

FACULTY COUNCIL
Minutes
October 24, 2013

Present (ex officio): Eddy Souffrant (President); Kim Harris (Secretary); Ed Jernigan (Past President); Greg Starrett (President Elect); Takiyah Amin (Alternate for COAA); Chandra Subramaniam (COB); Meredith Troutman-Jordan (CHHS); Beth Rubin (CLAS); Paula Eckard (CLAS); Alan Freitag (CLAS); Heather McCullough (Library); Stanley Wilder (University Librarian); Tom Reynolds (Dean, Graduate School); Ken Lambla (Dean, College of Arts + Architecture); Christie Amato (Belk College of Business); Nancy Gutierrez (Dean, College of Liberal Arts and Sciences)

Absent (ex officio): Mirsad Hadzikadic (CCI); Chance Lewis (COED); Mehdi Miri (COE); Phil Dubois (Chancellor); Joan Lorden (Provost); Art Jackson (Student Affairs); Yi Deng (Dean, College of Computing & Informatics); Ellen McIntyre (Dean, College of Education); Robert Johnson (Dean, College of Engineering); Nancy Fey-Yensan (Dean, College of Health & Human Services); John Smail (Dean, University College)

Present (unit representatives): Dennis Ogburn (ANTH); Jeff Murphy (ART); Jun-tao Guo (BINF); Shan Yan (Alternate, BIOL); Jing Zhou (BISOM); Loril Gossett (COMM); Vivian Lord (CJUS); Ellen Sewell (ECON); Sandra Dika (EDLD); Ed Stokes (ECGR); Na Lu (ET); Keener Hughen (FINN); John Diemer (GYES); Joe Coyle (Alternate, KNES); Janaki Gooty (MGMT); Charles Bodkin (MKTG); Russ Keanini (MEGR); Paul Fitchett (MDSK); Dylan Savage (MUSC); Vasily Astratov (PHYS); Jaclyn S. Piatak (Alternate, POLS); Charlie Reeve (PSYC); Sarah Laditka (Alternate, PHS); Kate Popejoy (Alternate, REEL); Joseph Winters (RELS); Jeff Balmer (SOA); Susan McCarter (SOWK); Yuliang Zheng (SIS); Pamela Shue (SPED); Yesim Sireli (SEEM)

Absent (unit representatives): Casper Wiggins (ACCT); Dean Fitzgerald (AERO); Veronica Hilliard (AFRS); Joanna Krueger (CHEM); Rajaram Janardhanam (CEGR); Taghi Mostafavi (CS); Lyndon Abrams (COUN); E.E. Balcos (DANC); Alan Rauch (ENGL); John Cox (GIAS); Dan Dupre (HIST); Dale Grote (LACS); Bridgette Sanders (LIB); Anthony Fernandes (MATH); Gary McGinnis (MSCI); Lisa Rasmussen (PHIL); Lucille Travis (SON); Stephanie Moller (SOCY); Carlos Cruz (THEA)

Also present: Jay Raja (Academic Affairs); Leslie Zenk (Academic Affairs); Matt Wyse (Academic Affairs); Tamara Johnson (Academic Affairs); J. Garvey Pyke (Center for Teaching and Learning); Christopher Knauer (Registrar); Janet Daniel (OASES); Denise Dwight Smith (University Career Center); Meredith Evans (Library); Jesh Humphrey (Legal Affairs); Peggy Hoon (Library); Donna Lanklos (Atkins Library); Brian Cooper (Chair, FAPSC)

The meeting was called to order at 12:33 PM, President Souffrant presiding.

1. Approval of the Minutes of the September 26, 2013 Faculty Executive Meeting

Charles Bodkin made the motion to approve the minutes from September 26, 2013. Ed Jernigan seconded the motion. The motion passed unanimously.

2. Summary of Proposed University Policy Related to Background Checks

Jesh Humphrey (Office of Legal Affairs) summarized the current practices related to background checks and the proposed policy. Currently, final candidates for all employee positions are subject to criminal background checks. The proposed policy is intended to bring UNC Charlotte in line with reports of best practices that were published following the Penn State incident. The policy has two primary objectives. First, the policy specifies when, on whom, and what circumstances background checks are conducted. Second, the policy specifies when and to whom an employee is expected to report a criminal conviction.

There are some changes to UNC Charlotte's existing procedures:

- Employees who change positions within the university will be subject to a background check prior to such a change.
- Employees who engage in certain "sensitive duties" will be subject to background checks every five years of employment. Sensitive duties include supervising minors, accessing sensitive areas or information, or maintaining responsibility for university financial resources.
- Volunteers and contractors who engage in the same "sensitive duties" will also be subject to checks.
- Motor vehicle record checks will be conducted on employees who drive a state vehicle as part of their job or to whom a state vehicle is provided for university business. (This is required by the state and includes EZ Go Carts.)
- Credit checks may be conducted on employees identified by the Controller's Office as having certain financial authority or responsibility.
- Employees who are convicted of (as opposed to charged with) a crime must report that conviction within one working day.

Questions and discussion followed. Mr. Humphrey clarified that the requirement for employees who change positions does not include faculty members who are promoted and faculty members who move into positions as department chairs. While chairs do have different duties, there is a lot of turnover in those positions and they were not included in the background checks. He explained that the university's disciplinary process is separate from a legal process. According to Mr. Humphrey, a conviction that

may result from arrests during protests would “probably” not affect an employee’s fitness to continue in his/her current role on campus. One faculty member expressed concern over the frequent use of the word “probably” and the lack of specifics in Mr. Humphrey’s responses to questions and concerns.

Other questions were raised during the discussion. *Who will identify “sensitive duties?”* Mr. Humphrey reported that Risk Management is already involved in getting a list of those positions, and this will be an ongoing effort to identify roles. *If the background checks are important for campus safety, why are we not checking everyone?* According to Mr. Humphrey, we are trying to deal with the positions with sensitive duties, particularly those that deal with minors. Conducting checks for all of the university’s employees would be too unwieldy. *What is the nature of the background checks?* Background checks focus on the records from states in which people were employed during the last 7 years and federal records. Sex offender registries are checked, and SSN matches are used to look for convictions. The information that is reported varies from state to state, especially with regards to misdemeanors. Typically felony convictions are recorded permanently. Mr. Humphrey pointed out that having the information is important, but it is not enough to make decisions concerning employment. The context of the violation must be taken into account. There are also mistakes in records. Who will pay for these checks? Each background check is approximately \$40 per person, and the cost comes from the university’s budget. *What are the consequences of not reporting on time, and to whom does one report?* According to Mr. Humphrey, convictions must be reported to a supervisor or someone in Human Resources. As long as the employee attempts to report the conviction within a day, there “probably” will be no consequences if the supervisor does not receive the notification on time. *What prompted all of this?* According to Mr. Humphrey, the immediate impetus was the events at Penn State and the fact that their Board of Trustees was held accountable for a lack of oversight. This became a catalyst for many universities to make changes in their policies. Our Board of Trustees charged us to look at this. *Does this include part-time faculty?* According to Mr. Humphrey, part-time faculty are included.

Alan Freitag made a motion that the Faculty Council endorse the concept of the background checks. The motion was seconded by Beth Rubin. The motion was passed with 47 members in favor and 6 members opposed to the motion. There were 4 abstentions.

3. Review of the Five Year Calendar

Ed Jernigan made the motion to approve the calendar. Charles Bodin seconded the motion. The motion passed unanimously. A suggestion was offered that Fall Break coincide with Columbus Day.

4. Motion from the Faculty Academic Policy and Standards Committee concerning majors and minors

Motion: The FAPSC moves that we change the policy related to majors, minors, concentrations, and certificates.

Ed Jernigan seconded the motion. Brian Cooper, the chair of FAPSC, explained that the title of the policy was changed to include formal definitions of concentrations and certificates. The proposed policy has several objectives:

- To standardize language and definitions.
- To ensure that students' areas of expertise appear on transcripts.
- To define undergraduate certificates.
- To ensure that students can complete degrees without incurring a tuition surcharge. (The number of hours required for majors varies widely so the committee decided not to put a cap on the credit hours required for majors.)

The motion was approved unanimously.

5. Reach NC Initiative

Leslie Brown, the UNC Charlotte Director of Proposal Development and liaison to the Reach NC Initiative, presented information about this new initiative under development. The purpose of the project is to make the expertise of the universities in North Carolina visible to the public. The four main audiences for this tool are faculty and experts, administrators, the general public, and the business community. The tool will allow users to identify experts and researchers in a variety of fields. The expenses are being paid by the UNC General Administration.

6. Open Access Publishing

Stanley Wilder, University Librarian, presented information about Open Access Publishing. He discussed the financial and federal agency grant compliance justification for publication of research in Open Access journals or the Library's repository. He also

announced the creation of a library fund with the purpose of assisting faculty in paying the Article Processing Charges that OA journals often require.

The meeting was adjourned at 1:50 pm.

Submitted,

A handwritten signature in black ink that reads "Kim Harris".

Kim Harris, Secretary