

NC STATE UNIVERSITY
Minutes of the Faculty Senate
Regular Meeting No. 2 of the 70th Session
September 5, 2023

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Present: Herle McGowan, Chair of the Faculty; Chris DePerno, Associate Chair of the Faculty; Carolyn Bird, Parliamentarian; Senators Bell, Blank, Burke, Daley, Davis, Diaconeasa, Edmisten, Hajbabai, Hajibabai, Hou, Hyman, Jasper, Kedrowicz, Morant, Mullins, Reiskind, Robinson, Roland, Taveirne, Tourino, Verhallen, Zagacki

Guests: Warwick Arden, Executive Vice Chancellor and Provost; Cindy Barr, Vice Provost for Strategic Initiatives; Don Hunt, Senior Vice Provost for Enrollment Management and Services; Allison Newhart, Vice Chancellor and General Counsel; Jon Westover, Associate Vice Provost and Director of Admissions

1. Call to Order and Announcements - Chris DePerno, Associate Chair of the Faculty

Associate Chair DePerno called the meeting to order at 3:00 p.m.

Associate Chair DePerno announced that there will not be a Faculty Senate meeting on September 19, in observance of the Wellness Day; the next regular meeting of the Faculty Senate will be on October 3.

The Fall General Faculty Meeting will be on October 17th, from 3-5 pm. Confirmation of the location and agenda will follow, but in the meantime please encourage faculty in your department and college to save the date.

There is an opportunity to participate in Green Zone Training being offered by the UNC Faculty Assembly. This training is designed to help faculty and staff to better understand issues facing active service members, student veterans and their families.

2. Approval of the Minutes, Regular Meeting No. 1 of the 70th Session, August 22, 2023 - Christopher DePerno, Associate Chair of the Faculty

Associate Chair DePerno called for a motion to approve the minutes of the first meeting of the 70th session NC State Faculty Senate. A motion and second were made and the minutes were approved.

3. Chair's Remarks - Herle McGowan, Chair of the Faculty

Chair McGowan made the following remarks.

In today's meeting we will loop back to some updates that were not covered last time. We will also discuss the Supreme Court's recent decision regarding college admissions. Today

we focus on undergraduate admissions and at a future meeting discuss graduate admissions.

Before those discussions, however, I want to address the shooting on Chapel Hill's campus last week. Like many of you, I have a child who was on campus as the event unfolded. And I'm sure many more of us know colleagues, friends, and children of friends at Chapel Hill. This event renewed concerns about classroom safety. Last year, after the shooting on Michigan State's campus, NCSU Police Chief Dan House presented to the senate about campus' preparation for an active threat situation; his presentation is available on the faculty senate website along with the meeting minutes. In response to the more recent shooting, classroom safety has been raised as an issue of concern that will be discussed by the Resources and Environment subcommittee. Updates and additional information will be shared with the full senate at a future meeting.

4. Provost's Remarks and Q&A - Warwick Arden, Executive Vice Chancellor and Provost

Provost Arden remarked that the semester is off to a good start and doing well overall. He also announced that NC State will host a groundbreaking ceremony for the Integrated Sciences Building on Friday, September 8 from 23 p.m. on the Brickyard. All faculty, staff and students are invited to attend.

5. State Updates - Herle McGowan, Chair of the Faculty

Chair McGowan reviewed State legislation with a direct impact on the university and on the classrooms.

The House Bill (HB) 715 proposing the elimination of tenure did not survive the crossover between the House and the Senate. State Bill (SB) 364, an act to prohibit compelled speech when an individual seeks State employment or community college employment, was enacted. HB 607, which was similar to SB 364, is in limbo.

SB 114, an act to require at least three credit hours of instruction in American History or American Government in order to graduate from a constituent institution of the University of North Carolina with a baccalaureate degree or a community college with an associate degree, is currently in limbo.

Chair McGowan also announced that the UNC Faculty Review Policy is beginning the policy phase; the first one up on the docket are recommendations with respect to post-tenure review. Additional feedback should be submitted by September 14th.

6. Affirmative Action Ruling—NC State's Strategy and Response

a. U.S. Supreme Court ruling regarding the use of race in admissions: SFFA v. UNC and SFFA v. Harvard University

Allison Newhart, Vice Chancellor and General Counsel

b. NCSU's undergraduate admissions processes

Don Hunt, Senior Vice Provost for Enrollment Management and Services

Jon Westover, Associate Vice Provost and Director of Admissions
Cindy Barr, Vice Provost for Strategic Initiatives

c. Q&A with all guests

Ms. Newhart provided background on the Supreme Court ruling and actions that were taken over the summer. The SFFA filed two separate Federal lawsuits; both asserted that the admissions processes were unconstitutional and violated the equal protection clause of the 14th Amendment and/or violated the Title 6 of the Civil Rights Act. On June 29, 2023, after nearly nine years of litigation, the United States Supreme Court ruled in favor of SFFA and struck down both Harvard and UNC's processes; the Supreme Court ruled that their use of race violated the Constitution and the equal protection clause.

She continued, "This is a change from prior precedent. We had over 40 years of Supreme Court precedent that held specifically that race was permitted to be used as a factor in a holistic review process."

Some of the key takeaways from the Supreme Court's decision:

- Institutions are prohibited from considering an applicant's race during any part of the admissions process.
- Institutions are prohibited from using any criteria as a proxy for race, or to indirectly consider an applicant's race.

Under the Constitution, the test that the court will apply anytime something comes to it with a race-based category is called Strict Scrutiny. Strict Scrutiny looks at the reason for doing something and the means to get there.

The Court's decision is complex, and NC State, along with the UNC System, is currently reviewing the ruling and its potential impacts. NC State will follow the new law.

Mr. Hunt added that it boils down to on an operational level in the admissions decision process, we cannot consider race in making a decision on whether or not a student is admitted into NC State. "So we've complied and adjusted our admissions reviewing process to ensure that race is not a factor, and it's not visible to the reviewers at that point in time. This is an evolving situation and as more guidance comes down, we may need to make additional adjustments to our admissions process. As of today, we still can focus on the recruitment efforts around improving the amount of applicants from different populations."

Question and Answer

In programs like fellowships or postdoc programs where diversity might be a goal, are those programs affected by this ruling?

Ms. Newhart: It depends program by program on how certain factors are being used and how decisions are being made. Today's discussion focuses on admissions and undergraduate admissions, but those are exactly the questions that we are all starting to ask and look into.

So if we can adjust our recruitment processes, have we made efforts to adjust them for this first cycle, and if so, what do those changes look like?

Mr. Hunt: We have not made any specific changes to the recruitment process because we were already focused on improving the pipelines of diversity in the applicant pool. So as the decisions are coming down, we have to make adjustments. We're just getting underway for the '24 cycle; the application is open and we're just concluding the '23 cycle with the enrolled students. We're constantly looking and evaluating what additional things we can do to support our recruitment efforts, but this will be an ongoing situation. We will evaluate every opportunity to increase representation in the applicant pool as we're allowed to.

Does NC State favor legacy admissions?

Mr. Hunt: Legacy is not a direct factor in admissions decisions.

Is it an indirect factor?

Mr. Hunt: It's just an awareness; it does not play a factor in the decision of a student being admitted.

You mentioned that recruitment efforts can mitigate the current situation and shifting admissions to recruitment; what is the expected time horizon that might be feasible?

Mr. Hunt: We will have to evaluate all of our efforts and still stay compliant. We will have to look within the strategies on what else we can do, now that we will not have race as a factor in the actual decision of admissions. At the moment, recruitment is allowed.

7. Issues of Concern (IOCs)

Faculty Issues of Concern can be submitted at any time to a senator or to the Office of the Faculty Senate online or via email at Faculty_Senate@ncsu.edu

8. Adjourn

Associate Chair DePerno adjourned the meeting at 3:51 p.m.