

FACULTY SENATE MEETING
October 2, 2019

1. Call to Order

FACULTY SENATE CHAIR MARK COOPER called the meeting to order

2. Corrections to and Approval of Minutes

CHAIR MARK COOPER – There were no corrections to the minutes of September 11, 2019, or to the minutes for the Special Called Meeting of September 18th, 2019. The minutes were approved as submitted.

2. Report of Faculty Committees

a. Senate Steering Committee, Professor Elizabeth West, Secretary

SECRETARY WEST - The Senate steering committee appointed Erik Doxtader (English) to fill a one-year Faculty Advisory Committee vacancy.

Instructional Development still has a less than one-year vacancy.

There are still two vacancies for Professional Conduct. One that ends in 2021 and the other in 2022. They must be tenured but it doesn't matter what rank to serve on that committee.

The Steering Committee is still searching for a candidate for Secretary. They must be tenured but rank does not matter in that position.

b. Committee on Curricula and Courses, Professor Marianne Bickle, Chair

PROFESSOR MARIANNE BICKLE (Interdisciplinary Studies) – There was a slight change from the report that was submitted. Members of the Department of English who are in the College of Arts and Sciences would like to pull three courses: Criminal Justice 558 and 575 and 577. They are going to recommend some different wording.

Twenty-two proposals came through for approval, not including the three Criminal Justice courses. There are four from the College of Arts and Sciences; three from the College of Business; two from the College of Engineering and Computing; seven from College of Information and Communications; five from the College of Public Health and one from Social Work.

There are 11 Experiential Learning courses for approval. Those were put forward in the summer.

There was no discussion and the proposal was approved.

c. Committee on Instructional Development, Professor Karen Edwards, Chair

PROFESSOR KAREN EDWARDS (Department of Retailing) - The Committee on Instructional Development has reviewed and moves for the following existing courses to be approved for distributed learning delivery, both from the College of Arts and Sciences. First, from the Department of Political Sciences, POLI 316, Comparative Politics and from the Department of Sociology, SOCY 360, Sociology of Medicine and Health.

There was no discussion and the proposal was approved.

d. Committee on Scholastic Standards and Petitions, Professor Brett Altschul, Chair

PROFESSOR BRETT ALTSCHUL (Department of Physics and Astronomy) – reported again on a newly revised attendance policy. There have been a number of minor tweaks to the wording. In particular, it should be completely clear how to calculate the number of 15% allowed absences. The 15% is of total course attendance time, not class sessions. However, it specifies that faculty are not required to monitor the comings and goings of students. If a student misses part of the class, they can be marked absent for these purposes, for the entire class.

The other matter concerns clinical time which is relevant to individuals in the College of Nursing and the College of Education among others. The policy specifically does not apply to the clinical or practicum components of courses in those or other schools because there are regular regulatory requirements for licensing and such. They may require a certain amount of days of attendance or hours of nursing practicum that this policy doesn't want to interfere with.

In fact, this policy will clarify the status of those practicum hours, which is not actually entirely clear under the current policy. And so that's another way that this will improve the situation. Those are the practical changes.

PROFESSOR EVA CZABARKA (Department of Mathematics - argued against this policy. She had an email exchange about this with Amit Almor, last semester when this was first proposed. Amit concluded from Altschul's comments and from comments received from some of her colleagues, that it appears that the best way to go forward, which may also be the one most compatible with national trends and perhaps legal requirement is to designate religious holidays as always excusable absences that cannot be counted against students.

The reason for this discussion was the following: the 15% is not entirely solving the problem because there are classes that meet less number of times. To completely solve the legal problem with this, we should raise the allowed absences to something like 50% because that would take care of all classes. That's clearly not doable unless we completely do away with a class absence policy. These religious absences are excusable by law. This needs to be pointed out perhaps, but they are excusable by law, so this problem should not exist to begin with just for the religious excuses.

Some students treat these absences as free. They clearly state so. In lower classes, it is imperative that we have some way of telling students that they must attend and they must try to work. This

doesn't apply to all of us, but there is a considerable segment of undergraduate classes where certain type of classes are covered and this is important. We shouldn't take this tool away from those people to solve this problem. That, as I said, should not exist to begin with. I think that the reasonable solution to this problem is pointing out the law and perhaps inserting some language that clarifies that the students need to be proactive about it because some of us receive email the day before the exam. Then an exam was announced for more than a week that, Oh, by the way, tomorrow I have a religious holiday so I'm not coming and I don't think that that should be accepted.

So with some clearly put in line policies of how the instructor should be informed and that the instructor should be informed in reasonable time. The religious absences should be excused because the law requires that they should be excused and we shouldn't change the policy for all absences.

And I would like to say that many of my colleagues stopped me on the corridor before I came here asking that you are going to come here and ask for this. Right? And I considered it very important because I actually have teaching time at this time, and I had to ask somebody to substitute for me to be able to come in.

PROFESSOR ADAM SCHOR (Department of History) - For five years I have served as the convener of the Jewish Faculty and Staff Council. I am thus one of those who initiated the process that has led to the compromise proposal now before you.

I appreciate the search for clear policy language that has guided efforts here. But now I want to return our view to the larger purposes of this proposal: inclusion of religious minorities and fostering understanding for diverse students' needs.

I am not a lawyer, but I have read the US Civil Rights Act, especially Title VI, which deals with nondiscrimination on the basis of religion. I think that our public institution, with its Carolinian Creed, is devoted to the spirit of this law, and as such works to foster a setting where students are not penalized for participating in the observances of their religious affiliations. Students who belong to minority religious groups often face the dilemma of holy days that coincide with regular meetings of their classes. Those who wish to observe their traditions must ask us faculty to work out arrangements to excuse absences and make up missing work. Most of our colleagues happily make these arrangements. But every year, I hear about inflexible faculty, who compel students to weigh their religious freedom against the cost to their grades. Monday marked the Jewish High Holy Day of Rosh Hashanah, next Tuesday evening and Wednesday is Yom Kippur. And this year, yet again, I had to work to persuade another member of our faculty to show more understanding toward observant Jewish students.

The compromise before you differs from our council's original proposal, which was to require faculty to excuse some sorts of absences, apart from the customary grace period. Our colleagues on the committee strongly wished to preserve simplicity and faculty autonomy; principles I value. Yet I think it is also important for our university to secure itself and its larger values of non-discrimination. The compromise before you takes this path. It retains simplicity and most faculty responsibility to set fair attendance policies in their own classes, while ensuring that, at

base, students in most regularly scheduled classes will have a grace period sufficient to avoid worry that their mere absence for major religious observances would be penalized.

Please do not lose sight of the larger purpose. If we really mean to follow the spirit of the Civil Rights Act, and the Carolinian Creed, we know that action of this sort is imperative. Thank you.

PROFESSOR ALTSCHUL – The specific mention of religious observance is in the list of possible excuses, and there is not a specific religious exemption in the policy. It's covered under the general 15%, but the policy has information about where you can look up religious holidays online. There is a great deal of information about a wide number of religious traditions and information about people you can contact around campus for more information.

SENATOR ERIK DOXTADER (Department of English) - I'm sure this is answered somewhere, and I'm just confused. At the very top of what's showing on the screen, it says it is recommended that faculty consider excusing absences for the following reasons. This is a recommendation, and if so, doesn't that then beg the question of whether this is binding?

PROFESSOR ALTSCHUL - No, the actual, the binding part of the policy is here. These are the key elements of the changes to the strict rules. But there were requests for enough further guidance about how religious a freedom could be accommodated and other information to be included.

There were other requests to have this policy include other information so the faculty could look at it for recommendations about best practices as well as strictly what the rules are. The rules are already in the 15% and specific examples of how many classes that constitutes are in the part that I have highlighted at the moment.

PROFESSOR SUSAN BON - I don't want to muddy the water because I understand this policy is primarily geared towards addressing the religious holidays. This also come to my attention that there are students who consistently are not excused when they're in the hospital with mono or when they're supposed to travel with their sports team. And so I'm wondering if this isn't a subject that needs a further conversation so that we can look at more deeply some of the issues that we're struggling with, to get a policy that seems to fit all of the needs of what we're trying to accomplish here.

PROFESSOR ALTSCHUL - Well, if further revisions to this policy for other needs are called for, they can certainly be made, but at a minimum, I think that this part should be passed and then further amendments can be added onto it, in the future as time passes.

One point about athletics and participation. The Athletic Department actually sets a cap on how many classes their students will miss for athletic observances, which is less than the 15%. And so there should not be any students who are missing classes for athletic activities who've reached the threshold in this policy and the Athletics Department has expressed as happiness with their current, I believe it's 12%?

UNIDENTIFIED SPEAKER - I thought I saw them...

PROFESSOR ALTSCHUL - Yes. Among, among the lists of things that faculty might consider as justifications for excusing absences illness that is too severe or contagious for the students to attend class is of course listed there. As I said, if a specific policy regarding people who are absent for long periods due to illness is required, that could be taken up as a further policy on modification on top of this as it is. Like in many case there is an existing policy that the students who were absent due to illness for a long time and can withdraw from a course and receive a pro rata refund if they're not going to be able to complete the course. I don't think there's any specific provisions for if students miss a significant amount of time for an illness, but want to go on and attempt to make up the missed work and complete the course. There's no specific rules governing that.

PROFESSOR BETHANY BELL (College of Social Work) – Followed up on what Susan Bon suggested and moved to send issue back to committee and possibly a larger committee, asking the parliamentarian to clarify the rules. She believes that federally we have to excuse people. If employers can't fire people for going to their military duty, why should we penalize students for military observance there if they're in the National Guard and they're two weeks away. If an employer can't fire someone for that, how can we dock them attendance for that? There are bigger issues as Susan Bon brought up, that may be lost sight of in the initial concern from the Jewish Faculty and Staff Counsel. Proposes a formal motion that this not even be voted on, that this goes back and that more people will get brought to the table.

CHAIR COOPER - I'll allow for [Professor Altschul] to answer that specific question but is there a second for that motion? It's been moved and seconded and so now we're discussing the motion to refer this back to committee for specific consideration of military issues, illness issues. Was there another matter? And the original religious issue.

PROFESSOR ALTSCHUL - I would like to say that I think that at this point, and I tried to say this several times, the current policy is unsatisfactory in a number of ways and the longer that no changes are made that an unsatisfactory policy is going to continue in operation. I would suggest that a better way to approach this would be to pass these changes. If the Senate is happy with these, with the 15% threshold for the general matters and then come back and then the committee will take up further suggestions for changes that might need to be made on top of that as additional improvements. However, the committee has considered these questions in detail. We formulated the policy in such a way that we thought was optimal for dealing with the totality of the situation. Sending it back to the committee is not necessarily going to produce an improved policy that everyone is going to agree with. We have seen that it is very difficult to get complete unanimity about what should be done. I'm sure that there could be improvements to be made. I think that the best step at this point would be to pass this as an improvement to the existing policy and then move on to further improvements as needed.

PROFESSOR BELL – I would like to clarify that my motion was that it not just being the current Scholastics and Petitions Committee that depending on our bylaws that an ad hoc committee or other members are about to join that committee for this issue.

CHAIR COOPER - That's a different motion than was seconded. You moved to return it to the committee in that motion.

PROFESSOR BELL – No I said to change the composition of the committee.

CHAIR COOPER – Okay, who would change the composition of the committee?

PROFESSOR BELL - I think it needs a broader representation. That's why I want the Parliamentarian to figure out how to do that. I don't know the rules about changing the composition of a committee for an issue.

CHAIR COOPER - You wouldn't change the composition of a standing committee. You'd ask Steering to form an ad hoc committee to...

PROFESSOR BELL – That's what I would like.

CHAIR COOPER - And the person who seconded the motion. Did you think that's what you were seconding? Okay. This is a motion to form an ad hoc committee with broader representation to address those specific issues. Further discussion of that motion.

UNIDENTIFIED SPEAKER - This is further discussion of that motion.

CHAIR COOPER - Could you identify yourself?

PROFESSOR EVE ROSS (Law School) - And my understanding is that when the military requires employers to allow their members back to their jobs, it's simply that, that there should be a job waiting for them when they come back. And if there is a place waiting for someone at the university when they come back from their military service, then we're fulfilling our responsibilities. So it wouldn't have anything to do with this policy. I would like to suggest a friendly amendment to the motion. Could we, parliamentarian, I don't know if this is possible, would it be possible to pass this and continue the discussion in the new committee, the new ad hoc committee to pass and continue?

CHAIR COOPER - Are these competing motions? We first have to deal with this motion on the floor, which is to constitute an ad hoc committee, which we could do. And then we could pass this motion also. Right? Because they're not conflicting. They're kind of parallel tracks. Yes.

PROFESSOR CZABARKA - I would like to argue for that motion. And my reasons are that without accepting this current version and my reasons are that in its current form, it makes it mandatory to raise absences to 15%. And my understanding of the law and the original intent is that absences, religious observances and perhaps some others should be mandatorily excused. And I should not necessarily excuse 15% from a student who just missed because he wants to. As this policy stands, if the student decides just to not come in for 15% of the time, he's not receiving a punishment. But if a student has a religious excuse and it happens to be larger than the 15%, he still can receive a punishment, that was not the original intent, and it's not being addressed.

CHAIR COOPER - Very good. So, is there further discussion of the motion to constitute an ad hoc committee with broader representation than the current committee on Scholastic Standards and Petitions, to re-examine the attendance issue with specific reference to absences for illness and absences for military service. Hearing none. All those in favor of that motion to constitute a special committee. The motion passes by a vote of 47 to 26.

Now we return to the main motion, which is to approve this policy change as brought by the committee on Scholastic Standards and Petitions. Is there further discussion of that issue?

PROFESSOR TRACI TESTERMAN (School of Medicine) – We've seen this policy getting kicked around for a long time, and I agree it's not perfect, but it does make it clear that faculty do not have to penalize a student if they miss more than 15%. It's at their discretion. They only have to be fair about how they apply it. I think it's an improvement over what we have now and that it's reasonable to pass it and then look into some tweaks. I think it could be more clear that religious holidays really should be exempted, by law and perhaps with the military. So I think there are definitely improvements that can be made, but I think it's worth passing as it is so that we have something that's better than what we have now.

PROFESSOR JOSHUA STONE (Department of Biological Sciences) - I've spoken with a number of other people in my department and everyone I've spoken with feels strongly that this amendment should not be passed in its current form. We often teach very large classes with hundreds of students and attendance is the main tool for getting them there and getting them to learn. And students will look at the requirements. Freshman students coming in will say, oh, 15%, that means I can miss 15% of the classes. Whereas now they look at and say, oh, 10% I can miss 10% of classes and they will miss that many up to that mark, and it's very detrimental to their education. We had one professor who did a quick calculation and found that, of students in his large biology class, if a student missed more than three class periods, they had a 400% higher chance of failing the course than if they had a fewer than three or three or fewer absences. And so we really think that this raising it to 15% is missing the point of the initial issue. I fully believe we should try to resolve this issue of making sure that we're equally welcoming to all religions, but I think that this creates more problems than it solves in the current forum.

PROFESSOR JOHN LAVIGNE (College of Arts and Sciences) - Brett, forgive me if this is clear and I've completely missing it, but what's the motive for changing from 10% to 15% based on the wording being in the old form and this new proposed form that the instructor may impose a penalty?

PROFESSOR ALTSCHUL - The 15% was calculated on the basis of, there were no major religious traditions that would require absences for more than 15% of twice-per-week classes. There have been consistent problems with class instructors who have not been helpful to students who were missing on the order of four or five classes for religious reasons and which was over the 10% threshold. We chose a threshold based on numbers of religious holidays that might occur during class time without increasing the threshold unnecessarily beyond that.

PROFESSOR TESTERMAN – So, I definitely understand the attendance problems. Believe it or not, we have problems with the medical students skipping excessive classes. However, I would argue that the students who value their education low enough to be looking for excuses to miss classes will do it regardless. I don't think that those students are going to necessarily do worse with 15% than they're already doing with 10%, because they just don't value their educations enough to show up for class. So, I think that, we can help some students with this and hopefully not caused further harm to others because those that take their education seriously are only going to miss when they need to miss. And we want to allow those students to have the flexibility they need in order to, you know, if they have a good reason for missing class to be able to do that.

PROFESSOR SCHOR -I would just add one quick recollection from the committee meeting that produced the initial 15% compromise. The main motive for, I think if I remember correctly, for retaining simply a 15% single threshold rather than attempting to separate excused from unexcused absences was simplicity. This was an attempt to make it easier upon faculty. Not to require faculty to have to delve into the business of determining whether every excusable absence was excusable, then it would be left up to faculty autonomy, faculty responsibility and faculty discretion. If the judgment is against that particular point that is I believe the reason why it, the decision was made to retain simply a single threshold rather than separate excused and unexcused absences.

PROFESSOR ALTSCHUL -Yeah, that's correct. There was strong feeling in the committee against requiring faculty to have to police whether a student's submitting a religious observance as reasons to miss class were engaged in legitimate religious activity. We did not want to get involved in that.

PROFESSOR CZABARKA - I actually wasn't aware that the fact that we are not required to assess a grade penalty wasn't clear to everyone. In the original language, we weren't required to put in a grade penalty. If we do not want to make a difference, we still can decide that, oh, the policy allows me at 10% to administer grade penalty, but I choose to do it at 15% and then I probably don't have to worry about unexcused absences. I also can choose not to impose grade penalty at all if I don't want to. So raising the 15% to my view, the main effect is that it raises it for every one. And I'm very glad that not everybody teaches freshman classes where the attendance is large and the pressure to not attend is very small, and the students do need to be treated a little bit less like adults because that's what we are talking about. But some of us do. Please don't make our life harder.

JOSHUE STONE (Biology) I can politically agree with that. I think yes, the great students are going attend class regardless. The really poor students, they're going to miss class regardless. It's those middle students that sometimes need encouragement and need help forming good habits, especially when they're fresh out of high school where they're told where exactly to go, when to eat, when to go to the bathroom. They know they're not used to as much freedom, and they need help with having some sort of structure to form those good habits. I think by raising attendance to 15% from 10% we're quite literally lowering our academic standards. And I think there's other ways to do this. I mean personally I don't mind going through and making those judgment calls and policing whether this is an excused absence or not, if I still have that ability and that tool to

help those students who don't care. The students who are going to miss classes, they're not going to take the effort to come to me and get an excused absence. I very highly doubt that there's going to be people lying and pretending to be religions just because that takes effort and the students who are missing are not going to go through that effort.

CHAIR COOPER -Thank you. I'm really appreciating all these self-nominations for the ad hoc committee. Is there further discussion? Okay. Are we ready to vote on this? All those in favor of the motion brought forward by the committee on Scholastic Standards and Petitions. Please say, aye. This is in favor of accepting you want the policy. Given that we're going to have an ad hoc committee no matter what. If you want the policy, please say aye. If you're opposed, say nay. The motion fails 51 to 27.

3. Report of Officers

INTERIM PROVOST TAYLOE HARDING – reported on behalf of the President and the Provost office. The Presidential Fellowship, which was originally marketed by the President as the Executive Assistant position, has been filled. This is an individual to help him with respect to his engagements, to be prepared and to have talking points, and to make sure he is in the right place, etc. I don't know that the official announcement has gone out, but I can tell you that Susan Bonn is the new Presidential Fellow for President Caslen this year. His intention is for that position to change each year.

A committee for the Vice President for Diversity and Inclusion position has been formed and charged. There will be a national search. We'll not use a search firm, but there will be a national search. We've had questions about whether the Ethics and Compliance position that the President has mentioned several times would be vice-presidential. We're not entirely certain now whether it will be vice presidential, it's still being envisioned and will be informed by input from the AGB groups as well as the university's general counsel.

The administration includes a Chief Operating officer, a Chief Finance Officer and a Chief of Staff of the President. Currently all three of those positions kind of are being done by Ed Walton. Ed Walton has been our COO for a while. He was doing our COO and interim CFO when Leslie Brunelli left at the end of fiscal year 2019. The President asked him to serve as Interim Chief of Staff. So officially right now Ed Walton is Interim Chief of Staff and Chief Financial Officer of the institution. Theoretically COO is vacant at this moment. I say theoretically because the expectation is that there will be a search for either the CFO or the COO. It's not entirely clear yet, which, because it's not entirely clear which position Ed will go back to when a permanent Chief of Staff is searched and found.

There are two other positions that have been at the vice-presidential level. The organization chart is very much up there for a review as a part of strategic planning. So exactly where these vice-presidents will land and whether or not they'll have direct reports to the President is not yet entirely known, but I'm talking about Communications and Development and both of those leaderships of both of those units of the administration are in interim capacities right now and

they'll be searched later in the fall for permanent individuals. My assumption is that they will be searched at vice-presidential level, but again, the reporting paths are not entirely clear yet.

Strategic Planning is going to occur. President Caslen's desire to rethink the Strategic Plan of the institution with input from all possible stakeholders is going to begin in earnest with an offsite with deans and the president's cabinet made up of vice presidents and other campus leaders in November. It'll be informed by the information that has been gathered by two groups of AGB consultants. One group has been meeting with deans and vice presidents and will come back in October to meet with vice provosts. We're lobbying currently that they be able to meet with some faculty leaders when they come back. I don't mean to suggest that there's anything against that, I just don't know that it's yet on their agenda. The AGB team, led by former university president, has been collecting information about the institution's strengths and weaknesses that will inform our strategic plan. We wanted to try and make sure that their agenda includes faculty leadership before the issue their report to the President that would inform the strategic planning process that begins in November.

AGB has been on the campus twice already coming back at least one more time next week to visit with the vice provost and others. They are collecting information about our institution to inform the president and senior leadership and the Board of Trustees about opportunities that exist for the institution relative to its planning towards the future.

There's another AGB group. This is a Board-governance one that will be here for the first time next week during the Board meeting and will be back at least once after that. They will provide information to the president and the Board. It's not entirely clear where that information will end up, whether it's shared directly with the Faculty Senate or will it come through my office to the faculty. There will be recommendations about the governance structure of the institution, primarily the Board, and also will inform the strategic planning process and that begins in November, but doesn't end in November.

All of the budgetary actions that I've talked with you about at previous Senate meetings and at the General Faculty meeting and at the Provost's Retreat having to do with \$6.6 million of mitigation and \$7.4 million of a faculty pay package to be part of the \$29 million of Efficiency Initiative that were cut from budgets of academic and administrative units this summer. That first \$14 million, for that mitigation and for that pay package are a part of the strategic planning conversation. They have been approved by the President. We just have to make sure that they get approved by the Board and that will happen after the strategic planning offsite in November. My anticipation on those two sets of funds is that they will be loaded into budgets. That mitigation money will be loaded into budgets sometime during the spring semester, hopefully not too long into the spring semester, and that the faculty pay packages will be available in some way before the end of fiscal 2020, even though we may not see them in our salaries this FY, depending upon what we decide from all the input that the provost office will receive from various Senate committees, individual faculty, and other stakeholders.

The process that ends up with the compression part of that and the merit part of that 7.4--I'm hoping that we will see some of it before the end of fiscal 2020, and that the salaries affected by

that exercise will begin no later than fiscal 2021. That constitutes the report for the president and part of my report as provost.

I have one more item as a part of the provost report, which is to report on promotions of non-tenure track faculty. It was brought up at a previous Senate meeting when we gave the traditional report of promotion and tenure for tenure-stream faculty that it would be good to report on non-tenure eligible promotions as well. I have that data now, thanks to a variety of people in my office, not the least of which was Terrie Smith, but also Cheryl Addy and others. In 201--2019 we promoted 8 Clinical Associate Professors to Clinical Professors; 17 Clinical Assistant Professors to Clinical Associate; 4 Senior Instructors to Clinical Assistant and 18 Seniors Instructors from Instructor. We promoted 2 Research Associate Professors to Research Professors, and we have promoted 1 Research Assistant Professor to Research Associate professor for a total of 50 non-tenure eligible promotions in 2018--2019.

PROFESSOR HEATHER BRANDT (Department of Health, Promotion, Education & Behavior) – Thank you for that report with congratulations to Susan Bon for being named to that position. I do want to bring this body to the attention of an existing program that we've had here on this campus for nearly 11 years called the Presidential Fellowship Program. This is an award-winning program that has provided important recruitment incentives to our best and brightest doctoral and MFA students. And I'm pleased to serve as the Director of this program. I find it to be frustrating that such a title would be given to this new position with President Caslen. I would like to ask for some consideration for this award-winning existing program that's been around for nearly 11 years, for more than 200 doctoral and MFA students.

CHAIR COOPER – Senator Brandt, I hope you'll let me take the blame for this one. You called this to my attention, and I let other matters crowd it off the agenda and I didn't report it up in a timely fashion. I think that now that we have a Presidential Whatchamacallit, we'll work this out. We can work this out. Thank you.

INTERIM PROVOST HARDING - I've lobbied already in several meetings that that name needs to be changed precisely because of the doctoral program that we have.

PROFESSOR DOXTADER -Could you speak briefly to the reports from two days ago about the president's initiative to keep tuition low in the form of expanding grants and seeking other forms of development specifically with the press emphasizing the military dimension of this. Is that part of the strategic process or is that now just a given and is there a sense of what the president's particular advantage is in garnering military contracts?

INTERIM PROVOST HARDING - I'm not certain I know how to answer the second part of that question. I'm not in a position to know what particular advantage he might have except to say that he has connections in the military that none of the senior administrators in Osborne in my recent recollection have, that's the only comment I could make there.

Relative to the other matters that were highlighted in the media and may be in a report somewhere about his interest regarding keeping tuition low or no increases at all and the other implications of that and programming. Yes, it is very much a matter of strategic planning. I

wouldn't comment on whether or not it's a given because I'm not certain anything is a given at this point. He's been very careful to learn and to think out loud but to not make decisions yet. As a result it would be hard for any of us to know what really givens are. I think it is likely that whatever we're currently doing with military, through Palmetto College in two-year programs and in four-year completion programs would continue and we would find other ways to expand that not only as a matter of finding possible new revenue streams, but also perhaps doing the right thing by providing education, whether it's at UofSC Columbia, whether it's in Palmetto College of UofSC Columbia, whether it's at two-year schools or our four-year partners to assist with education of military personnel that are on active duty. I think it's, if you don't mind my summing up, I think that pretty much everything that we've heard from him relative to academic matters is very much on the table at a strategic offsite and the strategic planning that will go on this year that hopefully will result in some sort of strategic plan that we can follow before the end of the academic year.

3. Report of the Chair

CHAIR COOPER - The first item to report on is the provost search firm. When we met two meetings ago, there was a resolution expressing concerns about conflicts of interests between the AGB consulting teams and AGB executive search, which was expected to put in a proposal to be the provost search firm. I called that concern immediately to the attention of the head of purchasing and the vice president of HR. They informed me, as some of you suspected, that there was a very clearly defined legal process around this. A three-member panel makes recommendations based on a rubric that's defined well in advance without a lot of leeway at all in the process.

That three-member panel had two faculty members of the provost search committee on it. I think we can be assured that they made a judicious decision, and that three-member panel did decide that AGB Executive Search had the most meritorious proposal. The contract is scheduled to begin tomorrow. I have spoken with the head of the AGB presidential advisory team who's been on campus, Sally Mason. She plans to attend the Faculty Senate meeting on November 6th to hear any concerns or questions you have about this process and to hear your insights about what we might be looking for or what we might find most valuable in a new Provost. She hopes to be joined by a member of the provost search firm team, which will be headed by Roderick McDavis who is the Managing Principle of AGB Executive Search and the former president of Ohio University.

I will note that the distinguishing feature of AGB Executive Search, and this may have weighed in our colleagues' decisions, I don't know, is that they are almost exclusively former presidents and provosts. This makes them pretty different from the other executive search firms out there.

Another committee you asked me to constitute was a committee to consult with the AGB Board team next week when they come for the Board of Trustees meeting. You asked me to put together a special advisory committee, and I worked with the Faculty Senate Steering Committee to do that. In addition to myself that committee will comprise of Christian Anderson in Ed Leadership and Policies for whom, board composition is a research area; Julius Fridriksson from Communication Sciences and Disorders in Public Health who served on the President Search

Committee; Carol Harrison from History; and Deborah Hazzard from Management in the Darla Moore School of Business, who chairs the Budget Committee. We've met once. I think this is a highly capable team that will deliver a very effective report in meeting with the AGB team next Thursday morning.

In addition to that committee, the Faculty Board Liaison Committee will also meet with the AGB Board team. The Faculty Board Liaison Committee is a standing committee. It comprises myself, the past chair or past or chair elect; the heads of Faculty Welfare and Faculty Advisory; a representative from the Palmetto College campuses and a representative from the comprehensives. So, between these two different committees, we have fairly broad faculty representation, people who have involvement with the Board and who can speak to system-wide issues as well as Columbia campus issues.

Last thing or next to last thing. We've had two very good meetings about the evolving shared government process for budget. One with the Budget Committee, one with the heads of Faculty Welfare, Budget, and Curriculum and Courses. Those of you who went to the provost retreat will know that faculty are imagined to have a role in the governance process for the new budget model. The Steering Committee discussed how to staff those positions today on a temporary basis. We need to have a longer-term discussion, as that governance model evolves, about how membership on key committees will be determined. So, please look for further discussion about potential Faculty Manual changes on the broad issue of budget governance.

One last thing. The vice president for research asked me to announce that on Monday, October 28th at noon, Dr. Kelvin Droegemeier, who's the Science and Technology Policy Advisor to President Trump will be on campus to discuss research policy matters. I gather that Dr. Droegemeier is doing a tour of colleges and universities and wants to hear from faculty about research policy. If you're on the VPR's listserv, you've received an email and you can RSVP by clicking the link. If you're not, just email the VPR's office, and I think they'll get you on that list serve. Questions for me about any of that?

UNIDENTIFIED SPEAKER – [inaudible]

CHAIR COOPER - It is Monday, October 28th at noon. Science and Technology Policy Advisor. That's a truncation of the title, which is quite long. He advises on research policy and wants to have a conversation about research policy matters. Lunch is provided if you RSVP, and I think it will be at the Alumni Center.

4. Unfinished Business

CHAIR COOPER - We're running long here, but I did want to remind you that at the meeting in September, I put on the table that we should try to turn some of our interest and energy around shared governance into longer term investments in the health of shared governance on campus. I recommended that you start having conversations with colleagues in your departments about priorities for improving shared governance. I suggested conversation-starter questions. One was about the size of the Faculty Senate. Is it the right size? Too big? Too small? How should representation be computed? One was whether we needed a diversity and inclusion plan for the

Faculty Senate? The other had to do with budget governance and budget. I think we will be talking about that one way or another this year. And the fourth one, it was about strategic planning. I asked you to consider: if the Board said tomorrow, please help us shape strategic priorities from the institution., would we be in a position to do that? How would we do that?

I suggested that other questions might percolate up. We'd be delighted to hear them. These were just questions meant to prime the pump for conversations with your colleagues, and I'd just like to take a minute now to see if anybody has any feedback from their colleagues or any questions to add. I'm going to keep bringing this up. So please talk with your colleagues.

UNIDENTIFIED SPEAKER – [inaudible]

CHAIR COOPER - You can report in a number of ways. You could report to any standing committee of the Senate that seems appropriate. You could report to me or you could stand up in a Faculty Senate meeting like this one and report--any pathway is welcome. I'm just hoping the conversations will occur and some feedback will come back.

All right. Thank you. That brings us to the second unfinished business item. There was a motion at the Special Called Meeting that we consider a rebuke of Board of Trustees Members and I believe we have some language to consider. Senator Valtorta.

PROFESSOR MARCO VALORTA (Department of Computer Science and Engineering) – All of you have in front of you a draft of the Resolution. I would like simply to move for the adoption of this resolution, which is very much a draft. Even the title is up for discussion: A Resolution of No Confidence in the Board of Trustees or A Resolution to Rebuke the Board of Trustees for Violating the Responsibilities Contained in SACSCOC Principles, its Bylaws, the Carolinian Creed, and University Regulations in Matters Pertaining to the Hiring of the University President. That's my motion.

CHAIR COOPER - It's been moved and seconded that we adopt this Resolution of No Confidence in the Board of Trustees or a Resolution to Rebuke the Board of Trustees for Violating the Responsibilities Contained in SACSCOC Principles, its Bylaws, the Carolinian Creed, and University Regulations and Matters Pertaining to the Hiring of the University President. Discussion of the motion.

PROFESSOR BELL - Don't we have to decide on whether it's the No Confidence or the Rebuke before we make a vote?

CHAIR COOPER - No, I think that's the whole title.

PROFESSOR BELL - Oh, I thought it was in or as in it's going to be a vote of No Confidence *or* it's going to be a Rebuke. Because then at the end of it, it gives two different conclusions.

CHAIR COOPER - It says, therefore be it resolved that the Faculty Senate issues a vote of no confidence in the Board of Trustees as it is currently constituted. Further, the Senate rebukes the

Board of Trustees for violating the responsibilities contained in SACSCOC principles, its Bylaws, the Carolinian and University regulations. So I believe it's both.

PROFESSOR VALTORTA - I would like to move that we indeed first decide whether we want a Resolution of No Confidence or a Resolution of Rebuke. Indeed the conclusion has both statements, but I still think that we should decide that first whether we want a vote of No Confidence or a vote of Rebuke.

CHAIR COOPER - Okay. This is an invitation for a motion to amend the title of the resolution, choosing either the Resolution of No Confidence language or the Resolution of Rebuke language, or I suppose a third option would be to mix and match in some way. It's been moved and seconded. Discussion.

UNIDENTIFIED SPEAKER - Marco, I have a point of clarification if you could please. So, in the summation at the very end, the language of no confidence and rebuke is both. They're both used, both phrases. So, do you have a strong preference about one or the other in a way to frame this resolution given the way that the summation, you know, emphasizes both?

PROFESSOR VALTORTA - Yes. This is my personal preference. I will, in order to answer, I will also explain briefly how this resolution came about. As Mark described at the end of our Special Call Meeting of September 18th, there was a request to put this item on the agenda as continuing business and deciding about a rebuke to the Board. I was not the only person to work on this resolution. In fact, my contribution was not the most substantial one by any means. So my contribution to this resolution was minimal. I am somewhat expendable, and so I am standing in front of you with this presentation. Or maybe I'm overexposed. That's another way of putting it. So, my personal preference would be for, at this point, a Resolution of Rebuke, not a Resolution of No Confidence, but that is my personal preference. To elaborate further, this would of course require a change to the summation at the end, right?

CHAIR COOPER - The Parliamentarian reminds me that the title matter is really secondary to what the resolve is. Whether we're resolving to condemn or rebuke or both, and I think there are two ways to proceed. One suggested to me by the Parliamentarian is to divide the question to separate the two matters. Are we resolving to rebuke or to a vote of no confidence? Is that the preferred way to do it? So, you're imagining two separate motions. One, we would consider the motion of no confidence, and then we would consider the resolution of rebuke, is that your suggestion?

PARLIAMENTARIAN SUDDUTH - You're asking for two different actions. So I would divide the actions. Now as the person who moved the resolution, I would give Professor Valtorta first preference as to which one you want to have considered first, but then you're going to need a second.

PROFESSOR VALTORTA - So I will move for A Resolution to Rebuke the Board of Trustees for Violating the Responsibilities Contained in SACSCOC principles, its Bylaws, the Carolinian Creed and University Regulations in Matters Pertaining to the Hiring of the University President.

CHAIR COOPER - A motion to divide and to consider this first? Yes. Okay. So what we need to do is whether we're going to divide consideration of these two actions. It's been moved and seconded that we divide the two matters, rebuke from no confidence. And in that division we would consider the rebuke first. Discussion of the motion to divide.

PROFESSOR DOXTADER - How does it change the language of the last paragraph?

CHAIR COOPER - If we divide this, and my understanding, correct me if I'm wrong, would be, Therefore be it resolved that the Senate rebukes the Board of Trustees for violating the responsibilities, et cetera. Further discussion.

PROFESSOR BELL - I don't know where it belongs, but at some point it's more than just the university. It's the state hiring process. So, I'm wondering if that should be included or is that at the end?

PARLIAMENTARIAN SUDDUTH - You need to decide about whether you want to divide the resolution.

CHAIR COOPER - Everybody got it? We're deciding to divide or not. It's up to you. Aall those in favor of dividing No Confidence from Rebuke, please say aye. Those opposed. Okay. The motion carries. The question is divided and now we are discussing a Resolution to Rebuke the Board of Trustees. Discussion.

PROFESSOR BELL -I think that ...

CHAIR COOPER - Bethany Bell hold up. Somebody else wants to speak, and you've already spoken.

PROFESSOR KIRK RANDAZZO - As Chair of Political Science. I was part of the group that helped draft the language for this resolution. And though I'm not part of the Faculty Senate, I would encourage you to consider the vote of No Confidence. And here's why. If you look through the appendix, there are summaries of some very egregious actions taken by the part of some members of the Board of Trustees. Actions that violated their own bylaws concerning what constitutes a quorum. Actions that violated university regulations in terms of treating one candidate different than other candidates in that pool. Actions that violate state regulations in terms of hiring and ensuring that we have the most talented and diverse pool possible. And so all of these taken together, I think are extremely serious and deserve a vote of no confidence for the Board as an institution. And given that you are thinking about discussions of shared governance, seems to me this is an opportunity to demand why shared governance is necessary. And if you don't take actions to vote for no confidence in the Board, then any future discussions about shared governance, in my opinion, seem very hollow and potentially not even worth your time. So I would urge you to vote no confidence in the Board based on the documentation within that appendix. Thank you.

CHAIR COOPER - Thank you very much. The Parliamentarian wants to clarify a matter.

PARLIAMENTARIAN SUDDUTH - The division of the question does not take away both discussions. It just takes both the rebuke and the no-confidence and makes it two questions. So I do not want to lessen what Dr. Randazzo said, but the motion before the body has to do with rebuke.

CHAIR COOPER - So further discussion of the motion to rebuke.

PROFESSOR DAN BRACKMANN (Law School) - I have three questions, and apparently I get one shot at this before other people speak. I'm going to sort of fire them all off. One to the Parliamentarian. When we divided the question, do we now have essentially the same language for both motions that we have to consider? So the language is mirrored.

PARLIAMENTARIAN SUDDUTH - Yes. I believe you should imagine there are two resolutions: one that ends, therefore it be resolved that the Faculty Senate rebukes; and one that ends, therefore it be resolved that the Faculty Senate issues a vote of no confidence--until somebody changes the resolution in some way.

PROFESSOR BRACKMANN - Second question is, if we are rebuking people, should we rebuke specific people by name? That would seem to me to be a more effective thing than sort of a global, Oh, we just rebuke the Board. But that may be neutered by my final question, which is if we pass either of these motions, what practical effect is it going to have?

CHAIR COOPER – A tripartite question worthy of a Senator from law. Thank you. Further discussion? Yes, Senator Wiggins.

PROFESSOR ERNIE WIGGINS (School of Journalism and Mass Communications) - I wanted to echo Kirk's comments about the spirit of the resolution and why. And I was also on the committee that worked on the resolution and we felt at that time and feel today that the performance of the Board actually exhibited incompetence to an egregious degree and a lack of conscience and a lack of respect for this institution and for this body. And I think that no confidence in their performance, no confidence in how they decided to go about business and the truly remarkable way that they politicize this operation or this process does lead me to say no confidence is the choice that we should make today. Thank you.

CHAIR COOPER -Thank you very much. Senator. Senator Bell.

PROFESSOR BELL - In response to your third question about what practicality does it have? My personal opinion, any time I see some challenge ahead, if we don't act, then who's going to act for us? I think of the famous German poet that talks about, you know, I didn't stand up for lists, all the different people that have been persecuted over time. And then there was no one left to stand up for him when people came for him. I'm definitely butchering that. But I think you all know what I'm talking about, right? And so to me, if we don't do anything, then the Board is going to continue as it is. I mean, yes, there's investigation. I mean there's consultants coming in, but if we want to take back governance, we have to be willing to stand behind that. So, to me, they may not listen to it at all, but it also shows that they can't push the faculty around and that

we're watching them and that we will express discontent with them. So, to me it may not have a real action, but no action is worse than anything that we can vote on.

PROFESSOR CZABARKA - So I have just a practical question. When we divided these two issues, it was my impression that you can correctly vote for four ways, meaning no for both resolution and vote of no confidence. Yes, for one, but no for the other than yes for both. So the including both is still on the table, is my understanding, correct?

CHAIR COOPER - I believe you could vote yes for both questions, a resolution to rebuke and a resolution of no confidence.

PROFESSOR VALTORTA - That certainly is my understanding and it was my intent. So if we vote for rebuke, we can also vote for no confidence.

CHAIR COOPER - Further discussion?

PROFESSOR DOXTADER – Erik Doxtader, English

CHAIR COOPER - Oh, I'm sorry Erik, I was looking over here and I think you've had one round.

PROFESSOR REBECCA STERN (Department of English) - I just want to pass on that SusanBon had some questions about the last two passages under the violations of university and EOP policies for recruitment and she had to leave. So I told her I would raise this and Spencer, she said she wanted you to raise this so maybe you have some comments. She was concerned that the section from, whereas EOP 1.04 clarifies that discrimination consists of unfair and unequal treatment and then the following paragraph that lays out all of the violations, she was concerned that that potentially opens us to litigation. And I wasn't sure whether she meant us, like the university, the Board, or the Senate. So I wanted to just raise that.

CHAIR COOPER - Always good to know whether you might be sued. Further discussion of this? Any insights? And I see Spencer scrutinizing the language, which is good. Yes, Professor Doxtader and then to Professor Harrison.

PROFESSOR DOXTADER - I want to return to my colleague in law who asked the three questions that he asked in terms of what action is this? You know, okay, there's a need to take action. Fine and we've just heard that maybe this isn't a real action, but its some action. What is a rebuke? What constitutes a rebuke? What the force and effect of a rebuke, and what is the force and effect of a vote of no confidence. Vote of no confidence as a technical term in many situations as is a rebuke in a number of situations, including a number of different churches. Are we dissolving the Senate? If we vote a vote of no confidence by analogy to the British system, are we willing to renounce our obedience to any actions that the Board of Trustees might take? What are we doing either with a rebuke or with a vote of no confidence? And do we have the power to do either? In most situations, a vote of no confidence coming from the Senate is often to write it as a symbolic gesture. That's a terrible thing to say because symbols matter and they matter substantially and they can form and they can be forms of action. But I think we need

much more clarity about what we think this action is. And what actions, if it is an action, are we willing, are we taking on behalf of our colleagues who have not had a chance to consider this proposal? Which I think is quite important.

And the only other question that I would add to the original questions is what happens if SACS comes back and says, no, there was no violation? That seems to me to have implications for the first section. We might believe then that SACS is wrong, but then it gets complicated.

The last thing I would say is I think it's a mistake to have two documents. I think we should decide and I think a vote of no confidence can be the implication of a rebuke or we can just simply go with a rebuke. But I think we look in coherent if we try and be both.

CHAIR COOPER - Thank you. Senator Harrison

PROFESSOR HARRISON -First thing I wanted to say was a vote of thanks to the people who put this together because this represents an awful lot of news that has come out in dribs and drabs over the last especially week. And it represents going through an awful lot of FOIA documents, and they've presented it and I think our remarkably clear and compelling way. And that being said, I would suggest that no confidence certainly expresses how I feel towards the Board and I would suggest we vote in that direction.

CHAIR COOPER - Thank you. Further discussion. Hearing none, this is part one of the motion. The resolution as submitted, but ending in a resolution to rebuke rather than to vote no confidence in the Board of Trustees. All those in favor, please say aye. All those opposed, please say nay. The nays have it. The motion fails. Now we go to the companion resolution. Same whereas but ending in the vote of no confidence about the Board. Discussion?

PROFESSOR CHRISTIAN ANDERSON (College of Education and AAUP President) - I'm not a Senator, but thank you for the chance to speak. One of the questions was what practical effect does this have? Something that can be done once a vote of no confidence is taken is that now you have a matter of public record that can be used to educate fellow faculty members, staff members, students, the public. There's something substantive and substantial that we can hold onto and say, look, here's what's going on. Whereas if there's not something like that, it's sort of, it's kind of all of us. I mean, not the, we can't give our own interpretations and explanations of course, but this way we've got something substantive that we can point to. It'll be on the website. It'll be in the media and say, look, this is what's going on. And then it can be used going forward. Thank you.

CHAIR COOPER - Thank you for the discussion.

PROFESSOR BELL - I have a question on what we're voting. Whereas the last paragraph would simply end with at the first sentence where it says the vote of no confidence in the Board of Trustees as currently constituted. Is that what we're voting on? I didn't know what we're voting on.

CHAIR COOPER - That's what we're voting on. Unless somebody wants to amend the motion.

PROFESSOR BELL - Okay. I'd like to make a friendly amendment. I believe it's important to continue with the vote of no-confidence. I believe it's important to also keep the list of the reasons we have the no confidence. So I personally believe it should be the first sentence should list the reasons for the vote of no confidence in the Trustees, for violating the responsibilities contained in the SACS principles, its Bylaws, the Carolinian Creed and university regulation as stated, oh and state also, university and state regulation.

CHAIR COOPER - Well it doesn't say and state regulations, but we can add that. I know people haven't had a lot of time with this. I think those matters are fairly clear in the whereas'. Adding them to the therefore be it resolved clause would have the effect of underscoring them. I just want to make sure folks are clear about that.

PROFESSOR BELL - Yes, they're in the, they're in all the whereas statements, but the fact that it was listed specifically when it was just a rebuke, I believing it still has a purpose to be specifically listed as the rationale for the vote of no confidence.

CHAIR COOPER - Okay. So I think the summation would read something like therefore be it resolved that the Faculty Senate issues a vote of no confidence in the Board of Trustees as is currently constituted because the Board has violated the responsibilities contained in SACSCOC principles, its Bylaws, the Carolinian Creed and University and State regulations.

UNIDENTIFIED SPEAKER – [inaudible]

CHAIR COOPER - It's just a motion to amend. It needs a second. I think it's been moved and seconded to amend the resolution in that way. Discussion of the amendment? All those in favor, please say aye. Those opposed? Motion carries. Thank you. Further discussion of the motion. Yes, Senator Valtorta.

PROFESSOR VALTORTA - I would like also to amend the motion. I believe this is a, something left over from an earlier version. The last page of the draft just before the summation, three lines above, there is a clause, refusing to comply with FOIA requests. I would like to move that that clause be struck.

CHAIR COOPER - Is this require a motion or is it editorial? Parliamentarian is not sure. Let's consider it a motion to amend, striking that clause, which is orphaned. Are there any objections to striking that phrase?

UNIDENTIFIED SPEAKER - Yeah.

CHAIR COOPER - Okay. Is there a second for the motion to strike? Okay. Then we will discuss striking, refusing to comply with lawyer requests.

PROFESSOR BELL - I object. I'm not sure why we would strike that because it's in public newspaper reports or public Facebook pages, the five Trustees who have refused to give their

documents to the FOIA. So it is part of the no confidence for me. That's part of the no confidence because you're not running the organization the way you're supposed to do. So, I'm not sure why we would strike that.

CHAIR COOPER - I can speak to this a little bit. I understand that it has been advertised on John Loveday's public Facebook page that five members of the Board of Trustees refused to reply to FOIA requests. I reached out to the University Council about this and can tell you that that's probably an oversimplification of the situation. Some of those trustees reported that they had no information to deliver others claim that they're still looking and one of them is gravely ill. So I think that the statement refusing to comply with FOIA requests may be inaccurate with respect to findings of fact and may involve the Senate in disputes that won't serve the purpose of the resolution.

PROFESSOR BELL - Then I withdraw my objection.

CHAIR COOPER - Excellent. Are there any objections to striking this? Okay. Hearing none, we'll consider it struck. Further discussion of the motion. All right. Are we ready to vote on, I think what we will now call a Resolution of No Confidence in the Board of Trustees. Okay. All those in favor of the Resolution of No Confidence in the Board of Trustees, please say aye. Those opposed? Motion carries, although not unanimously. Thank you. Thank you very much.

5. New Business

There was no new business.

6. For the Good of the Order

There was nothing for the good of the order.

7. Adjournment

The meeting was adjourned. The next regularly schedule Faculty Senate meeting is November 5, 2019, at 3pm, at the Karen J. Williams Courtroom, School of Law.