

NORTH CAROLINA STATE UNIVERSITY  
Minutes of the Faculty Senate  
Executive Summary  
September 24, 2013

**1. Call to Order**

Chair Zonderman called the third meeting of the sixtieth session of the NC State Faculty Senate to order at 3 p.m.

**2. Remarks**

Chair Zonderman reminded the faculty that open enrollment for the State Health Plan begins October 1<sup>st</sup> and anyone with concerns should contact the State Health Plan or their State representative.

Chair Zonderman reported that the university is making a big push for full compliance on federal grants requiring the necessary training. The push is from now until December and it involves not only federal grants, but also EPA, OSHA, and the US Chemical Safety Board.

**3. Approval of the Minutes, Meeting No. 2, September 10, 2013**

The minutes were approved as amended.

**4. Provost Remarks and Q/A**

Provost Arden reported that they are currently moving through budget cuts and one thing that concerns him is the loss of some vacant faculty positions.

*Enrollment Planning*

Provost Arden stated that he has come to recognize over the years that enrollment planning is critically important. It is critically important to understand that the impact of our enrollment plan and our ability to achieve that plan, not just in terms of its impact on us financially, but in terms of the way it shapes us as an institution.

**5. UNC General Education Council**

Immediate Past Chair Hans Kellner announced that Past Provost Nielsen has written a book about his time as Provost at NC State and it is available on Amazon if anyone is interested in purchasing it.

Past Chair Kellner urged the faculty to start talking to people about running for the Senate, Grievance, Hearing and Chair-Elect of the Faculty.

Past Chair Kellner reported that there was a Faculty Assembly meeting on Friday and the theme was "security." The General Education Council was also discussed. Last year the Board of Governors put out a strategic plan for the University System. The plan included a number of comments regarding curriculum which involved a number of action steps that were controversial. President Ross decided that it was best to show that GA was moving into action and, to that end, he set up a General Education Council made up of administrators and faculty from every unit in the system. Past Chair Kellner and Dr. Mike Mullen will represent NC State.

**6. Supreme Court of the United States (SCOTUS) "Fisher" Decision**

Vice Chancellor Eileen Goldgeier reported that this summer the Supreme Court decided an academic diversity student admissions case that was anticipated to be a block buster case, but it turned out not to be such a case. She reminded the faculty of the four essential freedoms that the university has.

Vice Chancellor Goldgeier explained that Abigail Fisher applied for admission to the University of Texas at Austin and was denied. She claimed she was denied on the basis of her race; she was a white female. Her claim was that the University of Texas used race in an unconstitutional way to deny her admission.

### *What was the Fisher case?*

The State of Texas came out with a 10% plan which means the top ten percent of students who graduate in their public high school are entitled to admissions to one of the state public universities. The University of Texas at Austin was able to fill its freshmen class almost 80% with the top 10% plan. Demographics are very different in Texas than they are in North Carolina, so they had a very diverse class in that 75 or 80 percent. Fisher did not graduate in the top 10% of her class, therefore she got a review that the non-top ten get, which was called the Holistic Review (which is what we do on our campus).

Vice Chancellor Goldgeier stated that who gets to study here is considered an academic decision. The courts will always defer to universities as it relates to academic decisions, but there is some waiver about how much deference a university gets.

## **7. Enrollment Planning**

Senior Vice Provost Duane Larick reported on the enrollment planning process.

Vice Provost Larick stated that the UNC System is a biennium enrollment planning process. NC State submitted a two year enrollment plan last year for 2013-14 and 2014-15, and we are in the second year of that. We have an opportunity, hopefully, to reconsider the plan for fall of 2014, because historically the administration receives a request from GA asking us to look at the university's census data from 2013 to see if adjustments need to be made for 2014.

## **8. Old/New Business**

### *Resolution on Diverse Student Body*

The resolution was presented for a first reading.

After much discussion the Senate passed a motion with unanimous consent to accept the first reading of the amended resolution.

### *Business Licenses for Faculty*

Dr. Marie Davidian raised a concern about Business Licenses for Faculty. She stated that a "Processing Center" out of Fresno California has been retained by MuniServices, LLC, a company contracted by the City of Raleigh to conduct a formal review looking for businesses that may be operating in the City of Raleigh without a license. She was asked to respond to a letter that she received within thirty days stating whether or not she is operating a business and if so she would need to pay the business license tax. She noted that she has given talks, have served on advisory committees, and she has also served on NRH study sessions where she receive honorariums.

Dr. Davidian stated that she wanted to make the faculty aware of this concern because they need to be protected against this happening to them.

Chair Zonderman stated that the Executive Committee will draft a letter of concern to the General Counsel stating that this could be a potential concern to other faculty members.

## **9. General Faculty Meeting**

Chair Zonderman encouraged the faculty to attend the General Faculty meeting on Tuesday, October 8<sup>th</sup> in G20 Kamphoefner Hall.

## **10. Adjourn**

A motion passed to adjourn the meeting at 4:46 p.m.

NORTH CAROLINA STATE UNIVERSITY  
Minutes of the Faculty Senate

**Regular Meeting No. 3 of the 60<sup>th</sup> Session: Faculty Senate Chamber** **September 24, 2013**

**Present:** Chair Zonderman, Immediate Past Chair Kellner, Secretary Daley, Provost Arden; Senators Aday, Aspnes, Bartlett, Bernhard, Bird, Borden, Bourham, Bradley, Edwards, Fleisher, Fuentes, Funkhouser, Heitmann, Holden, Knopp, Knowles, Krause, Lafitte, Lucia, J. Moore, M. Moore, Morgado, Nfah-Abbenyi, Rucker, Sztajn, Williams

**Excused:** Parliamentarian Weiner; Senators Ade, Devetsikiotis, Lunardi, Penrose, Spontak, Tyler

**Absent:** Senators Allaire, Marks

**Guests:** Duane K. Larick, Provost's Office; Michael Mullen, Division of academic & Student Affairs; Jacob Majilees, Grad Student/MSE; Marie Davidian, Statistics; Marcia Gumpertz, OIED; David Hunt, Communications; P. J. Teal, Chancellor's Office; Eileen Goldgeier, General Counsel; Shawn Troxler, Office of General Counsel; Betsy Brown, Provost's Office

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**2. Remarks**

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Chair Zonderman reported that the university is making a big push for full compliance on federal grants requiring the necessary training. They have tried to make this training as "painless" as possible. He stated that it is a compliance issue and the push is from now until December and it involves not only federal grants, but also EPA, OSHA, and the US Chemical Safety Board.

**3. Approval of the Minutes, Meeting No. 2, September 10, 2013**

The minutes were approved as amended.

**4. Provost Remarks and Q/A**

Provost Arden reported that they are moving through budget cuts and stated that it is very difficult because once you get into several years of these cuts there is not much more flexibility left in the units.

Provost Arden stated that one thing that concerns him is the loss of some vacant faculty positions. We need to figure out, for the long term, how to get out of this cycle. This is one of the reasons that we have not made significant gain in tenured and tenure-track faculty members in fifteen years.

Provost Arden stated that we are starting to move the needle a bit through the Faculty Excellence Hiring Program, which added twenty four tenured and tenure track faculty to the university. That is something that we are going to have to pay attention to because if we continue to lose budget without replacement resources, one of the few ways that department heads and deans have to do that is to sacrifice vacant faculty positions and in some cases NTT positions as well, so the roll out impact of that is concerning.

Provost Arden stated that he is also concerned about the vacant faculty lines that are often used in many other things including some operating budgets. That is often what is used for assistantships as well, within

departments. This could have a snowball effect, meaning that the more we sacrifice teaching assistantships the less likely we are to meet our long term enrollment goals particularly on the graduate side.

Provost Arden stated that he plans to talk a lot over the next six months about long term strategic budgeting, making sure that we do things long term and that we put our core resources where they are essential. He stated that he and Chancellor Woodson feel very strongly about maintaining faculty positions, particularly tenure-tenure track faculty positions, and in fact, growing those positions is a very high priority, as is maintaining assistantships for our graduate students, and getting on to a more firm footing with our graduate student support plan.

### *Enrollment Planning*

Provost Arden stated that he has come to recognize over the years that enrollment planning is critically important. It is something that we kind of take for granted and it is also a little bit of a painful process. It is critically important to understand the impact of our enrollment plan and our ability to achieve that enrollment plan not just in terms of its impact back on us financially, but in terms of the way it shapes us as an institution.

Provost Arden stated that at one time in our history it was somewhat of a mantra that we had to grow, grow, grow our undergraduate population and the concept was that it would feed enrollment growth dollars, and it did to a certain degree, but because of the way funding formula works you have to enroll a lot of undergraduates to generate a certain amount of money. That put tremendous pressure on the resources of the university both physically and human resources of the university in the first couple of years. Simply backing off to only 4200 freshmen that were admitted has had dramatic impacts on the caliber of our freshmen coming in, it also means that there is somewhere between 1100 and 1200 less first and second year students trying to get General Education courses in the first couple of years and so it has led to more of a balanced distribution of resources per student FTE, particularly in the first couple of years.

Provost Arden stated that he thinks the plan that we have developed is a good plan but the flexibility in the system and our ability to actually predict student numbers on campus is going to be particularly important, so we are going to be paying a lot of attention to making sure that we refine our models as we go forward not where we can just accurately admit and enroll the correct number of students, but so we can accurately predict the number of students that are on campus at any point and time and make sure that we aim for and meet certain budget objectives.

## **5. UNC General Education Council**

Immediate Past Chair, Hans Kellner announced that Past Provost Nielsen has written a book about his time as Provost at NC State and it is available on Amazon if anyone would like to purchase it.

Past Chair Kellner urged the faculty to get out and start talking to people about running for the Senate, Grievance, Hearing and Chair-Elect of the Faculty. It's never too soon to get people thinking about it. We have to get those people out to enable us to have candidates.

Past Chair Kellner reported that there was a Faculty Assembly meeting on Friday and the theme was "security." We also talked about the General Education Council. Last year the Board of Governors put out a strategic plan for the University System. In this plan were a number of comments regarding curriculum. It involved a number of action steps, which were controversial. So President Ross decided that it was best to show that GA was moving into action and to that end he set up a General Education Council made up of administrators and faculty from every unit in the system. Past Chair Kellner and Dr. Mike Mullen will represent NC State.

Past Chair Kellner stated that the purpose of this is to basically see what in terms of implementation is possible, what is desirable, and what it will cost. So, we are looking at all the items that find their way into the strategic plan and are otherwise going on. He stated that this General Education Council which he discovered

is seriously misnamed because it's actually not about General Education. If it were really about General Education we would have much more cause to be concerned.

Past Chair Kellner stated that this is going to deal with the issues of core competencies. Some data have been provided on choosing the major core competencies that the core competencies committee of the General Education Council should recommend. The leaders right now are a) critical thinking and b) written communication. It is to be noted again, these are simply things that we are willing to assess. They have nothing to do with matches against courses, curriculum, and that sort of thing. We have to separate general education thinking from core competency thinking.

Other aspects of the General Education Council are the interest in assessment, primarily the qualitative side, which is looking into E portfolios. All the campuses were polled as to whose doing E portfolios on campus, how extensive is it, and quantitative assessment as it were having to do with a big test that will deal with value added longitudinally through the years of the individual. This is the "academically adrift" driven part.

The strategic plan recommends that we all adopt the CLA, Collegiate Learning Assessment test and so there is a subcommittee dealing with the CLA piloting project this year which is going on right now even as we speak at about a half dozen schools in the system. There is also a Core Competency Committee and they are going to make their recommendations

Past Chair Kellner stated that the CLA Committee is the one that he knows best. We don't do it here now ( we have done it here) and we give a different test here. So to change or to add a different test would be highly disruptive. One of the issues that we discussed is need this be uniformed across the system and the answer seems to be in the intention of the document is yes it does need to be uniform across the system for a number of reasons.

Does it need to be the CLA? The answer in the document is not necessarily, but the CLA seems to have the inside track right now. That is pretty much where we stand.

Past Chair Kellner stated that he thinks this is a difficult thing for NC State, but it looks as though things are moving toward the college learning assessment. In the committee that he chairs at the Faculty Assembly the suggestion came up, why can't the UNC System make up its own exam.

Questions

*Who is going to make the final decision on the assessment tool?*

Past Chair Kellner stated that it's not altogether clear that anyone knows the answer to that. He thinks the General Education Council will make recommendations to the President and that he will take these recommendations and try to sell them to the Governors. The governors will make the decisions regarding the implementation of their strategic plan, but that GA will have an important advisory role.

## **6. Supreme Court of the United States (SCOTUS) "Fisher" Decision**

Vice Chancellor Eileen Goldgeier reported that this summer the Supreme Court decided about the last week of the session an academic diversity student admissions case and it was anticipated to be a block buster case, but it turned out not to be such a case. She reminded the faculty that the university itself has four essential freedoms.

- Who may teach
- What may be taught
- How shall it be taught
- Who may be admitted to study

This is academic judgment that the university and US faculty and administrators are delegated to decide who gets to study where.

Abigail Fisher applied for admission to the University of Texas at Austin and was denied. She claimed she was denied on the basis of her race, she was a white female. She claimed that the University of Texas used race in an unconstitutional way to deny her admission.

In 2003 at the University of Michigan the Law School and the Undergraduate College were sued alleging that their use of race in admissions was unconstitutional and this decision was a block buster case for higher education. The first case in which a plurality of the Supreme Court stated emphatically that diversity and student body admission was a compelling state interest. The University of Michigan's law stated school admission practices were upheld as being constitutional. The undergraduate policy and practices were held not to be constitutional.

So, if the government uses race in a policy or practice it is subject to strict scrutiny which is the highest level of review because the equal protection clause that says every person is entitled to equal protection under the law.

Strict scrutiny has two prompts

1. The policy or program must serve a compelling state interest; that was decided in 2003.
2. The program must be narrowly tailored to further that compelling interest.

What happened in the University of Michigan was that the law school was declared to have a narrowly tailored admissions practice and therefore it was upheld and the undergraduate college was not and therefore it was not upheld. That's the basis from going to 2003 and ten years later and it's 2013 and the Supreme Court decided Fisher.

*What was the Fisher case?*

Vice Chancellor Goldgeier reported that Texas was very different from Michigan, it is known as a top ten state. Texas along with a hand full of others have passed state laws that have said public universities may not use race as a factor in undergraduate admissions. Texas is one of those states and as a result their law was passed there, and their diversity and undergraduate student population dropped somewhat. The State of Texas came out with a 10% plan which means the top ten percent of students who graduate in their public high school are entitled to admissions to one of the state public universities. The University of Texas at Austin was able to fill its freshmen class almost 80% with the top 10% plan. Demographics are very different in Texas than they are in North Carolina, so they had a very diverse class in that 75 or 80 percent. Fisher did not graduate in the top 10% of her class, so therefore she got a review that the non-top ten get, which was called the Holistic Review (which is what we do on our campus). The Fisher decision was decided 7 to 1 where Justice Kagan recused herself and Justice Ginsburg was the sole dissenter. This opinion was offered by Justice Kennedy and the good news is that Grutter(Michigan) was not overruled, that we know that the first part of scrutiny remains, that diversity and student body admissions is a compelling State interest. The problem is that in the prong of narrow tailoring, how you get your undergraduate freshmen class to look like whatever it looks like at the end of the index stage, the fifth circuit applied the wrong standard.

Back to Academic Freedom:

Vice Chancellor Goldgeier stated that who gets to study here is considered an academic decision. The courts will always defer to universities as it relates to academic decisions, but there is some waiver about how much deference a university gets.

## **7. Enrollment Planning**

Senior Vice Provost Duane Larick explained the enrollment planning process.

Vice Provost Larick reported that the UNC System is a biennium enrollment planning process so NC State submitted a two year enrollment plan last year for 2013-14 and 2014-15 and we are in the second year of that. We have an opportunity hopefully to reconsider the plan for fall of 2014, because historically we receive a request from GA asking us to look at our census data from 2013 to see if adjustments need to be made for 2014.

Larick stated that we have 514 students below where we had planned to be for fall 2013 and three hundred eighty four of those are undergraduates. The new freshmen and external transfer enrollment targets were hit almost perfectly, because out of 5400 students we missed the target by eight. There is a lot of planning there, so what we missed was our continuing undergraduate students. Someone came up with an idea that student success was important and we should get students to finish more frequently and faster and our models didn't quite accommodate that as well as they should have so we had fewer sophomores, juniors, and seniors than we expected to have because students completed at a faster rate. We had 263 fewer continuing masters students than we thought we were going to have. The only place that we missed our new student target was at the doctoral level where we were short 75 new doctoral students.

Larick stated that the first thing he would say regarding the graduate student support plan is that it is a very complicated plan. The question was asked, can the GSSP adequately support international graduate students. The factual answer is that every student that was qualified for the GSSP, every student that had a RA, TA, or Fellowship for \$8,000 minimum is on the GSSP and is being supported by the GSSP. The GSSP has a lot of different pieces to it and some of those students like TA's are basically funded completely. If they are a Research Assistant on one of your grants, their in-state tuition, health insurance, and \$3000 of their tuition remission is paid by the grant. He stated that when he says 100% of the qualified students are funded by the GSSP it doesn't mean that the money is all coming from the Provost Office, it's a partnership between the source of the fellowship and the source of the central resources.

Larick stated that the other thing that happened and was unique to this year was sequestration and if you look at our grants we were behind in the receipt of funding from the federal government. On the positive side the funding is starting to flow again and not only are we kind of catching up, but we are ahead of last year because money that was supposed to come in January didn't come and it's coming in July, so there are a lot of pressures on doctoral enrollment and some real challenges for us.

We do have a 2020 enrollment plan and at one point that plan said we were going to grow the student population to 40,000 by 2020, and as a result of a lot of input that plan was changed and the target now is about 37000 students.

Larick stated that the enrollment plan has fundamentally influenced the enrollment planning process because now we have a plan that says we are going to basically hold flat new freshmen and improve the quality of the new freshmen coming in. We are going to focus on external transfers and we are going to focus on graduate education increasing professional masters degrees that prepare students directly for employment and improving doctoral education, so that enrollment plan has given us a vision for what we need to try to do by 2020.

Larick stated that the projection part is where we go back to the colleges or back to the departments and say how many doctoral students you have today and how many you project that you are going to be able to take for next year. So we have a plan and then we have to work with the programs to project really where we are and what is our opportunity.

Larick stated that to answer your question on diversity we have seen at the undergraduate level an increase from 20% to almost 23% underrepresented students on our campus. As we have grown our undergraduate numbers we have also been able to maintain and enhance diversity. In the fall of 2012 about 2.2 percent of our undergraduate population was international and in 2013 it is 3.5% so it has increased from 537 to about 600 undergraduate students.

## *Questions and Comments*

*How does professional masters degrees stack up against PhDs? Is there a distinction for professional masters degrees—is that a good place to grow?*

Larick responded that he thinks that is a good place to grow because of our enrollment planning and our institution's admission. The university has a history of training career ready professional master students.

*In terms of the 12 cell matrix are all master degrees equal?*

Larick stated that the 12 cell is a three by four table so there is bachelor, master, doctoral and then there is categories 1,2,3,4 and category is where you would differentiate between the Humanities, Social Sciences, Physical and Mathematical Sciences and Engineering.

*One of the comments that I have heard is that it used to be that when you had graduate students on GSSP if they needed a one semester extension to get something to happen to their research that they would be funded and now that that has changed, that if someone has an international student the amount of money that the department is liable for that the department is required to come up with is so daunting that people are less likely to bring in international students.*

Larick stated that a domestic student has an opportunity to apply for residency for tuition purposes in the State of North Carolina. The graduate student support plan has a set time limit. If a student goes beyond that, they can stay in the GSSP but the funding goes from the central source, so the three quarters of the tuition remission that the central source was paying for that student is no longer paid centrally and is now expected to be paid by the department or the PI, so yes that was a change that happened. This would be the second year.

*What voice can the faculty have in the choosing decision of freshmen versus transfer students?*

Larick stated that the question was asked, where the faculty can and where can the Faculty Senate have input and he thinks that is the place where the faculty and Faculty Senate should have input. The biennium plan, what we are going to submit for fall of 2014 gets down into the weeds. The big picture is what is the university's involvement? What is our goal for 2020 and what are the guiding principles behind that and that is where he thinks programs and faculty and Faculty Senate should have the opportunity to have input.

*The declining graduate degrees that you mentioned, is this a national trend? What kind of tools do you have in order to recruit the larger number of STEM PhDs that we want to help run the enrollment plan?*

Larick stated that the answer to the first question, national trend on last year and this year doctoral education was up nationally about 2% each year so there was a slight growth in doctoral education. North Carolina State University held our own last year in total numbers even though we didn't hit our new enrollment target. Missing our new enrollment target this year and last year actually has resulted in a decrease.

*The Provost alluded to this earlier, that we have been meeting budget cuts by cannibalizing vacant lines. I'm in a program where we are meeting our MA and PhD student goals but don't have the faculty to teach them for the next couple of years.*

Larick stated that when people ask him how we are going to accomplish our enrollment growth he tells them that we are going to hire more tenure track faculty. . The other problem is with the one year budget return money. Vacant positions that have been returned accounted this year for 81 doctoral stipends TAs. "It's about \$1.5M of stipend funding returned that will cost \$4 million in enrollment growth funding , but I have to say that I understand very clearly that the colleges and departments don't have anything else." That is what they have to give back when we do this non-strategically every year for the last ten years.



## **8. Old/New Business**

### *Resolution on Diverse Student Body*

Chair Zonderman stated that the resolution is part of a regular periodic review for admission processes.

Vice Chancellor Goldgeier noted that the resolution is to reaffirm diversity as a compelling statement for NC State.

The resolution was presented for a first reading.

A motion passed to amend the third resolve to include the word "retain."

A motion did not pass to amend the third resolve to include "of academically qualified students."

A motion passed to amend the third resolve to read "deliberate efforts."

The Senate passed a motion with unanimous consent to accept the first reading of the amended resolution.

### *Business Licenses for Faculty*

Dr. Marie Davidian raised a concern about Business Licenses for Faculty. A Processing Center out of Fresno, California has been retained by MuniServices, LLC, a company contracted by the City of Raleigh to conduct a formal review. They are looking for businesses that may be operating in the City of Raleigh without a license. She was asked to respond to the letter within thirty days stating whether or not she is operating a business and if so she would need to pay the business license tax. She noted that she has given talks, have served on advisory committees, and she has also served on NRH study sessions where she receive honorariums.

Dr. Davidian stated that she wanted to make the faculty aware because she thinks they need to be protected against this happening to them.

The Executive Committee will draft a letter of concern to the General Counsel stating that this could be a potential concern to other faculty members.

## **9. General Faculty Meeting**

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## **10. Adjourn**

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