that the main goal of the legislature's short session would be meeting the crisis in the eastern part of the state; and that the Legislative report on faculty salaries and benefits will be forthcoming. Durham noted that the $795,000 has been met out of money from unfilled faculty positions for the Fall 1999 semester. Koch said that the issue of using tuition increases to fund faculty salaries had come to his attention, and that an article in the Chronicle of Higher Education (October 29) reporting an interview with President Molly Broad wherein UNC-CH has proposed a $1,500 tuition increase over five years to address faculty salary and benefits needs. Koch referred to a memo from he and Anderson to Borkowski and Durham (attachment #2) referring to this article wherein President Broad was quoted as saying she "would not take a position on the Chapel Hill proposal until she receives plans from all the campuses." Koch asked Durham whether any plan to use tuition money to fund faculty salaries/benefits was being considered at Appalachian. Durham said that he knew of no request from the GA for any such plan, but that he would raise the issue with the Chancellor to find out if he could clarify President Broad's statement. Ward said that GA has been crunching numbers regarding how the UNC system can reach the top quintile of comparative university systems in faculty pay and benefits, but that, obviously, the biggest problem is figuring out how to find the money to accomplish that goal. Anderson queried Ward by saying her understanding was that
each institution in the system was being compared to a nationally selected cohort, not the system as a whole. Ward replied that she was right, but that the total monies needed for salary rises across the system would still be the crucial figure for any possible action by GA.

The Senate took a ten-minute break.

**WELFARE AND MORALE, CONTINUED**

Anderson requested continuation of the Faculty Welfare and Morale Committee report: Barber responded to a question he received regarding the establishment of a faculty/staff lounge/eating area in Welborn Hall (see October 1999 minutes). He has been asked why the committee had not asked for more space, to which he responded that it seemed better to have a space that would seem heavily used than to risk having a larger space that might seem underutilized, and that since it is not completely clear how faculty/staff would use the space and we had to start somewhere, the use of the proposed space would show what it is that faculty/staff would really want. Barber encouraged faculty use of the space when it is ready, saying that we need to show interest and use if we are to get any further space. Barber then noted that the people who have consented so far to serving on the committee to oversee the faculty/staff lounge included senators Ute Jamrozy and Chip Arnold, and faculty members Rebecca Kaenzig and Judith Langston. Barber said he was waiting to hear from Staff Council regarding their member to serve on the committee.

**D. CAMPUS PLANNING COMMITTEE**

Committee report. Moore reported that the Committee had hoped to present the University's capital projects list, but this had not yet been provided by Vice-Chancellor Helm. In response to questions, Moore said that the parking deck would be supported out of traffic fines and similar monies collected over the years and that the uncertainty about available renovation and repair money might influence the timetable for renovation of Varsity Gym. Weitz asked the Committee to take up with Vice-Chancellor Helm the use of the Methodist church building for childcare. Anderson noted that the university has no long term plan for providing childcare facilities and that it needs one. Dobson noted that the present Methodist church facility was being used for pre-school and not childcare, that it was not up to code (having such things as asbestos in its construction), and that it might take considerable funds to make it useful for our needs. Durham agreed that a long term plan would be necessary to get this issue onto a front burner. Anderson requested Senate volunteers to serve on an ad hoc committee on childcare issues.

**E. COMMITTEE ON COMMITTEES**

No Report.

**F. WELFARE OF STUDENTS COMMITTEE**

No Report

**G. ACADEMIC POLICY COMMITTEE**

Jeff Bortz introduced a motion that "Faculty Senate recommends the modification of the Faculty Handbook at section 5.1.1 to state that the standard teaching load at Appalachian State University is 9 contact hours." Considerable discussion ensued about the specifics of the motion and about faculty workloads in general. Giskin noted that even a 9-hour load that is reached by administrative release for numerous purposes is onerous, and does not support scholarship. Edwards said that it was better to speak about contact hours than credit hours, because credit hours does not address the real workloads of many faculty, a point supported by McKinney with
reference to Music. Weitz noted that the Faculty Handbook at p. 33 states that 24 contact hours per week is considered a minimum at Appalachian, and that this number should be reduced along with contact/credit hours. Butts noted that the descriptors of faculty workloads listed in sections 5.1.1 and 5.1.2 (p. 33) are already out-of-date, and that new descriptors have been created, but are not shown in the Faculty Handbook. Durham said that there are additional guidelines about teaching workloads provided to deans and chairpersons that are not part of the Handbook; they were passed by the Senate 5-6 years ago. (They can be found in the Faculty Workload Report produced by the Office of Institutional Research.) Arnold suspicioned there might be a relationship between lower teaching loads and teaching award winners. Gravett shared her concern that the motion inadequately referenced how it would affect the Faculty Handbook; the motion expressed a concern that she agreed with, but she could not support the motion without it being related to other work load issues and how it was contextualized in the Faculty Handbook. Koch also said the general concern was about overall workloads and that he thought the Academic Policies Committee should address the spectrum of workload issues and report to the Senate. Koch asked that the motion be tabled. Bortz said his committee was too small and already overworked to take on such a responsibility, that is why he recommends establishing an ad-hoc committee to study all workload issues. Bortz also said the issues associated with workloads and their measurement are complex and that the committee's motion was not intended to address them all, or even many of them. Instead, the intent of the motion was to begin by setting a goal that should be joined by others. Abbott agreed that we need to begin somewhere, that contact hours were central to workload, and he supported the motion. McKinney called for the question.

VOTE # 4 21 yes 0 no 0 abstain  The question was favored.

Motion FS9900-11-03 - Faculty Senate recommends the modification of the Faculty Handbook at section 5.1.1 to state that the standard teaching load at Appalachian State University is 9 contact hours.

VOTE # 5 18 yes 1 no 2 abstain  The motion passed.

H. AGENDA COMMITTEE
No report.

IV. OLD BUSINESS
A. REPORT FROM AD HOC COMMITTEE ON FACULTY HANDBOOK REVISIONS. Anderson reviewed her report about the teleconference on Faculty Handbook changes (attachment #3) held with Betsy Bunting, a General Administration attorney and herself, Mike Moore, Clinton Parker, and Dayton Cole. She also explained that time constraints meant that the changes that have been accumulating along with the latest ones will not be presented to the December meeting of the Board of Trustees. She further noted that Dayton Cole would be restructuring the Faculty Handbook, sectioning personnel policies and practices concerned with tenure and tenure-track faculty. Edwards voiced concern that part-time faculty contracts be protected in any such changes.

In a discussion where some concern was evidenced at shutting down debate by the question being called (see vote # 4), Koch said to Bortz that Koch was concerned that changes to the Faculty Handbook that are too easily and quickly made may not have longterm benefits, and that
we should be wary of tinkering with the Handbook. Bortz agreed, noting that the point was well-taken.

Moore explained his concern at one provision of the Faculty Handbook changes wherein Dayton Cole proposed that all parties to a grievance hearing (administration, committee, and faculty grievant) must agree to the hearing being open and the Senate had disagreed, wanting to keep the present language. Moore argued that the present language (i.e. that the hearing can be open if the Faculty Grievance Hearing Committee and the grievant agree) had served since 1989, that no hearings had been open, although requests for them to be so had been entertained, and that the practice was an important aspect of faculty governance that had proved itself to work on this campus. Moore thought that fears of intimidation of candor and of media influenced circus atmospheres, which have been suggested as supports of a closed hearing are not relevant to our environment, at least they should not be reasons, given our actual experience, to eliminate this part of faculty self-governance. He urged Senators to comment further on this concern.

Koch moved "That Faculty Senate strongly reaffirms its support for retaining the existing language regarding the procedures for opening a grievance hearing to the public, and so informs the Provost." (FS9900-11-04)

VOTE # 6 20 yes 0 no 0 abstain The motion passed.

B. STATUS OF OUTSTANDING RESOLUTIONS. Anderson asked Durham for his report on the status of outstanding Faculty Senate resolutions. Durham replied that technically he could not report on the recommendation to change required office hours from 10 to 7, because the Senate had tabled the motion and never taken it up again. A motion was made and seconded to remove from the Table the resolution on office hours.

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

Gates reported on his meeting with SGA officers and members regarding the Senate's reasoning in support of the resolution. He said that while there was some skepticism of the proposal that it appeared SGA was not completely opposed to the resolution; however, no SGA vote was taken. Anderson said that the departmental discussions of office hours and DPC reform had resulted in four departments reporting taking a formal vote of their faculty and that those four departmental votes supported the Senate resolution. She said that most other departments that discussed the resolution did not hold a formal vote, but indicated that the Senate should consider office hours in relationship to overall faculty workloads. McKinney noted that Music voted 17-8 in favor of the Senate's proposal. Dobson called the question.

VOTE #8 17 yes 4 no 1 abstain The question was favored.

The resolution concerning amending the Faculty Handbook to state that required office hours for faculty will be 7 instead of 10 hours per week was put to the vote.

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

Durham then said that he had recommended to the Chancellor that he not support the Senate resolution on changing office hours and that he had likewise recommended against the Senate's
resolution on DPC reform. Durham went on to say that Appalachian needs DPC reform and that he hopes that comes about.

Discussion of Durham's recommendations ensued. Weitz said that a problem about office hours is what is meant by the word "keeping," and that it may not be the actual number of hours, but how they are used. Edwards observed that it is the case in Technology that faculty ask students to sign for appointments during their regular, posted office hours, but that if no students signed up for appointments those hours would be used for other work. Abbott asked Durham "would you accept language that indicated faculty could schedule appointments within the required 10 hours?" And if no appointments were scheduled, then faculty could do other work and not necessarily be in their offices. Durham replied "that would seem reasonable." Bortz said that the 10 hours office hours policy now had the force of contract, since the Faculty Handbook was now to become a part of faculty contracts--10 office hours was therefore a legally mandated minimum. Anderson observed that if departments actually enforced required office hours for every faculty that there would be an uproar, and that Senate would hear from many more faculty on this issue. Moore said that inconsistent enforcement and different office hour practices among and within departments makes a mockery of the requirement. Bortz moved and Abbott seconded that Vote # 9 be rescinded in order to continue discussion on the issue. Anderson asked Parliamentarian Gates for advice on the motion and Gates said it would require a 2/3 majority to rescind a previous vote.

VOTE # 10 10 yes 9 no 0 abstain The motion failed.

V. NEW BUSINESS

A. FACULTY WORKLOAD AD HOC COMMITTEE. Anderson said she would consider the composition of an ad hoc committee on total faculty workload and requested volunteers. Moore recommended that non-Senate faculty also be members of the committee.

B. PROPOSED ACADEMIC POLICY COMMITTEE MOTIONS. Bortz, speaking for the Academic Policies Committee, introduced two new motions to be considered at the December meeting: Motion #1 "The Faculty Senate will develop evaluations of deans and the provost, whose results will be made public (parallel to the Chancellor's evaluation)."

Motion #2: "Add to the Faculty Handbook, 'following the Code of the University of North Carolina, department chairpersons will treat all faculty fairly and equally. Engaging in unfair and unequal treatment will be cause for removal.'" Anderson requested that the committee must note specific sections in the handbook that will be affected by this motion.

C. MEDIA RELATIONS POLICY. Butts asked Durham to explain the status of the media relations policy that was published and then rescinded, causing much confusion. To whom does it specifically apply? Durham replied that he had never heard of the policy, being out-of-town, but that when Anderson had emailed him relating considerable faculty concern that the policy was akin to a muzzle of faculty he had contacted Gail Hearn in the Chancellor's office, who in turn contacted the Chancellor at home in his sickbed and the policy was withdrawn. Durham explained that the policy applied only to administrators who speak on behalf of the university. He said that it did not apply to faculty who, as far he is concerned, may say anything they like to anybody, including him. Ward further clarified that the policy was intended to apply only to those who are clearly speaking for the institution about institutional policy.
There was a motion to Adjourn that was seconded.

VOTE # 11  16 yes  0 no  0 abstain  The motion passed.

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,
Mike Moore, Secretary

FACULTY PRESENT AND VOTING SHEET
NOVEMBER 8, 1999

VOTING SYMBOLS:  Y=yes  N=no  A=abstain

NAME OF SENATOR  1  2  3  4  5  6  7  8  9  10  11
Abbott, Richard    y y y y y y y n a y y
Anderson, Stella   y y y y y y y y y n y
Arnold, Edwin      y y y y y y y y y y
Barber, Bill       y y y y a y y y y n
Barrett, Kevin     y y y y y y y y y n
Bortz, Jeff        y y y y y y y n y y
Boyd, John         y y y y y y y y y n y
Butts, Jeff        y y y y y y y y y n
Campbell, Kathleen  excused absence
Craft, John         y y y y y y n n y
Craig, Mitchell     y y y y y y y y n y
Dobson, Bill       y y y y y y y y y n y
Edwards, Debra     a y n y y y n y y
Gates, Paul        y y y y y y y y y y
Giskin, Howard     y y y y y y y y y y
Gravett, Sandie    y y y y a y y y
Jamrozy, Ute       y y y y y y y y y y y y
Koch, Andrew       y y y y y y y y y n y
Long, Betty        y y y y y y y y y n y
McKinney, Harold   y y y y y y y n y y y
Moore, Michael     y y y y y y y n y y y
Muir, Ken          excused absence
Spencer, Richard   excused absence
Taylor, Robin      y y y
Truett, Carol      excused absence
Weitz, Gayle       y y y y y y y n y y y

VOTE 1: Approve minutes as amended
VOTE 2: Motion FS9900-11-01 (regarding part-time/non-tenure track faculty)
The Budget Committee met with Betsy Payne and Bill Ward on Friday, 29 October 1999. They answered a series of questions posed by the Committee.

Based on the answers we received that day, the Budget Committee recommended the following resolution:

_The Senate moves that Appalachian State University develop a long-range plan to gradually move all salaries of persons not spending at least one-half time in the classroom from 101-1310 lines and into more appropriate categories. The position numbers and salary money that is recovered in this process should be then applied to reducing course loads of existing faculty to a maximum 3:3 load (either by released time for research or the hiring of new faculty) and to enhancing existing faculty salaries._

(This resolution was amended at the November 8 Faculty Senate meeting.)

**Explanation:**

Here is a list (not complete) of the budget areas at Appalachian:

- 1000 Personnel Compensation
- 2000 Supplies and Materials
- 3000 Current Services
- 4000 Fixed Charges
5000  Capital Outlay
6900  Aids and Grants
8000  Transfers and Reserves

Faculty Salary money is in the 1310 line.

1310 money can be spent under four general purpose codes:
101  Regular Term Instruction
102  Summer Term Instruction
103  Extension Instruction
107  Distance Instruction

We receive money on each of our position numbers under 101-1310. Position numbers are determined based on Student Credit Hours (SCH) generated. The formula is based on the kinds of courses we teach and the levels at which we teach them.

Money received here cannot be moved for any reason except a lapse (resignation, other unanticipated vacancy) and in that case it can be shifted to another line for a one-time only project. 102, 103, 107 are all self-supporting (funded by tuition).

As defined by the Resource Manual, Appendix Four:

101  Regular Term Instruction

This purpose included departmental research and general academic instruction offered for credit or non-credit through a regular academic department during a regular term or session. It included academic department heads, departmental chairpersons, all budgeted teaching positions, and support personnel subject to supervision and direction by persons filling the aforementioned positions.

According to the 1998-1999 BD 119, a number of different, non-teaching positions, are funding with 101-1310 money. All quotes below are based on salary as of July 1, 1999. These figures have not been cross-checked with the budget office and many not be complete. It is also impossible to determine from BD 119 which positions carry teaching responsibility and how much.

Four Development Directors: $157,979
Ten Associate or Assistant Deans: $749,470
Athletics positions (coaches, trainers) $784,357
Directors, Advisors, Managers $723,232
Enrollment Services (Advisors/tutors) $618,538

TOTAL: $3,033,556

Chairs, on average, teach one course. Total chair salaries are $2,385,805. The Administrative Stipends they earn for that position comprise $308,227. Other positions for which an Administrative Stipend is awarded have a total salary base of $977,683. These positions include
directing the Hubbard Center, Counselors, etc. The Administrative Stipends for these positions totals $102,212.

Adding all of these salary figures for persons who carry significant administrative responsibility by title alone in DB 119 together totals: $6,397,064. That is approximately 15.5% of the total budget for this area.

The Administration has already indicated their willingness to work on pulling out the Athletics money. Bill Ward also reported that two assistant/associate deanships were shifted this year.

The new positions that came to Appalachian this year were funded at $55,000 each. If we do the division with these figures, we are talking about 116.3 new positions. Of course, it is not that simple. Moving positions from these lines into others is a complex process.

The Budget Committee advocates working with the Administration to create a schedule whereby all of the funding in 101-1310 will be spent on the salaries of persons teaching at least six credit hours per semester. Money reclaimed in this line could then be used to hire new faculty or to fund released time for existing faculty in order to ease workload and promote scholarship. It also could be used to enhance the salary of existing faculty to, at minimum, bring Appalachian up to average in comparison to comparable institutions.

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Attachment #2
Faculty Senate meeting
November 8, 1999

TO: Dr. Borkowski
    Dr. Durham

FROM: Stella Anderson
       Andy Koch
       Faculty Senate

DATE: November 4, 1999

Last week in an interview with the Chronicle of Higher Education (October 29) regarding the $1500 tuition increase proposed by UNC-CH, Molly Broad said that she would not take a position on the Chapel Hill proposal until she receives plans from all the campuses. The article also mentions that part of the legislative mandate to look at salaries in the UNC system involves identifying ways to pay for any increases.
Senators have been asking if, and to what extent, we are participating in this process. Has ASU submitted a plan to the GA on pay increases? If so, does it include any proposals to increase tuition?

We were pleased to see the administration and the faculty working together on this issue at Chapel Hill and we would welcome the opportunity to form a joint committee to explore the options for ASU.

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attachment #3
Faculty Senate meeting
November 8, 1999

TO: Senators
RE: Summary of videoconference with Betsy Bunting on Handbook Changes

(10-25-99; Present: Stella Anderson; Mike Moore; Betsy Bunting, General Administration Counsel; Dayton Cole; and Clinton Parker)

The Ad-hoc Committee on Handbook Changes discussed with Betsy Bunting (via videoconference) 3 key proposed changes to the Faculty Handbook. These were changes proposed by the Administration that were not supported by the Faculty Senate.

1. Burden of proof required by the administration in a grievance case (Dayton DRAFT, proposed Sections 4.4.2 and 4.5.3).
   The Senate had asked for clear and convincing; the administration asked that the present language (preponderance of) be retained. Dayton Cole had indicated that the GA would not accept clear and convincing; Betsy Bunting confirmed this. She indicated that preponderance is the legal standard for employment termination matters for the state and federal governments. She indicated that the question is one of whether or not a case ban be made to a reasonable certainty; she believes that the 603 provisions of the Code (regarding discharge) include numerous steps that are not taken lightly and make it difficult to discharge a faculty member.

2. Definition of material procedural flaw (to determine whether procedural flaws are grievable actions) (Dayton’s DRAFT, Section 4.6.1).
   The administration has asked that the term substantial material procedural flaw be adopted. The Senate was opposed to adding substantial we believed that this was an unwarranted and overly stringent addition because the paragraph clearly defines what would constitute a material procedural flaw.

Betsy Bunting (and Dayton Cole and Clinton Parker) agreed that moving the definition to the first sentence of the paragraph would suffice. Thus, substantial will be dropped.
Our understanding is that this change would result in the following language:

As used herein, the term material procedural flaw means a departure from prescribed procedures that, more likely than not, produced a decision different from that which would have resulted otherwise.

3. Determination of whether a grievance hearing will be made open to the public (Dayton’s DRAFT, proposed Section 4.5.2)

The Senate asked that the language of the current Handbook remain unchanged (i.e. that a hearing will be open to public if the faculty member and the hearing committee agree). The administration asked that the language be changed to all parties agree. With this language, the administration could choose to keep a hearing closed.

Betsy Bunting indicated that this is an issue that each campus needs to decide (and there are differences across campuses). This is not an issue that the GA mandates. Thus, we will ask the administration to support the Senate’s stance on this issue.

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NOTE:
Dayton Cole has indicated that he and Clinton Parker will work on separating (a) the tenure regulations and CODE requirements, and (b) all other provisions from current Chapters 3 and 4.

This change would mean that, for many future changes (any that do not change the language of tenure regulations/CODE requirements), the ASU Board of Trustees would give final approval. This would be advantageous in that the length of time for final approval of many Handbook changes would be considerably shortened.

However, if this is done, that means it is absolutely critical that we ask that the ENTIRE Handbook be incorporated in our contract letters (rather than references to specific chapters).

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