

Minutes of the Faculty Assembly

University of North Carolina 140th Session of the Faculty Assembly March 23, 2007

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Present: Brenda Killingsworth (ECU); Jimmy Reeves (UNCW); Sandie Gravett (ASU); Andy Koch (ASU); Martha Marking (ASU); Chip Arnold (ASU), DeLacy Stith (ECSU); Kulwinder Kaur-Walker (ECSU); John Dixon (ECSU); Ken Wilson (ECU); Connie Ciesielski (ECU); Mark Taggart (ECU); Blanche Radford-Curry (FSU); Cynthia Gillispie-Johnson (NCA&T); Alvin Keyes (NCA&T); Timothy Seigler (NCCU); Achameleh Debela (NCCU); Arcelia Jeffreys (NCCU); Steve LaCosse (NCSA); Nancy Goldsmith (NCSA); Dennis Daley (NCSU); Catherine Warren (NCSU); Nina Allen (NCSU); Suzanne Weiner (NCSU); Kenneth Esbenschade (NCSU); Scott McRae (NCSU); Gwen Ashburn (UNCA); Margaret Downes (UNCA); Jim Murphy (UNCCH); Judith Wegner (UNCCH); Steven Bachenheimer (UNCCH); Bonnie Yankaskas (UNCCH); Joe Templeton (UNCCH); Cheryl Brown (UNCC); Greg Starrett (UNCC); Yogendra Kakad (UNCC); Rosemary Booth (UNCC); Celia Hooper (UNCG); Paul Duvall (UNCG); Anna Marshall-Baker (UNCG); Eileen Kohlenberg (UNCG); Hazel Brown (UNCG); Bonnie Kelley (UNCP); Jeffery Geller (UNCP); Tammy Hunt (UNCW); Sharon Jacques (WCU); Gary Jones (WCU); Subash Shah (WSSU).

Committee Meetings

Standing Assembly committees met between 9:30 and 10:30. Committees that wished to submit resolutions to the Assembly or felt the need to address the Assembly were asked to submit their requests in writing to Chair Killingsworth. Following these meetings, delegates returned to the first Plenary Session.

First Plenary

President Brenda Killingsworth convened the Assembly at 11:06 AM. She requested that delegates review the proposed changes in Faculty Assembly by-laws that would be considered during the second Plenary Session. Next she asked for approval of the minutes for the Assembly meeting of January 23, 2007. The Minutes were approved without dissent or correction. She then introduced the first speaker, Bobby Kanoy

Report by Bobby Kanoy, Senior Associate Vice President for Academic and Student Affairs

Dr. Kanoy reported on retention and graduation issues. He provided a *PowerPoint* that tabulated retention rates (% of freshmen who returned as sophomores), and four and six year graduation rates for full time freshmen. The data were modified to include students who graduated at a UNC institution different from the one at which they started as freshmen. Data for the UNC System were compared to national averages for public universities, and individual UNC universities were compared to their peers. Kanoy stated that while our percentages were typically higher than national or peer averages, "we can do better". He reported that retention workshops were conducted based on ones carried out at Appalachian State with the support of McGraw Hill Publishing Co. Teams of university officials were brought to GA and Chief Academic Officers from each campus appointed subcommittees to produce plans for improving retention. These plans were submitted to the Board of Governors, who reviewed the policies in September or October, 2006. Goals and plans were also reviewed by Noel Levitt and based on his feedback and that of the Board of Governors, campuses are now revising their plans.

A retention advisory board chaired by Senior Vice President Harold Martin will review the plans and the progress in improving these rates on an ongoing basis. Data such as freshman progress reports will be scrutinized to identify problematic trends (large % of students failing certain types of courses while succeeding in others or a drop in the total hours for which freshmen are registering).. Board members include a provost, a vice chancellor for student affairs, a faculty member, a student, and officials from admissions and financial aid. They held their first meeting yesterday. The board will also review drop policies, minimum admission standards, and other system-wide factors that can be modified to improve these rates. Kanoy pointed out that an additional 80,000 students are expected to apply to the system over the next 10 years, including a substantial increase in Hispanic and other minorities, and General Administration plans to look at all possible strategies that could contribute to improved student success. He then opened the floor for questions:

The first questioner wondered what retention really measured, and said he feared we would be expected to "dumb down" our courses to pass weaker students. He wondered what was meant by a quality education under these

circumstances. Dr Kanoy replied that the board would be looking at anomalies in trends that might indicate problem areas that needed improvement, but that President Bowles has said repeatedly that he wants to maintain our high standards. He said that there was a concern that if accountability issues weren't addressed by GA and the universities, the Legislature would mandate how they were to be dealt with, so he felt it was particularly important that we be proactive.

Another delegate commented that often, junior and senior classes are bimodal in their distribution, with many students retained who didn't belong. President Killingsworth commented that Vice President Martin had talked about raising admission requirements. Kanoy added that a number of university systems, including the California State System, had minimum admission requirements, and indicated that this was an open question for UNC.

A delegate from UNCC wondered if demographic information (such as marital status, and if students were working part or full time) had been considered. She indicated that these factors would affect the data. There was a concern that the pressure to admit more students and "get them through" would fall on faculty. It was suggested that the measures weren't necessarily bad, but that countervailing data needed to be considered.

Kanoy answered that campuses had been asked to keep data on how much students were working (although reliable data was often hard to get), and that Pell grant and other financial aid information would be used to determine how financial circumstances affect these rates. When asked how President Bowles dealt with the concern that a college education had become a commodity (the right of the student), he replied that the President feels strongly about both access and quality. The question was how we could be more successful without having the value of the degree diminished.

Another delegate commented that more attention needed to be paid to improving K-12 education. It was also suggested that graduation rates for transfers needed to be compared to full time freshmen. Kanoy agreed, and pointed out that while the data he provided was only for full time freshmen, General Administration was collecting and posting (on the GA website) success data for community college transfers. He indicated that it would be the next issue they would address in this area.

To the suggestion that it would be helpful to know the members of the retention advisory board, and he promised to provide the information, which will be posted on the Faculty Assembly website.

A final questioner applauded the emphasis on admitting qualified students, but wondered if there was a greater emphasis on community college transfers. He also asked if there were a difference in persistence between distance education and traditional students. Kanoy replied that there has been an increase in the number of CC students requesting admission to UNC schools, and that the relationship between Presidents Bowles and Lancaster was growing stronger. As for distance education students, he said that Scott Jenkins had more information on the subject, but that we may not yet have a marker of students who are completely on-line, due to the confusion between blended and fully on-line offerings.

Report by Leslie Winner, Vice President and General Council

Leslie Winner, VP and General Council, reported on the issue of criminal background checks for UNC employees. She indicated that she had come primarily to answer questions but would first provide some background information. She said that General Administration had no position on the scope of checks that campuses should undertake, nor was there any informal campaign, and that they were satisfied with the differences that currently existed among campuses. She said all campuses were doing some form of background checking. Some limited them to campus police and child care workers, but the majority required them of all new SPA employees, and by July 1 half of the campuses would require the checks for all new employees. She cited two reasons for this increase: 1) The checks are much easier to carry out than in the past, so some campuses are conducting them to avoid small property crimes, and 2) There had been an increased focus on campus safety spurred by the tragic death of a student at UNCW two years ago. She admitted that it was a bit like looking for a needle in a haystack, and that often offenders had no history of violence.

She also expressed the opinion that if these background checks were conducted, they should be universal, or the reasons for choosing specific groups should be "rational". In particular, she saw little justification for checking SPA employees but not EPA employees, though she emphasized that was only her opinion. She also indicated that another serious issue was what to do when you get information that surfaced about a potential employee. She admitted that there was no current rule about what information might render someone "forever unemployable", but that GA had entered into a system-wide contract to get a good price for these checks and had provided a model policy that didn't indicate who should be checked, but did ensure that campuses complied with federal policy and informed the applicant of what was found. She indicated that the checks were not 100% accurate, and that while mistakes were typically false negatives, some false positives were encountered, so it was critical that the applicant have an opportunity to respond to the information. Then she opened the floor for questions.

A delegate asked if a university be more liable if it choose not to do background checks because of issues of personal privacy and "the worst happens". Winner answered that there was no way to tell, but that the legal issue had more to do with the type of business, and that this was changing all the time. She indicated that there was precedent that we would not be liable in the case of students, and that nobody does criminal background checks on all of their

students. She said the university would need to make the legal argument and find out.

Another delegate wondered who would decide the fate of the employee/applicant if a background check produced a "hit". Winner answered that all public schools did these types of checks (including fingerprinting all applicants) and used lists of factors to decide, but that doesn't make it easy.

A delegate asked whether universities could take advantage of the combined purchasing power to do background checks on certain groups of students. Winner replied that the idea of combining purchasing power had started with the need to carry out checks on nursing students and had grown from there. Now there is a policy of "red-flags" that trigger checks of students.

A delegate expressed skepticism that GA had no position of background checks to which Winner reiterated that GA takes no position. The delegate followed up by asking if we had any information about how many crimes had been committed by faculty members. Winner replied that she was confident that the number would be very small, but cited the example of a candidate who had been offered a position before the background check returned the fact that he had been indicted for sexual misconduct. The individual withdrew despite the fact that he had signed a contract.

VP Winner was asked if hiring officers were responsible for making decisions about background check hits. She said that the call was made differently on different campuses, and there was a large degree of decentralization. She acknowledged that there might be a need for more consistency.

A delegate wondered how decision makers would be trained and held accountable. Another expressed gratitude for the information but admitted uncertainty about where he stood. He asserted that we are not a business, and wondered where the impetus for this initiative was coming from, how we can be involved with the input process, and how the data would be used. Winner replied that she saw a trend in industry, with background checks starting with child care workers, then expanding to nursing, then eventually becoming industry-wide. She said she didn't have data to determine if it is a trend among universities, but believed it probably was. She said it converged with campus safety issues arising from the murder in Wilmington and ballooned to backgrounds of employees. She noted that the campus safety task force had not raised the question of doing background checks on staff. She urged delegates to get involved with HR directors and programs.

A delegate from NCSU reported that they had been told about the requirement of background checks for all new EPA and SPA employees the day before the policy was put into affect, and expressed the concern that it was being driven by the companies doing the tests. Winner replied that she had not been pressured by any of these companies and was skeptical that they were involved.

A delegate indicated that she employed part time students, and checks had to be done repeatedly on the same students in the same year. Winner replied that Homeland Security regulations required that everyone must be checked if anyone is checked. She acknowledged, however, that a campus policy could be developed to require such checks on any individual only once a year.

Another delegate reiterated the concern that GA had indicated their expectation that campuses would carry out background checks by developing a system-wide contract. He said he was worried about the affect this policy would have on diversity, and suggested that the "safest" way to proceed would be to refuse to hire anyone who had any past history that appeared on the background check. He wondered how to take diversity into account. Winner replied that GA got involved after being asked by the campuses, and she reiterated that they took no position. She also said that the factors that would be considered would vary depending on the job the applicant was seeking. For example, if someone was being hired to drive a vehicle, motor vehicle problems should be taken into account.

Another delegate maintained that decisions must not be made on the basis of arrests that didn't result in convictions, and reiterated the concern that the policies would have an adverse affect on diversity. Winner noted that there was a lot of data on race and crime, but not among faculty. The delegate followed up by citing the example of a colleague who had spent five years in jail and was an especially effective instructor because of the experience. He worried that under the new policy, this individual might have been denied employment. Winner replied that she assumed that they were aware of his criminal record and hired him anyway, and that a background check would reveal applicants who had failed to disclose this information on their application. She said the model doesn't say not to hire, and the real risk is not knowing. These checks are designed to minimize that risk.

A delegate expressed the concern that the decision could be made by a literalist who would deny employment to anyone without recourse because of a criminal charge. Winner replied that this returns us to the issue of who is in charge of hiring, and there was a tension between localization and delocalization. She said the issue will be taken up during discussions she was having that afternoon.

Another delegate quoted from a policy that indicated the greatest risk came from white collar crime and wondered if checks would be applied to upper administration. Winner replied that she believes they are the most widely checked.

A delegate returned to the question of whether a campus would be more liable if they had a policy of not doing background checks or if they took no position on the issue. Winner replied that it made no difference, and the liability

question would revolve around the question of whether it was “reasonable” for the university not to do the check. She said the answer might change, but for now she didn’t feel strongly that we would be liable. Otherwise, she would be urging universities to adopt a policy.

Finally a delegate raised the question of the affect on international faculty, wondering whether it would limit the pool. Winner replied she expected that there would not be many positive checks, and that the real question would be who decides. She also said that the reliability of background checks from other countries varied widely, while those from other states generally provided good data.

Report by Andy Willis, Vice President for Government Relations

Andy Willis, Vice President for Government Relations, provided a legislative update and advocated strategies for educating legislators as the budget debate approaches. He said he could not yet make any comment on the new leadership in the house. He indicated that the House would do the budget first, and that new committee chairs in the house needed a significant amount of education. He suggested that this was particularly true of the House Education Committee, which must become informed about K-12, community college and university issues in a very short time. He said that there were 10 non-appropriations items passed by the Board of Governors, and all ten had been introduced in both houses, and the first had passed just this week. He expressed concern that over 2500 bills had been submitted, with 10% affecting UNC, both good and bad. He indicated that the number of bill submitted during the last legislative session had set a record, and submissions were up 30% in this session, and he was not seeing more efficiency from the new leadership.

He referenced a link on the General Assembly web page indicating the bills we were following. In response to a question about a bill requiring the return of lapsed salaries, he indicated that this bill had no support from the leadership and had been filed seven times in the last nine years, always dying in committee. He promised to follow its progress, but indicated he didn’t think it would be a problem. He said that appropriations committees had met jointly three to four weeks ago, and that three of the committee chairs in the House (one an FSU adjunct faculty member) were new. He observed that we had strong support from leaders in the Senate who were very familiar with issues involving the University, but reiterated that the brand new chairs in the House would need lots of education.

He said that over the last five to six weeks, public schools and community colleges had been involved in hearings, but now the process needed to be sped up. The University had its first hearing last week, consisting of basic explanations about the 16 campuses and our base budgets, and next Monday they would discuss the issue of financial aid, while on Tuesday PACE would be discussed. He said that we were the only entity that had looked at efficiency without being asked, and indicated that Presidents Bowles told legislators that if they gave us nothing else, they needed to fund our two top priorities, need-based financial aid and increases in faculty salaries. He said that the Board of Governors and Boards of Trustees had been urged to provide strong support for faculty salary increases. He suggested that needs-based aid wouldn’t be a difficult sell, but increases in faculty salaries would be, and we all needed to work hard to convince the legislators. He also indicated that the House was currently deciding on financial issues, but the Senate was not. The house favors continuation of the increased sales tax and taxes on the wealthy, while the Senate was in favor of increased taxes on beer and wine. He expressed the fear that if no compromise was reached, the Senate “would do its own thing”. He also said he was hearing that this year’s state revenues were between \$300 M and \$1B in excess of expectations, but emphasized that these were one-time monies. He also observed that lawmakers were considering the debt capacity of the state to decide about the issuance of bonds to finance capital projects, which would be very good for us.

He said the Senate was in favor of \$3B to \$4B in bonds, while the Governor had asked for \$1.6B and the House favored bonds worth \$2B to \$2.5B, but that progress was slow on this issue. He said that the House budget is expected to be finalized by May 10, although they would prefer an earlier date. This is problematic, since final revenue data won’t be available before then. He reiterated the need for hard work to increase support for University initiatives in the House, because while Senate support was strong, we need “eggs in both baskets”, and the need for faculty salary increases is particularly important. He then opened the floor for questions.

A delegate asked if there were any bills advocating an “academic bill of rights”. Willis replied that, with only two more days left to file bills, he had not yet seen one.

Another asked if he was pushing for additional support for graduate teaching assistantships. He indicated that the Governor’s budget included funding for 90 additional assistantships, while the Board of Governors asked for 500 as part of the research package.

A delegate pointed out that the deadline was fast approaching for state employees to change our health insurance plan and wondered if there were any possibility of knowing about increases in the cost of the plans before the decision had to be made. Willis replied that this was not possible since only six bills had been passed by the Legislature to date.

Finally Rob Nelson, Vice President for Finance Work, provided the Assembly with a budget update. He indicated that a side by side comparison between the Governor’s proposed budget and that of General Administration was available on the WWW and that the key differences had already been highlighted. He then commented on the cost of textbooks,

and the textbook buy-back policy newly passed by the board of Governors. He said that the Board was responding to a national report (PURG?) and that seven to eight states had introduced legislation to reduce textbook costs. The Board did an extensive study of the issue before President Bowles arrived, and that Bowles is particularly interested in reducing the cost of college. Reports about textbook rentals were solicited from all of the campuses. Nelson apologized about the fact that there is sometimes a conflict between issues of cost and the quality of teaching and learning, and suggested that we needed to strike a balance. He highlighted the fact that all of the campuses had formed committees to study the issues. Some initiatives that were being advocated included adopting textbooks in a timely fashion, and the extension of the sales tax holiday. He said that the PACE report similarly recommended an expansion of this "holiday", and that the cost to the general fund would be about \$4M. He indicated that the community colleges were also interested in this issue, and that reports from campuses varied widely, but some common recommendations, including a 100% on time adoption policy, had come forth. He said that President Bowles believes that significant cost savings can be achieved, and that chief financial officers on every campus are being consulted now in an effort to implement the "guaranteed buy-back" policy recently passed by the Board of Governors. The goal is to implement this policy for a couple of selected lower division courses on each campus beginning January 1, 2008, and to validate and compare all costs, including supplemental materials. He said the reported textbook cost of \$72 per semester quoted for Appalachian State (which has a textbook rental policy) did not reflect the total cost to students. He hoped that everyone would work together, and acknowledged that faculty and others have "stepped-up" in this regard. He said he feels confident that a large scale buy and sell policy will result in cost savings for students.

A delegate asked the reaction of textbook publishers. Nelson indicated that he had not heard from them.

Another delegate expressed frustration about the fact that President Bowles had told the Assembly that he had decided a textbook rental system was not a good idea, and now we have this new policy. Nelson said he had no comment, but emphasized that General Administration did not have a broad policy, but advocated best practices, and they would keep the policy as flexible as possible. He emphasized, however, the President Bowles "wants something real", and that targeting a textbook buy-back policy toward two or three large courses on each campus seemed like the next reasonable step. He said we don't want the legislature involved, and that if we "go too far", we'll hear about it.

Finally, a delegate indicated that we must get a measure of the net cost rather than the "average cost" of books alone. Nelson replied that as they looked across the 16 campuses, buy-back varied tremendously, and he was not sure what was included.

The first plenary concluded with a call by President Killingsworth to let the HMI delegates and faculty senate presidents get their lunches first, as they would be meeting during the lunch break.

Second Plenary Session

1. Report of Self-Study Task Force: Bonnie Yankaskas presented the Task Force's recommendations for revision of the charter, particularly those relating to determining number of Faculty Assembly delegates based upon percentage of University system faculty totals (in contrast to the past system in which numbers of delegates were determined by raw number of faculty). Acha Debala (NCCU) asked about how the percentage system would work. Bonnie explained that the approach kept the size of the body roughly the same (up from 60 to 64), while allowing for changes based on relative growth. Tammy Hunt asked why the minimum number of delegates per campus was to increase from 2 to 3. Connie Ciesielski (ECU) asked whether that would mean that the sizes would not change much. There was also a question about the meaning of "full time faculty," and the consensus was that consistent with the bylaws this was a matter for the individual campuses. In addition, there was a question about the meaning of "professional staff" in the bylaws, and the consensus was that this language was used by the AAUP and others to include personnel such as professional librarians. After discussion, changes in the proposed charter were made as indicated in the attached revised draft. The revised draft was passed unanimously and will be transmitted to the campuses for action. [Charter change]
2. Task Force Reports.
Judith Wegner presented on behalf of the legislative relations task force. A group of Faculty Assembly delegates will participate in a training program in the morning and attend the BOG's "legislative day" in Raleigh on May 9. We will also sponsor two "higher education days" on May 30 (on health-related programs) and June 6 (on environmental/natural resources programs). Judith asked delegates to identify faculty who could help and participate. She also asked delegates to bring to the next Assembly meeting materials (such as books, admissions materials, etc.) to be used as "props" or displays as part of these sessions. She will follow up by advising all delegates of these opportunities and asking for their assistance.
3. **Committee Reports:**
Academic Freedom and Tenure:
Background Checks. Cat Warren reported on the committee's discussion about background checks. She cited a summary of which campuses in the University system are doing what (citing materials provided by Leslie

Winner). Martha Marking asked if this information could be shared with campuses, and Cat said she would request Leslie to provide such information in electronic form for distribution to the campuses if possible, and Cat agreed to do so. Cat also distributed a proposed statement developed by the committee. Scott McRae (NCSU) said he had thought further about the matter and thinks the real problem is that such checks take place in the personnel arena (which is not open) and it may never be known what the real criteria are. Cat offered further thoughts about the subject generally. Cynthia Gillespie (WSSU) said that they do a criminal investigation check on new faculty and it moves smoothly. Celia Hooper (UNCG) said that they have to do checks on graduate students and it takes time (and in some instances they have gotten false positives). They have to do it in health care but don't like it. Acha Debala (NCCU) asked "do we have any role in it or are we following a fad?" He thinks its an invasion of privacy for academics, and he wonders if there's anything we can say about how the information would be used. Cat was asked whether she wanted the delegates to act on the draft statement she had distributed. She said she'd prefer to do more to Mark Taggart moved that the delegates express their concern about the developments, commended the committee for its work to date, and asked that they develop a stronger statement for consideration at the next meeting. The motion passed unanimously.

4. Professional Development Committee

Scott McRae (NCSU) reported on behalf of the committee. He said that the committee would like to develop and distribute a survey asking about (a) What written policies exist on each campus relating to professional development for faculty? (b) What support structures exist (center for teaching and learning or faculty development centers)? (c) And what funding there is for such efforts on each campus campus. Brenda mentioned that the Executive Committee had agreed at Harold Martin's request to run any survey requests through him, and asked Scott to run any survey through Sue Carpenter and Harold Martin as well as Brenda. Scott said he anticipated moving swiftly on a preliminary survey then following with something more detailed.

5. Chair's Report:

Task Forces. There are new task forces (public service, trimester, administrative appointments and review) with charges provided.

Post-tenure review. She will meet with Jim Sander on this and said this is a short turn-around. She has received responses from a number of campuses, and needs any further information as soon as possible (by Monday March 26). The topic will go to the Board of Governors in May.

On-Line Initiative. She has received responses from four campuses. She needs to know if there is any kind of standards set by campuses relating to on-line quality.

Administrative Appointment and Review. She's established a task force on this topic, and needs responses to go to the task force so they can address this topic. She asked the delegates to advise her on what their senates may have discussed (or not) about current practices. Sue is assisting her in compiling this and other information.

UNC Tomorrow. She will be meeting with Norma Mills soon about the Scholars Council and the composition of the group. There's been some delay. Brenda said that she had circulated the request for recommendations of nominees once again. The Vice Chancellors have also been asked to submit names by the end of this week. The Scholars Council may have 25% reassigned time for fall, spring, and this coming summer. There will be a sizeable stipend. Subash said that he had heard from his provost that the provost had submitted two additional names. Brenda said that the reason for delay had been the need to refine the responsibilities and role of this group. Brenda said that if there are any other names to be recommended, she needs names and supporting information for candidates. Dennis Daley asked how the selection would be made in the end. Brenda said that Normas really wants input from the Assembly. They are also talking about graduate student support, since they need to build the budget. There may also be need for additional reports on particular topics (in addition to the work of the Scholars Council). The Commission has been named. Subash said that since there had been many names submitted, who would decide? Brenda said that the decisions would be made within GA with input from Brenda.

May meeting. Please make a considered effort to attend the meeting or to send an alternate.

Textbook Orders. It's important that this body have input about how to meet the 100% compliance date for textbook orders, the buy-back/rental programs, and so forth. Brenda asked Ginger Burk to ask campuses to make clear who the campus contact is on this effort and to request campuses to have faculty senate representation in such efforts.

Sustainability. Gary Jones has prepared materials on this subject and brought it up at the Executive Committee meeting. The idea is to have the campuses take a stand on this matter, and Rob Nelson said that he thinks the System would be supportive of the sustainability statement that Chancellor Moeser and some presidents have signed.

Congratulations. Cheryl Brown was selected as an ACE Fellow, along with Michael Lee from UNC Medical School and two other people from NCSU.

The meeting adjourned at 5:09 p.m.

Respectively submitted, James H. Reeves
and Judith W. Wegner

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