

NORTH CAROLINA STATE UNIVERSITY
Minutes of the Faculty Senate
Executive Summary
February 4, 2020

1. Call to Order

Hans Kellner, Chair of the Faculty

Chair Kellner called the tenth meeting of the sixty-sixth session of the NC State Faculty Senate to order at 3:00 p.m.

2. Announcements

Hans Kellner, Chair of the Faculty

1. The 2020 employment engagement survey has been announced by the Chancellor. This is a system-wide event that is important to do. It would be great if the Senate could help get the word out. Important things are learned from these surveys.
2. *The Technician* is being celebrated for a century of publication.
3. There will be a Faculty and Staff Assistance Program Lunch and Learn sessions coming up on Friday, February 14, 2020 at 11:00 a.m. and at 12:30 p.m.
4. The NCSU Women's Center goes back to the 1980's and the Center officially opened in the 1990's in the basement of Nelson Hall and has developed since that time.
5. Fulbright Applications are available and the process has begun. If you are interested, now is the time to register and apply.
6. There is a Global Skills Certification training – Foundations for Global Successes; Level 1, Developing Cultural Acumen; and Level 3, Application of Global Skills. You can complete all three levels on May 1st from 8 a.m. – 5:00 p.m. This registration is now open at go.ncsu.edu/culturaltraining
7. The Institute for Emerging Issues is involved in a large-scale project, "Reconnect: Reconnect to Technological Opportunity." This is an engagement and outreach program, hoping to reconnect urban and rural North Carolina, focusing on many issues including internet access and other topics. This is occurring on Monday, February 10th.

3. Approval of the Minutes, Regular Meeting No. 9 of the 66th Session, January 21, 2020

Phil Sannes, Associate Chair of the Faculty

Associate Chair Sannes called for a motion to approve the minutes for the ninth meeting of the 66th Session of the NC State Faculty Senate. A motion and second were made and the minutes were unanimously approved, with noted grammatical corrections.

4. Comments

Hans Kellner, Chair of the Faculty

5. Chancellor's Remarks and Q/A

Randy Woodson, Chancellor

Chancellor Woodson spoke to the Faculty Senate about a number of topics, including travel restrictions to China due to the Coronavirus, as well as the status of the state budget and its effect on the campus and an update regarding early action decisions for next academic year. The Chancellor also reported on various accolades and honors that members of our faculty have recently received.

6. Provost's Remarks and Q/A

Warwick Arden, Executive Vice Chancellor and Provost

Provost Arden brought additional information regarding the state budget, specifically related to pay raises. He also provided an update regarding current Dean searches and the Strategic Plan.

7. Remarks

Allison Newhart, Vice Chancellor and General Counselor, NC State University

Vice Chancellor Newhart spoke to the Faculty Senate regarding her role and the role of the Office of General Counsel on the NC State University campus.

8. Resolution of Support for Pack Essentials

Jeremiah Feducia and Jane Lubischer, Resources and Environment Committee Co-Chairs

The Faculty Senate unanimously passed a Resolution of support of Pack Essentials.

<https://facultysenate.ncsu.edu/files/2020/02/Resolution-of-Support-for-Pack-Essentials-FINAL.pdf>

9. Issues of Concern

Faculty Issues of Concern can be submitted at any time to a Senator, the Chair of the Faculty, or to Faculty_Senate@ncsu.edu

10. Adjourn

Meeting was adjourned at 4:35 p.m.

NORTH CAROLINA STATE UNIVERSITY
Minutes of the Faculty Senate
February 4, 2020
3:00 p.m.

Regular Meeting No. 10 of the 66th Session

Faculty Senate Chambers

February 4, 2020

Present: Chair Kellner, Immediate Past Chair Bird; Associate Chair Sannes, Parliamentarian Funkhouser; Senators Ashwell, Aspnes, Barrie, Bass-Freeman, Bernhard, Berry-James, Boyer, Carrier, Carver, Collins, Cooke, Darhower, Feducia, Fitzpatrick, Flinchum, Havner, Kotek, Kuzma, Kuznetsov, Little, Lubischer, Lunardi, McGowan, Monek, Murty, Pinkins, Rever, Thakur, Vincent, Williams

Excused: Senators Jordan, Kirby, Nelson

Absent: Senators Isik, Jacob, Liu, Parker

Guests: Randy Woodson, Chancellor; PJ Teal, Secretary of the University and Assistant to the Chancellor; Allison Newhart, Vice Chancellor and General Counsel; Roy Baroff, Faculty/Staff Ombuds; Katharine Stewart, Vice Provost for Faculty Affairs; Coleman Simpson, Student Senate President Pro Tem

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2. Announcements

Hans Kellner, Chair of the Faculty

See the back of the agenda each week for committee activity and announcements.

Chair Kellner asked the guests attending the meeting today to introduce themselves.

1. The 2020 employment engagement survey has been announced by the Chancellor. This is a system-wide event that is important to do. It would be great if the Senate could help get the word out. Important things are learned from these surveys.
2. It is fascinating to see that *The Technician* is being celebrated for a century of publication.
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5. Chancellor’s Remarks and Q/A

Randy Woodson, Chancellor

The Chancellor announced that there have been travel restrictions placed, due to the Coronavirus. “We didn’t have any students in China at the time on Study Abroad so we didn’t have an issue. We often do.” He added that we are all hopeful that this will soon be resolved.

Chancellor Woodson spoke to the Faculty Senate about the state budget. “I think you all know that the Legislature passed a budget that was very generous to Higher Education, with the exception of raises – it wasn’t so generous there – but it was generous in terms of a number of key projects. It was the best funding we had in years for renovation and repair, funding for a new interdisciplinary sciences building that would be on main campus, adjacent to where we are now. In fact, over \$800 million for new construction for Higher Education. That budget was vetoed by the Governor, largely over a dispute over Medicaid expansion, which I’m sure you have read about.” He added, “Regardless, the Legislature has not had the votes to override the veto, so as a result, we are at a stalemate.”

Chancellor Woodson continued, “The budget bill is still on the docket, so I hesitate to tell you that we will not have a budget, but I think it’s increasingly unlikely that we will have a budget, other than the continuing budget that we are operating on now, which is last year’s budget.” He added that it is very frustrating because we have been treated reasonably well in the budget and have also been told that they were going to adjust the salary raises to be consistent with that of state employees. “We have no authority to do raises; that is, an annual raise process.” He continued, “Just recently, the Provost and Vice Chancellor for Finance and Administration sent out a memo to all the department heads and unit leaders where everyone had been asked to save back 1% of their state-appropriated budget. That was because we anticipated getting some money for raises, but not sufficient dollars to give the kind of raises that we needed to in order to stay competitive.” He added that because we haven’t had a budget recently, a memo was sent to those same leaders and said that those funds are released. “That

was critical because we could come up to the end of the fiscal year and those funds might not have been spent. That wouldn't be a good thing either."

Chancellor Woodson continued by adding that this is not a fiscal crisis the way that some states, for example, Illinois, have faced where they didn't have a budget because they didn't have any money. "In this case, the state is amassing quite a large unspent pot of revenue, so at some point that dam will break and something will happen and we will get funded." He added that he is hopeful this will happen in the short sessions in late April or early May of this year.

Chancellor Woodson announced that NC State is the proud home of astronaut Christina Koch. "She is the woman who has been in space longer than any other woman in history and is coming home this Thursday. She will be quarantined for a short period of time before returning to Houston." He added that the University is very proud of her, and that she holds three degrees from NC State; a bachelor's degree in physics, and graduate degrees in both physics and electrical and computer engineering.

Chancellor Woodson reported that early actions have gone out for admission for the fall. "Some of you know this either as parents, or know it because you live in neighborhoods where everybody's talking to you about it. We had a record number of applicants for early admission. In fact, to date, we've had over 31,000 applications and we have admitted around 10,000 but will admit probably around 12,000 before it's all said and done. From there, we will enroll a freshman class of 4,800." He added that the University has already admitted students from 99 of 100 counties, all 50 states, 24 countries and almost 60% are women. "May 1st is the deadline for holding your place in class and the good news is they're still coming and that's good for all of us."

The Chancellor stated that two members of the faculty have recently been elected to the American Association for the Advancement of Science as Fellows, one of the highest honors in the country. "For scientists, Carol Hall, who is a professor of chemical and biomolecular engineering and Jackie Krim, a distinguished professor in physics. They joined other colleagues from NC State as Fellows at AAAS." He added that there were also three faculty inducted into the National Academy of Inventors, including Rodolphe Barrangou, a professor in Food Science, Kenneth Swartzel, from Food Science, and Carlos Pignataro, an adjunct faculty member in electrical and computer engineering who works at Cisco. He announced that Katie Mag, a physicist and a wonderful communicator and a great inspiration for women going into science, was just selected for the Ted 2020 Conference as a keynote speaker in the field of astrophysics.

Questions

Chair Kellner: Regarding the 1% of state-appropriated funds that has now been released, it is for normal budgets within the department, but not for salaries?

Chancellor Woodson responded that we do not have the authority to do that.

Chair Kellner: So that 1% is to be spent, but not for salaries?

Provost Arden responded that we always have the authority to do market and equity adjustments for salaries. But we do not have the authority for across-the-board pay raises. They are different.

Chancellor Woodson added that we do those throughout the year. The critical thing is if the departments and the units do not get around to incorporating these funds into their annual expenditures, they'll revert.

Senator Kuznetsov: We misread your message. We thought that everyone would get a 1% raise. But it is actually not like that?

Chancellor Woodson responded that it is nothing like that.

Senator Vincent: So my understanding about this was, as the Provost suggested, equity has to do with market salary. If those two barriers are [inaudible] they can give an increased compensation, but we won't call it a raise, right?

Chancellor Woodson responded, "They don't have to spend it on that. We remind all the departments that if we do not take care of employees, we are going to have a hard time keeping people. But we can't give across-the-board raises. When we say across-the-board we don't mean that everybody gets the same raise. We mean a raise policy that is merit-based across-the-board. When the budget was passed, they had a .5% for University employees. People across campus were asked to set money back because we knew that state employees got a 2.5% raise and we know a lot of our employees thought that's what they were getting. But in fact, there are three groups who have been kept out of the raise pool in the state; us, the Community College system, and teachers. There are a lot of employees across the state that are not getting an annual raise."

6. Provost's Remarks and Q/A

Warwick Arden, Executive Vice Chancellor and Provost

Provost Arden continued the conversation regarding the budget. "If you look over the last several years of raises, we've been able to put together 2% or 2.5% or 3% raises. If you look at what was actually allocated in those budgets, it was often only 1% or 1.5%. So the last several years we got in the habit of asking deans and department heads to hold back about 1% of their salary base to add to whatever pool they are given. The deans have been chomping at the bit for several months." He added, "Just to be clear, it simply goes into the regular departmental state-appropriated funds that could be used for all the things that department heads usually use that money on, including select raises based on equity or market. That's different than the across-the-board annual process."

As an update on the Reappointment Promotion and Tenure process, Provost Arden stated that the University has a record number of individuals going through this process this year with 186 dossiers currently being reviewed.

Regarding ongoing dean searches, the search committee for the College of Natural Resources held off-campus interviews recently and recommended a number of individuals to the Provost for additional consideration. He stated that he is working through that process now to define which candidates will be brought to campus. He added that the search committee for Academic and Student Affairs will

identify who will be in their first round of interviews this week and bring those candidates to campus in late February. “Both searches are moving along very very well.”

Provost Arden brought news regarding the Strategic Plan. “I have already informed you of the nine task forces. I wanted to let you know that each of those task forces have their own web presence. You can get there by going through the Provost’s website under Strategic Planning, or go to strategic-planning@ncsu.edu and navigate to any of those nine Strategic Plan task forces that interest you. You can obtain the membership rosters, including the chairs, and scheduled meetings. All meetings of task forces are completely open. They are public meetings. So if there is a particular task force you’re interested in and want to attend, you are welcome to do so.” He added that there is also a feedback form on each of the task force websites so you can provide additional information.

Provost Arden provided an update regarding the SACS five-year review. “We have the folks from SACS coming next week for the off-campus component of our five-year review. They will meet with the Chancellor and I and several others. Then they visit off-campus instructional sites. We have three they will be visiting; they are visiting the Master of School Administration program, which is in two locations.” He added that they will also be visiting the doctoral program in College Leadership at Wake Technical Community College.

Questions

Senator Kuznetsov: Is the Dean of Engineering back?

Provost Arden responded that the Dean is not back yet. He is due to come back next weekend. Dean Louis Martin-Vega has been in Puerto Rico throughout all of the earthquakes and aftershocks. We will welcome him back soon.

7. Remarks

Allison Newhart, Vice Chancellor and General Counselor, NC State University

VC Newhart thanked the Faculty Senate for the invitation to speak to them today. She told the Senators that she has been at NC State since February, 2019 and feels that as a lawyer, she has a great job. “I love working in the University and public education. I really believe in the Land Grant mission and I just really enjoy being in an environment with all of you who are working collectively to advance the mission of the University. It is an honor to be here.”

She provided some background information and work history prior to joining NC State. You can view her bio here: <https://generalcounsel.ncsu.edu/about-ogc/attorney-and-staff-contacts/allison-b-newhart/>

VC Newhart talked to the Senate generally about what the University attorneys do and provided some history about how they got to where they are as an Office of General Counsel. She also spoke about some of the work that her office has done and her plans going forward.

“The role of General Counsels in institutions has really evolved over time. Today, most, if not all, institutions have General Counsels’ offices or they have a law firm or someone else that they retain to serve them in a General Counsel role. But it was not always the case.” VC Newhart cited historical information regarding the evolving role of the General Counsel and provided examples of the increasing need in Higher Education to rely on General Counsel for legal advice and services.

VC Newhart stated that one area that has led to the growth and expansion of the role of General Counsels overall is the issue of broadly societal and cultural changes that lead to public policy issues. “Things like student activism that lead to changes that are made in policy or in practice, campus climate issues, concerns about diversity and inclusion in hiring and retaining and admissions and all of those things.”

VC Newhart then described some of what the NC State Office of General Counsel does. “Our focus is really to provide mission-oriented legal counsel and strategic advice to the University community; that is to the Board of Trustees, the Chancellor and Administration, to all of your administration – your deans, your department heads – and in some cases, to all of you, depending on the work that you’re doing.” She added, “We really strive to allow our campus community, which primarily includes all of you, to achieve your objectives. Our focus is not on just telling somebody ‘no, you can’t do that,’ but what we really aim to do as lawyers is to be able to sit down and say ‘what is it you want to do’ and let us help you find a way to help you get there. We pride ourselves on that. That is mission-oriented, to me, and helping to advance the land grant mission of teaching, research and service. We try really hard to help everybody achieve that mission.”

VC Newhart continued by stating that her office wants to be trusted advisors to their clients and she takes her title as Vice Chancellor very seriously, by seeing herself as a University leader who contributes to leadership decisions and leadership advice. She added that she has eight lawyers who report to her, who work in all areas. “From a legal department perspective, we see almost any issue you can think of.” She stated that she and the lawyers on her staff try to focus on the needs of the campus community and respond to them.

She added that her staff does a lot of training on campus, as well as maintain the Policies, Rules and Regulations website, which is the internal law of the University. “My office is in charge of compiling and maintaining those, and then interpreting them if there is a question. We help people how to interpret and how to implement them.” She stated that they are not just the office for lawsuits. “We do occasionally get sued, we occasionally get subpoenas and we get involved in legal proceedings. We are the office that handles that. We coordinate with the Attorney General where appropriate.”

VC Newhart concluded by saying that to her, the most exciting thing is that we get to practice constitutional law. “As a lawyer, you don’t get to do that in many different types of legal professions. But NC State is a state agency; we are public and we are subject to the Constitution. We deal with first amendment free-speech issues on campus; we deal with in our processes, due process, fourteenth and fifteenth amendment issues, and we are subject to the rest of the Constitution as well.” She added that to her, as a lawyer, that is really exciting because her office is involved in advising on those matters. “The fact that we get to think about the Constitution overall, to me, is a really exciting thing. VC Newhart added that her office is also problem solvers. “We want to be able to help all of you

accomplish your goals. Sometimes that means we're dispute-resolvers. Sometimes we are just coordinators; suddenly we're hearing from multiple places across the university that everybody has the same issue and our office's role is to say have you talked to so-and-so, or maybe we all need to get in the same room and talk at the same time and figure out how to go forward. We have helped with all of that, and we will continue to help with all of that. We see that really is part of helping you contribute to the mission of the University."

Questions

Chair Kellner: What legal issues keep you up at night? What things do you see coming towards Higher Education in general, NC State in particular, that you haven't quite got the answer to yet?

VC Newhart responded that there are a lot. "I would say some of the top legal issues are Title IX, sexual misconduct, sexual violence on our campus has so many different aspects and areas, and we see it manifest in so many different ways. I think just how we respond to that, in addition to anticipating these new regulations." She added that she feels some of the campus climate issues that lead to the free speech and the first amendment things that we all wrestle with. "I know faculty wrestle with it in terms of teaching courses when it comes up with students; we wrestle with it in terms of student groups and protesters and controversial speakers coming onto campus. We also wrestle with it just in the space of helping our students to feel safe and comfortable and included and valued. There are legal issues in all of that and I think that we have some basis in the law, but it's a little bit unsatisfactory. I think the facts of those cases are really unique and challenging and sometimes upsetting and often there aren't always answers; but we have to react very quickly." She stated that she thinks of some of the areas like foreign influence in research. "We've all read recently in the *Wall Street Journal* and others where there's concern about foreign influence infiltrating some of the work that faculty and researchers are doing. Not only do I just worry about that in general, but I have a feeling that we may hear some more from the government on some guidance or regulation on that and just trying to think ahead about how we might manage that and how we might strengthen our own internal processes." VC Newhart also stated that she feels state appropriations issues are something to think about. "I know we don't have a budget right now, but really nationwide there is a trend of concern over enrollment dropping and appropriations and how do you make up the difference, which can lead to some legal issues as well."

Chair Kellner: Can you give an example of a legal issue that arises from dropping enrollment and concern about appropriations?

VC Newhart responded that you think about it in terms of what if you had to cut some staff and making some big decisions like layoffs, for example, or that there are some conditions on a grant that you have to complete and suddenly you cannot pay your staff to do it. "Also other laws or regulations that you might have to comply with that makes it challenging if you don't have the people to do it."

Senator Flinchum: Since you talked about conflicts of interest, we submit a COI or NOI. Is that data public?

VC Newhart responded that she does not believe that this information is public. "I know it is shared with folks who review the conflicts because they have to make some decisions about making a management plan or otherwise. So department heads and folks who need to know might get involved. But I'm not aware that it is public."

Chancellor Woodson responded that he has never assumed it to be public. "It's obviously got a lot of layers of approval."

Senator Flinchum: So there is an obligation to self-report but in the Harvard case, that probably didn't happen as it should have. Sometimes our peers know what we're up to more than our supervisors or their supervisors do.

Chancellor Woodson responded that one of the things we've been talking about in the context of all of this conflict of interest is helping department heads. "Conflict of interest forms come at them everyday or every week; not in a group, but just throughout a period of time. Giving them more resources in terms of an overall list of their faculty, what grants they have, what intellectual property and what disclosures they've made, whether they have a startup company; all the things that tend to lead to conflict of interest - just so the department head has more data to help and assist." He added that the Harvard case, where the head of Chemistry has been indicted and arrested for failure to report a relationship in China - these are big issues.

Senator Flinchum : Someone else knew about that; he wasn't the only person.

Chancellor Woodson responded "Your point is well-taken and we will have some more conversations."

VC Newhart added that the other question it raises is the issue of how much university oversight there is. This is something people continue to talk about.

Chancellor Woodson added, "These issues are big, and I do not want the faculty to perceive that we are spying on them, and I do not want to become a big brother. I think the work we do, in economic development and collaborations all over the world is critically important for science. So the last thing I want to do is being perceived as squashing this activity. But there are consequences for failure to report. And that is becoming increasingly apparent."

Parliamentarian Funkhouser: Do you represent athletics?

VC Newhart responded that athletics is part of the university, so yes we do.

Parliamentarian Funkhouser: For the NCAA, for example?

VC Newhart responded yes, we advise them about NCAA matters.

Past Chair Bird: Do we have challenges protecting our patents?

VC Newhart responded, "We are always thoughtful and focused on patent portfolios, and really all of our IP work. We are also mindful of our licensing agreements, where we agree to license certain patented technology to other startups and other companies. It's always something that we are

watching really closely. Our office of commercialization does a really good job, in conjunction of my office, at keeping on top of some of those trends. What's happening, as you know and as Chancellor Woodson just emphasized, we have a real culture of development and then spinning that off, commercializing that, forming startups and really pushing that technology that we're developing out into the market. So with that comes a lot of IP issues and the need to have a robust commercialization function here so we can monitor all of that. So we are always looking out for those things for sure."

Senator Lubischer: I just want to applaud your focus on mission-oriented legal advice and focusing on how we achieve what we want to achieve, within the constraints that we're working in. I think more and more, NC State has that culture of over-compliance, and I have more and more examples of decisions that are made by various units that are driven by compliance rather than driven by what's best for the students or what's best for the employees at NC State. I hope you can keep that mission-oriented focus and I hope you can spread it to other units on campus.

8. Resolution of Support for Pack Essentials

Jeremiah Feducia and Jane Lubischer, Resources and Environment Committee Co-Chairs

Following discussion and wording revisions, the Resolution of Support for Pack Essentials was unanimously adopted by the Faculty Senate.

<https://faculty senate.ncsu.edu/files/2020/02/Resolution-of-Support-for-Pack-Essentials-FINAL.pdf>

9. Issues of concern

Faculty Issues of Concern can be submitted at any time to a Senator, the Chair of the Faculty, or to Faculty_Senate@ncsu.edu

10. Adjourn

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