

NORTH CAROLINA STATE UNIVERSITY
Minutes of the Faculty Senate
Executive Summary

October 7, 2014

1. Call to Order

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

2. Remarks and Announcements

Chair Zonderman announced that the General Faculty meeting will be Tuesday, October 21, 2014 in the Talley Student Center Coastal Ballroom.

Chair Zonderman followed up on a discussion from the last meeting about opening up more communication between the faculty and Board of Trustees. He reported that Chairman Jenkins has agreed to attend a future Senate meeting, probably in the spring.

3. Approval of the Minutes, Meetings No. 3, September 23, 2014

A motion passed to approve the minutes.

4. Remarks from Provost Arden

Provost Arden reported that they have picked up centrally all of the budget reductions that came our way and then split the cost of a 3% merit program for EPA, faculty and non-faculty with the campus units.

Provost Arden reported that General Administration is compiling a budget to send down to the Office of State Budget Management, a budget expansion that equals -2 percent as was instructed by the prior budget director.

Provost Arden stated that he is hearing about a possible rescission in the current budget year. This is based on the observation of short falls in revenues at the State Budget level over obligations. He said we will have to see how that plays out during the year; it is certainly a possibility that we would have a rescission during the current year.

Provost Arden encouraged everyone to attend the General Faculty meeting where the Chancellor will give an overview of the first three years of the strategic plan. The Chancellor will also discuss the next three-year implementation phase. He noted that this will be an update of a modified three year implementation plan.

Provost Arden stated that the resource management process overlaps with the strategic plan and this is led by Duane Larick and Ginger Burks. Ginger will present an overview of the strategic resource management process.

5. Campus Safety

Sarah Lannom, Associate General Counsel

Associate General Counsel Lannom gave an overview of Title IX, why it has become such a hot topic and what has been done on campus in response to some recent guidelines from the Federal Government.

Lannom explained Title IX as being the Federal statute that says institutions that receive federal funding can't discriminate in their programs or activities based on sex or gender. Title IX passed in 1972 and it applies to admissions, financial aid, and what we do here on campus. It also applies to employees.

Lannom stated that the Office of Civil Rights came out in April 2011 with some guidance to campuses about Title IX and in particular sexual assault on campus. That guidance set in motion a whole course of events for institutions across the county to take a hard look at what they were doing with respect to sexual assault.

Lannom stated that she and Amy Circosta, Deputy Title IX coordinator, have been partnering together since 2011 on this very topic to make sure that the policies at NC State are up to date and in alignment with what they should be.

Rusty Mau, Student Body President

Student Body President Rusty Mau talked about safety efforts from a student's perspective, specifically related to the "It's On Us" campaign, which is a student initiative on college campuses led by the Whitehouse in a follow up to "notalone.gov."

President Mau announced that they are about to unveil their NC State public service announcement similar to the video that the Whitehouse released. NC State will be the first college campus to release its own version of the video showing that we all understand that it truly is on all of us to be a part of this solution to sexual assault on campus.

Captain Ian Kendrick, University Police Department

Captain Kendrick stated that there is an educational component in everything that is done at this institution. There is always the opportunity for education and that is especially true in the Police Department. It speaks volume to the commitment this institution has to making this place as safe as possible and that is reflected in the annual security report.

Kendrick reported that there has been a 46% decrease in part one violent crimes on this campus since 2011 and that has a lot to do with the partnerships built in this campus community, the engagement and education with faculty, staff, and students.

Kendrick stated that theft is the biggest crime statistic at NC State. He said for the most part the crimes on this campus can be prevented if folks take a little time at the beginning to prevent crimes from happening down the road. That means things like rolling up car windows, locking office doors, not being distracted by cell phones, and just being aware of their surroundings.

6. Adjourn

A motion passed to adjourn at 4:20 p.m.

NORTH CAROLINA STATE UNIVERSITY
Minutes of the Faculty Senate
October 7, 2014

Regular Meeting No. 4 of the 61stth Session: Faculty Senate Chambers **October 7, 2014**

Present: Chair Zonderman, Chair- Elect Moore, Parliamentarian Fath; Provost Arden; Senators Allaire, Ash, Auerbach, Banks, Baumer, Bernhard, Bird, Borden, Brady, Bullock, Davidian, Devetsikiotis, Fuentes, Gunter, Heitmann, Lunardi, Orcutt, Smith, Sotillo, Williams

Excused: Secretary Daley; Senators Aday, Cubbage, Edwards, Fleisher, Krause, Levy, Moore, Searce

Absent: Senators Bartlett, Byrnes, Holden, Laffitte, Nfah-Abbenyi, Spontak, Steer

Guests: Rusty Mau, Student Body President; Marc Hoit, OIT; Betsy Brown, Provost Office; Sarah Lannom, Office of General Counsel; Ian Kendrick, University Police;

ENG 316

Jackson Sease
Jasmin Alsaied
Margaret Buschmann
Andrea M. Danshi

1. Call to Order

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2. Remarks and Announcements

Chair Zonderman announced that the General Faculty meeting will be Tuesday, October 21, 2014 in the Coastal Ballroom at the Talley Student Center. He urged the faculty to attend.

Chair Zonderman followed up on the last meeting where there was a discussion on opening up more communication lines between the faculty and Board of Trustees. He reported that Chair Jenkins, from the Board of Trustees, has agreed to attend a future meeting in the spring.

Chair Zonderman reminded the senators that the Board of Trustee meetings are open and they welcome faculty.

3. Approval of the Minutes, Meeting No. 3, September 23, 2014

A motion passed to approve the minutes.

4. Remarks and Q/A

Provost Arden

Provost Arden reported that they have picked up centrally all of the budget reductions that came our way and then split the cost of a 3% merit program for EPA, faculty and non-faculty with the campus units.

Provost Arden stated that this has caused some difficulty in terms of reallocation of resources, but the harsh reality is that unless we begin to have regular merit programs for faculty and non-faculty colleagues, we are going to get further and further behind in terms of comparative salaries with our peers, which leads to significant equity problems because new individuals that we hire are hired at the market

rate. He said there are ways to dig ourselves out of this after five or six years of minimal pay raises, but we are starting this year and that has gone reasonably well.

Provost Arden reported that General Administration is compiling a budget to send down to the Office of State Budget Management, a budget expansion that equals -2 percent as was instructed by the prior budget director. He said they did not go out to the units to help construct that budget, it was constructed centrally, and in other words putting into place what the impact would be across the university in terms of categories of cuts across the university.

Provost Arden stated that they were also asked to submit a 2% budget expansion, which was done as well. He explained that the 2% reduction and the 2% expansion have to be merged in some way so he thinks the 2% reduction will be the submission and the 2% expansion will be sort of a wish list that goes along beside it.

Provost Arden stated that the third thing they were asked to submit was a capital appropriation priority list, and that essentially hasn't changed very much for several years. It seems that there has been next to no capital appropriation for about five years. He doesn't think there will be any significant capital appropriations in the coming year.

Provost Arden said he is hearing about a possible rescission in the current budget year. This is based on the observation of short falls in revenues at the State Budget level over obligations, so we will have to see how that plays out during the year, it is certainly a possibility that we would have a rescission during the current year.

Provost Arden encouraged everyone to attend the General Faculty meeting. He stated that the Chancellor will give an overview of the first three years of the strategic plan. The Chancellor will also discuss the next three year implementation phase. This will be an update of a modified three year implementation plan.

Provost Arden said it is important to stress that the strategic plan itself has not changed. We have one strategic plan, but we are now going into the three year implementation phase of that. We have been working hard on that and the project to develop that is being led by Margery Overton who is a past Chair of the Faculty. Margery has been working very hard on that with input from faculty, deans, department heads, and others across campus. That will be available within the next few weeks, probably made available to the campus community on the day of the General Faculty meeting. We will send out an Email with a link to the website. We welcome your input and thank you for all the input so far.

Provost Arden stated that the resource management process overlaps with the strategic plan. This is led by Duane Larick and Ginger Burks. Ginger will be present an overview of the strategic resource management process. Last May the Phase I recommendations of that process was sent to the Chancellor. The Chancellor then agreed with all of those recommendations and sent a memo to the campus on the strategic resource management. We are in the process of preparing the second round of recommendations to go to the Chancellor that have emerged out of that strategic resource management process.

Provost Arden said you will recall the whole reason we went down this road is because when we looked at the strategic plan and looked at the cost of the strategic plan and the budgetary reality that is surrounding this we realized that a very significant part of what we were going to have to do is to reallocate our own current resources. This wasn't just about getting more money. Some of it is about getting additional resources and diversifying our resources, being less dependent on state appropriations, but a significant amount of it is prioritizing and reassigning resources that we currently have, which is what is really driving this whole resource management process.

QUESTIONS

Have you heard any rumors about the time frame of a possible rescission?

Provost Arden responded that rescissions are usually in the spring; they are usually between two and three months before the end of the fiscal year. Sometimes they take the form of a true rescission and sometimes they take the form of a spending freeze and then residual allocations are sort of swept up at the end of year.

5. Campus Safety

Sarah Lannom, Associate General Counsel

Associate General Counsel Sarah Lannom gave an overview about Title IX: Why it has become such a hot topic and what has been done on campus in response to some recent guidelines from the Federal Government.

Lannom explained Title IX as being the federal statute that says institutions that receive federal funding can't discriminate in their programs or activities based on sex or gender. Title IX passed in 1972 and many times people immediately associate Title IX with athletics because at the time the focus was on making sure that institutions had equal sports teams and kind of balancing it out from a gender equity perspective, but Title IX is a lot more than that. It applies to admissions, financial aid, and what we do here on campus. It also applies to employees.

Lannom stated that she is here to talk about something that came about following the US Department of Education, Office of Civil Rights. The Office of Civil Rights came out in April 2011 with some guidance to campuses about Title IX and in particular sexual assault on campus. Basically what that guidance said was, we know that from statistics, this is a situation that is happening on campus that is severely under reported. Also campuses aren't doing enough to address what happens when we do find out about it, so that guidance that happened in 2011 kind of set in motion a whole course of events for institutions across the county to take a hard look at what they were doing with respect to sexual assault. A lot of institutions across the country have been investigated by OCR and have had settlement agreements and notices of determination letters that have come out stating "your policies are shabby, you are not following what you are supposed to be doing, and you are having students hearing these cases and students shouldn't be hearing these cases." Luckily here at NC State we have not been subject to any kind of investigation or complaint with OCR.

Lannom stated that she has been partnering with the Office of Institutional Equity and Diversity and specifically Amy Circosta who is one of our Deputy Title IX coordinators. She noted that Joanne Woodard is the Title IX coordinator.

Lannom stated that she and Amy Circosta have been partnering together since 2011 on this very topic to make sure that our policies are up to date and in alignment with what they should be.

Lannom stated that there has been some other movement that has been more in the news after the first of the year. The White House has now put out some information on the Not Alone website. There is a big push from the White House to be doing some campus climate surveys. We were also required to respond recently to a big survey that came out of Senator MCaskill's office, she has a bill pending that would make the violations if they are substantiated, even higher when it comes to fines. They want to make sure that everyone is trained.

Lannom said the most recent guidance has talked about everyone who is considered a "responsible employee" needs to be trained on Title IX and what to do if they receive a report on sexual assault. They didn't really define responsible employee so we are trying to struggle with what level is a responsible employee. We don't believe that every single person that is employed here should be designated as a responsible employee.

Lannom stated that one thing that was very concerning by the Federal Government was that there was an issue (at Chapel Hill) where their policy allowed students to sit on committees that were hearing cases of sexual assault in the conduct arena and we have never had that. We had a different construct that we put into place some time ago where those cases are not heard by a panel at all; they are heard by a professional within the office of student conduct who has been trained to be able to do those hearings.

Lannom stated that the standard in the student conduct arena if it goes through that process is a preponderance of the evidence standard which is a more likely than not standard and is different from the criminal standard which is beyond a reasonable doubt, so the federal government wanted to make sure that your policies make clear that this was the standard we used when we took those cases through the student conduct process.

Lannom said they have tried to clean up some of the places and make clear that reporting, even though it's reported, maybe anonymously, there is a form online where you can report or whether it comes into the Women Center or whether a report would come to you and you would direct that report to the Office for Institutional Equity and Diversity or wherever it's received that the roads all lead to one place. If it is involving students, that place is the Office of Student Conduct, if it's involving employees that place is the OIED office, so wherever it's going, there is a duty for us to investigate it quickly and thoroughly and if it's substantiated, to address it and take steps to prevent it from happening again.

Lannom stated that there is a Title IX team on campus, which the Provost has designated some people across campus. There are faculty, students and staff on the team. We meet on a monthly basis. The group of deputies met over the summer to help work on developing some material for the new student orientation.

Question

If a student is charged with sexual assault on campus is that dealt with through your office?

Lannom stated that if a student is charged with sexual assault from a criminal standpoint that would be either University Police or Raleigh Police, depending on where it occurred. The difference would be that the criminal process is a higher standard of proof and the conduct process is a lower standard of proof. There are obviously different penalties.

A senator commented that some of these charges are civil so they are doubled with the university. This lesser preponderance of evidence standard is being where some potential student could have quite a bit of their future determined based on one person in your office making a decision. That is separate to a legal process and that is probably more objective and less worrying about NC State's issues.

Lannom agreed and said that has always been a concern from the legal community. We don't ever want to be thought of as converting the criminal process into a watered down process that ends up being the same way.

Isn't it watered down by just having one person make a judgment?

Lannom said no because this person is someone who has been trained specifically in this area to hear and handle the case. Amy Circosta, the deputy coordinator, sits in those hearings along with the hearing officer to ensure that the process is being handled appropriately. There is an investigation that goes on way before you get to the charge.

If this person chooses the civil side the university is under no obligation to pursue it as a criminal matter if it is a crime?

Lannom responded "no" because the university is not the victim; the victim would be the actual individual.

Do we have statistics on the number of complaints versus the finding?

Lannom stated that she doesn't know, but will look into it.

Rusty Mau, Student Body President

Rusty Mau talked about safety efforts from a student's perspective, specifically related to the "It's on us" campaign. This is a student initiative on college campuses led by the Whitehouse, President, and Vice President in a follow up to "notalone.gov."

Mau stated that he participated in a conference at the White House in early June which led to follow up conference calls from Student Body Presidents across the country. The week the campaign was launched there were more than 800 student leaders from 46 states participating in a conference call at the White House. Mau noted that there was some criticism in the media that it was a viral twitter campaign, but the reason they started that way is because that is the number one way to engage people in his generation. The biggest thing is to encourage the students to sign the pledge and the pledge is on "itsonus.org." The pledge says:

I pledge to recognize that nonconsensual sex is sexual assault, to identify situations in which sexual assault may occur, to intervene in situations where consent has not or cannot be given and to create an environment in which sexual assault is unacceptable and survivors are supported.

Mau said at this point from our perspective here at NC State, our hope is to get the conversation started, to get students to think about this. The White House identified men as one of the major groups that need to be engaged in this process, because a lot of time men don't think that it's an important issue and they don't think it is their position to speak up, but we realize everyone has power to be a strong bystander. So what this campaign will lead into is that November there is going to be a national campus conversation week, but the White House encourages students and faculty to have a dialog on campus to talk about the importance of the issues and then we would have a bystander intervention expert to actually talk to us about the importance of the issues and to engage the student body, faculty, and staff and educate them on this.

President Mau announced that they are about to unveil their NC State public service announcement similar to the video that the White House released. We will be the first college campus to release our own version of the video showing that we all understand that it truly is on all of us to be a part of this solution in sexual assault on campus. We have received a lot of recognition from the campaign and NC State and our student government efforts have been featured in news outlets. We are excited to see where it's going, but right now we just want to get the conversation started.

Captain Ian Kendrick, University Police Department

Captain Kendrick said there are a couple of things that I have heard, not only from the Provost and Dr. Zonderman, there is a common theme that tends to run through everything at NC State and that is education. Everything that we do at this institution regardless of what level it is there is always an educational component. There is always the opportunity for education and that is especially true in the Police Department because our department tends to cross a lot of different lines and a lot of different levels within the university. This education paired with some responsibility on the part of the citizens of this community as well as the partnerships that we build ultimately lead us to what is in my opinion the safest campus in the UNC system. It speaks volume to the commitment this institution has to making this place as safe as possible and that is reflected in the annual security report. I'm happy to say that for part one crimes, generally speaking we have seen a 46% decrease in part one violent crimes since 2011 and that has a lot to do with the partnerships that we have built in this campus community, the engagement and education we have had with faculty, staff, and students. We can all be very proud of the fact that we have seen such a significant reduction since 2011 in the part one crimes that are reported to the department.

Theft is the biggest crime statistic that we have at this institution. Unfortunately some things tend to walk off when they are left unattended. For the most part the crimes on this campus, even some of the part one crimes, can be prevented if folks take a little time at the beginning to

prevent crimes from happening down the road. That means rolling up your car windows, locking your office doors, not being distracted by your cell phones, and just being aware generally of your surroundings, taking that little bit of extra time to prevent something from happening.

Kendrick stated that one thing that governs what we do with regard to campus safety and security is what is called the "Jeanne Clery Act." A lot of times it is what governs what we do here particularly from the aspect of education prevention. Some people view our Wolf Alert system either of being annoying because they get updated periodically. In reality it is designed to educate the community about what is happening around them. Title IX is also a component that has been merged more with Clery. They really kind of enhance one another, but part of the component is the education and making folks aware about report and what hinges security authorities at this institution or any institution, however they are designated are required to report and the manner in which they report and the timeliness of that information that is coming in, so if you have been designated as a CSA in the institution because you wear one of those hats you have certain other obligations in addition to your teaching, in addition to your research.

Kendrick said if we receive information about a crime that has been committed on campus we glean out the information and we set that aside and report it at the end of the year, but we take the information that is relevant to a criminal investigation, we conduct that criminal investigation and it's done in every single case. So if a student is a suspect in one of these crimes that is reported to us, we as the university entity that is authorized to send a student to student conduct to answer for those charges in the violation of student conduct, we do that, but also parallel to that there is a criminal case that is also in play. We don't neglect to investigate anything that comes our way. If we know about it, we investigate as best we can and if it leads to criminal charges we work with the District Attorney's office to determine how to proceed.

Kendrick stated that there are instances where students, even faculty and staff where there may not be a crime at all but maybe just a violation of the code of student conduct or a work related violation of university policies, rules, and regulations, where General Counsel or Employees Relations offices may become involved. Either way the institution values the safety and security of this campus and its residence and those who work here, to not neglect anything that is brought to our attention.

Questions

Speaking of the statistics you cited, it is the perception of some faculty that there appear to be a rash of assaults and robberies toward the end of the spring semester. 1) Was there a spike last spring? 2) What about the concerns for particularly women when they are working late nights or overnight in labs?

Kendrick responded that generally robbers will come and go. There is nothing that we could find that was really driving these robberies. When we send out safety notices there are three different types. Wolf alert is when we send out a notification of an imminent event on campus that threatens people's life and safety. Active shooter would be a great example, so we want to get that information out so that people can protect themselves. A crime warning is another component that we send out through Email, which is generally when a crime has happened on campus that we want people to be aware of. The final one is safety notices that are generally reserved for crimes that happen around campus, maybe in highly populated areas.

Kendrick said generally speaking the exterior doors to research facilities are supposed to be locked. To the fault of some people, they let people coat tail in behind them, or they may prop the door open to run out to their car for something. Well it is that short period of time where that structure is unsecure and you don't know exactly who's going in.

Speaking of communities, what is the safety training for facilities?

Kendrick suggested reaching out to his department to schedule formal safety training. They can do either self-defense or general safety awareness training for the workgroup.

Is it true that if we call 911 from our cell phone it goes to Raleigh Police Department and if we call from our classroom it goes to campus police?

Kendrick responded yes. Our cellular companies don't view us as our own little city. We have 42,000 people who live and work here on any day of the week, we are a city, but they view us as only being in Raleigh, so it is set up so that any cellular call generated from 911 will go to the Raleigh Emergency Communication Center. It will still get routed back to campus, but we are trying to prevent the delay in them trying to figure out who you are, what your problem is, and where you are calling from. It is something that we are trying to work on.

Are there provisions for anonymous reporting?

Kendrick responded yes, particularly with regards to sexual assault. We want to make it as easy as possible to get information about sexual assault where it needs to be. There is a component that would allow CSA's to anonymously report a sexual assault on behalf of a student, faculty, or staff that makes it known to them. Anonymous means that the victim's name is left out of it. The only person's name that is included is the person who makes the report to the University Police Department or the Women Center, etc. If you know the suspect's name you lose that expectation of anonymity. We would expect that the name be told to us and even if we cannot investigate it criminally because the victim is not wanting to prosecute, if we know who the suspect is and we can substantiate the incident as having occurred we can still refer them in the case of students to the Office of Student Conduct and that office can deal with them accordingly through their procedures and protocols.

A senator stated that he has received numerous complaints about vendors, delivery vans and trucks parking on campus in a section of Main Campus Drive between Varsity Drive and Oval Drive and also in front of Broughton and Mann Halls, where handicapped students were unable to get through because of vendors blocking the sidewalk. Is this an issue that is on your radar?

Kendrick responded, not so much, but they will do what they can when they observe it. Primarily that would be a transportation discussion because they are primarily responsible for managing parking and illegal parking. I would encourage you to contact transportation to make them aware of this problem.

Immediately following the Virginia Tech attack we hired a female from the Air Force and her job was basically to be someone you could report odd behavior to, does that person still exist and if so, do we contact her through your office?

Kendrick responded that she is still here and her name is Tina Nelson and if you witness some concerning behavior, whether it be from fellow faculty members, staff member or student, we encourage you to report to her. You can also report concerning behavior to the University Police Department and we can report it to her.

Is this important and if this is important how are you letting people know that she is here?

Kendrick stated that she falls under Environment Safety which is the same division that the police department falls under. He said he would be glad to contact her to let her know that some concerns were brought forth at the Senate meeting that folks may not know that her services are still available and they would like to know better how to contact her.

6. Adjourn

A motion passed to adjourn the meeting at 4:20 p.m.