



2018-2019 FACULTY SENATE

FULL MINUTES OF NOVEMBER 13, 2018

[Video link](#)

The third regular meeting of the 2018-2019 Faculty Senate was held on **Tuesday, November 13, 2018**, at 2:10 in the Mendenhall Student Center Great Room.

Agenda Item I. Call to Order

Jeff Popke, Chair of the Faculty called the meeting to order at 2:10 p.m.

Agenda Item II. Approval of Minutes

The October 16, 2018 meeting minutes were approved as presented.

Agenda Item III. Special Order of the Day

A. Roll Call *(revised)*

Senators absent were: Professors Alves and Keim (Dental Medicine), Chambers (Education), Vail-Smith (Health Education and Promotion), Robinson (Mathematics), Winterbauer (Medicine), VC Golden (Research, Economic Development and Engagement) and Interim VC Stacy (Health Sciences).

Alternates present were: Professors Eblin for Turnage (Allied Health Sciences), Frank for Dunn (Engineering and Technology), Johnson for Brimhall (Human Development and Family Science), Domire for Cortright (Kinesiology), Roper for Baltaro (Medicine), Hayslip for Higginson (Medicine), Chalovich for Greer (Medicine), Howard for Richards (Communication), Stokes for Sias (Allied Health Sciences), Eason for Bolin (Nursing), Smith for Yalcin (Philosophy and Religious Studies), Baumgartner for Francia (Political Science) and Carpenter-Aeby for Arnd-Caddigan (Social Work).

Professor Popke announced that this would be the Senate's last meeting in Mendenhall. The senate will meet at the Heart Center in December. The meetings beginning in 2019 will be held in the new Student Center.

B. [Complete List of Announcements](#)

Abbreviated list of announcements include:

Faculty are encouraged to attend one or both of the scheduled open forums on proposed revisions to Faculty Grievance Policies and Procedures scheduled for Wednesday, December 5th from 10:00-11:30 am in Rawl, room 303 and Thursday, December 6th from 4:00-5:30 pm in Health Sciences Student Center, Grand Room 202. A final document will be distributed electronically soon.

The Chancellor has acted on the following resolutions from October 16, 2018:

18-53 Approval of the Fall 2018 Graduation Roster, including Honors College graduates.

18-55 Curriculum and academic matters contained in the Educational Policies and Planning Committee meeting minutes of October 12, 2018.

18-56 Proposed revisions to the *ECU Faculty Manual*, Part VI, Section II. Academic Integrity (*pending further review*)

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The annual ECU Scholarship Awarding Workshop is scheduled for Wednesday, December 5th from 1:00 – 2:00 pm in the Willis Auditorium. This workshop is for all faculty and staff interested in the annual awarding of student scholarships. Questions may be directed to Professor Hazel Walker, Chair of the Student Scholarships, Fellowships and Financial Aid Committee at walkerh@ecu.edu.

The Committee on Committees is seeking volunteers for one delegate and two alternate upcoming seats on the 2019-2020 UNC Faculty Assembly. Service begins July 1, 2019. Volunteers should be full-time faculty, holding no administrative duties outside his/her department. [Here](#) is a link to various information relating to this service opportunity. Please note that, in addition to attending the six yearly meetings of the UNC Faculty Assembly, the delegates are expected to attend the eight monthly meetings of the [Faculty Senate](#) and [Agenda Committee](#). Faculty Assembly Alternates are expected to attend any of the six yearly meetings when asked by a delegate. Anyone wishing to volunteer is asked to complete the below information and send it via email to faculty senate@ecu.edu or campus mail (140 Rawl Annex, 109 mail stop) by December 3, 2018. The Committee on Committees will provide the Faculty Senate with a list of formal nominees in January 2019. If you have any questions, please contact Professor Jeff Popke, Chair of the Faculty at popkee@ecu.edu.

I wish to volunteer to serve as an ECU delegate _____ or alternate _____ (*please check one*) on the 2019-2020 UNC Faculty Assembly and agree to the responsibilities of this position detailed above.

Name: _____

Academic Unit: _____

Office Location: _____

Office Phone Number: _____

Office Mail Stop Number: _____

Editorial changes made to [Spring 2019 Student Application/Processing Deadlines](#) are as follows:

Spring Semester 2019

November 12, Monday

November 12, Monday

December 3, Monday

December 3, Monday

December 3, Monday

December 11, Tuesday

December 11, Tuesday

December 20, Thursday

January 15, Tuesday

February 1, Friday

April 18, Thursday

Transfer student application deadline for Fall

Post Baccalaureate teacher licensure application deadline for Spring

Undergraduate readmission application deadline for Spring

Second undergraduate degree application deadline for Spring

Visitor application deadline for Spring

Last day to pay without a processing fee by 5:00 p.m.

First schedule cancellation for anyone not paid by 5:00 p.m.

change date to December 17, Monday

Graduate School application deadline for Spring (please check specific programs for their deadline)

Second schedule cancellation for anyone not paid by 5:00 p.m.

change date to January 14, Monday

Last day to apply for graduation for Spring semester

Last day to submit a thesis or dissertation for Spring graduation

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Vice Chancellor Thorndike discussed ECU's tuition and fees process. The annual tuition and fee increase process was significantly compressed, due to the timing of the guidelines and the November BOT meeting being the first of the month.

The UNC Board of Governors tuition and fee guidelines issued on September 19th provide parameters for setting tuition and fee rates for the 2019-20 year. No tuition increases for resident undergraduate students are allowed, however, market-driven increases for undergraduate nonresidents and all graduate students are allowed. The 2016 budget bill enacted a fixed tuition rate for first-time full time resident undergraduates and new transfer students that remain continuously enrolled for eight consecutive semesters or the equivalent number of remaining semesters for transfer students. The fixed rate was first effective for Fall 2016 admits. Additionally, consistent with the statutory requirements from 2016, mandatory fee increases that are charged to all students shall not exceed 3%.

ECU was able to obtain appropriate input and comply with the guidelines provided by Board of Governors (BOG). They had about three weeks in October to complete this process. The process began with the establishment of the Campus Tuition and Fee Committee (CTFC). The Committee members with voting authority included the Vice Chancellor for Administration and Finance, Vice Chancellor for Student Affairs, Provost (or delegate), Interim Vice Chancellor for Health Sciences (or delegate), Faculty Senate Chair, an undergraduate student, and graduate student. Other members of the Committee included representation from the University Budget Office, Financial Aid, Graduate School, and Health Sciences Budget Office. Three Committee meetings were held in October. The CTFC reviewed current tuition and fee policies and guidance from System Office and the Board of Governors, past rates and increases, peer institution tuition and fees, and discussed approaches to tuition/fees for the 2019/20 year. The CTFC recommended Athletics (\$75), Education and Technology (\$8), and Student Centers Operations (\$8) to the Chancellor.

The Chancellor's Executive Council and Student Government Association (SGA) were updated after the second Committee meeting with the fee proposals to be shared with the students during the forums and SGA Assembly. Two student forums were conducted by the Student Government Association to inform students of the proposed increases and receive feedback. The fee increase proposals impacting all students were presented to the SGA Assembly for their recommendations and it was streamed live through Facebook Live. The SGA Assembly passed a resolution in support of the following increases Athletics (\$50), Education and Technology (\$8), and Student Centers Operations (\$8).

The final proposal for fees was as follows:

- Mandatory fee increases are proposed for Athletics (\$50), Education and Technology (\$8), and Student Centers Operations (\$8). The proposed fee increases total \$66 for 2019-20.
- The Student Recreation Center debt service fee of \$15 will be eliminated beginning in Fall 2019. This debt has been paid in full. As a result, the \$66 proposed fee increase will be offset by the \$15 reduction, for a net increase of \$51.
- The net increase is 1.99%, which is less than the 3% statutory maximum.
- The projected increased revenues in Athletics are estimated to be about \$1,100,000. The projected revenues will be used to reduce the annual Athletics operating shortfall.
- The Education and Technology fee should generate about \$200,000 in new revenues. The projected revenues will be used to provide a sustainable plan for the network infrastructure.

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- Student Centers Operations projected increased revenues are about \$176,000. The increased revenues will be used for the building operating costs for the new Health Sciences Student Center and the new Student Center opening on main campus in January 2019.

Questions

Professor Su (Geography, Planning and Environment) asked what portion of athletic revenues is used to support student athletes? Vice Chancellor Thorndike said 100% of athletic revenues supports student athletes. These revenues pay for coaches, facilities, equipment, scholarships, etc. The coaches feel they are very much a part of student experience. \$8.7 million is used for student scholarships. She also explained that balancing this budget is difficult because any money saved by cutting a sports program would be lost in tuition dollars when the students who wish to play that sport end up enrolling elsewhere.

Professor Horsman (Geological Sciences) asked if Vice Chancellor Thorndike had thought about the optics of this process (i.e., charging students higher fees to pay for a deficit in athletics)? Could this be better communicated to ECU community? Vice Chancellor Thorndike agreed with Professor Horsman. She said that the media coverage of these fee increases may have played a role in the bad optics.

Professor Powers (Sociology) asked why the timeline is so tight. Is there any way to better navigate this timeline in the future? Can you explain this? And how do we go forward with so much debt? Vice Chancellor Thorndike said we never know what our restrictions or guidelines will be until the system office sends this information. This year the timeline was just 3 weeks. It would be great if the system office could get these guidelines out sooner, but Thorndike understands that there has been a lot of turnover in that office.

Regarding Professor Powers' second question about the budget, Vice Chancellor Thorndike said she is hoping that in FY20, ECU's athletic conference will be renegotiated (this will generate more conference revenues). She said that they have been very transparent with students about fee increases coming in the next year. These factors combined, plus cutting some expenses, will cut down this debt (to only \$1.5 million deficit). She said the more ECU can get people in the stands, the more revenues will go up.

Professor Carpenter-Aeby (Social Work) asked how will this balance deficit in ticket sales? How do we explain these fee increases to families and students? And how do other schools use this fee? How does the \$39 million athletic budget get paid? Vice Chancellor Thorndike responded that it's not just lackluster ticket sales that need to be made up. There is still a budget deficit. ECU would have needed to raise fees anyway. She reminded the Senate that ECU cannot use state funds to pay for this deficit. The state cannot subsidize athletics. Thorndike said it would be helpful to get scholarships for out-of-state athletes. Other schools in UNC system use these fees in similar ways. ECU does not have especially high student fees (40% of ECU's revenues come from student fees).

VC Thorndike broke down the various revenue streams this way:

- \$6.6 mill from Pirate Club (philanthropy)
- \$5.5 mill from Football revenues (ticket sales)

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- \$3.5 mill from conference
- \$1.7 mill from marketing
- The rest of the revenue comes from multiple sources at under \$1 million each (baseball tickets, licensing and rentals, etc.)

Professor Karriker (Business) asked will these fees be used to balance the budget on an ongoing, annual basis? Vice Chancellor Thorndike said it is an ongoing operational deficit. Revenues do not cover this. There are no anomalies in the expense budget. Thorndike added that she appreciates the questions and notes that they are similar to questions asked by students.

Professor Schinasi (Foreign Languages & Literatures) asked any of these revenues are used for student scholarships? Also, where does the rest of the \$39 million budget go? Vice Chancellor Thorndike explained this money is used to pay for:

- Maintenance of facilities
- Maintenance of fields
- Staff & coaches
- Equipment
- Compliance
- Anything else needed to operate this enterprise that can't be paid for by state funds.

Professor Ticknor (Education) asked if surplus funds will be used to repay student fees? Vice Chancellor Thorndike said she is hesitant to make commitments because we don't know if we'll reach a point where revenues and expenses meet.

Vice Chancellor Thorndike said certain revenues cannot be called fees. She said her office welcomes any request and if they fit with what they are allowed to have for fees, they will be included in process. She welcomes any further questions.

D. Anne Ticknor, Faculty Assembly Delegate

Professor Ticknor (Education) provided a report on [October 19, 2018](#) UNC Faculty Assembly Meeting and shared a few highlights. She reminded the Senate that this meeting took place before the announcement that System President Margaret Spellings would be stepping down and replaced by Interim President William Roper.

BoG Chairman Harry Smith attended the meeting and shared his perspective from the board. He answered several delegate questions, which are bolded in the notes. Our own Faculty Senate Chair Jeff Popke asked a question related to the results of the UNC System Employee Engagement survey, in relation to faculty morale, and Mr. Smith was visibly agitated by the question.

President Spellings shared her perspective on the BoG interests as well as ways faculty can be advocates and more involved in decision making. Several of the Assembly executive members currently serve on BoG committees. Spellings also shared legislative priorities from the UNC System office and system foci in the coming months. However, this meeting was held well before President Spellings announced her resignation for March 1.

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Delegates received a recent email update from Faculty Assembly Chair David Green about the timeline for President Spellings' departure and Dr. William Roper's transition to interim president. Roper will begin in early January with a few weeks of overlap with Spellings. President Spellings will leave the system office mid-January and serve as a consultant until March 1, 2019.

Also noted in the email was a recap of a meeting with 4 members of the Faculty Assembly executive team and Harry Smith. Mr. Smith was excited about Dr. Roper as the interim president and Mr. Smith indicated that the BOG was not in a rush to select a permanent president. Smith did assure the executive team that the faculty would be included in the selection process.

There were no questions to Professor Ticknor.

E. Jeff Popke, Chair of the Faculty

Professor Popke provided the following remarks around the topic of communication:

"You will recall that last month, I used this space to share with you some of the results from our recent employee engagement survey, which suggest in my opinion some room for improvement in our campus climate for trust, collaboration, and engagement. I closed those remarks with the suggestion that we take the results as a collective provocation, an opportunity to reflect upon and strengthen our channels of communication and to think through how we might enhance the available spaces for dialogue and shared governance at ECU."

I made a similar point in my recent comments to the Board of Trustees, noting that during a time of some uncertainty, reaffirming our commitment to shared governance can help to build trust and combat low morale, galvanize a shared sense of institutional mission, and serve as an effective bulwark against unwarranted outside intrusion in our campus affairs. I assured the trustees that our faculty stand ready to work with them, and with our administration and other campus constituencies, to constructively and collaboratively address the challenges that we face. In that spirit, then, I want today to do my part to support greater communication around some important campus-wide issues. I will do so fairly pragmatically, and around three different talking points.

1. First, I want to provide this body with some updates on several key initiatives that are in process, beginning with a brief comment on the status of the engagement survey. As you know, a website and associated e-mail account have been established to solicit feedback – engage.ecu.edu. I want you to know that I am a member of the Executive Steering Committee, which will be examining the responses and determining any possible next steps. To the extent that there are specific faculty concerns, and especially if there are ideas about ways that we might be able to address them, I want to encourage everyone to take advantage of this space. In my opinion, low faculty morale is a key challenge for us, and while I cannot prevail upon the legislature to provide greater resources for faculty salaries, I can pledge to you that I will read every comment that arrives at the engagement website or my inbox, and that I will give your ideas the full consideration that they warrant.

Let me mention two other ongoing initiatives, each of which is proceeding under the guidance of external consultants. The first is our Strategic Enrollment Planning process. As we learned to our detriment this year, as long our state appropriations remain tied to enrollments, it is vital that we are able to grow our student population in a predictable and intentional fashion. This is

a responsibility in which we all share, and I want to encourage each of you to engage your departments in discussions around recruitment and retention within your programs.

At the institutional level, a number of enrollment management workgroups have been meeting over several months now to identify key strategies to increase enrollments and retention, and hasten progress toward degree completion. A total of 17 strategies are now being run through a cost-benefit analysis to determine where we might want to invest resources. The ideas range from new marketing plans to the targeting of specific student populations and degree programs, to the development of alternative course scheduling. If you would like further information about where things stand, please contact me and I will be glad to provide it.

The second initiative is the update to our Master Plan, which is set to begin in earnest this week. Our Master Plan is the guiding framework for the layout of our campus and our utilization of space. As a geographer, I can tell you that space matters, and our consultants confirmed as much during their initial visit. They noted, for example, that any plans we might devise for the re-use or renovation of buildings has implications for the kind of pedagogy that we envision – think, for example, of planning for large lectures halls versus flipped classrooms or group learning spaces.

Another key aspect of the Master Planning process will be the development of our Millennial Campus spaces, which encompass more than 300 acres in several designated areas, including Greenville's warehouse district and the uptown area. The Millennial designation offers unique opportunities for new kinds of financing and public-private partnerships, and our vision for the future of these spaces will play a significant role in directing new investments in our research enterprise and the fine arts.

As with Enrollment Planning, we have worked to ensure that there is faculty representation in this process, in particular through the engagement of the University Environment Committee, which will be meeting with the consultants during their visit this week. I hope that many of you will attend the forum tomorrow, but if you cannot, or if you have additional comments or concerns, please feel free to contact Carol Goodwillie, chair of the University Environment Committee, or you can always reach out to me.

There are a number of other items on the near-term agenda, including our search for a new Athletics Director, changes to our appellate procedures, a possible move to electronic PADs, and the development of college-level promotion and tenure review committees. In the interest of time, I will save those updates for another setting, but I do want you to know that I intend to look for ways to brief you at regular intervals on these and other matters that are of importance to the faculty.

2. This brings me to my second point about communication, and that is to emphasize to our Senators that you can also play an important role, and I want to ask you to view your service as an opportunity to increase the two-way communication between your units and faculty leadership, and thereby between the faculty and administration. We know that Senate agendas are distributed and minutes are posted, but you are well-placed to assist your colleagues in navigating these materials. If you don't already, please get in the habit of looking over the agenda in advance of our meetings, and bring up for discussion within your units any items that seem particularly relevant. I would also encourage you to provide your colleagues with a

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summary of key items of business or information after each meeting. And finally, I hope that you might also serve as a conduit for communication on any issues that are of concern in your unit, and not just those items that end up on the Senate agenda. Please feel free to contact me at any time, about any issue, and I will endeavor to make sure that it gets a consideration in an appropriate venue.

3. Third, and finally, I want to let you know a few things we are doing to try to re-affirm principles of shared governance and maximize opportunities for communication and dialogue.

I'll mention three:

First, in order to ensure that the officers are aware of faculty concerns in the Health Sciences, we have initiated voluntary semi-monthly listening sessions, where we can provide updates as necessary and hear about any issues that we should be aware of. Now, I do not want to suggest that the best solution to every campus problem is additional meetings, but I do feel that faculty-driven discussion has the potential to foster greater communication and a sense of common purpose. I am open to your ideas and suggestions regarding the potential value of such forums.

Second, in collaboration with Vice Chancellor Jay Golden, we are working to increase opportunities for faculty input and feedback into research, engagement and outreach activities on campus. We are doing so by engaging the Research and Creative Activities Committee, and I want to thank committee chair Zac Domire for spearheading this effort, and Vice Chancellor Golden for embracing this new form of collaboration. And to the Senators, I want to note that if you or one of your colleagues has an interest in being a part of a collective conversation around research activities at ECU, please consider putting your name forward to serve on the Research and Creative Activities committee next year.

And finally, working with VC Thorndike, Provost Mitchelson, and chair of the University Budget Committee Mark Sanders, I will be exploring ways that we might increase communication with faculty around our budget context and process. As an initial step, VC Thorndike has worked to update our Budget Primer, which will be available at the UBC website, where we also hope to provide links to additional campus-wide budget resources. I also intend to explore the possibility of greater UBC involvement in the process of establishing our annual budget priorities, and opening new channels for communicating faculty needs and concerns. So, in sum, there is much going on, and many ways that you can contribute and provide input. I intend to continue exploring ways that we can increase communication, collaboration and trust at ECU, and I welcome your ideas and encourage your participation as we move forward."

There were no questions posed to Professor Popke.

F. Question Period

There were no questions.

Agenda Item IV. Unfinished Business

There was no unfinished business to come before the body at this time.

Agenda Item V. Report of Graduate Council

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Professor Ron Preston (Education), Chair of the Graduate Council provided curriculum and academic matters acted on and recorded in the [October 15, 2018](#), Graduate Council meeting minutes, including programmatic action items (GC 18-10) within the [September 5, 2018](#) Graduate Curriculum Committee meeting minutes which were forwarded to the Educational Policies and Planning Committee (EPPC), included a proposal of an Accelerated Bachelor's/Master's degree – BS in Communication/MS in Communication (level 2) in the School of Communication within the College of Fine Arts and Communications; and a proposal of an Accelerated Bachelor's/Masters Degree: BS in Design/MS in Technology Management, BS in Industrial Distribution and Logistics/MS in Technology Management, BS in Industrial Engineering Technology/MS in Technology Management, BS in Industrial Technology/MS in Technology Management (Level 2) in the Department of Technology Systems within the College of Engineering and Technology.

There was no discussion and the curriculum and academic matters acted on and recorded in the [October 15, 2018](#), Graduate Council meeting minutes, including programmatic action items (GC 18-10) within the [September 5, 2018](#) Graduate Curriculum Committee meeting minutes which were forwarded to the Educational Policies and Planning Committee (EPPC), included a proposal of an Accelerated Bachelor's/Master's degree – BS in Communication/MS in Communication (level 2) in the School of Communication within the College of Fine Arts and Communications; and a proposal of an Accelerated Bachelor's/Masters Degree: BS in Design/MS in Technology Management, BS in Industrial Distribution and Logistics/MS in Technology Management, BS in Industrial Engineering Technology/MS in Technology Management, BS in Industrial Technology/MS in Technology Management (Level 2) in the Department of Technology Systems within the College of Engineering and Technology were approved as formal faculty advice to the Chancellor. **RESOLUTION #18-57**

Agenda Item VI. Report of Committees

A. Service-Learning Committee

Professor Sachiyo Shearman (Communication), Vice Chair of the Committee presented curriculum and academic matters contained in the meeting minutes of [October 23, 2018](#), including service-learning (SL*) designation for PSYC 4250 Advanced Seminar: Humans and dogs through the lens of developmental psychology.

There was no discussion and the curriculum and academic matters contained in the meeting minutes of [October 23, 2018](#), including service-learning (SL*) designation for PSYC 4250 Advanced Seminar: Humans and dogs through the lens of developmental psychology were approved as presented.

RESOLUTION #18-58

B. Faculty Governance Committee

Professor John Stiller (Biology), ex-officio member of the Committee presented proposed revisions to the Freedom of Expression Regulation as formal faculty advice to the Chancellor. Stiller referred Senators to Attachment 1 of the agenda with the updated proposed Freedom of Expression Regulation. He noted several additional links:

- Link with all edits from previous document showing the extent of this regulation has been rewritten.
- Link to a summary document with major highlights provided by Steve Serck, Associate University Attorney, who has been the primary shepherd and lead author on the regulation.
- Two additional late edits in today's announcements that have been approved by the FGC and, therefore, are included in our motion to the Senate on the Regulation.

The proposed regulation has been evolving over the last few years in light of a variety of issues, including legislative action, Board of Governors and System Office policies, and a number of lawsuits at other universities. In light of these pressures, Stiller believed he spoke for the FGC in saying that this document does a good job of balancing first amendment rights to free speech, academic freedom, university functioning and campus safety. It explicitly protects academic freedom with language that refers to the Faculty Manual for the university's definition and policy on academic freedom. The document also clearly defines speech that is not protected by the first amendment and leaves all potential disciplinary action to be governed by existing policies and procedures in the Student Code of Conduct, Faculty Manual and other relevant laws and ECU policies.

Professor Stiller stated that this process represented the kind of open, cooperative shared-governance that Chair Popke discussed in his remarks. There was a robust discussion within FGC and all of our suggestions were incorporated or accommodated in the language of the regulation. It is a good example of communication and shared governance.

Steve Serck is given speaking privileges. He explained that this is a living and breathing document, and it complies with the first amendment and is intended to be coextensive with the first amendment. But he noted that the Supreme Court things change, for example, he mentioned the 2010 supreme court case (*Citizens United v. Federal Election Commission*) ruling that "cash is speech." Because of changes to the definition of free speech, we must be able to adapt when necessary. We are subject to 4th circuit and NC Federal courts. This does not create or diminish rights of academic freedom under faculty manual. He added that spontaneous protest (for example, when a controversial speaker comes to town) is allowed under this document. But protesters must clean up afterwards and cannot shut down university or block roads, entrances, and exits. Mr. Serck thanked Bill Koch and the ECU police for their help.

Questions

Professor Howard (Communication) asks about 3.2.2.8, specifically does this document focus more on material harms than psychological harms? In particular, he is asking about people on campus who can be seen as harassing others (example: Brother Ross yelling gendered and racially charged statements at students). How does this document address examples like this? University Attorney Steve Serck said the following re: to objective and subjective harm. He said hostile environment, harassment, stalking, and anything that can cause psychological damage would not be allowed under this document. But this can only go so far; making someone feel bad is not necessarily a psychological harm. The Supreme Court is "militant" about protecting all kinds of free speech on campuses, even if it is hurtful. He said that re: Brother Ross, he comes from outside the campus, and therefore he must reserve the Cupola to speak. If he is offensive, "use your feet." You are not trapped (like in a classroom).

Professor Schinasi (Foreign Languages and Literature) discussed the marching band protest from 2016. Would something like that get shut down in future due to fears over violence? Also, he asked if it matters if speech is untrue? Does that matter? Mr. Serck responded that it is unlikely to have a prior restraint (shutting down event before it happens). The best fight you can have is speech versus speech. He also said that slander is illegal. However, truth does seem to be malleable right now.

Professor Su (Geography, Planning and Environment) says this document is complicated. How do we know if it contains something that will concern us? Mr. Serck said that faculty can call or email him

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with any questions. However, this document is pretty much common sense. The document is not predictive; cannot make policy based on what they think *will* happen. Also cannot have a “heckler’s veto,” wherein a heckler succeeds in canceling event due to their behavior.

Professor Su (Geography, Planning and Environment) asked if all faculty should read this document. Professor Popke reminded Senators that *Robert's Rules of Order* do not sanction back-and-forth dialogue. He noted that this document has been well-vetted and a version has been online previously. He added that if Senators want to discuss it further, we could postpone until next meeting.

Professor Schinasi (Foreign Languages and Literature) moved to postpone the motion until next Senate meeting. Professor Gilliland (Medicine) seconded.

Professor Bailey (Philosophy) spoke against the motion to postpone noting that this information has been circulating for a while and the committee’s recommendations are good.

Professor Klein (English) also spoke against the motion noting that the document has been heavily vetted and postponing the vote will be a waste of the Senate’s time.

The motion to postpone failed.

Following discussion, the proposed revisions to the Freedom of Expression Regulation were approved by the Faculty Senate as formal faculty advice to the Chancellor. **RESOLUTION #18-59**

C. Unit Code Screening Committee

Professor Cheryl Johnson (Human Development and Family Science), Chair of the Committee presented a proposed revised [Department of Anthropology](#) Unit Code of Operations. There was no discussion and the revised [Department of Anthropology](#) Unit Code of Operations was approved as presented. **RESOLUTION #18-60**

D. Undergraduate Curriculum Committee

Professor Jean-Luc Scemama (Biology), Chair of the Committee presented curriculum and academic matters contained in the meeting minutes of [September 27, 2018](#), [October 11, 2018](#) and [October 25, 2018](#) including curricular actions within the Colleges of Allied Health Sciences, Engineering and Technology and Business; Schools of Art and Design, Communication and Theatre and Dance; and Departments of English and Kinesiology.

There was no discussion and the curriculum and academic matters contained in the meeting minutes of [September 27, 2018](#), [October 11, 2018](#) and [October 25, 2018](#) including curricular actions within the Colleges of Allied Health Sciences, Engineering and Technology and Business; Schools of Art and Design, Communication and Theatre and Dance; and Departments of English and Kinesiology were approved as presented. **RESOLUTION #18-61**

E. Educational Policies and Planning Committee

Professor Mark Bowler (Psychology), Chair of the Committee presented curriculum and academic matters contained in the meeting minutes of [November 12, 2018](#) including request for reduction in program hours for BFA in Art Education within the School of Art and Design; request for reduction in program hours for BA in English within the Department of English; request for reduction in program

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hours for BS in Health Fitness Specialist within the Department of Kinesiology; request to deliver online/hybrid for Master of Social Work within the School of Social Work; and Academic Program Review responses for the Department of Nutrition Science and Department of Mathematics.

There was no discussion and the curriculum and academic matters contained in the meeting minutes of [November 12, 2018](#) including request for reduction in program hours for BFA in Art Education within the School of Art and Design; request for reduction in program hours for BA in English within the Department of English; request for reduction in program hours for BS in Health Fitness Specialist within the Department of Kinesiology; request to deliver online/hybrid for Master of Social Work within the School of Social Work; and Academic Program Review responses for the Department of Nutrition Science and Department of Mathematics were approved as presented. **RESOLUTION #18-62**

Agenda Item VII. New Business

There was no new business to come before the body at this time.

There being no further business, the meeting adjourned at 3:50 pm.

Humbly submitted,

Amanda Ann Klein
Secretary of the Faculty
Department of English

Lori Lee
Faculty Senate

FACULTY SENATE RESOLUTIONS APPROVED AT THE NOVEMBER 13, 2018 MEETING

Resolution #18-57

Curriculum and academic matters acted on and recorded in the [October 15, 2018](#), Graduate Council meeting minutes, including programmatic action items (GC 18-10) within the [September 5, 2018](#) Graduate Curriculum Committee meeting minutes which were forwarded to the Educational Policies and Planning Committee (EPPC), included a proposal of an Accelerated Bachelors/Master's degree – BS in Communication/MS in Communication (level 2) in the School of Communication within the College of Fine Arts and Communications; and a proposal of an Accelerated Bachelors/Masters Degree: BS in Design/MS in Technology Management, BS in Industrial Distribution and Logistics/MS in Technology Management, BS in Industrial Engineering Technology/MS in Technology Management, BS in Industrial Technology/MS in Technology Management (Level 2) in the Department of Technology Systems within the College of Engineering and Technology were approved as formal faculty advice to the Chancellor.

Resolution #18-58

Curriculum and academic matters contained in the Service-Learning Committee meeting minutes of [October 23, 2018](#), including service-learning (SL*) designation for PSYC 4250 Advanced Seminar: Humans and dogs through the lens of developmental psychology.

Resolution #18-59

Approved by the Faculty Senate: November 13, 2018

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Received by the Chancellor: pending

Formal faculty advice on proposed revised Freedom of Expression Regulation.

Policy	REG07.30.06
Title	Freedom of Expression Regulation
Category	Finance, Operations and Auxiliary Services
Sub-category	Facilities
Authority	Chancellor
History	April 19, 2017; revised July 17, 2017; revised _____, 2018
Contacts	For questions about reserving University Property: Central Reservations Office Web site: http://www.ecu.edu/cro/ Email: CRO@ecu.edu Telephone: 252-328-4731 For questions about this Regulation: Responsible Officer University Counsel and Vice-Chancellor of Legal Affairs Telephone: 252-328-6940
Related Policies	Student Conduct Process http://www.ecu.edu/prr/11/30/01 Student Code of Conduct Rights and Responsibilities https://osrr.ecu.edu/wp-content/pv-uploads/sites/1015/2018/03/Rights-and-Responsibilities_Respondent-1_2018.pdf Brody School of Medicine Code of Student Conduct Brody School of Medicine Code of Professional Conduct School of Dental Medicine Handbook Code of Ethical Conduct and Professional Behavior for Students and Residents ECU Faculty Manual http://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/currentcompletefacultymanual.pdf Employment Policy for Employees Exempt from the State Human Resources Act http://www.ecu.edu/prr/06/25/01 Review Process and Procedure for EHRA Non-Faculty Employees http://www.ecu.edu/prr/06/35/01 Office of State Human Resources https://oshr.nc.gov/ SHRA Performance Appraisal Policy http://www.ecu.edu/prr/06/50/01 SHRA/CSS Employee Handbook Clinical Support Services (CSS) Disciplinary Policy http://www.ecu.edu/prr/12/40/01 Use of University Property Regulation [add link when adopted]
Additional References	First Amendment, United States Constitution: https://www.gpo.gov/fdsys/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-7.pdf

Article I, Section 14, North Carolina Constitution:

<https://www.ncga.state.nc.us/legislation/constitution/ncconstitution.html>

North Carolina General Statutes ("N.C.G.S."), § 116-300 through § 116-304, *Campus Free Speech*: <https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=116>

UNC Policy Manual, § 1300.8, *Free Speech and Free Expression Within the University of North Carolina*

<http://www.northcarolina.edu/apps/policy/index.php?pg=dl&id=19766&format=pdf&inline=1>

UNC Policy Manual § 101.3.1; § 300.1.1; and § 300.2.1;

<http://www.northcarolina.edu/apps/policy/index.php>

UNC Code § 601; §603; § 604; § 608; and § 609

<http://www.northcarolina.edu/apps/policy/index.php>

[UNC Policy Manual 700.4.1, Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)

[UNC Policy Manual 700.4.1.1\[R\] Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations](#)

[UNC Policy Manual 700.4.2, Policy on Student Conduct](#)

[UNC Policy Manual 700.4.3\[G\], Guidelines on Student Disciplinary Proceedings: Meaning and Effect of Expulsion](#)

N.C.G.S. § 14-288.4:

<https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=14-288.4>

N.C.G.S. § 143-318.17:

<https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-318.17>

N.C.G.S § 116-212:

<https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=116-212>

East campus map: http://www.ecu.edu/ecuAssets/maps/main_campus.pdf

West (Health Sciences) campus map:

http://www.ecu.edu/docs/maps/health_sciences.pdf

ECU Office of Disability Support Services: <http://www.ecu.edu/accessibility/>

1. Introduction

The primary function of East Carolina University (the "University") is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, the University must strive to ensure the fullest degree of intellectual freedom and free expression as guaranteed by the First Amendment to the United States Constitution ("First Amendment").

The diverse ideas and opinions of members of the University Community will sometimes conflict. However intellectual conflict may give rise to the theories and concepts that drive our society forward, and must not be suppressed solely because they are thought by others to be offensive, unwise, immoral, disagreeable or wrongheaded.

Students, staff, and faculty have the freedom to discuss any problem that presents itself, as the First Amendment permits, and within the limits of viewpoint and content-neutral restrictions on time, place, and manner of expression that are necessary to achieve significant University interests. All University policies, regulations, rules and standard operating practices (SOP's) governing use of University Property for Expressive Activities shall be publicly available on the University's website.

The University shall not take action, as an institution, on the public policy controversies of the day in such a way as to require students, faculty, or administrators to publicly express a given view of public policy.

Any University Regulations, Rules and SOP's are hereby nullified to the extent they restrict Expressive Activity to a greater extent than allowed by the First Amendment or this Regulation, whichever provides the greatest level of protection of Expressive Activity.

2. Definitions

2.1. "All Persons and Organizations" means, collectively, all Members of the University Community, their Guests and Non-Members of the University Community.

2.2. "Associated Entity" means a private organization, foundation or association that operates under its own charter or bylaws, but which exists to provide funding or other support to the University.

2.3. "Brickyard" means the approximately 2.3 acre East Campus space, which consists of a brick plaza and associated greenspace. It is bounded on the south by Mendenhall, bounded on the north by the Erwin, Bloxton and Mamie Jenkins Buildings, bordered on the west by the Student Recreation Center parking lot, and bordered on the east by the Old Cafeteria Building.

2.4. "Central Reservations Office ("CRO")" means the University Department responsible for coordinating, scheduling and approving space reservations for Events and Expressive Activities on University Property. In doing so, the CRO coordinates with Sub-Schedulers and other campus officials to facilitate Expressive Activities and Events.

2.5. "Common Areas of the Student Center(s)" means, with regard to the West Campus, the second floor lounge of the Health Sciences Student Center. With regard to East Campus, for so long as Mendenhall functions as the Student Center, the Common Areas are the student lounge located on the main floor of Mendenhall and the two student lounges on the top floor. When Mendenhall ceases functioning as the Student Center, then the East Campus Student Center Common Areas will be the first and second floor student lounges along the east corridor of the building that becomes the East Campus Student Center

2.6. "Designated Forum." Designated forums:

2.6.1. "East Campus Designated Forum" means the approximately 5,250 square foot area, within the Mall, that contains the Cupola and is bounded on all four sides by well-traveled pedestrian sidewalks. Contact the CRO for details.

2.6.2. "West Campus Designated Forum" means the approximately .5 acre green space located immediately northwest of the intersection of the street designated as "North Campus Loop" and the street designated as "East Campus Loop," and bounded on the east by a parking lot, which site affords those in attendance an unobstructed view of any speaker and is easily accessible to event participants. Contact the CRO with questions.

2.7. "Event" is any use of University Property which falls outside the definition of "Expressive Activity." The term "Event" includes advertising or solicitation that promotes the sale or use of a product or service; training seminars; workshops; job fairs; fundraisers; receptions; ceremonies; banquets; recreational events; and dances. Events should be scheduled using content-neutral criteria, including a consistently applied fee structure for use of University Property.

2.8. "Expressive Activity" or "Activity" means all forms of expression that occur on University Property and that fall within the ambit of the First Amendment to the United States Constitution, which may include, but are not limited to, demonstration, speech-making, oral presentation, protest (including silent protest), marching, signs, picketing, petition circulation, distribution of written information, counter-protest, symbols, and similar expressive communications and activities that are non-commercial in nature.

2.9. "Expressive Activity Area" ("EAA") means, with regard to the East Campus, the Mall, the Brickyard, the East Campus Designated Forum, the Sculpture Garden, those out-of-doors areas that have been consistently open to the Expressive Activity of Members of the University Community by tradition or by administrative approval, and the Common Areas of the Student Center. With regard to the West Campus, EAA means the West Campus Designated Forum, the Common Areas of the Student Center, and those out-of-doors areas that have been consistently open to the Expressive Activity of Members of the University Community by tradition or by administrative approval. All parking lots are excluded during hours when they are in use. All Expressive Activity on or in University Property, whether inside or outside an EAA, remains subject to the provisions of this Regulation.

2.10. "Guest" means a person, group, club or other organization that is invited to engage in Expressive Activity or Events on University Property and sponsored by a Member of the University Community. Any Member of the University Community may revoke their own Guests' invitations at any time.

2.11. "Mall" means the approximately 5.5 acre site in the heart of East Campus that is bounded on the east by Founders Drive, bounded on the north by Faculty Way, bounded on the west by Cupola Court and bounded on the south by Alumni Walk.

2.12. "Material and Substantial" or "Materially and Substantially" refers to actions or activities that have an actual impact, as opposed to a predicted or feared impact. It includes actions that materially infringe upon the rights of others to engage in, or listen to, Expressive Activity. When determining whether this threshold has been met, officials should apply content-neutral, objective and relevant factors, including, but not limited to, whether an Expressive Activity is closed to the public; whether the Activity is occurring inside or outside; whether someone is interfering with the ability of others to hear, participate in or otherwise benefit from an Expressive Activity; whether someone is impeding ingress or egress to/from an Expressive Activity; and whether University functions are impeded or disrupted, including, but not limited to, University offices, classrooms, walkways, streets, and medical facilities.

2.13. "Member of the University Community" or "Member" means a University Unit (including the Board of Trustees), a Registered Student Organization, an Associated Entity, a current employee, or a currently enrolled student. This definition excludes K-12 students and K-12 employees when they are in attendance at, or operating in the course and scope of their work duties, within a secondary school, as applicable, because such students and employees enjoy different First Amendment protections in the secondary school setting.

2.14. "Non-Member of the University Community" means all persons, groups, clubs or other organizations that do not come within the definitions of Member of the University Community or Guest.

2.15. "Registered Student Organization" means an organization (including a club), that is officially registered and in good standing with the Department of Student Activities and Organizations.

2.16. "Responsible Officer" means the University Official(s), office(s) or department(s) appointed by the Chancellor to respond to questions about this Regulation.

2.17. "Responsible Person" is one who serves as a liaison between a person or persons engaging in an Expressive Activity and University Officials in order to promote compliance with this Regulation. The University recognizes that the nature of the Expressive Activity may make it impractical to have someone serving in this role. An example could be Spontaneous Expressive Activity involving a large number of persons. If there is only one person exercising their free speech rights, then that person would serve as the Responsible Person. The Responsible Person shall be a Member of the University Community, except in cases where the Expressive Activity is carried out by Nonmembers of the Community in a Designated Forum.

2.18. "Sculpture Garden" means the approximately 1 acre East Campus space that is bounded on the east by Mendenhall, bounded on the west by Joyner Library and bounded on the north by Erwin and Old Cafeteria.

2.19. "Spontaneous Expressive Activity" means Expressive Activity by Members of the University Community in an Expressive Activity Area which Activity was planned fewer than two business days prior to the date of the Expressive Activity. Spontaneous Expressive Activity is a subset of the broader concept of "Expressive Activity."

2.20. "Sub-Schedulers" means those University employees and Units who have responsibilities for managing space reservations for Events and Expressive Activities on or in University Property that is outside of the CRO's scheduling jurisdiction. In doing so, the Sub-Schedulers coordinate with the CRO and other campus officials to facilitate Expressive Activities and Events.

2.21. "True Threats" means statements meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.

2.22. "University," except when otherwise indicated, means ECU (East Carolina University).

2.23. "University of North Carolina System" or "UNC System" means the organization that oversees, regulates and directs the 16 constituent institutions of the University of North Carolina. This

University (East Carolina University) is one of those 16 constituent institutions.

2.24. "University Officials" means University employees who are authorized to act on behalf of the University with regard to the subject matter of this Regulation. This includes, but is not limited to, Police Officers, Student Affairs Administrators and Facilities Administrators.

2.25. "University Property" means all grounds, buildings, rooms, auditoriums, facilities, stadiums, or other space or improvements, that are owned, leased, used, or otherwise controlled by the University.

2.26. "University Unit" means the Board of Trustees, the Chancellor, and all University Divisions, Departments, Associated Entities, Registered Student Organizations, Centers, Institutes; and any other organization that is wholly sanctioned, supervised and governed by the University or a division or department of the University.

3. Responsibilities and Duties Applicable to All Persons and Organizations Engaging in Expressive Activity Anywhere on University Property

The University supports and encourages Expressive Activity on and in its Property. Thus, subject to this Regulation, Expressive Activity is not to be confined to the Expressive Activity Areas. At the same time, the University recognizes that its primary mission is to provide an environment that is conducive to education, research and patient care. The University has a significant institutional interest in preserving its limited space and employee resources.

3.1. All Persons and Organizations engaging in Expressive Activity (including Spontaneous Expressive Activity) anywhere on or in University Property shall:

 3.1.1. Comply with this Regulation and any applicable laws, Policies, Regulations and Rules;

 3.1.2. Be liable for any damage to University Property they cause;

 3.1.3. Unless officially authorized to do so, refrain from representing that the Person or Organization is speaking on behalf of the University;

 3.1.4. Unless officially authorized to do so, pursuant to content-neutral time, place and manner limitations, refrain from placement of any of the following on University Property: stages, podiums, chairs, tables, vehicles, trailers or any object that will pierce or be driven into any grounds or buildings;

 3.1.5. Have at least one Responsible Person physically present for the duration of the Expressive Activity, who shall, upon request by a University Official, identify him/herself for the purpose of facilitating communications;

 3.1.6. At the conclusion of the Expressive Activity, remove and properly dispose of all garbage, signs, placards, papers, flyers and other materials that remain in the area of the Expressive Activity. If this is not accomplished, the Person or Organization organizing or sponsoring the Expressive Activity may be held financially responsible. Any items left behind or unattended (including memorials) may be removed by University Officials at the conclusion of the Expressive Activity; and

3.1.7. Whenever possible, hold Expressive Activities in locations that are accessible to persons with disabilities. When in doubt about accessibility, the ECU ADA Coordinator should be contacted with sufficient lead time to make a determination and/or provide modifications to the location in order to enhance accessibility.

3.2. Before moving or limiting a planned or ongoing Expressive Activity, the University will first attempt to avoid or minimize any negative impact on the Activity. If a move or limitation becomes necessary, the University will allow and facilitate alternative means of expression whenever possible.

3.2.1. A planned or ongoing Expressive Activity on or in University Property may be moved or limited:

3.2.1.1. To the extent it is (a) directed to inciting or producing imminent lawless action; and (2) is likely to incite or produce such action, including unlawful infliction of bodily injury or substantial damage to University property or grounds; or

3.2.1.2. Upon the occurrence of:

3.2.1.2.1. Circumstances beyond the control of the University, such as facility infrastructure disruption and/or weather related conditions;

3.2.1.2.2. Bonafide unanticipated needs of the University for use of the space; or

3.2.1.2.3. Material and Substantial changes in the needs or size of the scheduled Activity.

3.2.2. An ongoing Expressive Activity on or in University Property may be moved or limited to the extent it Materially and Substantially:

3.2.2.1. Disrupts another Expressive Activity, including impeding others from participating in, listening to or observing such Expressive Activity;

3.2.2.2. Disrupts University activities or functions;

3.2.2.3. Interferes with lawful forms of dissent;

3.2.2.4. Obstructs or Materially and Substantially limits ingress or egress to University Property, including building entrances, walk-ways or rights-of-way of vehicular or pedestrian traffic;

3.2.2.5. Provokes immediate violence ("fighting words");

3.2.2.6. Impedes the classroom environment, laboratory or research environments;

3.2.2.7. Interferes with patient care environments or treatment of patients;

3.2.2.8. Creates conditions that are likely to lead to injury or harm to persons or

property;

3.2.2.9. Exposes another to a True Threat;

3.2.2.10. Constitutes a violation of the University Chancellor's content-neutral designation of a curfew period pursuant to N.C.G.S. § 116-212;

3.2.2.11. Violates applicable laws or regulations, including:

3.2.2.11.1. Disorderly conduct under N.C.G.S. § 14-288.4;

3.2.2.11.2. Disruption under N.C.G.S. § 143-318.17;

3.2.2.11.3. Trespass under N.C.G.S. 14-159.13

3.2.2.11.4. Invasion of privacy or confidentiality on a matter not involving a matter of public concern;

3.2.2.11.5. Expression that a court applying controlling law has lawfully and finally deemed to be defamation that is unprotected by the First Amendment;

3.2.2.11.6. Obscenity; or

3.2.2.11.7. Harassment.

4. Expressive Activity

With the exception of Spontaneous Expressive Activity (see below) all Persons and Organizations planning to engage in Expressive Activity on or in University Property that is under the scheduling jurisdiction of the CRO must pre-schedule with the CRO or its Sub-Schedulers, pay applicable charges, and comply with published content-neutral and publicly available Regulations, Rules and SOP's. If the particular University Property requested is not within the jurisdiction of the CRO or Sub-Schedulers, they will direct such requestors to the persons or Units, if any, that have jurisdiction over those areas, and this Regulation will continue to apply.

4.1. Spontaneous Expressive Activity

4.1.1. Without prior notice or prior payment, but in all cases subject to this Regulation, Members of the University Community and their Guests may assemble and engage in Spontaneous Expressive Activity in the Expressive Activity Areas.

4.1.2. Although not required, those planning to engage in Spontaneous Expressive Activity are **strongly encouraged** to provide prior notice to the Central Reservations Office ("CRO") with as much lead time as possible. The CRO offers guidance in scheduling and planning, and works with campus facilities and service providers to help ensure a successful and safe event. The CRO may also be helpful in identifying alternative space if an area is already reserved or in use.

5. Expressive Activity by Non-Members of the University Community

Free of charge, but in all cases subject to this Regulation, Non-Members of the University Community may use the East Campus Designated Forum or the West Campus Designated Forum for Expressive Activity, if they provide the CRO with a completed written request for use of the particular Designated Forum at least two (2) business days prior to the Expressive Activity.

6. Academic Freedom shall not be Adversely Impacted

All Members of the University Community share the responsibility for maintaining an environment in which Academic Freedom flourishes and in which the rights of each member of the academic community are respected. This Regulation shall not be interpreted as limiting the right of Academic Freedom as set forth in the University's Faculty Manual.

7. Potential Sanctions and Procedural Safeguards

7.1. Potential Sanctions: Members of the University Community

7.1.1. Any student or employee who has Materially and Substantially disrupted or interfered with official meetings or other official functions of the UNC System, another UNC System constituent institution, the University, or any Unit, Associated Entity or board of any of these; who is found to have Materially and Substantially interfered with the protected Expressive Activities of other individuals or groups; or who is found to have violated this Regulation, is subject to the full range of applicable disciplinary sanctions, up to and including suspension or expulsion (applicable to students) and termination (applicable to employees). In conformance with existing University policies, repeat violations may be considered when determining the severity of disciplinary sanctions.

7.2. Procedural Safeguards for Students

7.2.1. In all student disciplinary cases where disciplinary action is proposed for a student who allegedly Materially and Substantially disrupted or interfered with official meetings or other official functions of the UNC System, another UNC System constituent institution, the University, or any Unit, Associated Entity or board of any of these; or who is alleged to have Materially and Substantially interfered with the protected Expressive Activities of other individuals or groups, is entitled to a disciplinary hearing in compliance with (a) applicable published University Policies, Regulations and Rules, including but not necessarily limited to the Student Conduct Process Regulation; and (b) UNC Policy Manual, Section 700.4.1, including the following:

7.2.1.1. The right to receive advance written notice of the charges;

7.2.1.2. The right to review the evidence in support of the charges;

7.2.1.3. The right to confront witnesses against them, in the manner required by law, which may differ depending on the violation alleged;

7.2.1.4. The right to present a defense;

7.2.1.5. The right to call witnesses;

7.2.1.6. A decision by an impartial arbiter or panel;

7.2.1.7. The right of appeal; and

7.2.1.8. The right to active assistance of counsel, consistent with N.C. G.S. § 116-40.11.

7.3. Procedural Safeguards for Employees

7.3.1. Whenever disciplinary action is proposed for an employee who allegedly Materially and Substantially disrupted or interfered with official meetings or other official functions of the UNC System, another UNC System constituent institution, the University, or any Unit, Associated Entity or board of any of these; who is alleged to have Materially and Substantially interfered with the protected Expressive Activities of other individuals or groups; or who is alleged to have violated this Regulation, the employee is entitled to the same procedural safeguards that already apply by virtue of the employee's classification. (Discontinuation of at-will employment without cause and non-renewal of contractual employment shall not be considered to be disciplinary action) See a non-exhaustive list of procedural safeguards below.

7.3.1.1 Faculty Members are entitled to any and all applicable procedural safeguards set forth in University Policies, Regulations and Rules, including but not necessarily limited to, the Faculty Manual and sections 603, 604, and 609 of the UNC System Code;

7.3.1.2. EHRA Non-Faculty Employees are entitled to any and all applicable procedural safeguards set forth in University Policies, Regulations and Rules, including but not necessarily limited to, the [Employment Policy for Employees Exempt from the State Human Resources Act; the Review Process and Procedure for EHRA Non-Faculty Employees; and](#) sections 300.1.1, 300.2.1 of the UNC Policy Manual; and

7.3.1.3. SHRA and CSS Employees are entitled to any and all applicable procedural safeguards set forth in University Policies, Regulations and Rules, including but not necessarily limited to, the SHRA and CSS Employee Handbooks; and the policies of the Office of State Human Resources.

7.4. Potential Sanctions: Guests and Non-Members of the University Community

7.4.1. Any Guest or other Non-Member of the University Community who has Materially and Substantially disrupted or interfered with official meetings or other official functions of the University, or any Unit, Associated Entity or board of any of these; who is found to have Materially and Substantially interfered with the protected Expressive Activities of other individuals or groups; or who is found to have violated this Regulation, is subject to removal from the vicinity to the extent necessary to end the Material and Substantial disruption, as may be allowed by law. In addition, if the conduct occurred on University Property, then the Guest or other Non-Member of the University Community may be barred from University Property, and/or subject to criminal sanctions, to the extent allowed by law.

7.5. The Freedom of Expression Rights of Dissenters and Counter-Protestors

7.5.1. Dissenters and counter-protestors have the same free speech rights as those who are conducting or attending a planned meeting or Expressive Activity. Any students, employees, Guests and/or Non-Members of the University Community who materially and substantially disrupt the protected rights to freedom of expression and/or Expressive Activities of dissenters or counter-protestors are subject to the same potential sanctions set forth in this Regulation.

8. Dissemination of Information

The University will disseminate information to the Campus Community describing the University's published Policies, Regulations and Rules governing Expressive Activities, free speech and free expression, including links to where the information may be found on the University website. This information will be provided:

- 8.1. To matriculating students as part of each new student orientation program;
- 8.2. Annually, during the first week in September, to all then-current students;
- 8.3. Annually, during the first week in September, to all University employees; and
- 8.4. To outside parties upon request.

9. Appointment of Responsible Officer and Deputy Responsible Officers

9.1. The Chancellor shall appoint one or more University Officials, offices or departments to serve as the Responsible Officer. The Chancellor, in his/her discretion, may appoint Deputy Responsible Officers in other offices or departments as may be necessary to assist the Responsible Officer.

9.1.1. The Chancellor/Designee will notify the UNC System Vice-President and General Counsel of the identity of the Responsible Officer, and any changes to that designation.

9.1.2. The Responsible Officer is the University Counsel and Vice Chancellor for Legal Affairs, who may be contacted with questions about this Regulation at 252-328-6940.

Resolution #18-60
Approved by the Faculty Senate: November 13, 2018
Approved by the Chancellor: pending

Revised [Department of Anthropology](#) Unit Code of Operations.

Faculty Senate Meeting

November 13, 2018

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Resolution #18-61

Approved by the Faculty Senate: November 13, 2018

Approved by the Chancellor: pending

Curriculum and academic matters contained in the Undergraduate Curriculum Committee meeting minutes of [September 27, 2018](#), [October 11, 2018](#) and [October 25, 2018](#) including curricular actions within the Colleges of Allied Health Sciences, Engineering and Technology and Business; Schools of Art and Design, Communication and Theatre and Dance; and Departments of English and Kinesiology.

Resolution #18-62

Approved by the Faculty Senate: November 13, 2018

Approved by the Chancellor: pending

Curriculum and academic matters contained in the Educational Policies and Planning Committee meeting minutes of [November 12, 2018](#) including request for reduction in program hours for BFA in Art Education within the School of Art and Design; request for reduction in program hours for BA in English within the Department of English; request for reduction in program hours for BS in Health Fitness Specialist within the Department of Kinesiology; request to deliver online/hybrid for Master of Social Work within the School of Social Work; and Academic Program Review responses for the Department of Nutrition Science and Department of Mathematics.