

Minutes of the Faculty Assembly

University of North Carolina 120th Session 20 April 2002 Chapel Hill, N.C.

Agenda

I. First Plenary Session

1. Chair Veit welcomed members and called the meeting to order at 10:33 a.m. with 39 members present.

2. The roll was passed around for members to sign and the following indicated they were present: Hugh Hindman (ASU); Bob Morrison, Henry Ferrell, David Pravica, Ralph Scott (ECU); Ali Khan, Barbara Solaro (ECSU); Enid Beverley Jones, Gennifer Bell (FSU); Beryl C. McEwen, Aurelia Mazyck (NCA&T); George Conklin, Jerry Schooler (NCCU); Norman Coates (NCSA); Frederick T. Corbin, Harriette Griffin, Richard H. Bernhard, Stephen Lilley, Paul Williams (NCSU); Donald Lisnerski, Duane H. Davis (UNCA); Philip A. Bromberg, Barbara B. Moran, Joseph S. Ferrell, A. Fleming Bell, II (UNCCH); Jeff Passe, Dick Toenjes, Yogi Kakad (UNCC); James Evans, William Link (UNCG); Jose D'Arruda, Bonnie Kelley (UNCP); Richard Veit, Stephen McNamee, Dan Noland (UNCW); David Claxton, Mary Adams (WCU); Jill Harp, Francine Madrey (WSSU).

3. The minutes of the February 2002 meeting were approved as submitted with the addition of Delegates Noland and Morrison to the slate of officers as candidates for chair of the Program and Planning Committee.

4. Report by Chair Richard Veit

Chair Veit reported on the meeting at 8 a.m. this morning between the President's Cabinet and the Executive Committee of the Assembly. He handed out a report by the President on the Status of Resolutions of the Assembly. The Assembly discussed a proposed revision to the Code of the University of North Carolina to allow faculty to serve on the Board of Governors and Boards of Trustees. He noted that the President did not seem enthusiastic about this issue. The Chair noted that we would need to make a substantial case for this issue if we wished to have the statutes and the Code changed. The Chair noted that he would continue to make a case for Assembly representation.

Delegate Joseph Ferrell asked if a recently retired faculty member could serve on the Board of Governors? He suggest further that we not use ex-officios as members.

Chair Veit asked for a show of hands regarding institutions that had annual evaluations of Chancellors. UNCC, UNC-W and ECU reported that they had annual evaluations.

Delegate Henry Ferrell noted that bubble sheet were viewed as not ok as evaluation instruments for administrators, but that they were ok for faculty.

Chair Veit urged the Office of the President to work toward annual evaluations of administrators on each campus.

Delegate Joseph Ferrell noted that there had been a problem with negative evaluations on reappointments of senior staff at Chapel Hill. It was noted that this is due to the anonymous nature of the evaluation documents.

Chair Veit reported the he has asked the President about plans to move the UNC System toward the Florida model. The President noted that Florida was in point of fact looking at the North Carolina model of higher education.

Chair Veit reported on the status of re-imbusement of faculty members for hospitalization out-of-state. If the hospital is beyond the thirty-mile limit faculty should be ok. (If under the limit they may need to travel to a North Carolina facility). If the out-of-state hospital does not pay the out-of-state hospital DRG (Diagnostic Related Group) amount

billed, the faculty member has sixty days from the date of receipt of the benefit form to appeal the lack of payment. Most faculty are not aware of this limit. When the faculty member appeals the claim, the State Health Plan contractor will negotiate the difference in the DRG with the out-of-state provider. In state the State Health Plan negotiates the DRGs in advance with approved in-state hospital providers.

Chair Veit asked for campuses to hold Faculty Assembly Delegate elections and to inform him promptly of the delegates elected. He noted that he had not yet received notification from a number of campuses. He requested co-operation on this important issue. Later in day a handout prepared by Ron Penny was given to delegates on this issue.

Chair Veit next reported on the Faculty Dispute Resolution Report. He noted that following points relative to the report: Local campuses would be required to develop "a viable mediation system"; a larger role would be assigned to mediation; local campus grievance committees would be assigned mediation roles; faculty would be encouraged to try mediation first; during the period of mediate the appeal clock would stop; Chancellors were encouraged to develop a dialog with local appellate committees; appeals to the President and the Board of Governors would be limited in section 607 appeals; a database would be maintained of local campus appeals.

Delegate Lisnerski asked if appellate committee conversations with Chancellors would jeopardize the appeal process.

Delegate Joseph Ferrell noted that UNC lawyers were on the committee that wrote the report.

Delegate Scott noted that at ECU faculty advisors were not allowed to attend hearings to advise faculty members during grievances.

Delegate Solaro asked if there would be a database to keep up with information on the kinds of appeals. Chair Veit noted that there would be.

Delegate Hindman noted that he thought we did a good job of solving the unimportant issues in disputes and a less successful job on the more important issues. He noted that staff attorneys would be made available to hearing committees at the Office of the President. He noted that there would be a change in some types of appeals to the Office of President and the Board of Governors. He stated that MPIs (Material Procedural Irregularities) were still an issue. The question is was there an improper standard or an improper application of the standard.

Charles Waldrop noted that changing the Code went beyond the charge of the Task Force on Dispute Resolution.

Chair Veit noted that the 16 campuses had selected an outstanding teacher- Steve McNamey at UNC-W.

4. Report by Senior Vice President for Academic Affairs Gretchen Bataille

She noted that it was important to do an annual evaluation of what we have done during the past year and what we can do next year. Vice President Bataille next listed what she thought were significant accomplishments of this year:

- a. She noted that we have finished an important long-range plan that is important to strategic development of system wide internationalization.
- b. Faculty has been supported through: \$1.6 million for e- learning; \$1 million for Gnostic grants; support for the bio grid and computational modeling; and leadership institutes for chairs, deans and above.
- c. A change in the semester length on local campuses.
- d. Introduction of the Academic Common Market.
- e. Twenty-one reports were made during the year to the General Assembly on new program planning. The Health Care Work Force report was under way and the Distance Learning report had been finished.

Vice President Bataille noted that we had good communication this year and that this had encouraged dialog between the Faculty Assembly and the Office of the President. We need to continue to think about budget issues. We need focus on how we can have "access with quality." She noted that the General Assembly is aware of classroom quality issues. She quoted President Broad's statement with regard to the current budget situation that "this too shall pass." Vice President Bataille appealed to the Faculty Assembly that we should all pitch in to see that both entitlements and quality instruction are continued. With regard to internationalization she noted that there was some concern post 9-11

with security for foreign students. She noted that there was also increases concern with security on local campuses for labs, people and computers. She remarked that program planning during the current budget created a need for more campus collaboration. She stated that Academic Affairs supported consortia in German, French, and Gerontology. Vice President Bataille noted that her office was looking at the upcoming biennial budget. Even though times are currently dismal with regard to the budget we need to be prepared for new initiatives that are found through our strategic initiatives. She urged the Faculty Assembly to work with their Research Vice Chancellors on how they can to help with the development of new initiatives. She noted that delegates would receive a document later in the date entitled "Management Flexibility to Appoint and Fix Compensation: A Summary". She noted that changes in this document were the result of Faculty Assembly input. Vice President Bataille concluded with the hope that we can continue collaboration between her office and faculty on local campus. She again thanked the Assembly for the work that we do.

Chair Veit noted that Management Flexibility was not the same as governance. He also noted that in response to the budget crises he would like to see us hold the line on faculty workload.

Vice President Bataille noted that she agreed with him on this issue.

Delegate D'Arruda noted that Jasper Memory had worked on collaboration a few years and that we still had a need for something like this.

Vice President Bataille noted that Russ Lee was working on this now. What her office needs to do is to supply some value added in the collaboration.

Delegate Passe asked if any thought had been given to leadership training for Faculty Senate Chairs.

Vice President Bataille noted that no thought had been given to this issue because of the administrative nature of the workshops. She noted that this was something the Faculty Assembly might want to look at.

Betsy Brown noted that she might be able to put a small group together to look at how the Faculty Assembly might address this issue.

Delegate Morrison noted that ECU was considering cutting one of their programs without any faculty consultation. He noted his concern with the fate of smaller program in the system given the current budget crises.

Delegate Joseph Ferrell noted the budget cuts would affect faculty cuts. It is difficulty to speak of one without the other. He noted that meetings were difficult between the administration and faculty because of the current North Carolina open meeting law. He asked if the General Administration could re-negotiate the agreement with the NC Press Association regarding the open meeting law? He noted that we should plan for program reduction. He suggested that delegates review local campus financial exigency plans.

5. Report by Vice President for Finance and CFO Jeff Davies and Vice President for Public Affairs and University Advancement J.B. Milliken.

Vice President Milliken stated that we need to take advantage of our resources to get our message out to the people of North Carolina. We need to talk with the legislature at every opportunity. If we have any feedback for him please contact him at: <mailto:milliken@ga.unc.edu>. He noted that we would have budget cuts this year along with about 45 other states. He stated that redistricting would first on the mind of the legislature. He noted that this was the worst recession in ten years and that describing it as "mild" does not cover the full picture. He noted that North Carolina had special difficulties because of: a \$1.5 billion tax cut; \$1 billion spent for flood relief; and tax refunds of \$1.4 billion. He stated that textiles, tobacco and banking were heavily affected in the current slowdown. Milliken noted that the recession would probably have an 18-month lag effect following an upturn in the economy. He again noted that there would be a budget cut, the question is how much and for how many years. He noted that there was a difference between economic predictions by economists and actual economic performance. A 4% growth had been projected, while in fact the economy shrunk by 3% for a net difference from projections of -7%. Next year projections were for 4.7% growth, the most optimistic current projections are for 0-.9% growth. The actual economic reality may be every lower. He feels that we need at least a 4.9% cut to make the books balance. There will be a \$1 billion budget revenue shortfall according to current estimates. He noted that both enrollment and entitlements would go up.

Vice President Davies stated that it was important to remember past cuts in current budgets: \$48 million in reversions, \$64 million in one time cuts and \$51.5 million in lost R& R funds. The Governor has requested all state agencies (except for education) to be prepared for cuts in 7-11% range. Community Colleges are looking at 4-10% range. The University system did not report in at the same time as these current cuts. The University has submitted a scenario that would impact instruction. He noted that when cuts go into the 4% range it impacts instruction. We started with cuts in the 1% to 4% range. In reality 4% cuts will not be enough. The budget submitted to the General Assembly is the starting point for reduction. General Assembly target is \$694 million out of the education budget. A 4% reduction would \$72.5 million dollars. Currently looking at \$140 million in cuts, additional cuts of 4% would result in \$280 million in proposed cuts.

Vice President Milliken noted that it would be a high priority to minimize cuts and that he would seek full funding for enrollment increases. He plans on playing defense on keeping management flexibility and F & A costs (overhead) recovery. He also noted that plans for the bonds would stay on track and thereby help the North Carolina Economy.

Chair Veit asked how useful it was to have local publicity on campuses?

Vice President Milliken noted that we need to have a strategy in place on this. No one knows the impact of what local publicity would be. Right now we "need to keep our powder dry" on this issue.

Delegate Lisnerski asked if the 4% would result in a \$70 million take back?

Delegate Noland noted that \$280 million would be an 8-16% cut.

Delegate Bell asked if this would be permanent cuts?

Vice President Milliken stated, "yes."

Delegate Henry Ferrell asked if thought had been given to making an alliance with the community colleges on the budget issues?

Vice President Milliken stated that this would be a "great idea."

Delegate Harp ask that we look at other states that are coming out of the recession quickly.

Vice President Milliken noted that how North Carolina structures economic change would affect us. He stated that Michel Porter of Harvard had been hired as a consultant to help us out with strategies.

Delegate Ferrell asked how could we work out financial exigency due to time constraints on paper? He noted that there was currently a hiring freeze at UNC-CH.

Vice President Milliken stated that he would be surprised if financial exigency was declared. He hopes we will not have to reach this point.

Vice President Davies noted that just because position were vacant they were not eliminated.

Delegate Davis asked why is it taken for granted that these will be permanent cuts?

Vice President Davies noted that he agreed, but that is not the track that is being taken.

Vice President Milliken noted that sometimes there is a delay in the economy coming on line that affects this.

6. Additional nominations for officers and committee chairs for 2002-2003 were requested by the Chair. Chair Veit made changes to the ballot that was submitted by the Nominations Committee by adding Delegates Morrison and Noland to the Planning and Programs Chairs and Delegate Pravica to the Academic Affairs Committee.

7. New business: Motion 2002-Apr-#12 was referred to the Budget Committee.

8. The morning session adjourned for lunch at 12:12 p.m.

II. Delegates had lunch 12:12 p.m. until 12:50 p.m.

III. Standing Committee Meetings were held from 1:00 p.m. until 2:43 p.m.

IV. Second Plenary Session

Chair Veit called the Second Plenary Session to order at 2:43 p.m. with 35 members present.

The roll was passed around for members to sign and the following indicated they were present at the afternoon session: Hugh Hindman (ASU); Bob Morrison, Henry Ferrell, David Pravica, Ralph Scott (ECU); Ali Khan, Barbara Solaro (ECSU); Beryl C. McEwen, Aurelia Mazyck (NCA&T); George Conklin, Jerry Schooler (NCCU); Frederick T. Corbin, Harriette Griffin, Richard H. Bernhard, Stephen Lilley, Paul Williams (NCSU); Donald Lisnerski, Duane H. Davis (UNCA); Philip A. Bromberg, Barbara B. Moran, Joseph S. Ferrell, A. Fleming Bell, II (UNCCH); Jeff Passe, Dick Toenjes, Yogi Kakad (UNCC); James Evans, William Link (UNCG); Jose D'Arruda, Bonnie Kelley (UNCP); Richard Veit, Stephen McNamee, Dan Noland (UNCW); David Claxton, Mary Adams (WCU); Jill Harp, Francine Madrey (WSSU).

1. Report by President Broad.

a. She met with the Officers and Committee Chairs this morning. She noted had she learned some things of concern to the faculty at this meeting.

b. She appreciates the support and co-sponsorship of the UNC-TLT Conference just held in Greensboro. This was a very successful conference.

c. We are having a 20% per year increase in "D.E." enrollment

d. We are bracing for cuts in our budget. Things will be more grim in 2002-2003.

e. It has been along time since we have faced circumstances like what we face next year.

f. Increases in entitlements will total some \$1.5 million dollars.

g. Soon we will know the current tax receipts from the April 15 tax filings.

h. Governor Easley has requested campus to campus cuts 1% by 1%.

i. She is working with Governor Easley, who is very interested in protecting education funds.

j. At the 4% reduction level some 200+ faculty positions will have to be eliminated.

k. None of these cuts will be from the ranks of permanent faculty.

l. There are no quick and easy answers. She will not be surprised if this is long summer of budget negotiations.

m. She will do her best to protect university resources.

n. With regard to enrollment growth, we will have to argue for expansion funds from the General Assembly.

o. There is talk about moving enrollment growth funds to the continuing budget for Community Colleges and the University of North Carolina.

p. Enrollment growth has been at the 8% rate for in-state students and 12% for out-of-state students. Out-of-state enrollment will pay for about one-half of enrollment funding.

q. Good news is that research and support of sponsored programs has resulted in some \$768 million in extra-mural funding. This is an increase of some \$100 million.

r. UNC ranks 3rd in sponsored research and private funding. We are behind the University of California and the University of Texas.

s. She noted the resolution (motion 2002-April-#12) urging the General Assembly to fund enrollment increases.

Delegate Hindman asked if the President would comment on financial exigency.

President Broad noted that it was hard for her to imagine this happening.

Delegate Noland asked if cuts will be more than 4% and what guidelines have been given to local campuses?

President Broad stated that none have been given. Each Chancellor works with Deans to determine cuts. She believes cuts will be more than 4%. She was told by some, that cuts might be as much as 13%.

Delegate Noland followed up by asking if these would be vertical cuts?

President Broad responded again that she would rely on local campuses to make decisions. Possibilities would be increases in class size and/or reductions in class offerings. This will be a very painful time, but we will grow out of the situation in the long run.

Delegate Lisnerski asked if these cuts were permanent?

President Broad responded "yes."

Delegate Bell asked, "Do we need to argue to the legislature that these cuts should not be permanent?"

President Broad responded "absolutely!"

Delegate Joseph Ferrell urged the Chancellors to involve faculty in the cut process.

President Broad noted that she agrees and that she is committed to faculty consultation.

Delegate Joseph Ferrell noted that there were too many reporters on the UNC-CH campus.

Delegate Pravica asked about Low Productivity programs especially the Interim Vice Chancellor Thompson Math committee report.

Vice President Bataille responded that we are looking at ways to use technology to enable use to share course offerings across campuses.

Delegate Passe noted that he was disappointed that a non-voting member was not possible for Faculty on the Board of Governors. He asked President Broad if she was in favor on a non-voting faculty member on the Board?

President Broad noted that she had worked where faculty was on the Board and where the faculty was not on the Board. She noted she was not personally persuaded that this representation is important. The larger question is the faculty voice heard?

2. Chair Veit then turned the podium over to Delegate Jill Harp to present the Nomination Committee report of candidates for Faculty Assembly Officers and Committee Chairs for the 2002-2003 academic year.

Elections were held. The following Officers and Delegates were elected:

Chair: Richard Veit

Vice Chair: George H. Conklin

Secretary: Ralph Scott

Chairs of Committees:

Academic Freedom and Tenure: Mary Adams

Benefits and Welfare: Donald D. Lisnerski

Budget: Duane H. Davis

Faculty Development: Bonnie Kelley

Governance: Jeff Passe

Technology: Jose D'Arruda

Planning and Programs: Dan Noland

3. Standing Committee Reports

a. Academic Freedom and Tenure – Paul Williams

He introduced Motion 2002 –Apr-#13 (to endorse report of Committee on Non-Tenure-Track Faculty). Delegate Toenjes noted that he was gratified that Betsy Brown wanted Faculty Assembly support on this issue. Motion was amended to change last phrase "UNC Board of Governors" to "Campuses in cooperation with the Office of the President." Motion passed on voice vote. Next he introduced Motion 2002-Apr-#14 (Establish principles for RPT process in the UNC system). A number of editorial amendments to this motion were proposed. Delegate Henry Ferrell suggested that Permanently Tenured be used in the place of RPT faculty in section 2. He noted that this was the

phrase used in the Code. Discussion was held on this point. Delegate Morrison suggested for "clarity" that Section 3 ("Clarity") be deleted up to the phrase "There should exist clear..." Delegate Joseph Ferrell suggested that "earn" be changed to "achieve". Delegate Williams suggested that Section 5 be changed to read "faculty vote to" to the phrase "recommendation of the voting faculty." Delegate Bell suggested "RPT" be inserted in line one of the motion. Hindman suggested that section 2 be broken into three sections 1. "Mentoring programs..." 2. "An Assessment of their progress toward tenure" and 3. "Formal statements of mutual...". Delegate Joseph Ferrell made the motion to delete section 5. The Ferrell motion failed. The main motion passed on a voice vote with the editorial amendments.

b. Budget – Barbara Moran

Delegate Moran reported on last year's motion number seven. She noted that President Broad had responded that Chancellors will have local budget information available on the campuses in local libraries. She asked that delegates check on this fact. She wants to be sure that faculty are involved in the budget process. She sees three different stages in effects on local campuses: Faculty involved in the budget process, a faculty process in place, but not working, and no process in place. She presented the UNC Faculty Resolution as Motion 2002-Apr-#12 which passed on a voice vote.

c. Faculty Development – Beryl McEwen

The committee met with Frank Prochaska and spent most of its time identifying incentives for encouraging teaching and learning with technology in the UNC system. The committee noted that the recently held TLT conference was a success and hoped that the conference will be scheduled for next year, and will become an annual event.

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d. Benefits and Welfare – Don Lisnerski

Reported that his committee met with Ron Penny and Kitty McCollum. Delegates had a handout on out-of-state Health Plan benefits at their places. His committee plans to look into out of country benefits and a UNC Supplemental out of country policy. It was noted that this policy would only cover faculty on official business. He asked what could be done about faculty retention on campuses with regard to benefits packages? He noted that the Task Force on Illness and Disability had had its first meeting.

e. Governance – Henry Ferrell

With regard to faculty layoffs he read from Section 605a of the Code which deals with financial exigency. He is concerned over the move toward greater autonomy for local campuses. He is concerned that local trustees will attempt to micro-manage the campuses. He noted that the Executive Committee had agreed to meet prior to each Faculty Assembly at an agreed upon site. He felt that is was an improvement over the teleconferences of the past. He introduced motion 2002-Apr-#15 relative to chairs of standing committees appearing before the UNC Board of Governors Study Commission. Chair Veit spoke against this motion due to prior involvement of the Assembly in this issue. The motion passed on a voice vote. Next he introduced motion 2002-Apr-#16 relative to President Broad's support of faculty participation in meetings of the Boards of Trustees and their committees. The motion passed on a voice vote. Henry then noted his long service on the Faculty Assembly and stated that this would be the last meeting he would be attending.

f. Planning and Programs – Steve Lilley

His committee spent some time in self-analysis. They have decided to continue as a committee. They plan to look at program review and how they are assembled.

g. Technology – Jose D'Arruda

The Technology Committee met with Frank Prochaska and Robyn Render. The Committee conducted a very successful conference at Greensboro. 62% of the attendees were faculty members. He asked for the support of the Faculty Assembly of the TLT Collaborative Conference next year. He presented a list of System-wide software contracts that can be consulted at: <http://northcarolina.edu/ir/procurement/contracts/cfm>

Next he presented a Motion 2002-Apr-#17 to Thank the TLT Collaborative and Frank Prochaska for their support of the Conference. The motion passed on a voice vote. The committee presented new ideas for the conference next year: Poster sessions and combining the conference with another conference to reduce costs.

4. New Business

a. Chair Veit expressed appreciation to the Chairs of the Faculty Assembly Committees.

b. Mary Smith presented a motion relative to the service of David Claxton. Motion 2002-Apr-#18: Whereas David Claxton has faithfully served the Assembly for six years, including currently acting as Vice Chair, we resolve to honor

him for distinguished service.

c. James Evans presented a motion relative to the service of Keith Howell. Motion 2002-Apr-#19: Whereas Keith Howell has served six years as a delegate from UNCG to the Faculty Assembly; Whereas, he has provided leadership and energy as an exemplary representative of the interests of the university; Whereas, he chaired the Faculty Assembly with distinction for two years; Whereas, he has been a prominent and articulate voice for the interests of UNC faculty generally; Whereas, he has also served as the faculty's model as a connoisseur of food and wine; Whereas, his second term as a delegate from UNCG is now coming to an end; Now, therefore, be it resolved that the Faculty Assembly recognize and thank our colleague, Keith Howell, for his dedication and leadership on behalf of all faculty of the University of North Carolina.

d. Bob Morrison presented a motion relative to the service of Henry Ferrell. Motion 2002-Apr-#20: Whereas Henry Ferrell served on the Assembly that drew up the constitution and bylaws during 1972-73 and regularized the work of the Assembly through established committees and meeting times. On December 2, 1972 the organizational meeting was held in Chapel Hill and President William Friday invited the Faculty Assembly "to play an active role in the processes of the University." During the 1972-73 academic year the assembly met on five occasions at which time the Faculty Assembly representatives of ECU William Grossnickle, James McDaniel, Robert Woodside, and Henry Ferrell were in attendance or represented by their alternates. These meetings engendered spirited debate on academic freedom, due process and the role of the faculty in shared governance within the University of North Carolina. Whereas Henry Ferrell served as the second chair of the Faculty Assembly from 1974-1976, and continued his leadership as a major force in the founding and growth of the Faculty Assembly. Whereas Henry Ferrell has served on the Faculty Assembly from 1972-1978 and from 1996-2002, and provided a second six year term of service to the faculty of the University of North Carolina System as a leader and parliamentarian of the Assembly. Be it resolved that the President of the University of North Carolina and the delegates of the University of North Carolina Faculty Assembly express their profound appreciation for his service to the State.

e. Delegate Bell thanked Chair Veit for his work during the past year.

Chair Veit declared the meeting adjourned at 4:54 p.m.

Respectfully submitted by

Ralph Lee Scott
Secretary

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