

68th Session of the NC State University Faculty Senate

Report of the Academic Policy Committee

April 19, 2022

INTRODUCTION

The members of the Academic Policy Committee (APC) serving during the 68th session of the NC State University Faculty Senate were Lisa Bass-Freeman (Co-chair), Paul Williams (Co-chair), Chris DePerno, Jonathan Duggins, Tushar Ghosh, Michael Reiskind, Robert Riehn, Greg Tourino, Intae Yoon and Ken Zagacki. The charge of the APC is to review policy, modify and initiate policies related to: undergraduate and graduate academic policy, regulations and reform, for both on and off-campus teaching and learning environments; faculty instructional development; faculty evaluation and assessment, teaching and advising; research; and the academic calendar. APC dealt with three Issues of Concern and one policy review related to the committee charge during the 2021-22 academic year.

- I. Senator Walter Robinson proposed a resolution to put before the Senate endorsing a policy of flexibility for faculty to offer their classes other than face-to-face if they were concerned about the continuing dangers of Covid 19. APC worked with Senator Robinson to create the wording of such a resolution, which is included as Appendix A. APC discussed with Senator Robinson whether he would prefer to introduce the resolution or let the APC do so. However, before the resolution could be introduced the issue became moot as the administration adopted a policy of faculty flexibility in delivering their classes in a manner they believed was appropriate to their perceived risks.
- II. Faculty member Michael Schwalbe submitted an IOC pertaining to the adoption of Panopto as the classroom capture technology replacing MediaSite. Unlike other technologies available to faculty, Panopto applies to all classrooms equipped to record classes. Faculty must explicitly “opt out” of classroom capture. Professor Schwalbe objected to the mandatory nature of Panopto’s use as all other classroom technologies followed a policy of “opt in.” “Opt-in” is the default option for all classroom technologies; the technology is not activated for a class unless the faculty member chooses to do so. APC discussed Professor Schwalbe’s concern and concluded that policy with respect to faculty choice of classroom technologies should be consistent across all applications, which is “opt in.” APC acknowledged that the transition to “opt in” for Panopto would require organization changes within DELTA. Taking that into account APC drafted a resolution to return to an “opt in” policy implemented with a year lead-time (included as Appendix B). APC presented the draft resolution to the Senate Executive Committee where the consensus was the issue could be resolved without resorting to a resolution. Co-chair Williams forwarded the resolution to Dwayne Larick who in turn provided it to Provost Arden. The Provost met with co-chair Williams via Zoom and expressed his position that the “opt out” policy for Panopto would remain regardless. This made pursuing a resolution solution a futile gesture. Instead, Chair Berry-James has already engaged to have changes made to the syllabus regulations to require an additional section informing students that their

- class is recorded (discussed later). Further, the Executive Committee is considering action that the Senate can take to inform all faculty about the “opt-out” policy in advance of the start of each term. The Senate has a mailing list of all faculty and it is feasible for the Senate to send a blanket email reminding faculty that action on their parts is required to avoid recording of their classes.
- III. Faculty member David Austin submitted an issue of concern over the process by which CUE changed the GEP U. S. Diversity component with required U.S. Diversity, Equity and Inclusion requirement. Questioned was CUE authority to do so as was the process of adoption since APC review of the proposal was not performed prior to adoption of the proposal during the summer of 2021. APC concluded that CUE has the authority to make such changes to the GEP requirements. APC also concluded that the process by which the proposed change was made was flawed. Concerned groups did not provide input, notably APC, and there was no formal confirmation from groups who allegedly did approve the proposal. In addition, the proposed change was approved during the summer when the Faculty Senate is not in session, so no Senate input was provided. APC discussed the issue with Darby Orcutt, Bret Smith and Dean Scott of DASA and drafted a memorandum containing our conclusions and some recommendations about how the process can be improved to prevent the misunderstandings that occurred during the U.S. DEI adoption process. That memorandum (reproduced as Appendix C) was forwarded to the Executive Committee where it awaits approval to be sent to the relevant parties.
 - IV. With the addition of Panopto to the platforms available for instruction, additional guidelines are necessary for instructors to include in syllabi. APC has been engaged with Bret Smith over proposed changes to paragraph 2.12.1 of REG 02.20.07 that pertain to informing students that they are recorded and to stipulate that if any of them are captured on film they must give permission for any further use of the recordings. Through two iterations, APC suggested changes to the language of the paragraph, which we forwarded to Bret Smith for his consideration and we are awaiting his response to the last recommended change.
 - V. APC discussed the possibility of investigating the extent to which faculty at NC State University sense that academic freedom is imperiled at NC State and that the state legislature or other groups unaffiliated with the university may seek to meddle in faculty teaching and research. and we recommend that academic freedom be considered as a theme for one of the forthcoming General Faculty Meetings.

APPENDIX A

WHEREAS, the Covid 19 pandemic is still ongoing, and

WHEREAS, NC State University has opted for in-person classes, and

WHEREAS, members of the NC State University faculty have reasonable concerns about insuring their and their students' safety for in-person classes, and

WHEREAS, faculty discretion is currently circumscribed in how it may best insure the safety of themselves and their students, therefore be it

RESOLVED, that instructors of record shall be granted flexibility and discretion in consultation with head, chair or director of said course to determine the mode of instruction most consistent with the quality of instruction and the well-being of students and faculty and further be it

RESOLVED, that instructors will exercise diligence in informing students of any changes in the mode of instruction of a course and will fully document any changes including dates, technologies used, and efforts to insure student inclusion.

APPENDIX B

Resolution on Opt-out Policy for Classroom Capture

WHEREAS pedagogy is the province of each faculty member, and

WHEREAS the classroom capture technology of Panopto is a useful tool but is not essential to sound pedagogy, and

WHEREAS each faculty member must assess the risks associated with using Panopto for themselves, including potential threats to academic freedom and

WHEREAS the current policy of “opt out” regarding the use of Panopto’s use in the classroom presumes the appropriateness of it for all faculty, therefore be it

RESOLVED that the policy for use of Panopto be changed to “opt in” so that the use of Panopto is clearly the choice of each faculty member based on each members assessments of risks and assessments of the pedagogical benefits it provides, and further be it

RESOLVED that the policy of “opt in” be implemented by fall semester 2022.

APPENDIX C

MEMORANDUM (draft not for public consumption)

From: NC State University Faculty Senate Academic Policy Committee

To: Provost Warwick Arden, Dr. Doneka Scott, Dr. Brett Smith, Darby Orcutt, Chairs of College Curriculum Committees

Re: US DEI change

INTRODUCTION

The Committee on Undergraduate Education changed the non-credit earning US Diversity requirement in the General Education Program to a credit earning US Diversity, Equity and Inclusion requirement. Through his college Senator, Dr. David Austin submitted an Issue of Concern (IOS) expressing concern about the process by which CUE reached its decision. According to Dr. Austin, the CHASS Curriculum Committee expressed numerous reservations about the proposal, which Professor Austin enumerated in his IOS document. The CHASS Curriculum Committee believed that the proposal would continue to be the subject of discussion and modification once the fall semester began. However, during the summer, CUE adopted the proposal about which CHASS had reservations without further debate. The Provost, who accepted the proposal, directed that it become effective fall 2023.

ACADEMIC POLICY COMMITTEE ACTIONS

The Academic Policy Committee (APC) of the Faculty Senate investigated the IOC by meeting with the chair of CUE, Darby Orcutt and with Brett Smith and Doneka Scott during two successive meetings. They described for members of the APC the history of the change and the fact that the proposed change was perceived of such significance that the task was not assigned to a subcommittee. Instead, CUE members acted as a committee of the whole so that the entire membership of CUE debated whatever proposal moved forward for its review. The chair of CUE assured us that CUE informed every relevant constituent throughout the process and that CUE was confident the process was transparent and comprehensive. Everyone we interviewed acknowledged that the reservations expressed in the IOC were valid. However, to resolve them to the point of certainty could possibly derail the goal of adding equity and inclusion to the previous diversity requirement. The majority of CUE members believed that action was preferable to certainty and that the risks were worth changing the requirement now. Discussants also acknowledged that there are certainly better ways of facilitating information flow so that relevant constituents do not perceive that CUE or other committees to be neglecting their concerns.

APC's CONCLUSIONS AND RECOMMENDATIONS

The change in the US Diversity requirement enacted by CUE is not something the APC can change now. The change is a fait accompli by a democratic process executed by the faculty.

The faculty representatives to CUE voted to recommend the change to the Provost and the Provost accepted the proposal. APC also concludes that it is within the committee charge of CUE to recommend the changes. CUE members interpreted the first two charges to the committee as giving CUE authorization to make the change in US Diversity. Those charges are: 1. In consultation with the Vice Chancellor and Dean of Academic and Student Affairs, advise the Provost in matters relating to undergraduate education and the General Education Program and, 2. Assist in the development, revision, and evaluation of University regulations with regard to general education and the General Education Program for all undergraduate curricula. The APC's reading of these charges does not lead us to dispute that the authority to make such changes rests with CUE.

The APC does conclude that the adoption of the change during the summer is problematic and not good process. As Professor Austin noted the CHASS Curriculum Committee believed that the discussion of the proposal would continue into the fall. The APC can confirm that belief because that is what APC was led to believe as well. Contrary to assurances from the chair of CUE, not every relevant constituent was fully heard. The Faculty Senate representative to CUE notified APC on October 29, 2020 that CUE was discussing changing the US Diversity requirement. At the time, there was no draft proposal to which to provide input. APC received a draft of the proposals from the Senate Representative on April 9, 2021, two days after our last APC meeting of the academic year. The Senate Representative conveyed the same expectation as that of the CHASS Curriculum Committee -- i.e., discussion was to continue into the fall term. By the time the Senate reconvened on August 17, 2021 the change had already been adopted. Therefore, one important constituent in the process did not have any input to the debate over the change. The Faculty Senate never had the opportunity to evaluate and comment on the proposal.

Whether the Senate's consideration of the change would have affected the change is doubtful, but that is not the point. APC is officially "in the loop" but the proposal went forward without actually receiving input from the Senate. There was a breakdown in information flow among relevant constituents during this deliberation. Assurances from the CUE members that they consulted with their respective constituents on any CUE matter is not sufficient. The process of vetting such changes from APC, College Curriculum Committees, etc. should not be so informal. To ameliorate the breakdown in information flow that occurred the APC recommends the following:

- CUE should know formally that all relevant constituents have considered the issue and indicated any reservations or issues they may have. Until CUE has heard from all of these constituents in writing, no formal vote on a proposal should go forward.
- Since summer is the major gap in the information flow, we recommend that no policy be enacted during the summer months that involves the necessity for faculty input.
- The Senate representative to CUE should be a member of APC.