

NORTH CAROLINA STATE UNIVERSITY  
Minutes of the Faculty Senate  
Executive Summary

January 13, 2015

**1. Call to Order**

Chair Zonderman called the eighth meeting of the sixty-first session of the NC State Faculty Senate to order at 3 p.m.

**2. Remarks and Announcements**

Chair Zonderman welcomed John Knopp back to the Senate. Senator Knopp will fill the remainder of Senator Derek Aday's term who stepped down to become part of the CALS Dean's office.

Chair Zonderman announced that Senator Sarah Ash will become co-chair of the Academic Policy Committee.

**3. Approval of the Minutes, Meeting No.7, December 2, 2014**

A motion passed to approve the minutes.

**4. Remarks from Provost Arden**

Provost Arden reported that the Board of Governors will meet Thursday and Friday of this week where several items will be discussed. The items will include tuition increases going under the new four year plan with a cap of 5% per year; He noted that NC State will come in at 3% on every category of tuition other than out of state which is 6 percent. They will also discuss a special fee of \$500 for engineering students for the next couple of years if it passes.

Provost Arden reported that he met with the new faculty ombudsman, Roy Baroff, who comes with 30 years of experience in conflict resolution. He has also been a practicing attorney and is an ombudsman by training. His office is temporarily located on the fourth floor of Clark Hall in the Office of Faculty Development. The plan is to move his office off campus.

Provost Arden announced that the university will operate under the adverse weather policy until 11 a.m. tomorrow morning. The announcement will be sent to the campus community.

**5. Presentations**

*NC Public Records laws and Faculty Email*

Eileen Goldgeier, University General Counsel, reported that in the last legislative session a research data exemption to the Public Records Act was passed to the credit of Kevin Howell, Assistant to the Chancellor for External Affairs. She noted that Judy Curry, Associate General Counsel, was also instrumental in crafting the language for the exemption.

*Research Data Exemption*

"Research data records or information of a proprietary nature produced or collected by or for (the UNC System) and the conduct of commercial, scientific, or technical research where the data, records or information have not yet been patented, published, or copyrighted are not public records as defined by North Carolina's Public Records Act."

### *Institutional Research and Planning*

Mary Lelik, Senior Vice Provost for Institutional Research and Planning reported on some of the activities her office is engaging in this academic year.

Lelik stated that the Office of Institutional Research and Planning is trying to reorient the office to provide service to the university community. She noted that their mission is service to the university, to provide access to reliable data and tools to contextualize the policy conversation.

Lelik stated that they have taken the goals, established objectives and created initiatives and they have characterized them by types of activities that they are engaging in this year. She went on to highlight some of the activities they engaged in last year such as enrollment model analysis, unit planning data, data for planning and evaluation, and faculty data variation.

### *Life Sciences First Year Program*

Dr. Jane Lubischer, Director of the Life Sciences First Year Program, gave a brief overview of the newly created Life Sciences Program.

Dr. Lubischer stated that the goals they had in mind for the program were for the students to have the opportunity to spend a year getting to know, in more detail, what is really available in life science at NC State and to make an informed decision, a decision based on more of the details of these programs and also on a correct rationale.

The program spans two colleges, the College of Ag and Life Sciences and the College of Sciences. There are four departments involved and within those four departments there are seven undergraduate degree programs.

## **6. Old/New Business**

### *Board of Governors Teaching Award*

Chair Zonderman stated that several non-tenure line faculty members have raised the question, why are most teaching awards on this campus open to both tenure line and non-tenure line faculty, but the Board of Governors Award is only open to tenured faculty members.

The sense of the Faculty Senate is that the Board of Governors should look at being inclusive of all teaching faculty for the award.

Chair Zonderman assigned the issue to the Personnel Policy Committee.

## **7. Adjourn**

A motion passed to adjourn the meeting at 4:10 p.m.

NORTH CAROLINA STATE UNIVERSITY  
Minutes of the Faculty Senate  
January 13, 2015

**Regular Meeting No. 8 of the 61st<sup>th</sup> Session: Faculty Senate Chambers** **January 13, 2015**

**Present:** Chair Zonderman, Secretary Daley, Chair- Elect Moore, Parliamentarian Fath; Provost Arden; Senators Allaire, Ash, Auerbach, Banks, Barlett, Baumer, Bernhard, Borden, Brady, Byrnes, Cabbage, Davidian, Edwards, Fleisher, Fuentes, Gunter, Holden, Knopp, Laffitte, Levy, Nfah—Abbenyi, Orcutt, Searce, Smith, Sotillo, Spontak, Steer, Williams

**Excused:** Senators: Krause, Lunardi, Moore, Bullock

**Absent:** Senators: Bird, Devetsikiotis, Heitmann

**Guests:** Jane Lubischer, Director, Life Sciences First Year College; Eileen Goldgeier, General Counsel; Bradley Trahon, Office of General Counsel; Josh Teder, Student Senate ProTemp; Marc Hoit, Vice Chancellor for Office of Information Technology; Betsy Brown, Vice Provost

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Chair Zonderman welcomed Senator Knopp back to fill the remainder of Senator Derek Aday's term.

Chair Zonderman announced that Senate Sarah Ash will become co-chair of the Academic Policy Committee.

**3. Approval of the Minutes, Meeting No. 7, December 2, 2014.**

Minutes of the December 7, 2014 meeting were approved as submitted.

**4. Remarks from Provost Arden**

Provost Arden reported that the Board of Governors meeting will take place this Thursday and Friday where several items will be discussed. The items will include the first reading of tuition and fees and tuition increases going under the new four year plan with a cap of 5% per year. He noted that NC State is coming in at 3% undergraduate, in fact 3% on every category of tuition other than out of state which is 6 percent. There are a couple of special fees, particularly the engineering fee which will be \$500 each year for a couple of years if that passes.

Provost Arden stated that he had a great meeting with Roy Baroff, the new faculty ombudsman. Roy comes with 30 years of experience in conflict resolution and he has also been a practicing attorney for several years and is an ombudsman by training as well. His office is currently a 50% appointment focusing on faculty issues. He is temporarily located on the fourth floor of Clark Hall in the Office of Faculty Development. The plan is to move his office off campus so that folks are comfortable when they go there.

Provost Arden announced that the university will operate on adverse weather status until 11 a.m. tomorrow morning. The notice will be sent to the campus community.

## *Questions and Comments*

*Is essential staff required to stay on campus?*

The response they are required to be here during adverse weather.

Senator Williams commented that this policy of siding with caution is a great policy.

## **5. Presentations**

### *NC Public Records laws and Faculty Email*

Eileen Goldgeier, University General Counsel, pointed out that in the last legislative session a new exemption to the Public Records Act was passed to the credit of Kevin Howell, Assistant to the Chancellor for external affairs. The Associate General Counsel, Judy Curry, was also instrumental in crafting the language for the exemption and it's a research data exemption.

Goldgeier stated that the important thing for our faculty is that all the states around us have a research data exemption to their Public Records Act. She said the university has wanted one for a while and it has been a topic of conversation and it has also been a topic of conversation with our industry partners in RTP in particular. She noted that the passing of this legislation demonstrates that times have really changed in higher education.

Goldgeier stated that the Legislature, the citizens of North Carolina, and the Federal Government, among others are expecting the university to be helping with innovation and economic development, that we need to help our faculty do research, conduct research in a manner in which they won't have to release unpublished data. The exemption reads:

“Research data records or information of a proprietary nature produced or collected by or for (the UNC System) and the conduct of commercial, scientific, or technical research where the data, records or information have not yet been patented, published, or copyrighted are not public records as defined by North Carolina's Public Records Act.”

Goldgeier stated that when her office receives public records requests for faculty records, any records created or received in the course of university business are public records unless an exception applies. The university has a university records officer who will notify the faculty member that we have received a public records request, so that they will know that someone wants their records.

Goldgeier stated that the university uses Postini to archive the university's emails. She said Emails are archived for seven years so we are able to respond to public records request in this regard. In particular, there was a faculty member in the College of Management who had done some consulting for the film industry and there was someone in the community who wanted all of his emails with the film industry. The person that was requesting the records did not agree with the professor's conclusion.

Eileen stated that one of the first things that they do in the University Counsel office is check to see if a faculty member has completed a notice of intent to engage in professional activities, and if that is the case, which it was in the above situation, this is the private consulting of this particular faculty member, and therefore the answer to the requestor was, we have no public records, this is the faculty member's private consulting. She noted that if you are doing private consulting, please fill out a notice of intent to engage in professional activities for pay.

## *Questions and Comments*

*Do you plan to disseminate this information to the entire faculty?*

The response was that she plans to share the information in the bulletin as well as send it to the faculty.

Vice Chancellor Hoit noted that everything is definitely discoverable including voice mail.

Eileen added that there is a difference between discoverable and public records request. If we receive a public records request and there are emails of a personal nature of a faculty member, it is not university business. We occasionally get a subpoena in a divorce case for all of his or her emails, in which case all of the emails have to be produced.

*What happens if you use a personal email address from your office computer?*

Vice Chancellor Hoit responded that if it is not an NCSU account the university has no access to it.

Eileen pointed out that you cannot use a personal email account to avoid the Public Records Act.

*Is all university emails performed by university employees on university computers subject to open records?*

Eileen stated that it depends on what is being transacted in the emails. The foundations are private, nonprofit corporations. Business of the foundations is not subject to the Public Records Act.

Eileen stated that there are multiple exceptions to the Public Records Act. She said if they receive a public records request for your emails they would consult with you and segregate out the IPEDS and federal law.

*Is your standard operating procedure to first talk with the faculty member?*

The response was yes.

*Does that same process apply to someone who has left the university?*

Eileen stated that depending on where that person might be her office would probably collect the email and talk with the department head and dean, but as a courtesy they would want to let you know that someone has requested emails that you created or received in the course of your position.

*Isn't it true that as a condition of employment that you agree that the university can access your emails?*

Vice Chancellor Hoit stated that there is a computer use agreement that specifies the reasons the university would access any of your belongings and before that is done University General Counsel is consulted to see if someone has been perceived as breaking the rules.

*Who determines if the rules have been broken?*

Eileen stated that if it is a personnel matter concerning a faculty member the Provost will be consulted. If it is a non-faculty matter, the Associate Vice Chancellor of HR will be consulted.

*Suppose you are using an account that you regularly use at work such as a private server, are those emails confidential?*

Provost Arden stated that if you are using a private email on a separate account it is not subject to a public record request.

### *Institutional Research and Planning*

Mary Lelik, Senior Vice Provost for Institutional Research and Planning reported on some of the activities her office is engaging in this academic year.

Lelik stated that they are trying to fulfill those accountability demands that were made to reorient the office to provide service to the university community. She said they went through a strategic planning process this past year. Their mission is service to the university to provide access to reliable data and tools to contextualize the policy conversation.

Lelik stated that they have taken the goals, established objectives and created initiatives. They have characterized them by types of activities that they are engaging in this year. She went on to highlight some of the activities they engaged in last year. She said one of which was a peer analysis because there are so many instances in which the question comes up, what would Stanford do? Looking at other institutions like ours who have gone down the road before us, that could help inform the conversations that we are having as we try to deal with budget challenges and any other issues that face the university.

Lelik stated that they conducted the enrollment model analysis this past fall and as a result produced a tool that allowed them to automate the enrollment projection data collection process and also get more information out to the faculty. She said one of their chief goals is transparency, there is not this black box or behind the scenes information, that you know what data assumptions we are using.

Lelik stated that they are currently working on the unit planning data. There is a whole wealth of information that this office once produced on a regular basis that the reaccreditation process sort of diverted the resources away from that. We are going to spend spring semester restoring that base of information.

Lelik pointed out that data for planning and evaluation has been out there and those that have been here and know that information was available in the past, we are going to pick up where they left off, update that information and make it available to the campus community. We will make very clear what underlying assumptions go into those data so if there are questions about where does that information comes from you will know what the source is.

Lelik stated that another key initiative that is going to be available this semester is faculty data verification. The point of a lot of this information is to be able to say who our faculty are. There is faculty that is used by General Administration for a variety of purposes. There is the IPED definition, the federal definition, there is AAUP. We want to make clear what all those definitions are but at the heart is that we want you to feel comfortable that we are naming faculty appropriately for whatever the question is at hand. We are working with faculty affairs and will continue to do so to come up with mechanisms for insuring that we all understand what that information is.

Lelik stated that they are moving forward with the roadmap for faculty activity reporting. We again partnership with faculty affairs so that we have the fully featured set of information on faculty related to instructional activity, research, service, all of those pieces of work that are real faculty work and are available so that you will have that information available for whatever purpose you need in terms of identifying the full range of faculty.

The other piece that we are focused on is the Ex Officio on budget restructuring task force so that we can insure that will have consistent institutional data that's being used as that group formulates its recommendations to the Provost and Chancellor in terms of how the budget allocation process will work so that we will have a consistent set of information.

### *Questions and Comments*

*Senator Orcutt thanked Vice Provost Lelik for making the data available.*

*Senator Cabbage stated that his college has been trying to figure out how many faculty are in their department and have not been able to do that. He noted that they have tenure track, joint, adjunct, and associates. He has heard that they are using an aggregation of all of those when they do some of their metrics from external ranking bodies. He wants to know how that can be divided out.*

Lelik stated that they have revived an in house Wiki and they are going to deploy that so that there will be a faculty description that will tell you what the various categories are, and when there is a metric or ratio that is using faculty as the denominator you will know which definition is appropriate for that particular metric. You will have the constituent elements of that information so that if there is something that is more meaningful to you, you will be able to establish the internal ratio to look at in the way that resonates how you do business.

The plan is to have those sorts of standard definitions available in a way where it is sort of fool proof, that they will only see the institutional portrayal of information in line with the external accountability definition.

Lelik said she is very excited about providing information that allows you to determine if this is the appropriate definition for this internal purpose. She stated that the external audience won't see that. You will be able to compare that to know what the differences are.

### *Life Sciences First Year Program*

Dr. Jane Lubischer, Director of the Life Sciences First Year Program, gave a brief overview of the newly created Life Sciences Program.

Dr. Lubischer stated that they had a couple of goals for this program. They wanted the students to have the opportunity to spend a year getting to know in more detail what is really available in life science at NC State and to make an informed decision, a decision based on more of the details of these based programs and also on a correct rationale.

Dr. Lubischer stated that they had a lot of students coming in wanting to major in Biology because they wanted to go to med school. If you look at the numbers, students in the humanities get in at a higher rate.

We want to give the students an opportunity to really think seriously about what they think their major is going to be.

Lubischer stated that the other reason they wanted to form this program is because there was a few programs in nutrition science and microbiology, where students were coming in discovering those disciplines as juniors. She said they would like the students to be introduced to these disciplines in their first year in a more serious way than they are getting.

Lubischer reported that the program spans two colleges, the College of Ag and Life Sciences and the College of Sciences. There are four departments involved and within those four departments there are seven undergraduate degree programs. She noted that two years ago students admitted to any of those seven programs would have come straight into the degree program and now they just come in as a Life Sciences first year student.

The program is overseen by a faculty program committee. One of the key features of the Life Sciences First Year Program is a proactive advising program. There are four professional advisors whose sole goal is advising these first year students and guiding them through this process. They teach a course, so the student will see their advisor once per week in class plus the individual meetings.

Lubischer stated that the students take a common curriculum when they come into the program. We modeled the Life Sciences First Year to the Engineering First Year Program. All of the students in degree programs have pretty much taken the same things. There are some advising issues to deal with. The advising team works with the freshmen throughout the summer to advise them as they go through the self-enrollment process. They created two new courses which are LSC 101 and LSC 103.

LSC103 deals with transition and college issues and is taught by the college advisors. LSC101 is a course that needs two credits of the interdisciplinary perspectives requirement for all of these students and this course guides students through a metacognitive approach to (1) critical and creative thinking, (2) the nature and practice of science, (3) the rhetoric of science, and (4) the process of learning.

The students are expected by the end of their first year to apply to degree programs. All the programs together have agreed on their specific entrance requirements.

Lubischer stated that they have surveyed the students to see where they plan to go in terms of a major and from June to November programs like microbiology have quadrupled the numbers. The Nutrition Program has seen an increase. Plant Biology went from one to four students and Bioscience is the one that is decreasing.

### *Questions and Comments*

*How many students do you have in the program?*

Lubischer stated that the admission last year was a little less than expected, but they had 360 students.

*How many students' GPAs have mathematically prevented them from going into any of the seven majors?*

Lubischer responded that she doesn't know yet, that requirements are really based on the full year. She stated that they are not doing this to try to cut students out.



## **6. Old/New Business**

### *Board of Governors Teaching Award*

Chair Zonderman stated that several non-tenure line faculty members have raised the question, why are most teaching awards on this campus open to both tenure line and non-tenure line faculty, but the Board of Governors Award is only open to tenured faculty members.

The sense of the Faculty Senate is that the Board of Governors should look at being inclusive of all teaching faculty for the award.

Chair Zonderman assigned the issue to the Personnel Policy Committee.

## **7. Adjourn**

A motion passed to adjourn the meeting at 4:10 p.m.