APPALACHIAN STATE UNIVERSITY
FACULTY SENATE MINUTES
December 8, 2003 (approved as amended)
At 3:24 p.m. on December 8, 2003, Chair Gates convened the Faculty Senate meeting in the University Conference Room (224 I. G. Greer Hall).

I. ANNOUNCEMENTS
A. Chair Gates welcomed visitors and asked that they introduce themselves. (See voting sheet for visitors’ names.) Gates asked senators to let him know if they would like to attend the Chancellor Advisory Committee meetings scheduled for February 2, 2004 and April 5, 2004 at 3:00 p.m. There were no visitor announcements. Gates also announced that there were 900 cases of the flu reported on campus.

III. MINUTES –
Senator Hall moved and Senator Simon seconded to approve the October 13, 2003 minutes as written.
VOTE 1. Motion approve the October 13, 2003 Minutes.
21 YES 0 NO 0 ABSTAIN
The motion passed.

Senator Anderson and Senator Simon made a few changes to the November 10, 2003 minutes. Senator Anderson noted that clarity of context was needed in, IV. Motions/Resolutions Status, 2nd paragraph, 2nd sentence, and should be written to reflect that Dr. Burwell had been looking at peer institutions specifically in regards to “policies on office hours”. Senator Anderson also changed the last sentence of C. Welfare & Morale, Report to correctly read: “Burwell said in response to a question from Senator Anderson that general student fees are scheduled to rise by 3.79%, and that the president’s office frowned on any increases beyond 5%.” Senator Simon had additions to section VI. Committee Reports, Campus Planning Committee Report. She wanted the minutes to reflect that there were articles written in the press on Oct. 16th and Oct. 21st about the Campus Planning Forum that was held on Oct. 30th, 2003. Senator Marking pointed out two typographical errors to be corrected.

Senator Anderson moved Senator Hall seconded to approve the November 10, 2003 minutes as amended.
VOTE 2. Motion to approve the November 10, 2003 Minutes (as amended).
23 YES 0 NO 0 ABSTAIN
The motion passed.
IV. MOTIONS/RESOLUTIONS STATUS –Chair Gates noted that Faculty Senate motions and resolutions are available on the Senate website and will be presented verbally to Senate as they are acted on.

V. PROVOST’S BUDGET AND RESOLUTION STATUS REPORTS
Dr. Peacock handed out material about future outlook of academic programs at Appalachian. He especially called attention to a document written by J. Bradley Wilson, Chair of the Board of Governors, which emphasized the importance of UNC developing new technology programs to benefit the future development of the state. He was encouraged that the BOG was focusing on academic programs. In summary, Dr. Peacock gave brief reports and up-dates on the following subjects: A) The Center for Health Services has been approved; B) A discussion had indeed taken place about a possibility of a new joint venture between Watauga Medical Center and Appalachian and in response to rumors of the development of a new nursing school, Dr. Peacock said, “nothing has been decided about this [but Academic Affairs] is thinking about a lot of things”. Peacock did note that Winston-Salem State University had indicated it would not oppose the development of a nursing program at Appalachian; C) Appalachian was the only university to have no new degree program development in the UNC system from 1998-2001, compared to 85 new programs coming out of the other 15 UNC institutions. According to Dr. Peacock, “The time is right to look at new programs”; D) A new Professional Science Masters (PSM) program is being considered. Dr. Peacock would like start a dialog with faculty about the future of a PSM program at Appalachian; E) Appalachian and Winston-Salem State University were in process of working out a faculty exchange program; F) Efforts are being made to enhance the Honors Program. Dr. Peacock pointed out that facilities are “not good” and Appalachian is losing honors students to other universities; G) A search for the Dean of Arts & Sciences is underway; H) The Dean of the Graduate School, Dr. Domer, retires in August 2004, and a search will begin early in 2004; I) There is discussion of possible reorganization of the Graduate Program; J) That no vacant distinguished professorships at Appalachian will be filled, because there is not enough academic salary money to meet the minimum requirement of $30,000 per position in addition to regular salary. Peacock concluded that the distinguished professorship program is not working well; K) Academic Affairs 2003-2004 budget reductions are being addressed and unfortunately, the financial outlook is less than encouraging; L) a chart showing projected enrollment growth for Appalachian was presented and Dr. Peacock responded to Senator Anderson’s question whether we were on target with these enrollment figures by saying “yes”.

In response to questions by Senators Anderson, Gravett, and Koch, Dr. Peacock indicated his concern to assess how all academic monies are being spent and whether various programs now being funded should continue with academic support.

A question by Senator Bortz moved discussion to the composition of DPCs and recent efforts at cooperation with the Council of Chairs on the Senate proposal to have DPCs composed of only tenured faculty. Dr. Peacock thought there was a joint committee of senators and chairs working on the issue. Senators Anderson, who represented with Senator Koch the Senate, characterized
the one meeting of the committee as unproductive, because it was clear that the Council of Chairs did not like the proposal, had voted against it, and did not want to address it again. Senator Koch said many reservations about how DPCs could work effectively in practice could have been dealt with in the meeting; other senators regretted the Council of Chairs’ position. Senator Arnold asserted that Senate discussion appeared to support the DPC reform, but that the English Department, for instance, had unanimously voted against it.

Regarding the Senate resolution on reporting by Academic Affairs, Dr. Peacock said he would comply with the timetable of reporting on resolutions within 60 days of their being passed by the Senate. He said the timing was not right to implement the recommended deletion of 10 required office hours per week and that he would not push for the Interim Chancellor’s decision on the issue.

Regarding the resolution changing the faculty office hours policy, Dr. Peacock said the timing was not right and he had not formally brought the issue to the Interim Chancellor. He noted there was a PR problem with students and others and that it might best be settled by a new provost. Senator Anderson asked what was Dr. Peacock’s personal opinion about the policy, and he replied that he thought the proposal was reasonable. Senator Arnold noted that the policy requirement was an insult to faculty professionalism and Senator Anderson noted that evaluation should be on significant teaching and research outcomes instead of trivial questions of office hours. Senator Moore said the present “don’t ask, don’t tell” policy was open to abuse and Senator Cramer commented that if the policy was “on-the-books” it should be consistently enforced.

V. PROVOST’S BUDGET AND RESOLUTION STATUS REPORTS

VI. COMMITTEE REPORTS
B. Agenda Committee, 1. FS03-04/12-04- Resolution in Defense of Academic Freedom and the Bill of Rights of the U.S. Constitution was addressed first.

B. Agenda Committee - 1.FS03-04/12-04- Resolution in Defense of Academic Freedom and the Bill of Rights of the U.S. ConstitutionMatt Robinson (Political Science & Criminal Justice) introduced the written motion and his concerns about the U.S. Patriot Act. He noted that the proposed motion mostly dealt with the 1st and 4th Amendments in the Bill of Rights. He explained how and why the proposed motion could useful for academic governing bodies like: the Student Government Association (who had already endorsed the motion) and the Faculty Senate. Dr. Robinson noted that it was crucial to increase public awareness about Government policies on terrorism, the right to privacy and freedom of speech. Senator Hall and Senator Moore asked for clarification on segments of the motion. Senator Simon suggested that more provisions needed to be listed in the motion. There were a few minor changes in text and grammar. Dr. Robinson agreed with the corrections and amendments. Gates called for a vote on the motion as amended.
Resolution in Defense of Academic Freedoms and the Bill of Rights of the U.S. Constitution

Whereas, Appalachian State University is proud of its tradition of protecting academic freedoms and the civil liberties of its students, faculty, and staff;

Whereas, the preservation of academic freedoms and civil liberties is essential to the well-being of a university and those who study and work there;

Whereas, federal, state, and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without unnecessarily impairing academic freedoms or infringing on civil liberties;

Whereas, government security measures that undermine such fundamental rights do damage to the American institutions and values that the students, faculty, and staff of Appalachian State University hold dear;

Whereas, the Faculty Senate of Appalachian State University believes that there is no inherent conflict between national security and the preservation of liberty – Americans can be both safe and free;

Whereas, several laws recently enacted at the Federal level, including sections of the USA PATRIOT Act, now threaten academic freedoms and civil liberties1, such as:

• Freedom of speech, religion, assembly, privacy, and protection from unreasonable search and seizures of our students, faculty, and staff (by allowing government access to medical, financial, library, educational, and other personal records, government taps of phones and monitoring of Internet use, and government access to residences and personal property, all without probable cause of criminal activity), all guaranteed by the Constitution of the North Carolina, and the United States Constitution and its Bill of Rights;

Whereas, there is already bi-partisan agreement in and out of Congress that some provisions of the USA PATRIOT Act threaten civil liberties2;

Whereas, more than 200 towns and counties have already passed resolutions reaffirming their
commitment to civil liberties and against the provisions of the USA PATRIOT Act that threaten civil liberties;

Whereas, the American Association of University Professors (AAUP) has recently held that the USA PATRIOT Act threatens academic freedoms and civil liberties and has encouraged university faculty to support measures in Congress that would mitigate the effects of the USA PATRIOT Act; and

Whereas, the Student Government Association (SGA) of Appalachian State University has recently passed a resolution against the provisions of the USA PATRIOT Act that threaten civil liberties;

Therefore, we the Faculty Senate of the Appalachian State University, acting in the spirit and history of our institution, do hereby request that:

1) Local and campus law enforcement agencies continue to preserve freedom of speech, religion, assembly, and privacy, and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act;

2) Federal and state law enforcement officials acting with the University work in accordance with the policies of the Appalachian State University Police Department, and in cooperation with the Department, by not engaging in racial or ethnic profiling in law enforcement;

3) The U.S. Attorney's Office, the Office of the Federal Bureau of Investigation and North Carolina state police agencies report to officials of the University regularly and publicly, to the degree permissible under law, the extent and manner in which they have acted under the USA PATRIOT Act, including disclosing the names of any university student, faculty, and staff detainees held in western North Carolina or any such individuals detained elsewhere; and

4) Our United States Congressman and Senators monitor the implementation of the Act and actively work for the repeal of the parts of that Act that violate fundamental freedoms and liberties as stated in the Constitutions of North Carolina and the United States;

5) The Secretary of the Faculty Senate transmit a copy of this resolution to appropriate University officials, Governor Easley, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on academic freedoms and civil liberties as described in this resolution; and be it

Resolved that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of North Carolina or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.
VOTE 3. FS03-04/12-04- Resolution in Defense of Academic Freedom and the Bill of Rights of the U.S. Constitution (as amended)-
22 YES 1 NO 0 ABSTAIN
The motion passed.

VI. A. Ad-hoc Committee on Faculty Governance (KOCH, McGarry, Bortz, Weitz)

1. FS03-04/12-01-Require the Chair of the Academic Policy and Procedure committee (AP&P) be a faculty member and not the Provost (or his/her designee)

Rationale:
Primary responsibility for the curriculum lies with the faculty. This is stated in The Code and The Faculty Handbook. Therefore, faculty, not administrators, should chair the university committee responsible for making curriculum decisions (AP&P.)

Committee chairs wield power by setting the agenda, conducting meetings, writing the minutes, etc. Therefore a faculty member, not an administrator, should chair the AP&P committee, which deals with this important faculty responsibility.

Like all standing committees, AP&P makes only recommendations to the administration. A check and balance of power between faculty and administration is achieved by having a faculty member serve as chair of that recommending body rather than the Provost (or his/her designee) to which the committee makes its recommendations.

Removing the Provost (or his/her designee) from chairing the AP&P committee does not remove the Provost from the curriculum process. The Provost still has the final decision on all curriculum matters, since AP&P makes only recommendations to the Provost.

According to the Faculty Handbook (7.3.2.4), all other standing committees in the university are to select their chair each year.

According to the Faculty Constitution (Article VI, Section 2), it is the Faculty Senate’s responsibility to make this change. (“Standing committees of the University shall be established, modified and/or abolished as the Senate deems necessary. The constituent personnel, duties, and responsibilities of these committees shall be determined by the Faculty Senate.”)
Gayle Weitz (Art) introduced the motion FS03-04/12-01 that requires the Chair of the Academic Policy and Procedure committee (AP&P) be a faculty member. She noted that the rationale comes from the UNC Code that charges faculty, not administrators, to chair the university committee responsible for making curriculum decisions. She noted that there “seems to be a balance between faculty and administration” interests when a faculty member chairs AP&P. Since the Faculty Senate maintains control over university committees, Dr. Weitz reasoned that the Senate should therefore have the power decide who chairs AP&P. The proposed motion did not need approval by the Provost or the Chancellor, according to Dr. Weitz. Dr. Peacock asked whether there has been a problem with an administrator from Academic Affairs chairing the committee, since all curriculum changes that come to it are completely initiated and reviewed by faculty, and that the chair seems more a coordinator of business, not exercising approval or non-approval. Weitz responded that when she was Senate Chair there were two serious issues raised by faculty that indicated the AP&P committee was merely a rubber stamp. Since the committee was actually a recommending body, not a final source of approval, it too should be completely in the charge of the faculty to remain an independent voice. Weitz noted that the recent formation of the alliance between Appalachian and Watauga Medical Center was a prime example of how faculty have not been included in academic decision-making. Chair Gates called for the vote.

VOTE 4. FS03-04/12-01-Require the Chair of the Academic Policy and Procedure committee (AP&P)
be a faculty member-
19 YES 0 NO 0 ABSTAIN
The motion passed.

VI. A. 2. FS03-04/12-02- Motion to Abolish Post-Tenure Review-
The Faculty Senate recommends that Post-Tenure Review be abolished at Appalachian State University.

Rationale
1. Post-Tenure Review amount to a re-opening of the tenure process for faculty who have already earned tenure after a comprehensive review of performance at all levels of the University.

2. Post-Tenure Review imposes a considerable additional time and paperwork burden on all tenured faculty at a time of reduced budgets and increased workload.

Senator McGarry introduced and explained the motion.

McGarry said the motion was partly symbolic, since PTR was mandated by the Office of the President, but that it adds significantly to faculty workloads without producing any benefits for faculty. Dr. Peacock noted there was a committee working on revising PTR policies at Appalachian. Secretary Moore requested the names of members of the committee.
Senator Cramer asked whether any “deadwood” faculty had ever been dismissed. Senator Marking asked whether merit awards had been made as a result of PTR. Dr. Peacock replied that there have been no merit awards made, unless a College made them independently. Senator McKinney styled PTR as an attack on academic freedom. Senator Bortz argued that here was an issue on which faculty and administration could work together and that administration could take the lead on behalf of faculty interests. Senator Moore recommended that PTR be accepted as a bureaucratic requirement that can be met by citing annual reports, chair conferences, and vitas. Moore warned that the ideal end of PTR as faculty development could not be reached at Appalachian and therefore should not be an influence on the policies the present committee might recommend. Senator Yaukey argued that faculty are already heavily involved in evaluation and that PTR should not be an additional burden. Senator Staub favored a statement that the Senate was completely opposed to PTR, and that it was being accomplished already by numerous reviews of faculty. Senator Koch strongly recommended that the Senate’s recommendation of at least two years ago to merge the classroom visitation requirement (done every three years) with the PTR requirement (done every five years) be implemented. This would be, he said, a help with the evaluation workload.

VOTE 5. Motion to Table FS03-04/12-02 - Motion to Abolish Post-Tenure Review-18 YES 0 NO 0 ABSTAIN
The motion passed.

VI. A. 3. FS03-04/12-03 - Establishment of ad-hoc Committee on Graduate Education-
The Faculty Senate recommends the establishment of an ad-hoc University Committee to undertake a comprehensive review and evaluation of graduate study at Appalachian.

Rationale
Graduate studies at Appalachian have not been reviewed thoroughly since the early 1990’s. It is time for a re-examination of the process of appointment to the Graduate Faculty, University efforts to attract top graduate students, oversight of graduate programs and other matters relating to graduate education.

Senator Koch suggested adding a requirement that graduate faculty should not have any more than a 9-hour load, because of the concomitant research requirement that graduate faculty status required. Senator Moore recommended that the committee take up the issue of whether the graduate school should continue as an independent entity.

VOTE 6. FS03-04/12-03 - Establishment of ad-hoc Committee on Graduate Education-16 YES 0 NO 2 ABSTAIN
The motion passed.

VI. C. Budget Committee (ANDERSON, Staub, Hall, Bush) -Report
Senator Anderson, Chair of the Budget Committee had to leave the Senate meeting to go to another meeting and the Budget Committee’s report (which was informational only) was postponed until the January meeting.
Senator McGarry moved and Senator Lambert seconded to adjourn the December 8, 2003 meeting.

VOTE 7. Motion to adjourn the December 8, 2003 meeting.
13 YES 0 NO 0 ABSTAIN
The motion passed.

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Mike Moore

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APPALACHIAN STATE UNIVERSITY - FACULTY PRESENT AND VOTING SHEET
December 8, 2003
Voting Symbols: Y = yes N = no A = abstain

Name of Senator 1 2 3 4 5 6 7
ANDERSON, STELLA Y Y
ARNOLD, EDWIN Y Y Y Y Y Y
BORTZ, JEFF Y Y Y
BUSH, ROBERT Y Y Y
CRAMER, BETH Y Y Y Y Y
DEL PLIEGO, BENITO excused
GATES, PAUL Y Y Y Y Y Y
GRAVETT, SANDIE Y Y
HALL, KIM Y Y Y Y Y
HALL, KIM Y Y Y Y Y
HALL, KIM Y Y Y Y Y
JAMISON, TOM
KEASLER, TERRY Y Y N Y Y Y Y
KOCH, ANDREW Y Y Y Y Y Y
LAMBERT, MONICA Y Y Y Y Y Y
MARKING, MARTHA Y Y Y Y Y Y
McCAYGHEY, MARTHA Y Y Y Y Y Y
McGARRY, RICK Y Y Y Y Y Y
McKINNEY, HAROLD Y Y Y Y Y Y
MOORE, MICHAEL Y Y Y Y Y Y
MUIR, KEN Y Y Y Y Y
OLSON, GEORGE Y Y Y Y Y
RARDIN, PATRICK
excused
VOTE 1: Motion approve the October 13, 2003 Minutes
VOTE 2: Motion to approve the November 10, 2003 Minutes (as amended)
VOTE 3 FS03-04/12-04-Resolution in Defense of Academic Freedom and the Bill of Rights of the U.S. Constitution (as amended)-
VOTE 4: FS03-04/12-01-Require the Chair of the Academic Policy and Procedure committee (AP&P) be a faculty member-
VOTE 5: Motion to Table FS03-04/12-02-Motion to Abolish Post-Tenure Review-
VOTE 6: FS03-04/12-03-Establishment of ad-hoc Committee on Graduate Education-
VOTE 7: Motion to Adjourn the December 8, 2003 meeting.

VISITORS: Dr. Kenneth Peacock, Interim Provost; Dr. Tim Burwell, Interim Associate Vice Chancellor for Academic Affairs; Peter Petschauer, Hubbard Center; Dr. Gayle Weitz, Professor of Art; Naomi Weitz, daughter of Dr. Gayle Weitz.

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