At 3:18 p.m. on November 12, 2001, Chair Weitz convened the Faculty Senate meeting in the University Conference Room (224 Greer Hall).

I. ANNOUNCEMENTS

A. VISITORS. Weitz welcomed visitors and asked that they introduce themselves. (See voting sheet for visitors' names.) Weitz welcomed Tom Whyte, a new senator replacement for Campbell.

B. AGENDA CHANGE. Weitz announced that the New Business section A. would be withdrawn for this meeting and discussed at the December meeting. There are committee members who still have input and Dr. Durham has more information to use in the statement.

II. VISITORS

A. PAT REIGHARD. Reighard spoke to the Senate regarding the State Employees Association of North Carolina (SEANC), an organization of non-union public employees. It is the largest one of its kind in the nation and its mission is to enhance and protect the rights and benefits of all state employees. Main issues include pay, retirement, health care, and job security. Reighard noted that at SEANCs latest convention, they voted to pursue collective bargaining. SEANCs position on collective bargaining can be found below. Reighard added that North Carolina is the only state that prevents state employees from collective bargaining.

Koch moved and it was seconded that it go on record that the Faculty Senate supports SEANCs efforts. Butts added amendments and after some discussion, the motion now reads, ‘The Faculty Senate supports the right of collective bargaining and SEANCs efforts to attain it.’

VOTE # 1 20 yes 0 no 2 abstain The motion passed.

Collective Bargaining: From Begging to True Negotiation
SEANC endorses the repeal of G.S. 95-98 and supports the enactment of legislation to govern collective bargaining by NC public employees; further, SEANC will seek to amend G.S. 143-3.3 (g) and G.S. 135-18.8 to delete language that voids dues deduction from payroll or from a retirement benefit if an employees or retirees association engages in collective bargaining. (Dist. 25:2001)

**Will strengthen our position with elected officials by supporting the repeal of the prohibition against collective bargaining and any penalties for engaging in collective bargaining, such as elimination of dues deduction.
**36 other states allow some or all public employees to bargain collectively. In some states, public employees have engaged in collective bargaining for over forty years.
**Collective bargaining is good public policy. It benefits both public employees and the public. States with collective bargaining have more efficient governments.
**Many state employees are joining another organization that supports collective bargaining. That organization is already prepared to negotiate.
**Does not require a change in the North Carolina constitution. Does not violate SEANC bylaws. Will not change SEANC into a union.**

**Should not increase dues. Current SEANC staffing levels should be adequate for conducting elections and negotiating contracts.**

**Collective bargaining results in a legally enforceable contract that cannot be changed during the period of the contract, unless both parties agree.**

**Will not pit one group against another. SEANC can act as the umbrella negotiator for multiple bargaining units -- a strategy for holding SEANC together and avoiding competition among agencies, even if the legislature continues to split us up.**

**Collective bargaining legislation can provide for fact-finding, mediation, and binding arbitration.**

**Does not require strikes. The potential for strikes, sick outs, or work stoppages is reduced through binding arbitration.**

**Will be another tool in SEANC’s strategy for enhancing the lives of state employees.**

**Sooner or later, the prohibition against collective bargaining will be repealed or overridden by federal law.**

**SEANC must be prepared to engage in collective bargaining.**

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**III. MINUTES**

Petschauer moved and Simon seconded to approve the October 8 minutes as written.

VOTE # 2

22 yes

0 no

0 abstain

The motion passed.

**IV. STANDING COMMITTEE REPORTS**

**A. EQUITY OFFICE/GRIEVANCE PROCESS AD-HOC COMMITTEE**

1. **FS0102/09-02 Motion to Change the Equity Office.** Weitz reported for the ad-hoc committee studying the Equity Office, which had met again as requested by Senate last month. The committee’s report of recommendations is part of the agenda, and Weitz asked for comment. Koch questioned why the Equity Office was now being given an investigatory responsibility when he thought the sense of the Senate’s last discussion was that it should not have such authority. Rardin asked why the Office’s investigatory process was not defined at all. Butts noted that it might be that trauma for faculty from the office’s past actions make it difficult to be reconciled to a new office with similar authority. Weitz wanted to know who or what office would do the necessary investigation of sexual harassment complaints, if it were not to be the new Equity Office. Moore said this should be the responsibility of appropriate administrators. Petschauer expected that we could build a better equity office that did not repeat the mistakes of the past. Koch thought the office should be abolished because of its high cost—over $200,000 annually, but if that was not possible it should concentrate on innovating ways to educate about diversity and related minority concerns. McLaughlin asked how this proposal was an improvement over that of last month. And Weitz responded that the office would report to Human Resources and that investigatory authority extended only to workplace harassment. Millsaps wanted to know if anonymous complaints would still be investigated and whether any reports of results that exonerated a faculty member would be expunged from the files completely. Durham offered that present laws permit purging of such records from personnel files. Weitz offered that bi-annual review of the director of the equity office would provide adequate supervision of the office. She then requested either action on the committee’s
report or the voluntary creation by senators of a sub-committee to make recommendations at the next meeting. Woodworth, Marking, Rardin, Petschauer, and Koch agreed to comprise such a committee with the responsibility to fine-tune the present proposal. A vote then was taken whether to table the report until the December meeting.

VOTE # 3 22 yes 0 no 1 abstain The motion passed.

B. FACULTY HANDBOOK COMMITTEE
FS0102/10-06 - Motion Regarding Criteria for Promotion. It was asked if there was some protection for those faculty members who came in under a different handbook. Weitz noted that there was--faculty would be affected by the Handbook in place at their hire. A vote was taken on motion FS0102/10-06.

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

FS0102/10-06 - Motion Regarding Criteria for Promotion.
In the Faculty Handbook the NEW CRITERIA for the ranks of assistant, associate, and full professor will read as follows:

3.4.2.5.2 Minimal criteria for consideration of appointment/promotion to the rank of assistant professor are:
(a) The appropriate earned terminal degree from an accredited institution, unless there are exceptional circumstances;
(b) Demonstrated ability in teaching; and
(c) Evidence of ability in at least one of the following: (i) research or other germane creative activity; (ii) professional service to the University and/or to the public.
(d) Willingness to participate in institutional affairs.

3.4.2.6.2 Minimal criteria for consideration of appointment/promotion to the rank of associate professor are:
(a) The appropriate earned terminal degree from an accredited institution, unless there are exceptional circumstances, and at least five years of appropriate experience;
(b) Recognized skill in teaching; and
(c) Evidence of at least one of the following: (i) recognized accomplishment in research or other germane creative activity; (ii) recognized accomplishment in professional service to the University and/or to the public;
(d) Willingness to participate in institutional affairs.

3.4.2.7.2 Minimal criteria for consideration of appointment/promotion to the rank of professor are:
(a) The appropriate earned terminal degree from an accredited institution, unless there are exceptional circumstances, and at least ten years of appropriate experience;
(b) Recognized skill in teaching;
(c) Evidence of at least one of the following: (i) outstanding accomplishment in research or other germane creative activity; or (ii) outstanding accomplishment in professional service to the
University and/or to the public;
(d) Demonstrated ability and participation in institutional affairs.

The Senate Handbook Committee recommends that the Senate approve the new criteria for the ranks in the Faculty Handbook sections 3.4.2.5.2, 3.4.2.6.2, and 3.4.2.7.2 as listed above.

C. ACADEMIC POLICY COMMITTEE

1. FS0102/11-01 - Motion Regarding UNC System's Form of Promotion and Tenure. Simon explained that this motion concerns the new personnel action sheet that goes to the Board of Governors. It is being recommended that a slot for "faculty" be added to this form. A vote was taken on the motion.

   VOTE # 5  22 yes  0 no  1 abstain  The motion passed.

FS0102/11-01 - Motion Regarding UNC System's Form of Promotion and Tenure
Whereas, the personnel action form requiring approval by the UNC Board of Governors does not contain a line for faculty's recommendation,
Therefore, the Faculty Senate does recommend that such a line be included under section 4 of the aforesaid form.

2. FS0102/11-02 - Motion on Faculty Safety. Rardin stated that as chair of the Welfare of Students Committee, he looked into this issue and noted that there is a policy already in place for dealing with this situation--it is within the "Code of Conduct for Dealing with Disruptive Students." The student has specific rights outlined with the Code of Conduct. The faculty member also has rights between the time they file a complaint and the hearing. By law, that faculty member can go to the courts and get a restraining order. They also have the right to tell that student not to come to class until the matter has been reviewed by Judicial Affairs. Judicial Affairs is not going to do that for the faculty member until the hearing has taken place it is the faculty members responsibility to tell the student that they cannot come back to class until after the outcome of the hearing. Koch noted that by the faculty member having to tell the student not to come back to class until the hearing this could possibly put the faculty member in a dangerous situation. Rardin responded by saying that the faculty member could get a restraining order.
Rardin added the caveat that until the finding of the facts and adjudication has taken place, the faculty member bears the burden of responsibility for making the charge because there ought be some process in place to make sure the charge is legitimate.
Discussion followed on how there are times when a faculty member has a right to say that a student cannot come back to class or that they may need help from the administration to do so because that student poses a physical threat to the faculty member. Weitz tried to clarify the motion by noting that what is being requested is that someone other than the faculty member tell the student that they can no longer attend class until after the hearing. Those options appear to be the university police, someone in the administration or the Office of Judicial Affairs.
Moore noted that this discussion had raised visibility about this issue. He agreed with Arnold who had said that in the end, and regardless of the outcomes of investigations, faculty members should have the right to deal with threatening students as they felt they needed to. Moore added that if a student had a property right in a class, that the University should be prepared to refund
the tuition involved in support of the concern of a faculty member resulting from a threatening situation. He said such threats could be made in private quarters, such as an office, and that it might not be possible to determine the truth of what happened. In such circumstances, and baring obvious faculty member malice, the faculty member's position must be upheld by administration. There was concern whether the motion addressed the proper essentials of the discussion and Koch, during a break at 5:10 p.m., attempted with some help to craft new language clarifying when and how faculty could permanently remove a threatening student from class. A vote was taken on the motion as amended. The result of the hand count was 9-YES, 10-NO, and 2-ABSTAIN. The result of the tally vote was:

VOTE # 6 10 yes 10 no 1 abstain The motion failed.

D. CAMPUS PLANNING COMMITTEE
1. Committee report. Abbott added an amendment to #1 of the Committee report. He stated that an attorney and PR firm have been retained on a pro bono basis.

REPORT: 1. Abbott attended the ASU Foundation Board Meeting, Oct. 26, 2001. Items of interest include: Fiscal report. For the 2000/2001 year, the Foundation assets grew from $50.66 million to $56.40 million. In that period, $8.5 million was returned to the university in academic program support and scholarships. A comparison of the foundation's portfolio with peer-institutions shows Appalachian's investments performing better than average when compared to these university foundation portfolios. Report from Ken Peacock, Dean, College of Business. A corporate donor has been purchased by another company and the new corporation has defaulted on the commitment to the CoB. Following unsuccessful negotiations, a suit will be brought against the new corporation to recover the over $100k outstanding. Attorneys and a pr firm have been retained on a pro bono basis for the purpose. Chancellor's new residence report. $400k in donations were sought for the project. Joe Watts, Assoc. VC for Enrollment Services, report. Overall upward trends for student enrollment in terms of SAT scores and in first year student retention.

2. Meeting scheduled with the Committee and Jane Helm for 11/5/01, was rescheduled for 11/19/01. Report next month.

3. Concerns communicated to the Committee this month regarding:
   a. the need for a university committee to oversee "University- sponsored land modification projects which might pose a threat to [ASU]'s natural and cultural resources."
   b. the condition of Locust Street (across from Stick Boy Bakery) needing repair prior to winter.

   2. FS0102/11-03 - Motion to Form a University Ad-hoc Committee to Examine Space Utilization - Abbott reported that he received a letter from Whyte noting that several archaeological sites (that are on the state archives) on campus have been destroyed by Appalachian's land modification projects. Whyte proposed that a university committee of faculty who might have some interest in the natural and cultural resources be formed so that the committee will be aware of any proposed project so that they may go to the site and save an endangered species or preserve archaeological resources. Weitz asked Whyte to meet with the Campus Planning Committee to draft a separate motion regarding forming a committee that deals with the academic question of land projects.

VOTE # 7 20 yes 0 no 1 abstain The motion passed.
FS0102/11-03 - Motion to Form a University Ad-hoc Committee to Examine Space Utilization:
Create an ad-hoc university committee of faculty, department chairs, and deans to:
1) Examine Appalachian's decision-making process in regard to land utilization/acquisition, building renovation/construction/acquisition, and space allocation/utilization, and
2) Make recommendations, if need be, regarding the role faculty should play in this process, given the University's primary mission of the "practice and propagation of scholarship," a mission for which the faculty are uniquely qualified and responsible.

3. Status report on university reorganization. Durham reported that the Chancellor has agreed to the recommendation of task forces to look at three areas: 1) Arts roundtable; 2) Interdisciplinary Studies and 3) Allied health fields. To Durham's knowledge, these committees are in place.

E. BUDGET COMMITTEE
1. Report on the State Budget. Durham reported that the University had a base budget of almost $87 million dollars. Appalachian had a legislatively mandated 2.3% reduction. After the mandated reduction, the certified budget then was $84,949,982. Then, about four weeks ago, Appalachian learned that there may be an additional one-time 4% cut from its budget. After looking at last year's budget, it was decided that all areas in Academic Affairs would have their budgets cut by 15%. Then Durham found out that it would actually be a 2.7% cut. Regardless, Appalachian was going to hold back the 4% because Durham is convinced there will be another reduction by spring. (But if not, the money held back would be released.) Durham noted that faculty paychecks in November (retroactive to July 1) would include the $625 across the board salary increase. He added that from the $1.699 million from the tuition increase, there would be an additional average increase of 4.77% per faculty member available. Part-time faculty received a 4% increase. $300/FTE was awarded to the Library, Fine and Applied Arts, and Music. $500/FTE was awarded to all colleges. The remainder of the money was distributed according to the base salaries of all units. The Senate's recommended monies for promotions and tenure were awarded. Durham added that the BD-119 report has not been published yet, but that it has to be in Chapel Hill by November 19. McLaughlin asked if other areas of the University had budget cuts. Durham responded that they did, but that he was not sure how those areas processed their cuts. Rardin asked if faculty contract letters would be received before November 30. Durham responded that he hoped so.

2. FS0102/11-04 - Motion regarding budget cuts. It was asked if the motion indicated that chairs across campus do not share their budgets with department faculty. The response was that not all chairs share the budget with faculty. After some discussion, McKinney called for the question and Yaukey seconded.

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

A vote was taken on the motion as written.

VOTE # 9 20 yes 0 no 1 abstain The motion passed.

FS0102/11-04 - Motion regarding budget cuts -
Whereas the current economic crisis has forced the Provost to cut each Dean's budget 15%,
Whereas the Provost has asked each Dean to confer with their respective Chairs concerning where to make these cuts,
Whereas the Faculty will be affected by these cuts, so naturally they desire input into these decisions,
Therefore be it resolved that each Department Chair discuss with their faculty where to make these cuts, and that these recommendations be taken to their respective Dean.

**F. COMMITTEE ON COMMITTEES**

1. **University committee membership recommendations.** The Committee presented their recommendations for University committee and Faculty Senate replacements. (note - all terms are for the 2001-2002 Academic Year only):

   - **Teaching Enhancement Committee**
     - Melanie Mitchell (HLES) to represent Fine and Applied Arts

   The committee needs to find individuals to serve on the following:

   - **Cultural Affairs Advisory Committee**
     - There are two vacancies on this committee. The faculty members can be from any area of the University.

   **VOTE # 10**
   - 21 yes
   - 0 no
   - 0 abstain
   The motion passed.

Butts reported that he received an email from Diane Sides, chair of the Non-tenure Track Faculty Committee asking for a Faculty Senate representative for that Committee. Weitz responded that Bill Barber is the representative. Butts noted that Sides also asked to allow alternates on the Committee to help make a quorum. Weitz replied as long as the alternates do not outnumber members. Butts will look into the request further and bring it back to the Senate at December’s meeting.

**G. WELFARE AND MORALE REPORT:**

1. Arnold reported that a meeting between Mick Kreszock and former directors of the Washington DC App House and the New York Loft to make recommendations about the policies that guide their use has been scheduled for November 30 at 8:00 a.m. in 224 Greer. Weitz suggested that this be sent out over the faculty listserve.
2. The Jimmy Smith Faculty/Staff Lounge was successfully dedicated on October 29th. Thanks to everyone who contributed to this effort. The hours of operation will be 8am-8pm Monday through Thursday and 8am-2pm on Friday. The Chancellor pledged that when a new cafeteria is built, a new Jimmy Smith faculty/staff lounge will be housed there. Please try to use the Lounge as much as possible!
3. The Committee is hoping to work with the Committee on Committees in resolving the status of the Traffic Management and Safety Committee. Bush noted that he was a member of the TMSC and that they have been meeting regularly to look into the parking deck pricing. Bush strongly suggested Faculty Senate make recommendations on the pricing of parking in the deck.
4. Woodworth reported that the Post-tenure Review Committee has met and incorporated the suggestions made by the Faculty Senate in addition to other changes and asked the Senate if they wanted to review the final draft. It was decided that Woodworth would supply the Senate with the new draft for December’s meeting.
H. WELFARE OF STUDENTS COMMITTEE  
No report.

I. AGENDA COMMITTEE  
No report.

J. AD-HOC COMMITTEE ON DPCs  
No report.

K. AD-HOC COMMITTEE ON WORKLOAD IMPLEMENTATION  
No report.

V. OLD BUSINESS  
AD-HOC COMMITTEE ON IMPROVING APPALACHIAN’S ATTRACTIVENESS  
Durham noted that the Chancellor has not approved that Committee yet. If he does approve it, Truett will chair the Committee.

VI. NEW BUSINESS  
None.

Simon moved to adjourn and Marking seconded.

VOTE 11  21 yes  0 no  0 abstain  The motion carried.

The meeting adjourned at 6:10 p.m.

Respectfully submitted,  
Mike Moore

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FACULTY PRESENT AND VOTING SHEET  
NOVEMBER 12, 2001

voting symbols:  Y = yes    N - no    A = abstain

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VISITORS: Jennifer Austin, HPC graduate student; Bill Bauldry, Math; Clinton Parker, Academic Affairs; Pat Reighard, Fine and Applied Arts; Bill Ward, Academic Affairs; Nathan A. Winkler

VOTE 1: Motion regarding collective bargaining
VOTE 2: Approve October 8 minutes as written
VOTE 3: Table FS0102/09-02 - Equity Office
VOTE 4: FS0102/10-06 - Motion Regarding Criteria for Promotion
VOTE 5: FS0102/11-01 - Motion Regarding UNC System's Form of Promotion and Tenure
VOTE 6: FS0101/11-02 - Motion on Faculty Safety (as amended)
VOTE 7: FS0102/11-03 - Motion to Form a University Ad-hoc Committee to Examine Space Utilization
VOTE 8: Call for question
VOTE 9: FS0102/11-04 - Motion Regarding Budget Cuts
VOTE 10: Committee on Committees recommendation
VOTE 11: Adjourn

Faculty Senate
Appalachian State University