

THE UNIVERSITY OF NORTH CAROLINA ASHEVILLE
FACULTY SENATE MINUTES
December 8, 2022; 3:15 pm, Laurel Forum, Karpen 139

Members: D. Eggers, A. Laughlin, J. Butera, B. Sanft, M. Bettencourt, B. Butler, D. Clarke, A. Cossette, B. Hook, S. Kapur, L. Kloeppel, R. Tatum, E. Tomberlin, L. Ward, C. Whitlock, S. Williams, J. Zunguze; Kim van Noort.

Excused: S. Kapur, J. Li.

Visitors: N. Cable, E. Adell, A. Batada, J. Beck, R. Bell, A. Boakye-Boaten, C. Boone, K. Boyle, K. Campbell, R. Criser, S. DiPalma, J. Dougherty, M. Fox, Peter Haschke, M. Himelein, H. Holt, L. Horgan, K. Kauer, H. Kelley, T. King, J. Konz, A. Lanou, H. Lindkvist, M. Mahoney, C. Meaghan, A. Moraguez, C. Muken, S. Patrick, E. Pearson, J. Pisano, T. Rizzo, S. Smith, A. Strickland, M. Stryck, D. Traywick, G. Trautmann, C. Williams.

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| I. | Call to Order and Welcome by Faculty Senate | Faculty Senate Chair Dee Eggers |
| II. | Informational Discussion with Human Resources
Title IX Coordinator and Ombudspersons | Faculty Senate Chair Dee Eggers

Heidi Kelley and Ameena Batada,
Faculty Ombuds Team
Heather Lindkvist, Title IX Coordinator |

[Tape of Presentation](#)
[Faculty Ombuds Team Slides](#)
[Title IX Handout](#)

Heidi Kelley began the presentation with the history and description of the Ombuds Team role at UNC Asheville that was established by the Faculty Senate in 2017. Heidi Kelley and Ameena Batada were appointed to these positions at that time and have served 6 years. They were trained by the International Ombuds Association and follow the Association’s Standards of Practice: Confidential, Impartial/Neutral, Independent of other campus entities, and informal. They spend around 60-90 hours a year and have a \$2,000 stipend.

Ameena Batada talked about the broad themes that have come up in our meetings. Typically, they have had the opportunity to bring some of the themes forward to either FWDC, the Provost or the Chancellor. Annually, they have between 8 – 13 “visitors.” That is not a high percentage. The broad themes brought to them are Rank and Position, Faculty/Admin Relations, Department Collegiality and Communication, Student Relations, and Work-Life Balance. Many visitors focus on gender, race, and other identity parameters in the above themes.

Heidi Kelley then presented their views on the proposal to transition to external ombudsperson vs. continuing with the institutional model that we currently have. The most common model on universities is a campus-level ombuds that serves both faculty and staff. There are proposals for an external ombuds through the UNC System external. The rationale for this is to help smaller campuses like UNC Asheville to provide this service across their campus and give ability to support this service over a long period of time. The challenges to this

approach will be a coordinating between the campuses and the question of trust whereas an external ombudsperson may be perceived as less trustworthy.

Ameena Batada went over the where we can be empowered and where are our blind spots. Over their time as Ombudspersons, they believe it would be beneficial to have regular training and follow-up with faculty and campus leaders for the themes brought forth gives us opportunities to benefit our campus especially in areas of Communication/language, including listening to one another; Leadership Skills; and Inclusion and Equity in organizations. There are also opportunities to review, clarify, and strengthen policies for positive institutional change.

Questions:

Between external or internal ombudsperson, Jake Butera asked what their recommendation were.

Heidi Kelley said she was leaning toward external ombudsperson but that is uncharted territory. Ameena Batada agrees with Heidi Kelley especially in this period of exploring new ombudspersons to ensure the program continues. There are challenges.

Dee Eggers asked update on the external ombuds through the UNC System.

Ameena Batada said that they have not heard back where that is and to their knowledge that is not moving forward. They will happy to convey once they hear back.

Marietta Cameron shared a conversation 2 years ago before lockdown in the Senate Chairs meeting of Faculty Assembly they were comparing the external and internal ombuds programs of the UNC System schools. The Senate Chairs were very impressed with UNC Asheville's program as outlined in our Faculty Handbook and were quite interested though there were concern for faculty conflict of interest but there was also concern about administrator roles. Lisa Sellers attended that meeting with her. She recommends that we be careful about dismantling what we have.

Becky Sanft said it has been difficult for FWDC to fill these roles where their last search last spring and fall, they had only one faculty member who was interested. Heidi Kelley extended her term a year due to that difficulty.

Toby King remarked that if we have to outsource because we cannot get enough faculty interest to fill the position that would be embarrassing.

Heather Lindkvist, Title IX Coordinator, did not have a formal presentation prepared. She just wanted to take the opportunity to introduce herself, and then really kind of provides you with a framework of Title IX work and answer questions. As well as Title IX coordinator, she also oversee our protection of minors on campus programs. If you have seen some of her emails, you know that anyone over the age of 18, in the state of North Carolina, is considered a mandated reporter. That means if you know or suspect any form of abuse against a minor you are required to report that to law enforcement or to the Child Protective Services. She handed out a list of resources (see Title IX handout above). If you are not sure how to proceed, you can contact her since she is like the Human Resources triage person and talk through hypotheticals so she can direct people to the proper person. She is the contact when we are talking about any form of discrimination or harassment especially Title IX sexual or gender discrimination however there are other that Christy Williams of Human Resources and other departments have to get involved in regards to racial, ethnic, and cultural discrimination.

She briefly went over the Title IX statute. She said it is a brief 37-word statute that has a tremendous impact on gender equity in Higher Education and K-12. It also talks about equity in access to education more broadly. It also applies to pregnant and parenting students. Title IX

applies to all of us. Many people think it is just about our students but it supports students, faculty, staff and visitors to the institution.

She hears many misconceptions all the time and so more clarifications of the policies and procedures is needed. It is very complicated and difficult to navigate due to the number of policies that many times intersect with each other that include our informal policies on campus as well as federal compliance regulations.

In her role, she is about compliance but as an anthropologist, she approaches this as creating a respectful community. What kind of community do we want and how do we address the issues that impact community? How do respond to those who are harmed, and if it rises to the level that is actionable, how to manage that for them? Evidently, there are many layers to the work that she does for the institution.

Much of what she does is help students and faculty navigate issues that area not actionable but they need help to resolve situations where students do not know how to work through situations. Many times communication between students via text creates misunderstandings and tension that students seek to know how to resolve. They are seeing a rise in stalking and cyber stalking. These situations are very difficult to resolve particularly if they do not know who is stalking them. There is also an increase in dating violence; however, community have been stepping up and making these situations known to help community members. Her work is fundamental to community building to make sure all members of community have access to education regardless of situations and consequences that are in place for the safety of all.

She wants to enhance the confidential resources for all like ombuds, employee assistance program, and mental and health center for students.

In terms of our roles and responsibilities, we are all private resources. As private resources, we are not confidential resources meaning we are obligated to disclose information to her should we know something about sexual or gender based harassment, sexual assault, dating violence, stalking or sexual exploitation. The way to do that is to reach out to her via call or email where you can have a conversation about the information you need to share or share the information with her. The purpose is to ensure whoever the individual is that you disclose gets the resources and support they need and that they are aware of the policies and procedures that are available to them. The main idea is to get them to her and she can help them navigate what is available to them. It is not required for the reporting person to meet with her nor respond to her.

Questions:

Marietta Cameron pointed out that the main reason people do not report is they do not see action and people held accountable. She is bringing this up for this body has the capability to create policies to hold ourselves accountable. Her question is do we report not only regarding students but also faculty and staff. What if the colleague does not want to share?

Heather Lindkvist you respond that you are mandated to report but it is their prerogative whether they accept the help and support of the Title IX Coordinator. As far as action, the community will not see action although action is happening because there is a privacy component to be maintained so all involved have equal access to education. She does believe that an annual report showing what has come into her office and how they have been handled would be helpful.

Marietta emphasized to the Senate body that there are many policies in the handbook without consequences that need to be addressed to hold ourselves accountable for the things that goes on.

Peter Haschke asked a question about a couple of terms used that he needs clarification. He asked for clarification about the university's responsibility when it comes to issues where the university becomes aware of an issue of a community member and their family. When a community member being intimidated and bullied, what is the responsibility of the university? Is that actionable? What would be the action of the university board that pursues that particular case? He is interested in know the state and federal legal requirements for issues like that.

John Dougherty explained the mandatory reporting expectation. Under Title IX and other federal anti-discrimination statutes and regulations, we have a requirement as an institution receiving federal funds not to permit unlawful discrimination of our students, not to prevent or inhibit access and equitable access to students and employees based on their sex and gender identity. How we do that is we set an expectation that that type of activity is not permissible.

We do with our policies. We say if you engage in these activities as a student or employee, you have violated our policies. By violating our policies, we cannot permit that because if we were to permit that we would be falling down our obligation under federal law to prevent discrimination. We have made a decision as a university to say, "If you have knowledge about something that may constitute a violation of our policy, we expect you to bring it to us so we can act upon it.

In the situation that Peter Haschke described of allegation that violates our policy that is considered actionable. Our policies set objective thresholds to determine whether what someone has done is in violation of policy. There are many things on this campus that are bothersome, bullying, and problematic and are not very nice that we wish did not happen. We have ways of dealing with that other than investigating potential policy violations like informal coaching because no one is discriminated against based on their sex, or gender or their race. These people are not getting along, not being very productive, not being efficient and inhibiting the work. We do not call those actionable because those are not actionable under policy.

The criteria of what constitutes a policy violation takes information gathering sometimes utilizing independent investigators to speak to the parties at issue - the person making the claim, the person against whom the complaint is made, and any person that might have information to substantiate. Based on the findings, the decision maker determines whether there was a policy violation against the responsible parties and sanctions imposed. Our policies provide a process by which we follow. The obligation of the university is to conduct an investigation to determine whether a policy violation has occurred.

Brian Hook brought up the separate matter of personality conflicts where in his experience there is not a clear place to go for that. Many times people who are not perpetrators in any malicious sense may have no idea how or why their words or actions have an effect, or even that their words or actions do have an effect. Until we have some kind of mediation, reconciliation, or other serious ways of talking to each other, we will always be going to run to legal definitions for conflict as well.

John Dougherty takes his point and one of his interests in his role is for this institution to operate at its best capacity. There are certain things that he works on and certain things have moved to others. He mainly involve himself in issues of potential policy violations because we have set expectations for ourselves to the standard we hold in our policies. That is where legal liability lies. He typically leaves to others to mediate personality disputes.

Brian Hook emphasized that there are situations where there is no process and he can speak from personal experience. The university needs to create some processes of mediation and reconciliation for situations that are not alleged policy violations.

Dee Eggers said that is part of the reason for having this conversation is because we do have areas where we can do much better than we are doing right now. We do need to work on several things and provide training and communication. Faculty Senate has quite a bit of work to do.

Peter Haschke is dissatisfied of the lack of recourse faculty have when they experience bullying from students.

Heather Lindkvist closed by inviting anyone to reach out to her with questions and she will have trainings next term.

III. Approval of Minutes: November 3, 2022

The minutes from November 3, 2022 were approved without dissent.

IV. Senate Executive Committee on behalf of the Faculty Senate:

Acknowledgment to Chancellor Cable and Chancellor Cable's Remarks

Dee Eggers read a statement acknowledging Chancellor Nancy Cable's service to the university. Faculty Senate thank you for your far-reaching service to our university since your arrival. The results of your leadership are readily visible to visitors, students, faculty and staff that have been lauded since your announcement. We want to highlight briefly a few major achievements.

Number one, your leadership during these tumultuous years guided us through a continuing pandemic with the lowest COVID prevalence rate in the system and without furloughs. Your continued dedication and vision has allowed us to start rebuilding and become stronger for it.

Number two, your fundraising acumen will serve UNC Asheville well into the future like the recurring \$7 million in legislative funding use was secured, the equivalent of adding \$140 million to our endowment will help to achieve the goals you laid out in the strategic plan especially as related to student recruitment and retention. Your fundraising efforts have greatly enhanced our endowment and our ability to provide opportunities like study abroad for students of all economic backgrounds. All these initiatives are already bearing fruit.

Number three, your championing our institution's vision, which resulted in a strategic plan that will embolden our curriculum and strengthen our relationships with the community and beyond. Thank you for your service to UNC Asheville.

Chancellor Nancy Cable addressed the Faculty Senate for she wanted to express how deeply honored she was to work with you through some very, very difficult times in American Higher Education. She is very proud of many of the things we have accomplished and deeply grateful to each one of you for your service. UNC Asheville is better than sometimes we think it is looking from the inside out and is extraordinary. This is really from her heart.

She hopes that the forthcoming years will not only bear fruit for a few things that she has some part, but she hopes there will be major transformations that will fill in the structural underfunding that you all have lived with clearly since 2011.

She is grateful to have served you and it has been an honor of a lifetime. She hopes that our paths will cross again. Kim van Noort has asked her to continue in some way that she will

determine going forward to be of support to her particularly with donor relations. She is grateful and humbled, and thank you so much for taking me in four and a half years ago and for all the work we have done together.

V. Interim Provost Kimberly van Noort Remarks

Kim van Noort extended her thanks as well to Chancellor Cable and thanked her for her help. She also thanked Faculty Senate for all the work completed over the course of the semester. She hopes to see everybody tomorrow at graduation.

She appreciates hearing from Heidi Kelley and Ameena Batada on the Ombuds role for these positions on this campus is critical. She looks forward to help work through that over the coming months.

VI. Reports to Senate:

Staff Council

Chair Kim Kauer

Staff Council Chair Kim Kauer reported that we had over 600 Leaves of Gratitude sent this year making this event a complete success. People were glad to receive them as well as to give them so we will do this again next year. This year they did contact supervisors so they could see all of the leaves of gratitude that were sent to their employees.

Regarding Ombuds position, Staff Council feels strongly that staff also needs this kind of position. They are thankful that we are trying to make this a better process. We believe that staff would support that in any way that they could. They appreciate the support that we received and the discussions they have had with all of you. Staff Council thinks this is a very important thing and will do everything we can to see it come to fruition. At least as long as she is Staff Council Chair, we will push very hard because we believe this is necessary and important. She appreciates Faculty Senate for bringing it up and allowing us to be here.

Faculty Assembly Representative

Christine Boone, Toby King

[Faculty Assembly Report](#)

1. Behrent & Vincent: [Administrators Have Seized the Ivory Tower](#)
2. [UNC System Interactive Data Dashboards](#)
3. [Healthy Minds, Strong Universities](#)
4. [Learning and Technology Symposium](#)

VII. Executive Committee:

Exceptions to Admissions

Faculty Senate Chair Dee Eggers

John Dougherty, General Counsel

John Dougherty gave a heads up about a document that will be coming to Faculty Senate regarding admissions exception. The UNC System has a requirement about our minimum admission requirements concerning LSAT, GPA and courses students must take to be eligible for enrollment in a UNC system institution. The UNC policy that sets out those requirements states that each campus must have a campus policy for reviewing students that may be eligible for an exemption that requires faculty consultation. UNC Asheville does not have such a policy that admissions and he could identify. It is his understanding that historically UNC Asheville actually has not been providing exceptions to students. There are students who could benefit from an exemption that could be beneficial to us. One

example of a situation that may be common, where we are losing opportunity are out of state students who are very strong academically and would be very strong students here potentially, but because of the graduation requirements in their state do not match up with the minimum course requirements of North Carolina. Likewise, there may be situations in the MAR where would likewise do that.

They will be proposing a policy to bring this review within the jurisdiction of either an existing committee of faculty senate, the Enrollment Services Advisory Committee, or a subcommittee underneath of that committee. It will be made up of a number of faculty members and administrators who have a role in enrollment services. They would like to act on this fairly quickly so that they can review potential applicants for our fall 2023. This policy would need to be approved by the Board of Trustees they would love to get this approved in January.

Dee Eggers relayed that Jake Butera looked at the duties of the Enrollment Services Advisory Committee and says there is already a catch all bullet that allows them to act upon such considerations.

Jake Butera confirmed that under the Enrollment Services Advisory Board it says the committee advises on enrollment issues so we do not need to create a new committee or policy.

Dee Eggers relayed that bylaws are up for interpretation so there should be some documentation of this change. She asked for the volume of this type of application and was told currently there is less than a dozen. There will be added work to that committee that may need to work over break and summer to complete these. It was relayed that this committee already does work over the summer and have not had issues securing faculty. There are 3 faculty currently on this committee. We are going to add a short meeting in January on January 12 for this and an additional issue that needs immediate attention regarding intellectual property policy. By having the meeting in January for first reading and then second reading and vote in February. Instead of asking for waiving of the Comer Rule, this way will give the broader university a chance to see these policies and reflect upon them.

VIII. Academic Policies Committee: First Vice Chair Andrew Laughlin

[Decision Summaries](#)

First Reading

[APC 6](#) Add new course, LANG 110, to the ENGL/LANG curriculum
(Jessica Pisano, Robert Bell, ENGL/LANG)

[APC 7](#) Delete MGMT 352, 357, 388, 424, 426, and 427

[APC 8](#) Add Prerequisite to ACCT 216, Principles of Accounting II

[APC 9](#) Change the name of the Department of Management and Accountancy to the Department of Business;
Change the Management major to a Business major;
Change the Management minor to a Business minor;
Change the MGMT prefix to BUS throughout the catalog
(Marcia Ghidina, interim Chair, DMA)

[APC 10](#) Add two new courses to BIOL
(Melinda Grosser, Matthew Greene, Jonathan Horton, BIOL)

Andrew Laughlin introduced the first reading documents that all passed APC unanimously. If anyone has questions or concerns, please let Andrew Laughlin know ASAP so they be addressed before the next Senate meeting.

Second Reading

[APC 3](#) Deletion of K-12 Teacher Licensure in French and Spanish
(Kim Brown, Elena Adell, Lorrie Jayne, EDUC/LL)

[APC 4](#) A Proposal to update the grade change process in the catalog to match practice
(Lynne Horgan, Alicia Shope, Registrar's Office)

[APC 5](#) Academic Calendars '23-'24 and '24-'25:

[2023-24](#) [2024-25](#)

[Summer Data 2018-2022](#)

[Summer Tuition Revenues and Waivers 2018-2022](#)

****[Proposed Friendly Amendment to 2023-24 Academic Calendar](#)**

(See the Decision Summaries for explanation)

(Lynne Horgan, Registrar's Office)

There are three documents up for second reading that were all approved unanimously by APC. A motion was made to bundle APC 3 and APC 4 and accept them, which was seconded. APC 3 and APC 4 passed without dissent.

A motion was made to accept APC 5 that was seconded.

APC 5 consists of two academic calendars 23-24 and 24-25. The friendly amendment that I propose addresses a somewhat minor error in the spring 24 calendar. The last day of term one was originally listed as March 1, but it should in fact, be March 8. All of the details in the calendar remain the same as the only change in the calendar.

Jake Butera asked whether the 24-25 calendar would be revisited next year.

Andrew Laughlin answered in the affirmative that APC considers two academic calendars every fall one of which is reconsideration of the following year's calendar that was approved the previous year and a new calendar 2 years out.

There is a recent student petition to add a Voting Day that has not been submitted yet. Once the student petition has been submitted, APC can consider changes to the 2024-25 calendar next fall.

A motion was made to accept the friendly amendment that was seconded. No further discussion.

APC 5 as amended passed without dissent.

IX. Faculty Welfare and Development Committee: Third Vice Chair Becky Sanft

[Decision Summaries](#)

First Reading

[FWDC 3](#) Revise Peer Reviews of Teaching for Lecturers
Faculty Handbook [Section 3.3.3.1.2](#)

[FWDC 4](#) Revise Service Expectations for Lecturers

Faculty Handbook [Section 3.3.3.1.2](#)

[FWDC 5](#) Revisions to Lecturer Definition
Faculty Handbook [Section 2.1.2.1](#)

[FWDC 6](#) Revise Lecturer Contract Lengths
Faculty Handbook [Section 14.2.III.C](#)

Becky Sanft introduced the four FWDC documents that are up for first reading. FWDC passed these documents unanimously. They also met with Provost van Noort who expressed her support for these documents. Please let Becky Sanft know ahead of time of any questions, suggestions, and concerns so they may be addressed at the next Senate meeting.

X. Institutional Development Committee / UPC: Second Vice Chair Jake Butera

[Decision Summaries](#)

Second Reading

[IDC 1](#) Proposed University Mission Statement (from First Reading)

[IDC Chair Jake Butera's Introduction](#)

[Scott Williams' Proposed Revised Mission Statement and Rationale](#)

There was not a motion to bring this proposal to the floor.

Jake Butera thanked Scott Williams for his thoughtfulness and the hours he put into his work.

Jake Butera walked Senate through considering further edits from the floor through motions that were seconded. After approving all edits as shown in red in this [Revised Proposed University Mission Statement, this IDC 1 revision](#) was approved 13-1 as amended.

XI. Old Business / New Business / Adjourn Faculty Senate Chair Dee Eggers
Dee Eggers adjourned the meeting at 4:30 p.m.