

NORTH CAROLINA STATE UNIVERSITY
Minutes of the Faculty Senate
September 5, 2017
3:00 p.m.

Regular Meeting No. 2 of the 64th Session: Faculty Senate Chambers September 5, 2017

Present: Chair Bird, Associate Chair Ange-van Heugten, Immediate Past Chair Moore, Parliamentarian Kellner, Senators Argyropoulos, Auerbach, Banks, Berry-James, Boyer, Bullock, Bykova, Carver, Fath, Feducia, Gunter, Havner, Hayes, Hergeth, Huffman, Kotek, Kuzma, Orcutt, Pearce, Perros, Rever, Sannes, Sederoff, Thakur, Young

Excused: Senators Ash, Berry-James, Kathariou, Lim, Nam, Parker

Absent: Senators Barrie, Eseryel, Hawkins, Laffitte, Lee

Guests: Katharine Stewart, VP for Faculty Affairs; Courtney Thornton, Assoc. VP for Academic Personnel and Policy; Roy Baroff, Faculty and Staff Ombuds Office; Marc Hoit, Vice Chancellor, OIT; Dr. Linda McCabe Smith, Vice Provost, Office of Institutional Equity and Diversity; Reggie Barnes, Senior Director of Campus Community Centers.

1. **Call to Order** - *Carolyn Bird, Chair of the Faculty*
Chair Bird called the first meeting of the sixty-fourth session of the NC State Faculty Senate to order at 3:02 p.m.

2. **Introductory remarks**
Chair Bird asked the guests and invited speakers to introduce themselves.

3. **Announcements**
 - a. General Faculty Meeting dates have been set as follows:
 - **October 3, 2017 – Talley Student Center, Blue Mountains Ballroom, 3:00 pm**
 - **March 20, 2018 – Talley Student Center, Room 4280, 3:00 pm**

- b. Suggestions for topics are being accepted for the Fall and Spring General Faculty meetings.
- c. Summary table of Non-Reappointment and Grievance actions filed between 2006 and 2016 (ten year period). See February 9, 2016 Senate Agenda, Appendix A.
- d. Student Centers Board of Directors (SCBOD) seeks one or multiple rotating senators to provide faculty perspective and serve as Faculty Senate representative. The SCBOD meets one Monday per month from 5-7pm. The Fall meeting schedule is as follows: August 28, 2017, September 18, 2017, October 16, 2017, November 27, 2017. The tentative schedule for Spring is: January 22, 2018, February 19, 2018, March 26, 2018, April 23, 2018. Please let Chair Bird know if you are interested in volunteering as representative to this group. See Appendix A.

4. Approval of the Minutes, Regular Meeting No.1 of the 64th Session, August 22, 2017

Associate Chair Ange-van Heugten called for a motion to approve the minutes for the first meeting of the 64th session of the NC State Faculty Senate. A motion and second were made and the minutes were unanimously approved, with noted grammatical corrections.

5. Provost's Remarks – Katharine Stewart, Vice Provost for Faculty Affairs

Dr. Stewart brought greetings from Provost Arden and his apologies for not being able to attend the meeting. She asked the Senators to share with her any hot-button issues or questions that need to be addressed right away; otherwise, she asked them to bring those questions back in two weeks so the Provost will be able to address them.

Dr. Stewart relayed to the Senators new information regarding the online post-tenure review training that was provided by the University system. She stated, "As you know, last year the Provost was required to attest to the Board of Governors that everybody involved in post-tenure review had completed the training. The Provost has been informed that in subsequent reports going to the Board of Governors that we are required to attest that the training has been made available to you." She reported to the Senators that she will be sending out a link to that training in case they need or want to participate in the training at this time.

Questions/Discussion

Senator Pearce: How common is post-tenure review the way you do it now, across Universities? Is it mostly public universities that are doing this?

Dr. Stewart responded that post-tenure review exists at a lot of universities in different forms; some are just the standard annual review, but ramped up by the department heads, some are the group of peers. She added that at public institutions, post tenure review does tend to be a peer review. She commented, "The process that changed for the UNC system, fairly significantly, was the addition of a formal review by the Department Head and the Dean to the peer review. Some institutions do have an administrator review involved in that, but I would say that that is probably the place where we diverge from many public institutions."

Senator Pearce: How many people got "unsatisfactory" or whatever the "bad" outcome is last year?

Dr. Stewart responded she is not sure if we have it from last year since we are still pulling that data from the colleges. She reported that on average, about 2-4% of the faculty who are reviewed in a given year get a "does not meet expectations." She continued, "Of the faculty who are on a "does not meet expectations" performance plan, approximately half meet expectations in the subsequent year or two and of the other half of those, about half retire or resign during the next five year period."

Chair Bird asked if the post-tenure review training had been completed, do you need to do it again?

Dr. Stewart responded "no." She stated that the original requirement was that everybody who was involved in post-tenure review had to do it; but there was no statement about annual recertification and she will not add that interpretation to it.

6. Bias Incidence Response Team (BIRT) – Dr. Linda McCabe Smith, Vice Provost / Office of Institutional Equity and Diversity; Reggie Barnes, Senior Director of Campus Community Centers.

Background - Faculty Senate was engaged in conversation in Spring 2017 about this new initiative. We are interested in hearing more now that the program has been launched. It is particularly important in the context of national issues around Campus Climate.

Dr. McCabe Smith thanked the Faculty Senate for the invitation to return to the Faculty Senate to present updated information regarding BIRT. She added that if you have any questions, please do not hesitate to ask them during the question and answer time after the presentation.

Dr. McCabe Smith introduced Mr. Reggie Barnes to present the BIRT information to the Faculty Senate.

Mr. Barnes stated, "The last time we had this conversation, we did not have a lot of information; it was in kind of the infancy stage, looking at best practices around the country, trying to look at the structure and some practices that we thought would be best for our institution." He added that we have that now and we can provide more context for that. Also, he stated, "I will be able to give you some connection as it relates to some of the things that are going on now. One thing I've done a lot of is talking and putting this conversation in a particular context, especially with students, because the idea for many is that this type of initiative is designed to eliminate anything that people don't agree with, and there is no way we can do that. All we can do is look at how things impact."

Mr. Barnes went on to say that NC State has come a long way since 1887; being much more diverse. "Having people with different perspectives and experiences we also have to understand that although we value diversity and inclusion as an institution, there are some here who may not value it as much, and those who may not want to celebrate it, and they are more than free to have those opinions and express them."

He added, "What becomes a challenge is when we come across situations that some think should be addressed directly, when we really cannot because they are actions, be it verbal or an actual action, may be protected by the First Amendment. So that is a challenge that we often have to mitigate, that lies in the gray – trying to interpret what we can and cannot say." Mr. Barnes went on to say that as it pertains to BIRT, it is a process and system through which persons – students, faculty, staff and members of the community – can report incidences of bias on and around campus that may or may not violate a law, institutional policy or conduct code.

Mr. Barnes stated that the process enables us to better support individuals and groups who are impacted by incidents and to design appropriate intervention to improve our campus climate. "Many of those interventions are not very visible; some of them are implemented through the diversity education and other types of community-based initiatives that we have throughout the year. They are not always "in your face," and are not always very broadly publicized." He added that through these initiatives, BIRT empowers and equips community members with skills needed to appropriately confront offensive actions and to encourage them to take responsibility when they offend others.

Mr. Barnes stated, "We are very clear in our definition – which is consistent with that of campus police – for a bias incident; any activity (either verbal, written, virtual, physical or

psychological) that intimidates, demeans, mocks, degrades, marginalizes, threatens or harms an individual or group based on that individual's or group's actual or perceived protected class (age, color, disability, gender identity, genetic information, national origin, race, religion, sex – includes pregnancy, sexual orientation or veteran status).” He added that they can occur whether the act is intentional or unintentional and what is looked at is how an action impacts an individual or group, not the intention or motivation of that action. Mr. Barnes stated that they do not put a label on right or wrong, and that if they are addressing it, it does not violate anything; therefore, they do not put the right or wrong label on it.

Mr. Barnes continued, “There has been a lot of confusion about what BIRT does and what it does not do.” In order to provide clarity, he listed awareness, support, education and restoration as the functions of BIRT. He then stated that BIRT does not censor or limit protected speech, replace University processes for reporting and addressing acts of discrimination, harassment, concern or violence that currently are in place; nor does BIRT investigate incidents.

The entire PowerPoint presentation can be viewed on the Faculty Senate website:
<https://facultysenate.ncsu.edu/>

The Bias Incident Response Team website can provide additional information:
<https://bias-incident.ncsu.edu/>

Questions/Discussion

Senator Young commented that he includes in his syllabus a section on micro-aggressions in order to state his policy and give his students a safe place to learn. He asked if he should add points of contact for the OIED into this section as well.

Dr. McCabe-Smith responded that she would love to have that information included. She is aware that what is added to syllabi are up to the individual professors' discretion, but this would be a good idea.

Senator Young asked if students could reach out to Dr. McCabe-Smith's office.

Dr. McCabe-Smith answered, “Yes.”

Senator Young stated that he has some appreciation for the psychological parts of post-traumatic stress triggering as a veteran or for any person's life experience; on the other hand, he said he is somewhat concerned about if we're not talking about the legal

protections of federal law, how can we be sure that we are not indulging the reporter's over-sensitivity to some issues that are really not a bias incident, but just someone being over-sensitive to a discussion in a free speech learning environment?

Dr. McCabe-Smith responded that one of the advantages of having a team approach to this is that we can catch some of that. She added that they know it is out there and it will happen, but having the team approach where people from counseling to people in the classroom being able to look at it and be able to make that kind of decision.

Mr. Barnes added that they also recognize that on their end as administrators, we may be callous to certain topics that may not offend. He stated that there are others who may be more sensitive to those; not saying that they are over-sensitive individuals, but they may be more directly impacted than we are. So, he added, we try to make sure that we have two tiers of individuals and people who are on the ground working with those populations on a daily basis, especially student organization advisors. He added that they have a lot of those conversations on the back end to help them process exactly what happened and what steps they can take.

Senator Sederoff asked a question regarding free speech as it relates to Administrators, wondering if BIRT has seen this issue. *[NOTE: This question was nearly inaudible so exact wording is unknown.]*

Mr. Barnes responded that they look at the good and the bad, even the harsh criticisms of their work. He added that they are constantly revising things and that one thing that always causes them to go back and look at processes is recent legislation that is guiding them to look at things in a certain way. He added that they have to make sure that they are not in violation with things that are being handed down through the government as well.

Senator Sederoff added that he felt that it was best to set clear neutral rules and support the rights of ____ speakers before a crisis. *[NOTE: This question was nearly inaudible so exact wording is unknown.]*

Dr. McCabe-Smith agreed and stated there was an article in *The Chronicle of Higher Education* that provided some good ideas as to how to approach these kinds of issues, including understanding that free speech cannot be censored, whether good, bad or ugly. She added that there needs to be discussion regarding this issue from faculty, staff and students.

Senator Bullock asked about the syllabus and what exactly might be required in regard to language. She stated that she is seeking clarity about what you would be doing with the syllabus and why might we refer these students.

Dr. McCabe-Smith stated that she thinks that having the information on the syllabus gives the student another place they can go to report an incident. She added that the danger of that could be the interpretation of “here’s the Bias website,” adding that there needs to be context included as well. “You just can’t just put something there; there has to be some context. This is not something that everyone would want to do, but it is another idea.”

Mr. Barnes added that their team could provide some language and help create it as well. He added that they have seen that when faculty do that, it actually de-escalates students because they recognize that the faculty member is aware of the possibility and when and if there are controversial topics that are discussed, they are less likely to be triggered simply by including the information.

Senator Young stated that he lists the topics that are likely to be controversial or triggering, and he invites the student to let him know, in the spirit of “I don’t know what I don’t know,” if they perceive this to be triggering. He added that he would much rather they say something to him before it escalates to other offices. Dr. Young asked what resources are available to students in addition to their professors.

Mr. Barnes responded that the counseling center still does the same work as is necessary, especially when students are triggered. He added, “To the point, yes, whenever you have that discussion on the front end, then students are less likely to respond in a negative way, so that is very good.”

Senator Feducia asked what visibility is being given to this program so that new students, and new faculty and new staff are not confused about where to go.

Mr. Barnes responded that throughout the summer, he presented at new student orientation, transfer student orientation, met with the underrepresented student advisory boards, the community boards, etc. He added that they continue to send out information regarding the website. Mr. Barnes stated that they are aware that there would still be some level of confusion because there are still multiple ways to report things. However, he added, “We are trying to make it very clear that once they report, then we are sending it to the necessary area.” He added that if things come to him that do not fall into his lane, he always communicates that to the individual that he is referring it elsewhere so

they will know ahead of time and that they're not blind-sided or waiting on me to respond and then someone else does.

Senator Feducia asked that when Mr. Barnes talks to those reporting incidents if he has found any that are reluctant because of confusion about where some of this information might go beyond BIRT?

Mr. Barnes responded that it has been more so the fear of retaliation. "Sometimes they may be reluctant, but as far as confusion about where things are going, we haven't really gotten that yet." He added that they are very clear up front that this is a process that right now is handled amongst us, there is nothing judicial, and nothing goes on anyone's record. He stated, "We have not had that happen yet."

Senator Bykova asked if he could provide any information about how many cases they have had so far, and what type of cases have those been. She added that she would like to know what some of the complaints are.

Mr. Barnes responded that they are still wading through situations where six emails may have been submitted for one particular incident, but for the most part, there are probably 10-12 incidents and the majority of them have related to speech and things that they really cannot do anything about.

Dr. McCabe-Smith added that for the most part, these reports are regarding free speech and what can be said and not said, and some are asking things like "So-and-so said this to me, or did this to me." That kind of thing. She added that they do not know where to go and so this provides them with an avenue because some of it just doesn't fall to the level of investigatory process.

Mr. Barnes added, "Even on the other side, there have been some that totally disagree with the fact that BIRT exists and that I'm even employed at the University at all. There has been a lot of inflammatory language and I have been reported as well. So this is something that we have to deal with and develop very thick skin." He added that even though everyone at the University may not be impacted by incidents, this is a service that supports the entire campus community.

Senator Boyer asked what channels does this type of report come through. He asked if they were direct emails or some other channel.

Mr. Barnes responded, "Emails, phone calls, letters and reports through the website. A

lot of different ways.”

Senator Sannes commented that Dr. McCabe-Smith and Mr. Barnes came to the Vet School and presented this information and then facilitated a two-hour discussion about free speech and other issues. He stated that they had a great turnout of students and faculty and he feels it was very spirited and well-placed. He added that any college should do this – “It’s a really good idea and it was nicely done.”

Dr. McCabe-Smith thanked Senator Sannes for his comments.

Mr. Barnes added that depending on the nature and scope of the issue, when it falls to the discussion of the legality of speakers coming to campus and how the University is likely to respond, they will bring in legal counsel to be able to balance the conversation since they are not the legal experts. He added that they work to bring in the necessary individuals to have the conversation that is needed.

Dr. McCabe-Smith encouraged the Faculty Senate to encourage their Deans to do the same. She was impressed that the students at the Vet School were very in-tune and are asking a great deal of questions about free speech – what can I say and what can I allow to be said to me.

Senator Bullock added that her department invited Mr. Barnes into their meeting in the spring and there were so many questions, time ran out. She added that they then invited him to their annual fall retreat and still there is just not enough time for faculty to ask all of the questions that they want to ask because of the political climate and the desire to help our students. She asked then how do you handle a situation that involves faculty, i.e., what is done when a student has been aggressed by a faculty member?

Mr. Barnes commented that this is a different situation and at this time, it is just direct communication that is encouraged. To-date, there has only been one situation and this area does need further clarification.

Dr. McCabe-Smith added that there are no clear-cut lines there. “There is academic freedom, and that has to be thrown into the mix, as well as free speech. So all of those things have to be considered when you’re making those kinds of decisions.” She commented, “If there is a decision that falls to another level, then that’s a whole different conversation. But I would hope that if there is faculty and we have a student, then we can have some conversation about it.” She added, “That’s pretty much what this is; is a conversation about how I was offended. We take into consideration those who might be

hyper-sensitive to some issues or triggering conversation. So yes, we do take all of that into consideration when dealing with faculty.”

Chair Byrd commented that you refer out to other organizations, but she wondered if there is any channeling in where they let you know about issues.

Dr. McCabe-Smith responded that yes, there is a feedback - it loops back around.

Chair Bird asked if these are entered on different portals.

Dr. McCabe-Smith responded yes, absolutely. She added that they are trying to work on the whole aspect of communication and how we do that within our units.

7. Old and New Business

New

a. Resolution on the Proposal to Bar UNC Centers and Institutes from engaging in Legal Actions, Faculty Assembly Resolution 2017-9 (Alton Banks, Faculty Assembly delegate) See Appendix B.

Senator Alton Banks provided an overview of the activities and information related to this Resolution. He stated that he is one of five delegates from NC State to the UNC Faculty Assembly. He recognized the other delegates and alternates; Chair Bird, Senator Hayes, Senator Argyropoulos and Senator Fath, Faculty members Paul Williams and Fred Parker. Dr. Banks serves on the Executive Committee of the UNC Faculty Assembly.

The Executive Committee of the UNC Faculty Assembly has voted to endorse the aforementioned resolution and Dr. Banks provided details surrounding it. (Appendix B).

Senator Banks stated that the Board of Governors will be meeting on September 8th and 9th and the members of the Executive Committee of the UNC Faculty Assembly would attend and participate in the committee meetings, participation being in role of spectators unless called upon to express an opinion.

Senator Banks will inform Chair Bird regarding the activities of the Executive Committee of the Faculty Assembly as it pertains to this Resolution.

8. Potential Senate Topics for the 64th Session - Carolyn Bird, Chair of the Faculty

Chair Bird distributed ballots to the Senators in order to gather information regarding topic suggestions for the Fall General Faculty meeting and 2017-2018 Faculty Senate meetings. The Executive Committee narrowed the topic choices to eight and asked the Senators to rank their choices, 1 to 5. Ballots were collected and tabulated. Chair Bird stated that the topics would be reviewed this week in the Executive Committee meeting and the information would be relayed in the next Faculty Senate meeting. Chair Bird also added that feedback and discussion would be encouraged at the next Faculty Senate meeting regarding suggested topics and areas to cover pertaining to those topics.

9. Issues of Concern

Faculty Issues of Concern can be submitted at any time to a senator or to Faculty_Senate@ncsu.edu. Minutes from each Faculty Senate committee (Academic Policy; Governance and Personnel Policy; Resources and Environment) are posted so progress on issues/discussions can be monitored by all.

10. Adjourn

Chair Bird asked for a motion to adjourn the meeting at 4:22 p.m.

The motion passed.